



Town of Grafton Ordinance No. 2020-04

AN ORDINANCE AMENDING TITLE 9, LAND USE REGULATION, CHAPTER 1, ZONING, SECTION 4.05 THE CODE OF ORDINANCES, TOWN OF GRAFTON, WISCONSIN, ADDRESSING AGRICULTURAL-ORIENTED BUSINESS USES AS A CONDITIONAL USE IN THE A-1 AND A-2 ZONING DISTRICTS

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 November 19, 2020, and November 26, 2020; and

WHEREAS, a Public Hearing was held before the Town Board on December 9, 2020, 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 9.1.4.05 of the Town of Grafton Code of Ordinances is hereby amended as provided below by adding the underlined language:

9.1.4 Conditional Uses.

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9.1.4.05 Agricultural Uses

The following, agricultural and agricultural related uses shall be conditional uses and may be permitted as specified:

- (A) Additional Single-Family or Two-Family Residential Dwellings for a child or parent of the principal farm resident in the A-1 Agricultural District. The need for more than one single family dwelling to support and carry on the permitted principal use or conditional use must be established to the satisfaction of the Town Plan Commission before the issuance of a conditional use permit. If approved, the second farm dwelling shall be placed on a parcel separated from the farm parcel and shall meet the following standards:
 - (1) Lot Width Minimum 120 feet, Area Minimum 1 acre
 - (2) Structure Height Maximum 42 feet, Area Minimum 1,250 square feet
 - (3) Yards Street Minimum 50 feet, Side Minimum 25 feet, Rear Minimum 40 Feet
- (B) Commercial raising, propagation, or boarding of animals, such as dogs, mink, rabbits, foxes, goats, and pigs.
- (C) Veterinary Services in the A-1 Agricultural District if the services are intended to service farm animals, provided that all principal uses and structures are located not less than 200 feet from a residential district.
- (D) Boat and Recreation Vehicle Storage in the A-1 and A-2 Agricultural Districts when the storage is in a completely enclosed structure which is at least 10 years old.
- (E) Landscaping Business – Level 1, Level 2, and Level 3. (See Definitions, Section 9.1.12.02, TGO.)
- (F) Horses in greater quantities than allowed by right. Proof of sufficient area to support the number of horses requested must be established to the satisfaction of the Town Plan Commission before the issuance of a conditional use permit. If approved, the conditional use permit may be subject to the following restrictions:
 - (1) Proper manure storage, as determined by the Town Plan Commission. Proper manure storage may require commercial disposal.
 - (2) Additional horses may remain for the duration of the conditional use permit provided that the horses are not determined by the Town Plan Commission to be a nuisance following a hearing on

the matter if one is requested in writing by a neighbor residing on a parcel within 500 feet.

- (G) Occupations in Accessory Structures in the A-1 and A-2 Agricultural Districts provided that:
 - (1) The business is operated by resident occupants of the same parcel of land and employs no more than (1) non-resident employee.
 - (2) A business can only occupy an existing accessory structure, the structure must have been built prior to 1950, and must be of a quality and character that contributes to the rural landscape of the agricultural districts in the Town as determined by the Town and Town staff through the Conditional Use Process. (On September 22, 2005, the town staff identified 116 existing accessory structures that met the above criteria.)
 - (3) The intent is to create entrepreneurial opportunities in the Town while promoting reuse and restoration of desirable farm structures, constructed of traditional materials and forms that contribute to the rural, agrarian landscape.
 - (4) These businesses shall not adversely affect the surrounding properties or the agricultural district in general. Parking shall be limited to three (3) spaces. Signage shall follow the standards set forth in Title 7, Chapter 6 for Home Occupation Signs. For structures used for this purpose, the maximum building footprint is 3,600 square feet, and the maximum height is 35 feet (which does not apply to converted silos).
- (H) 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. DHS 197, Wis. Admin. Code.
- (I) Grain Bins or Silos that exceed 42 feet in height. No structure shall exceed 100 feet in height.
- (J) Limited Non-Agriculture Activities That Are Operated by the Property Owner as a Business Venture: For the purpose of this subsection, Non-Agriculture Activity is defined as the gathering of individuals for social, celebratory or entertainment purposes at an agricultural venue in an agricultural zoning district. These Non-Agricultural Activities shall be compatible with the agricultural setting of the district and may include events such as weddings, receptions, corporate events, or other similar uses as determined by the Town Planner, and approved by the Town Plan Commission. The intent of this subsection is to foster entrepreneurial opportunities in the Town that promote the use and preservation of farms and farmland while maintaining and safeguarding the zoning districts' rural, agrarian landscape. Consequently, the specific Non-Agricultural

Activity must be listed on the Conditional Use Permit as well as the restrictions enumerated by the Town Plan Commission after its review and approval.

(K) Agricultural-Oriented Business Uses: Ancillary operations as support for any listed permitted uses in the A-1 Exclusive Agricultural District or the A-2 Agricultural / Rural Residential District to enhance the viability of the agricultural property. A comprehensive application must be made and all adjacent property owners must be notified of the application. The properties that apply to this conditional use are diverse and unique; therefore, the Plan Commission will review and consider each application on a case-by-case basis.

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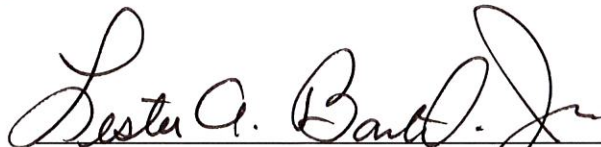
Section 2:

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 3:

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 9th day of December, 2020.


Lester A. Bartel, Jr., Town Chairman


Lisa Kien, Town Clerk

Posting Date: December 17, 2020