



GRAFTON
QUALITY LIFE. NATURALLY.

Town of Grafton Ordinance No. 2013-04

**AN ORDINANCE AMENDING TITLE 9, CHAPTER 1, ZONING
OF THE CODE OF ORDINANCES, TOWN OF GRAFTON, WISCONSIN,
ADDRESSING RESIDENTIAL ACCESSORY STRUCTURES**

WHEREAS, it is deemed to be in the best interest of the Town of Grafton that the Municipal Code of the Town of Grafton be further modified and amended in the manner hereinafter more particularly set forth; and

WHEREAS, a Notice of Public Hearing before the Town Board was duly published in the *Ozaukee Press* on April 18, 2013, and April 25, 2013; and

WHEREAS, a Public Hearing was held before the Town Board on May 8, 2013, regarding the proposed Amendments to the Town's Code of Ordinances; and

WHEREAS, based on the above, it is deemed to be in the best interest of the Town of Grafton that the Municipal Code of the Town of Grafton be further modified and amended in the manner hereinafter more particularly set forth below.

NOW, THEREFORE, the Town Board of the Town of Grafton does hereby ordain as follows:

Section 1:

Section 9.1.2.06 of the Town of Grafton Code of Ordinances is hereby amended as provided below by adding the underlined language and deleting the language struck out:

9.1.2.06 Use Restrictions

The following use restrictions and regulations shall apply:

- (A) Principal Uses. Only those principal uses specified for a district, their essential services, and the applicable uses set out in this section shall be permitted in that district.
- (B) Accessory Uses and structures are permitted in any district but not until their principal structure is present or under construction. ~~Residential accessory uses shall not involve the conduct of any business, trade, or industry except home occupations and professional home offices as defined in this Chapter. In residential districts, yard setbacks may be reduced to 10 feet with structures of less than 150 square feet with the written approval of the Building Inspector, and all abutting property owners.~~
 - (1) Residential accessory uses shall not involve the conduct of any business, trade, or industry except home occupations and professional home offices as defined in this Chapter.
 - (2) Any accessory use or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided.
 - (3) Placement restrictions in residential districts:
 - (a) All accessory uses and detached accessory buildings are permitted in the rear and side yard only
 - (b) Accessory buildings shall not be closer than twenty (20) feet to a principal structure
 - (c) The Town of Grafton Plan Commission may, on an individual basis, grant a conditional use permit to allow for the placement of an accessory building in the street yard of a lot where the placement of an accessory structure could only be located in the street yard based upon the configuration of the lot and placement of the primary structure.

Section 2:

Section 9.1.3.05 of the Town of Grafton Code of Ordinances is hereby amended as provided below by adding the underlined language and deleting the language struck out:

9.1.3.05

R-1 Residential District

The R-1 Residential District is intended to provide for lake shore single-family development, at densities not to exceed one (1) dwelling unit per five (5) acres. The primary residence must have a two car attached or detached garage prior to issuance of an occupancy permit.

(A) Permitted Uses.

- (1) Single-family dwellings.
- (2) Essential services.

(B) Permitted Accessory Uses.

- (1) Private garages and carports.
- (2) Gardening, tool and storage sheds not exceeding 200 square feet in area, incidental to the residential use.
- (3) Home occupations as specified in Secs. 9.1.12.02(GG) and 9.1.12.02(TT)
- (4) Private residential outdoor recreation facilities, such as basketball courts or tennis courts.
- (5) Private boathouses not exceeding 4235 feet in height and 800 square feet in area, provided no living quarters are included in such boathouse.
- (6) Buildings or structures not exceeding 4235 feet in height and 800576 square feet in area; used to house a workshop or similar hobby or activity of the property owner or a member of the property owner's immediate family, such as woodworking, metal working, painting, sculpture or similar activity; and provided no living quarters are included in the structure or building, and the products of the activity are not offered for sale.
- (7) The Town of Grafton Plan Commission shall approve all accessory structures in the R-1 Residential District that are between 150 square feet in area and 576 square feet in area. Accessory structures above 576 square feet in area shall require a Conditional Use Permit. (See Sec. 9.1.4, TGO)

(C) Conditional Uses. (See Sec. 9.1.4, TGO)

(D) Lot Area and Width.

Lots shall have a minimum area of five (5) acres and shall be not less than 150 feet in width at the building setback line.

(E) Building Height and Area.

- (1) No primary building or parts of a primary building shall exceed 42 feet in height.
- (2) The total minimum floor area of a dwelling shall be 3,000 square feet with a minimum first floor area of 1,800 square feet.

(F) Yards.

- (1) A minimum street yard (setback) of 50 feet from the highway or road right-of-way shall be required.
- (2) A minimum shore yard of 75 feet from the high-water elevation of any navigable water shall be required.
- (3) There shall be a side yard on each side of all structures of not less than 20 feet.
- (4) There shall be a rear yard of not less than 25 feet.

Section 3:

Section 9.1.3.06 of the Town of Grafton Code of Ordinances is hereby amended as provided below by adding the underlined language and deleting the language struck out:

9.1.3.06 R-2 Residential District

The R-2 Residential District is intended to provide for single-family development, at densities not to exceed one dwelling unit per three (3) acres. Areas placed in this district by means of rezoning should not be less than 10 acres. The primary residence must have a two car attached or detached garage prior to the issuance of an occupancy permit.

(A) Permitted Uses.

- (1) Single-family dwellings.
- (2) Essential services.

(B) Permitted Accessory Uses.

- (1) Private garages and carports.
- (2) Gardening, tool and storage sheds not exceeding 200 square feet in area, incidental to the residential use.
- (3) Home occupations as specified in Secs. 9.1.12.02(GG) and 9.1.12.02(ZZ).
- (4) Private residential outdoor recreation facilities, such as basketball courts or tennis courts.
- (5) Private boathouses not exceeding ~~4235~~ feet in height and 800 square feet in area, provided no living quarters are included in such boathouse.
- (6) Buildings or structures not exceeding ~~4220~~ feet in height and ~~800~~576 square feet in area; used to house a workshop or similar hobby or activity of the property owner or a member of the property owner's immediate family, such as woodworking, metal working, painting, sculpture or similar activity; and provided no living quarters are included in the structure or building, and the products of the activity are not offered for sale.

(7) The Town of Grafton Plan Commission shall approve all accessory structures in the R-2 Residential District that are between 150 square feet in area and 576 square feet in area. Accessory structures above 576 square feet in area shall require a Conditional Use Permit. (See Sec. 9.1.4, TGO)

(C) Conditional Uses. (See Sec 9.1.4, TGO)

(D) Lot Area and Width.

Lots shall have a minimum area of three (3) acres and shall be not less than 150 feet in width.

(E) Building Height and Area.

- (1) No primary building or parts of a primary building shall exceed 42 feet in height.

- (2) The total minimum floor area of a dwelling shall be 1,250 square feet with a minimum first floor area of 1,000 square feet.
- (F) Yards.
 - (1) A minimum street yard (setback) of 50 feet from the highway or road right-of-way shall be required.
 - (2) A minimum shore yard of 75 feet from the high-water elevation of any navigable water shall be required.
 - (3) There shall be a side yard on each side of all structures of not less than 20 feet.
 - (4) There shall be a rear yard of not less than 25 feet.

Section 4:

Section 9.1.3.07 of the Town of Grafton Code of Ordinances is hereby amended as provided below by adding the underlined language and deleting the language struck out:

9.1.3.07 R-3 Residential District

The R-3 Residential District is intended to provide for single-family development, at densities not to exceed one (1) dwelling unit per 40,000 square feet. Primary residence must have a two car attached or detached garage prior to occupancy permit.

- (A) Permitted Uses.
 - (1) Single-family dwellings.
 - (2) Essential services.
- (B) Permitted Accessory Uses.
 - (1) Private garages and carports.
 - (2) Gardening, tool and storage sheds, not exceeding 200 square feet in area, incidental to the residential use.
 - (3) Home occupations as specified Secs. 9.1.12.02(GG) and 9.1.12.02(ZZ).
 - (4) Private residential outdoor recreation facilities, such as basketball courts or tennis courts.
 - (5) Private boathouses not exceeding 4235 feet in height and 800 square feet in area, provided no living quarters are included in such boathouse.
 - (6) Buildings or structures not exceeding 4220 feet in height and 800576 square feet in area; used to house a workshop or similar hobby or activity of the property owner or a member of the property owner's immediate family, such as woodworking, metal working, painting, sculpture or similar activity; and provided no living quarters are included in the structure or building, and the products of the activity are not offered for sale.
 - (7) The Town of Grafton Plan Commission shall approve all accessory structures in the R-3 Residential District that are between 150 square feet in area and 576 square feet in area. Accessory

structures above 576 square feet in area shall require a Conditional Use Permit. (See Sec. 9.1.4, TGO)

- (C) Conditional Uses. (See Sec. 9.1.4, TGO)
- (D) Lot Area and Width.
Lots shall have a minimum area of 40,000 square feet and shall not be less than 120 feet in width at the building setback line. Corner lots shall provide a minimum lot width of not less than 135 feet at the building setback line.
- (E) Building Height and Area.
 - (1) No primary building or parts of a primary building shall exceed 42 feet in height.
 - (2) The total minimum floor area of a dwelling shall be 1,250 square feet with a minimum first floor area of 1,000 square feet.
- (F) Yards.
 - (1) A minimum street yard (setback) of 50 feet from the highway or road right-of-way shall be required.
 - (2) A minimum shore yard of 75 feet from the high-water elevation of any navigable water shall be required.
 - (3) There shall be a side yard on each side of all structures of not less than 20 feet.
 - (4) There shall be a rear yard of not less than 25 feet.

Section 5:

Section 9.1.4.07 of the Town of Grafton Code of Ordinances is hereby amended as provided below by adding the underlined language, deleting the language struck out, and renumbering as appropriate:

9.1.4.07 Residential Uses

The following residential uses shall be conditional uses and may be permitted as specified:

- (A) Rest Homes, nursing homes, housing for the elderly, and children's nurseries in any business or residential district provided that all principal structures and uses are not less than 50 feet from any lot line.
- (B) Conversion of a Single-Family Farm Dwelling to a two-family dwelling in the A-2 Agricultural District provided that:
 - (1) The structure being converted is at least 15 years old,
 - (2) The structure shall provide a minimum floor area of 1,000 square feet per dwelling unit,
 - (3) The farm parcel has soil conditions which will accommodate a two-family sewage disposal system, and
 - (4) Such conversion will not require exterior additions to comply with the minimum floor area requirements set forth herein.
 - (5) Any conversion under this section must comply with Town of Grafton and State of Wisconsin building code requirements and receive the approval of the Town of Grafton building inspector.

- (C) Erection of a Two-Family Dwelling or conversion of a single-family dwelling to a two-family dwelling in the R- 3 Residential District provided that:
 - (1) The proposed two-family dwelling is architecturally compatible with existing development within 300 feet of the subject lot,
 - (2) The lot has soil conditions which will accommodate a two-family sewage disposal system, and
 - (3) The structure shall provide a minimum floor area of 1,000 square feet per unit.
 - (4) The minimum lot area shall be two (2) acres and the minimum lot width shall be 150 feet.
 - (5) Any conversion under this section must comply with Town of Grafton and State of Wisconsin building code requirements and receive the approval of the Town of Grafton building inspector.
- (D) Conversion of Mixed Use Structure in B-1 Condominium unit development to a single or two-family dwelling in a B-1 Business District provided that:
 - (1) The structure shall provide a minimum floor area of 1,250 square feet for a single family dwelling unit or 1,000 square feet on one floor per dwelling unit for a two family structure.
 - (2) Any conversion under this section must comply with Town of Grafton and State of Wisconsin building code requirements and receive the approval of the Town of Grafton building inspector.
 - (3) Before a conditional use permit will be issued under this section, there must be filed with the Town Clerk a certificate signed by an officer of the condominium association certifying that the proposed conversion does not violate any rule, agreement or by-laws of the condominium association.
- (E) Quarters for Household Employees in A-1, A-2, R-1, R-2 and R-3 Districts, provided that such quarters shall be occupied only by individuals employed on the premises and their families and shall not be rented as separate domiciles.
- (F) Guest Houses in A-1, A-2, R-1, R-2 and R-3 Districts, provided such structure complies with applicable setback and offset requirement, and such structure shall not be rented, leased, or used for continuous or permanent habitation.
- (G) Residential Quarters for Family Members in A-1, A-2, R-1, R-2 and R-3 Districts, provided such structure complies with applicable setback and offset requirement, such structure shall not be rented, leased, for continuous or permanent habitation, and such structure is used for continuous of permanent habitation only by a member of the property owner's immediate family.
- (H) Private boathouses exceeding 42 feet in height or 800 square feet in area, in A-2, R-1, R-2 and R-3 Districts, provided no living quarters are included in such boathouse.
- (I) Yard maintenance building in A-2 districts which exceed 200 square feet in area.

- (J) Accessory buildings or structures in the A-2, R-1, R-2 and R-3 Districts exceeding 42 feet in height or 800 square feet in area; used to house a workshop or similar hobby or activity of the property owner or a member of the property owner's immediate family, such as woodworking, metal working, painting, sculpture or similar activity; and provided no living quarters are included in the structure or building, and the products of the activity are not offered for sale.
- (K) Accessory buildings or structures in the R-1 District exceeding 35 feet in height or 576 square feet in area; used to house a workshop or similar hobby or activity of the property owner or a member of the property owner's immediate family, such as woodworking, metal working, painting, sculpture or similar activity; and provided no living quarters are included in the structure or building, and the products of the activity are not offered for sale.
- (L) Accessory buildings or structures in the R-2 and R-3 Districts exceeding 20 feet in height or 576 square feet in area; used to house a workshop or similar hobby or activity of the property owner or a member of the property owner's immediate family, such as woodworking, metal working, painting, sculpture or similar activity; and provided no living quarters are included in the structure or building, and the products of the activity are not offered for sale.
- (M) RCDO – Residential Conservation Development Overlay District.
Adaptive reuse of barns in the RCDO – Residential Conservation Development Overlay District, provided that they have existed for at least 20 years on the effective date of this Chapter, in order to provide for an adaptive and compatible reuse and promote preservation of such structures.
- (N) Noncommercial Stables in the R-1, R-2 and R-3 Residential Districts provided that there shall be a minimum parcel size of three (3) acres for the first horse and two (2) acres for each additional horse. Confined housing for horses shall not be located closer than 100 feet to a parcel's lot lines or a navigable body of water.
- (O) Landscaping Business – Level 1, Level 2 and Level 3. (See Definitions at Section 9.1.12.02, TGO.)
- (P) Bed and Breakfast Establishments, provided that the establishment:
 - (1) Has four (4) or fewer bedrooms for rent to not more than a total of ten (10) tourists or transients;
 - (2) Is the owner's personal residence and is occupied by the owner at the time of rental;
 - (3) Provides no meals other than breakfast and provides breakfast only to the renters of the establishment;
 - (4) Has adequate parking; and
 - (5) Complies with the standards of Ch. HFS 197, Wis. Admin. Code.

Section 6:

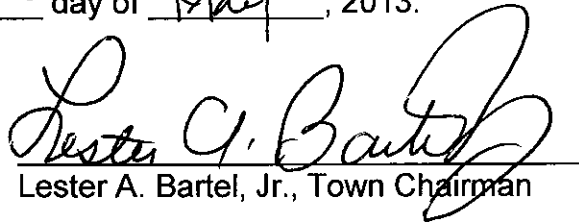
Except as hereinabove specifically modified and amended, the Code of Ordinances, Town of Grafton, Wisconsin, shall remain in full force and effect exactly as originally

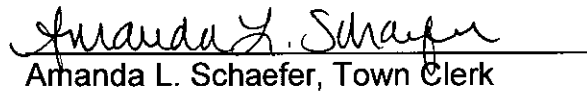
adopted and previously amended. All ordinances or parts of ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

Section 7:

This Ordinance shall take effect and be in full force from and after its passage and publication or posting.

Adopted by the Town Board of the Town of Grafton, Ozaukee County, Wisconsin, at its regularly scheduled meeting on this 8th day of May, 2013.


Lester A. Bartel, Jr., Town Chairman


Amanda L. Schaefer, Town Clerk

Publication Date: May 16, 2013
Posting Date: N/A, 2013