

CITY OF FRANKLIN
PLAN COMMISSION MEETING*
FRANKLIN CITY HALL COUNCIL CHAMBERS
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA
THURSDAY, FEBRUARY 23, 2023, 7:00 P.M.

The YouTube channel “City of Franklin WI” will be live streaming the Plan Commission meeting so that the public will be able to watch and listen to the meeting.

<https://www.youtube.com/c/CityofFranklinWIGov>.

A. **Call to Order and Roll Call**

B. **Approval of Minutes**

1. Approval of regular meeting of February 9, 2023.

C. **Public Hearing Business Matters** (action may be taken on all matters following the respective Public Hearing thereon)

D. **Business Matters** (no Public Hearing is required upon the following matters; action may be taken on all matters)

1. **TESS CREEK ESTATES SINGLE-FAMILY RESIDENTIAL SUBDIVISION DEVELOPMENT.** Final Plat application by P. Kenneth Servi, Servi Investments, LLC (Forest Home Investors, LLC, property owner), for construction of a residential subdivision (Tess Creek Estates) with 17 single-family lots served by “West Tess Creek Street” (the existing roadway stub from South Pacific Street will be extended north then east to a temporary turnaround easement (cul-de-sac)), a 60 foot Right-of-Way will be extended all the way to the east lot line for possible future extension and connection to the east to Mission Hills Court and an outlot will be included in the subdivision for floodplain, natural resource areas, stormwater basin and existing fuel substation (a fuel line easement will cross the entire subdivision) [the proposed Tess Creek Estates subdivision is to be located on the previously developed property addressed 11600 West Forest Home Avenue, along with approximately 5 acres of undeveloped land (11595 West Forest Home Avenue) to the north up to the centerline of Tess Corners Creek, to create an approximate 10 acre proposed single family subdivision], property zoned R-8 Multiple-Family Residence District, FC Floodplain Conservancy District and FW Floodway District; Tax Key Nos. 751-9001-000 and 796-9987-001.
2. **UNIFIED DEVELOPMENT ORDINANCE (UDO) REWRITE TASK FORCE:** session with project consultants Houseal Lavigne Associates and Birchline Planning, re: articles: 8. Subdivision Standards and 9. Administrative Standards and Procedures.

E. **Adjournment**

Franklin Plan Commission Agenda

2/23/23

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*Supporting documentation and details of these agenda items are available at City hall during normal business hours.

**Notice is given that a majority of the Common Council may attend this meeting to gather information about an agenda item over which they have decision-making responsibility. This may constitute a meeting of the Common Council per *State ex rel. Badke v. Greendale Village Board*, even though the Common Council will not take formal action at this meeting.

[Note: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information, contact the City Clerk's office at (414) 425-7500.]

REMINDERS:

Next Regular Plan Commission Meeting: March 9, 2023

City of Franklin
Plan Commission Meeting
February 9, 2023
Minutes

unapproved

A. Call to Order and Roll Call

Mayor Steve Olson called the February 9, 2023 regular Plan Commission meeting to order at 7:00 p.m. in the Council Chambers at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin.

Present were Mayor Steve Olson, Alderwoman Shari Hanneman, Commissioners Patrick Leon, Kevin Haley and Patricia Hogan, and City Engineer Glen Morrow. Absent was Commissioner Adam Burckhardt. Also present was Principal Planner Régulo Martínez-Montilva and City Attorney Jesse Wesolowski, as well as Alderman Michael Barber.

B. Approval of Minutes

1. Regular Meeting of January 5, 2023.

Commissioner Hogan moved and Commissioner Haley seconded a motion to approve the January 5, 2023 meeting minutes. On voice vote, all voted ‘aye’; motion carried (5-0-1).

C. Public Hearing Business Matters

1. None.

D. Business Matters

1. PLANNED DEVELOPMENT DISTRICT NO. 37 (THE ROCK SPORTS COMPLEX/BALLPARK COMMONS) ICONICA, INC. GRADING OF STOCKPILED SPOIL MATERIALS ON THE WESTERN PORTION OF THE BALLPARK COMMONS PROPERTY. Site Plan Amendment application by Iconica, Inc., applicant (BPC County Land, LLC, property owner), for “after the fact grading” approval on account of excess spoil materials from the Luxe Golf Bays netting poles installation and golf ball target field (in September of 2021), which were stockpiled in the area between the Ballpark Commons parking lot and Whitnall View subdivision [which is planned for future overflow parking per the Ballpark Commons master plan] and spread out thereafter (in August of 2022) over 3 acres north of the stockpile, which resulted in an elevation increase of approximately 4 feet [it is noted that there is a berm between the

Alderwoman Hanneman moved and Commissioner Leon seconded a motion to suspend rules to allow for public comments. On voice vote, all voted ‘aye’; motion carried. (5-0-1).

Commissioner Hogan moved and Commissioner Leon seconded a motion to return to regular order. On voice vote, all voted ‘aye’; motion carried. (5-0-1).

Commissioner Hanneman moved and Commissioner Leon seconded a motion to table the matter to the call of the chair and require the applicant to complete appropriate detailed plans on restoration of the fields and their future use, and plans for heightening the berm sufficient to block the view and noise to the neighbors, and to provide detailed planting plans for the entire berm. On voice vote, all voted ‘aye’; motion carried. (5-0-1).

Ballpark Commons development and Whitnall View subdivision, and its visual screening function might be impacted by higher elevations in the Ballpark Commons side] [the existing drainage patterns and surface water runoff from the area were maintained and are commensurate with the approved stormwater master plan for the Ballpark Commons property], property located at approximately 7005 South Ballpark Drive, zoned Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons); Tax Key No. 744-1003-000.

2. UNIFIED DEVELOPMENT ORDINANCE (UDO) REWRITE TASK FORCE: informative session by City Development Staff re: articles: 8. Subdivision Standards and 9. Administrative Standards and Procedures

No action taken.

Adjournment

Commissioner Leon moved and Commissioner Haley seconded to adjourn the Plan Commission meeting of February 9, 2023 at 8:29 p.m.. On voice vote, all voted ‘aye’; motion carried (5-0-1).



CITY OF FRANKLIN
REPORT TO THE PLAN COMMISSION
Meeting of February 23, 2023
Final Plat

Item D.1.

RECOMMENDATION: City Development staff recommends to table this Final Plat application until the applicant obtains the Final Case Closure of the Rawson Contractors Yard, Remediation and Redevelopment site.

Project name:	Tess Creek Estates subdivision, Final Plat
Property Owner:	Forest Home Investors, LLC
Applicant:	Forest Home Investors, LLC
Agent:	Christopher Jackson. CJ Engineering, LLC
Property Address/TKN:	11595 & 11600 W Forest Home Avenue 751 9001 000 & 796 9987 001
Aldermanic District:	District 6
Zoning District:	R-8 Multiple-Family Residence District, FC Floodplain Conservancy District and FW Floodway District
Staff Planner:	Régulo Martínez-Montilva, AICP, Principal Planner
Submittal date:	11-22-2022 (deemed complete on 01-17-2023)
Application number:	PPZ23-0003

Please note:

- Staff recommendations are *underlined, in italics.*

INTRODUCTION:

Final Plat application for the Tess Creek Estates subdivision. The proposed subdivision consist of 17 single-family residential lots served by the “West Tess Creek Street”, designed to the typical minor street standards of UDO Table 15-5.0103 and with a temporary turnaround easement. In the future this street may be extended to provide access to future development to the east. This subdivision would also include an outlot for floodplain, wetlands, stormwater basin and existing fuel substation. It is worth noting the presence of a fuel line easement crossing the entire subdivision.

On March 15, 2022, the Common Council adopted Resolution 2022-7838 conditionally approving the Preliminary Plat for this subdivision with 15 conditions.

Pursuant to Wisconsin Statutes §236.11(2)(a)., the approving authority (Common Council) shall take action within 60 days of application submittal unless a time extension is granted by the applicant, this time frame will expire on March 18, 2023. This item is tentatively scheduled for the March 7, Common Council meeting.

PROJECT DESCRIPTION AND ANALYSIS:

On January 30, 2023, City Development staff sent a memorandum to the applicant with 14 review comments, most of these comments have been addressed in the response memo submitted by the applicant on February 13.

With regards comment #6, per Resolution 2022-7838 conditionally approving the Preliminary Plat, condition #6 states that: “The applicant must obtain the Final Case Closure of the Rawson Contractors Yard, Remediation and Redevelopment site, and adhere to any Continuing Obligations prior to the approval of the Final Plat or any land disturbance activity”. Even though the applicant submitted a Site Investigation Report to the DNR on January 19, 2023, this case is still open as of writing of this staff report (appendix #1). Given the vapor intrusion risk for the proposed residential development as noted in letter from the Department of Natural Resources (DNR) dated April 6, 2021 (appendix #2), City Development staff recommends to table this Final Plat application until the applicant obtains the Final Case Closure of the Rawson Contractors Yard, Remediation and Redevelopment site. This letter from the DNR was also referenced in the staff report last year for the Special Use permit and Preliminary Plat.

In review of the Final Plat, Conservation Easement, Landscape Bufferyard Easement and other documents provided, recommended conditions have been added to the Final Plat draft resolution. These conditions must be addressed prior to the recording of the Final Plat.

STAFF RECOMMENDATION:

City Development staff recommends to table this Final Plat application until the applicant obtains the Final Case Closure of the Rawson Contractors Yard, Remediation and Redevelopment site. A motion to table would need a time extension in writing from the applicant.

Alternatively, should the Plan Commission wish to recommend approval of this Final Plat, City Development staff recommends the following condition of approval: The applicant must obtain the Final Case Closure of the Rawson Contractors Yard, Remediation and Redevelopment site, prior to recording of the Final Plat. The applicant must adhere to any Continuing Obligations for this site (condition #9). This condition defers the case closure requirement to the recording stage.

Appendices

1. Remediation and Redevelopment (RR) database record, Rawson Contractors Yard. Consulted on February 15, 2023.
2. Vapor Intrusion – Short Term Risks for Trichloroethylene Vapors, Vapor Intrusion Pathway Assessment, and Immediate and Interim Actions, letter from the Department of Natural Resources dated April 6, 2021.



Appendix #1



ENVIRONMENTAL CLEANUP & BROWNFIELDS REDEVELOPMENT BRRTS ON THE WEB

>> [SEARCH](#) >> [RESULTS](#) >> [ACTIVITY](#)

Click the Location Name or FID below to view the Location Details page. If additional Activities are present at this location, they may be accessed from Location Details.

ACTIVITY DETAILS

02-41-548631 RAWSON CONTRACTORS YARD				
Status OPEN	Activity Type ERP	Jurisdiction DNR RR		
Location Name <u>WEST SHORE - ST MARTINS JUNCTION (JT)</u>	County MILWAUKEE	DNR Region SOUTHEAST		
Address 11600 W FOREST HOME AVE		Municipality FRANKLIN		
PLSS Description NW 1/4 of the SE 1/4 of Sec 07, T05N, R21E	Latitude (WGS84) 42.9086637	Longitude (WGS84) -88.0565159	Google Maps CLICK TO VIEW	RR Sites Map CLICK TO VIEW
Additional Location Description				
Additional Activity Details				Acres 5
Facility ID <u>241438230</u>	PECFA No.	EPA ID	Start Date 2007-01-05	End Date























Characteristics










PECFA Funds Eligible	EPA Superfund	EPA NPL Site	Above Ground Petrol Tank	Underground Petrol Tank	Drycleaner	PFAS	Sediments	WI DOT Site

Actions and Documents

Records related to the site are documents that were available at the time the scanned paper or electronic file was uploaded. Records withheld by the department due to confidentiality, attorney-client privilege, and other sensitive records, as well as lab data, may not be included. Additional records associated with the site may or may not be accessible through an open records request through DNR or another state agency (see Jurisdiction above).

Date	Code	Name	File	Comment
2023-01-27	198	<u>Request for Additional Information (Fee-Based or Closure)</u>		ADD INFO REQUESTED
2023-01-19	137	<u>Site Investigation Report (SIR) Received (fee)</u>		REC'D CK #8340 \$1050
2023-01-13	195	<u>Semi-Annual/PECFA Cost Reporting (NR700) Requirement Met</u>		Period: 7/1/2022 - 12/31/2022
2022-08-24	30	<u>Site Investigation Workplan (SIWP) Notice to Proceed (NTP)</u>		
2022-08-19	118	<u>PFAS Sampling Not Required At This Time</u>		
2022-08-15	35	<u>Site Investigation Workplan (SIWP) Received (non-fee)</u>		
2022-08-15	114	<u>PFAS Scoping Statement Received</u>		WITHIN THE SIWP

Date	Code	Name	File	Comment
2022-07-01	195	<u>Semi-Annual/PECFA Cost Reporting (NR700) Requirement Met</u>		Period: 1/1/2022 - 6/30/2022
2022-01-04	195	<u>Semi-Annual/PECFA Cost Reporting (NR700) Requirement Met</u>		Period: 7/1/2021 - 12/31/2021
2021-07-12	195	<u>Semi-Annual/PECFA Cost Reporting (NR700) Requirement Met</u>		Period: 1/1/2021 - 6/30/2021
2021-05-13	43	<u>Site Activity Status Update Received</u>		STATUS REPORT - RECENT SOI L BORINGS, ANALYTICAL AND PROJECT OVERVIEW
2021-04-06	130	<u>DNR Regulatory Reminder Sent</u>		VAPOR INTRUSION AND TCE REMINDER LETTER
2020-08-17	130	<u>DNR Regulatory Reminder Sent</u>		EMERGING CONTAMINANTS REMINDER LETTER
2020-03-24	99	<u>Miscellaneous</u>		SITE STATUS UPDATE: RP WORKING WITH CITY OF FRANKLIN ON REDEVELOPMENT
2019-08-21	99	<u>Miscellaneous</u>		REQUEST FOR UPDATE ON REDEVELOPMENT PLANS & CONSULTANT HIRING - OWNER TO INVESTIGATE CONTAMINATION
2019-07-03	195	<u>Semi-Annual/PECFA Cost Reporting (NR700) Requirement Met</u>		Period: 1/1/2019 - 6/30/2019
2019-06-24	99	<u>Miscellaneous</u>		EMAIL FROM PROPERTY OWNER: WORKING ON REDEVELOPING PROPERTY, PLANS TO HIRE A CONSULTANT
2019-06-10	200	<u>Push Action Taken</u>		STATUS UPDATED REQUEST
2019-01-25	195	<u>Semi-Annual/PECFA Cost Reporting (NR700) Requirement Met</u>		Period: 7/1/2018 - 12/31/2018
2018-07-02	195	<u>Semi-Annual/PECFA Cost Reporting (NR700) Requirement Met</u>		Period: 1/1/2018 - 6/30/2018
2018-01-26	195	<u>Semi-Annual/PECFA Cost Reporting (NR700) Requirement Met</u>		Period: 7/1/2017 - 12/31/2017
2017-07-06	195	<u>Semi-Annual/PECFA Cost Reporting (NR700) Requirement Met</u>		Period: 1/1/2017 - 6/30/2017
2017-01-23	195	<u>Semi-Annual/PECFA Cost Reporting (NR700) Requirement Met</u>		Period: 7/1/2016 - 12/31/2016
2016-07-15	195	<u>Semi-Annual/PECFA Cost Reporting (NR700) Requirement Met</u>		Period: 1/1/2016 - 6/30/2016
2016-04-15	99	<u>Miscellaneous</u>		REC'D RESPONSE TO MARCH 2016 UPDATE REQUEST LETTER, RP IS WORKING ON FINANCES.
2016-03-17	200	<u>Push Action Taken</u>		STATUS UPDATE REQUEST LETTER
2016-01-15	195	<u>Semi-Annual/PECFA Cost Reporting (NR700) Requirement Met</u>		Period: 7/1/2015 - 12/31/2015
2015-07-10	195	<u>Semi-Annual/PECFA Cost Reporting (NR700) Requirement Met</u>		Period: 1/1/2015 - 6/30/2015
2014-07-25	99	<u>Miscellaneous</u>		REC'D CALL FROM KEN SERVI (262.695.2900) - WILL FOLLOW UP AND SEND SITE UPDATE
2014-06-30	200	<u>Push Action Taken</u>		LTR SENT
2012-03-19	99	<u>Miscellaneous</u>		REC'D LTR RE STATUS OF REMEDIATION WORK
2012-03-06	200	<u>Push Action Taken</u>		PUSH LETTER SENT
2011-09-07	130	<u>DNR Regulatory Reminder Sent</u>		Vapor Intrusion (VI) Assessment Notification Ltr Sent
2009-03-04	149	<u>Remedial Action (RA) Design Report Approved</u>		

Date	Code	Name	File	Comment
2008-08-11	99	<u>Miscellaneous</u>		REC'D DISPOSAL EXEMPTION REQUEST
2008-08-11	37	<u>Site Investigation Report (SIR) Received (non-fee)</u>		REC'D SI
2008-08-11	147	<u>Remedial Action (RA) Design Report Received (non-fee)</u>		REC'D RAP
2008-05-14	97	<u>Technical Assistance Request Received (fee)</u>		REC'D CK# 1169 \$500.00 - RAWSON CONTRACTORS SITE MEETING
2008-05-14	98	<u>Technical Assistance Provided</u>		REC'D CK# 1169 \$500.00 - RAWSON CONTRACTORS SITE MEETING
2008-04-09	7	<u>Environmental Consultant Hired</u>		SYMBIONT
2008-04-09	35	<u>Site Investigation Workplan (SIWP) Received (non-fee)</u>		
2007-10-03	36	<u>Site Investigation Workplan (SIWP) Approved</u>		LETTER SENT
2007-07-19	135	<u>Site Investigation Workplan (SIWP) Received (fee)</u>		REC'D CK# 000927 \$500.00
2007-04-23	80	<u>Closure Not Recommended</u>		LETTER SENT
2007-01-29	2	<u>Responsible Party (RP) letter sent</u>		
2007-01-08	79	<u>Case Closure Review Request Received</u>		REC'D CK# 000846 \$750.00
2007-01-05	1	<u>Notification of Hazardous Substance Discharge</u>		

Substances

Substance	Type	Amt Released	Units
Polynuclear Aromatic Hydrocarbons	Petroleum		

Responsible Party

FOREST HOME INVESTORS LLC PO BOX 91, SUSSEX, WI 53089

DNR Project Manager

<u>RILEY NEUMANN</u> riley.neumann@wisconsin.gov

BRTS data comes from various sources, both internal and external to DNR. There may be omissions and errors in the data and delays in updating new information.

548631 | 02-41-548631

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April 6, 2021

Appendix #2

KEN SERVI
1007 N PINEGROVE CT VILLA 34
HARTLAND WI 53029

Subject: Vapor Intrusion – Short Term Risks for Trichloroethylene Vapors, Vapor Intrusion Pathway Assessment, and Immediate and Interim Actions
RAWSON CONTRACTORS YARD
11600 W FOREST HOME AVE, FRANKLIN, WI
BRRTS# 02-41-548631 FID# 241438230

Dear Sir or Madam:

This letter is being sent to all Responsible Parties (RPs) that currently have an active contamination response site on the Department of Natural Resources (DNR's) Bureau for Remediation and Redevelopment Tracking System (BRRTS). It reiterates and enhances information about vapor intrusion risk that has been previously provided to you by DNR, either in a letter sent by DNR in 2011 regarding assessment of the vapor pathway or in your responsible party letter if your case was opened after 2011. Recent studies indicate that vaporized trichloroethylene (TCE) in indoor air is more toxic than previously understood and the risk posed by TCE vapors requires an immediate response when women of child-bearing years are present.

The purpose of this letter is to communicate three points related to vapor intrusion:

- 1. TCE poses short-term risks to human health that justify accelerated assessment, investigation and mitigation of the vapor intrusion pathway.**
2. Assessment of the vapor intrusion pathway is part of the investigation process and should be assessed as early as possible and routinely re-assessed throughout the life of a project.
3. Immediate and interim actions may be necessary early in the site investigation process to protect human health from contaminated vapors.

We encourage you to discuss this information with your environmental consultant. The DNR believes the health risks of TCE vapors are serious enough that it should be one of *the first things* evaluated as part of a site investigation, especially at sites where contamination may impact sensitive populations. RPs should be diligent about screening for TCE in vapors as early in the site investigation process as possible, to determine if immediate actions are warranted to reduce harmful exposure.

Unfortunately, many RPs and consultants wait until late in the site investigation process, or even at case closure, before taking steps to assess the presence of vapors and any needed mitigation efforts. We are encouraging you to do this as one of the first steps in your site investigation.

Health Risk

All volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), some metals (e.g., mercury) and methane have the potential to create harmful vapors with varying degrees of toxicity. Some compounds produce an odor, such as gasoline, but many do not, making expedited assessment critical to identifying exposure. Preferential pathways such as sewers allow vapors to travel long distances from the source in multiple directions, increasing the possibility of exposure to humans. Additional information on the human health hazards from vapor intrusion can be found by going to dnr.wi.gov, search “Vapor” and go to the “Health” tab.

The VOC, trichloroethylene (TCE), poses a short-term (i.e., acute) health risk in indoor air at certain concentrations that justifies expedited assessment, investigation and mitigation as immediate or interim actions (USEPA, 2014; Makris et al., 2016). As discussed in DNR vapor intrusion guidance (see below), quickly identifying demographics is a key component of the risk assessment. This is supported by the Department of Health Services. TCE also poses a long-term (i.e., chronic) health risk.

TCE is a chlorinated solvent commonly used as a parts washer and degreaser of metal equipment. It is also used for spot cleaning and found in household items such as aerosols. TCE is also a breakdown product of tetrachloroethylene (PCE or “perc”). PCE is a chlorinated solvent used in commercial and industrial businesses such as dry cleaners, metal plating, paper mills, etc. When released to the environment, PCE, TCE (either as a source or a breakdown product) and other contaminants readily migrate through soil, groundwater and subsurface air.

Authority – Assessments and Interim and Immediate Actions

Assessment of the vapor intrusion pathway is a critical part of an environmental investigation. Wisconsin Administrative Code (Wis. Admin. Code) Chapter NR 716 outlines the requirements for investigation of contamination in the environment. Specifically, Wis. Admin. Code § NR 716.11(3)(a) requires the field investigation “determine the nature, degree and extent, both areal and vertical, of the hazardous substances or environmental pollution in **all** affected media,” which includes sub-surface and indoor air. In addition, Wis. Admin. Code § NR 716.11(5) specifies that the field investigation include an evaluation of the “potential pathways for migration of the contamination, including drainage improvements, utility corridors, bedrock and permeable material or soil along which **vapors**, free product or contaminated water may flow.”

A vapor intrusion pathway assessment may demonstrate that an immediate or interim action is required under Wis. Admin. Code ch. NR 708. Wis. Admin. Code § NR 708.05(2) states “for hazardous substance discharges that pose an **imminent threat to public health**, safety or welfare or the environment, responsible parties shall conduct all necessary emergency immediate actions.” Under Wis. Admin. Code § NR 708.11(1), appropriate interim actions must be taken when “necessary to... **minimize any threat to public health, safety or welfare** or the environment” and could include “constructing a temporary engineering control, such as low permeability cover, or **installing and operating a vapor mitigation system**” per Wis. Admin. Code § NR 708.11(2)(d).

Immediate and interim actions, such as installation of a vapor mitigation system, can be taken to interrupt human exposure. **However, interim actions are not acceptable long-term remedies.** Wis. Admin. Code chs. NR 722, 724 and 726 address required cleanup actions to address the sources of contamination. More specifically, Wis. Admin. Code § NR 726.05(8)(b)1, states a site is not eligible for closure until “**a remedial action has been conducted and reduced the mass and concentration of volatile compounds to the extent practicable.**”

Guidance and Evolution of Vapor Intrusion Science

The DNR publishes guidance to help RPs and their consultants comply with the requirements in Code. *Addressing Vapor Intrusion at Remediation & Redevelopment Sites in Wisconsin*, RR-800 (v. January 2018) can be found at <https://dnr.wi.gov/files/PDF/pubs/rr/RR800.pdf>. **As noted above, the presence of TCE may present specific concerns related to demographics. Section 3.4.1 of DNR's guidance discusses the need to quickly identify demographics and prioritize action when TCE is the contaminant of concern. Section 7.1 discusses potentially appropriate immediate actions necessary to limit exposure.**

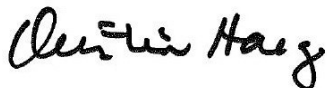
The science of vapor intrusion continues to rapidly evolve. The mechanics of vapor intrusion and risks to human health are being continually researched and discussed on a national and international level. This constant increase in knowledge requires the vapor intrusion pathway to be routinely reassessed throughout the life of a project until case closure. Therefore, in addition to RR-800, the DNR provides videos, fact sheets and additional guidance on vapor intrusion on its website. Go to dnr.wi.gov and search "Vapor." Technical resources developed by other government and private sources are included.

The DNR will continue to update its resources to incorporate advances in science on assessment, investigation and mitigation options, to partner with local and state health departments on the risks to human health, and to routinely communicate with environmental consultants on these advances.

If you have questions regarding this letter, please contact the assigned DNR Project Manager or DNR Site contact:

RILEY NEUMANN
(414) 750-7030
riley.neumann@wisconsin.gov

Sincerely,



Christine Haag
Program Director
Remediation & Redevelopment Program

Copy to Consultant(s) on Record

RESOLUTION NO. 2023-_____

A RESOLUTION CONDITIONALLY APPROVING A
FINAL PLAT FOR TESS CREEK ESTATES SUBDIVISION
(AT 11595 AND 11600 WEST FOREST HOME AVENUE)
(P. KENNETH SERVI, SERVI INVESTMENTS, LLC, APPLICANT)

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a final plat for Tess Creek Estates subdivision, such plat being Parcel 1 of Certified Survey Map No. 6508 and Lot 1 of Certified Survey Map No. 9289 located in the Northwest 1/4 of the Southeast 1/4 and Southwest 1/4 of the Northeast 1/4 of Section 7, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, said lands containing 440,001 square feet or 10.101 acres, more specifically, of the properties located at 11595 and 11600 West Forest Home Avenue, bearing Tax Key Nos. 751-9001-000 and 796-9987-001, P. Kenneth Servi, Servi Investments, LLC, applicant; said Final Plat having been reviewed by the City Plan Commission following the reviews and recommendations or reports of the City Planning Department and the City Engineering Department, and the Plan Commission having recommended approval thereof at its meeting on February 23, 2023, pursuant to certain conditions; and

WHEREAS, the Common Council having reviewed such application and Plan Commission recommendation and the Common Council having determined that such proposed final plat is appropriate for approval pursuant to law upon certain conditions.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Final Plat of Tess Creek Estates subdivision, as submitted by P. Kenneth Servi, Servi Investments, LLC, as described above, be and the same is hereby approved, subject to the following conditions:

1. That any and all objections made and corrections required by the City of Franklin, by Milwaukee County, and by any and all reviewing agencies, shall be satisfied and made by the applicant, and that all minor technical deficiencies within the Final Plat be rectified, all prior to the recording of the Final Plat.
2. That all land development and building construction permitted or resulting under this Resolution shall be subject to impact fees imposed pursuant to §92-9 of the Municipal Code or development fees imposed pursuant to §15-5.0110 of the Unified Development Ordinance, both such provisions being applicable to the development and building permitted or resulting hereunder as it occurs from time to time, as such Code and Ordinance provisions may be amended from time to time.
3. Pursuant to §236.13(1) and (2), Stats., pertaining to conditions of plat approval and the

P. KENNETH SERVI, SERVI INVESTMENTS, LLC - FINAL PLAT FOR TESS CREEK
ESTATES SUBDIVISION
RESOLUTION NO. 2023-_____

Page 2

provision of public improvements reasonably necessary, respectively, and §15-8.0101 and §15-2.0303 of the Unified Development Ordinance, pertaining to required improvements and the financial security to be provided therefore as conditions of plat approval, the required improvements prescribed in the Unified Development Ordinance for land divisions are required as a condition of the approval of the Final Plat for Tess Creek Estates subdivision; a Subdivision Development Agreement (“Subdivider’s Agreement”), as may be approved by the Common Council upon the recommendation of the City Engineer and as secured by a letter of credit or a performance bond in form as approved by the City Attorney, shall provide for the furnishing, construction and installation of the required improvements and such other matters as set forth therein, and shall be entered into and executed by P. Kenneth Servi, Servi Investments, LLC prior to the recording of the Final Plat.

4. Each and any easement shown on the Final Plat shall be the subject of separate written grant of easement instrument, in such form as provided within the *City of Franklin Design Standards and Construction Specifications* and such form and content as may otherwise be reasonably required by the City Engineer or designee to further and secure the purpose of the easement, and all being subject to the approval of the Common Council, prior to the recording of the Final Plat.
5. That any and all submissions, reviews and approvals, for any and all matters required to be submitted, reviewed and/or approved within the final plat application process as specified within the Unified Development Ordinance, which may not have been submitted, reviewed and/or approved as of the date of adoption of this Resolution, if any, including for matters of utility easements, a declaration of deed restrictions and protective covenants, conservation easements, other public purpose easements, stormwater management agreements, and homeowners’ association legal instruments, shall be so submitted, reviewed and/or approved, prior to the recording of the Final Plat.
6. Forest Home Investors, LLC, successors and assigns and any developer of Tess Creek Estates 17 lot single-family residential subdivision development shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for Tess Creek Estates 17 lot single-family residential subdivision development, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19 of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
7. The approval granted hereunder is conditional upon P. Kenneth Servi, Servi Investments, LLC and Tess Creek Estates 17 lot single-family residential subdivision

P. KENNETH SERVI, SERVI INVESTMENTS, LLC - FINAL PLAT FOR TESS CREEK
ESTATES SUBDIVISION
RESOLUTION NO. 2023-_____

Page 3

- development project for the properties located at 11595 and 11600 West Forest Home Avenue: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
8. The Tess Creek Estates 17 lot single-family residential subdivision development project shall be developed in substantial compliance with the terms and provisions of this Resolution.
 9. The applicant must obtain the Final Case Closure of the Rawson Contractors Yard, Remediation and Redevelopment site, prior to recording of the Final Plat. The applicant must adhere to any Continuing Obligations for this site
 10. The applicant shall address the Engineering Department comments in staff memorandum dated January 30, 2023, for Engineering Department review and approval, prior to the recording of the Final Plat.
 11. Final Engineering Department approval of the grading, erosion control and storm water management plan is required prior to recording the Final Plat.
 12. Final Engineering Department approval of sewer and water extensions is required prior to recording the Final Plat.
 13. Prior to recording Final Plat, submit all documentation required per Section 15-7.0603 for City Attorney review.
 14. The applicant shall submit a written conservation easement, landscape bufferyard easement, temporary turn around easement, storm drainage easement and stormwater management access easement for City staff review and Common Council approval. These easements shall be recorded with the Milwaukee County Register of Deeds Office concurrently with recording of the Final Plat.

BE IT FURTHER RESOLVED, that the Final Plat of Tess Creek Estates subdivision development, be and the same is hereby rejected without final approval and without any further action of the Common Council, if any one, or more than one of the above conditions is or are not met and satisfied within 12 months from the date of adoption of this Resolution.

BE IT FINALLY RESOLVED, that upon the satisfaction of the above conditions within 12 months of the date of adoption of this Resolution, same constituting final approval, and pursuant to all applicable statutes and ordinances and lawful requirements and procedures for the recording of a final plat, the City Clerk is hereby directed to obtain the recording of the

P. KENNETH SERVI, SERVI INVESTMENTS, LLC - FINAL PLAT FOR TESS CREEK
ESTATES SUBDIVISION
RESOLUTION NO. 2023-_____

Page 4

Final Plat of Tess Creek Estates subdivision with the Office of the Register of Deeds for
Milwaukee County.

Introduced at a regular meeting of the Common Council of the City of Franklin this
_____ day of _____, 2023.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin
this _____ day of _____, 2023.

APPROVED:

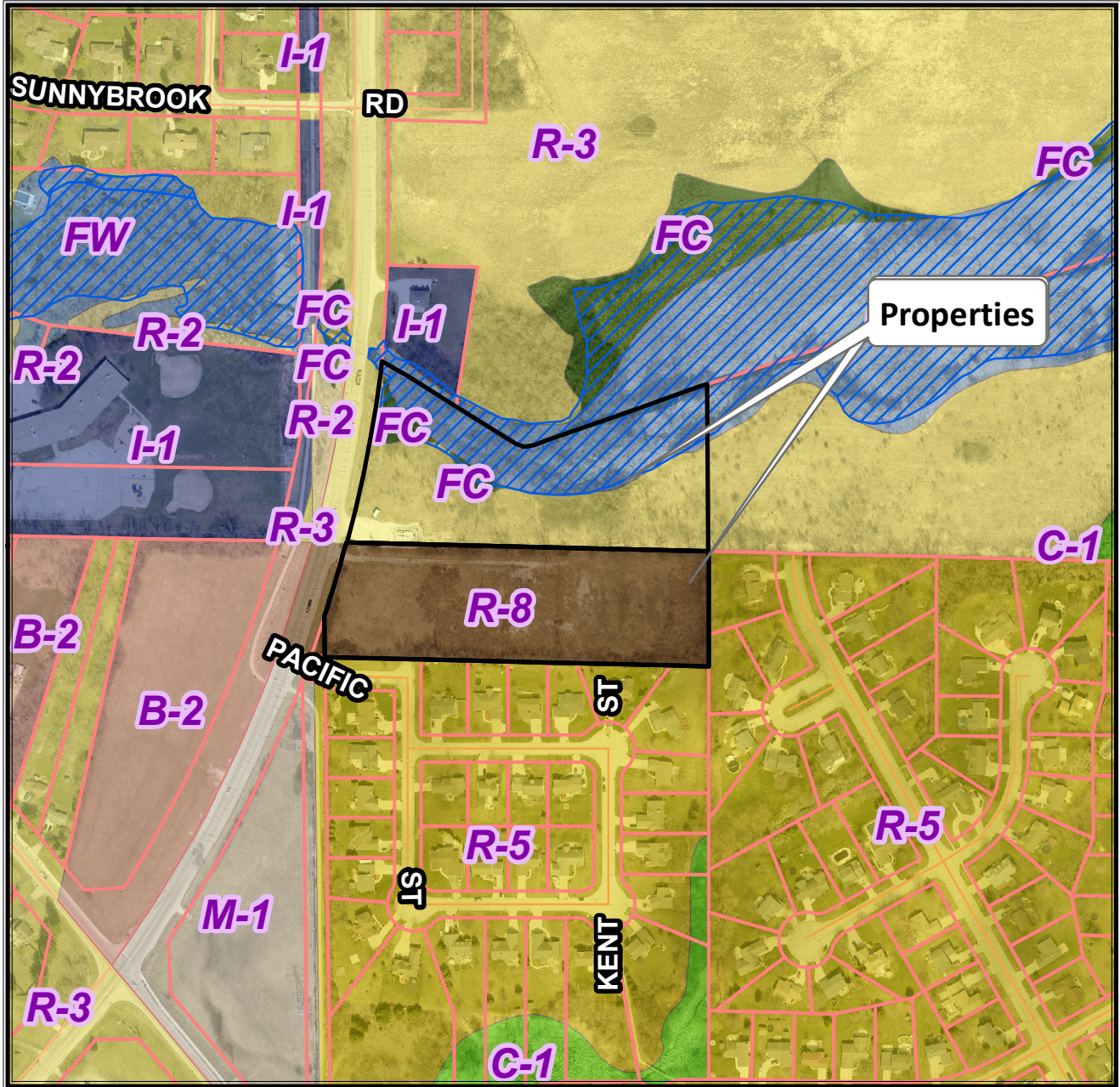
Stephen R. Olson, Mayor

ATTEST:

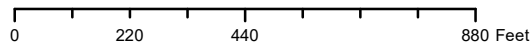
Karen L. Kastenson, City Clerk

AYES _____ NOES _____ ABSENT _____

11595 & 11600 W. Forest Home Ave.
 TKNs: 751 9001 000 & 796 9987 001

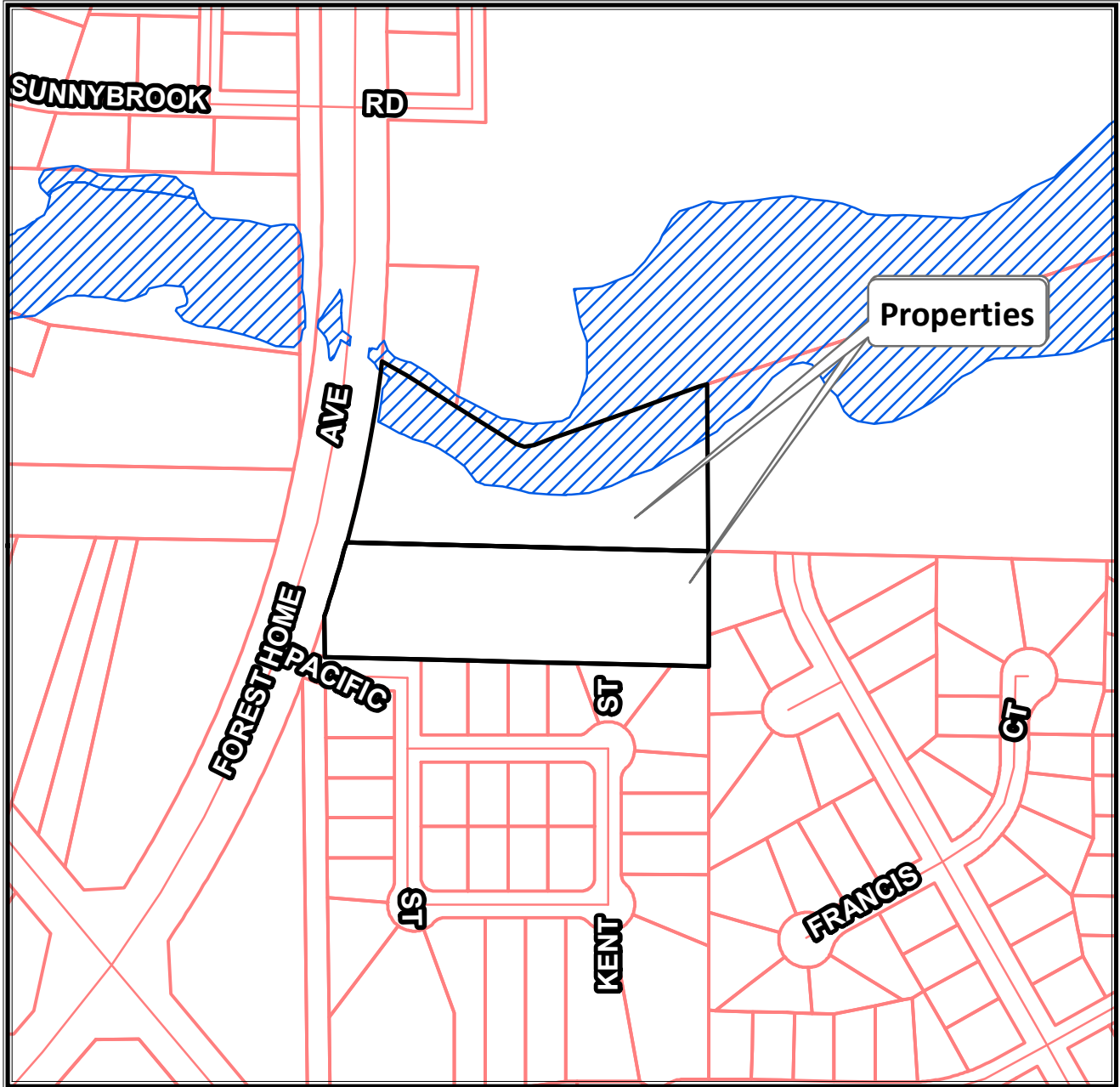


Planning Department
 (414) 425-4024

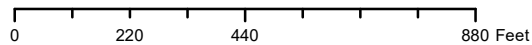


This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.

11595 & 11600 W. Forest Home Ave.
TKNs: 751 9001 000 & 796 9987 001



Planning Department
(414) 425-4024



This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.



MEMORANDUM

Date: January 30, 2023

To: Christopher Jackson and Randall Bruckner. CJ Engineering, LLC.

From: Régulo Martínez-Montilva, Principal Planner
City of Franklin, Department of City Development

RE: Review comments for final plat application.
Tess Creek Estates Subdivision, 11595 & 11600 W Forest Home Avenue.

Below are review comments and recommendations for the final plat application submitted by Forest Home Investors, LLC submitted on November 22, 2022, but deemed complete for review on January 17, 2023.

Department of City Development comments

1. Please indicate the total length of Tess Creek Street, measured along the street center line beginning at the intersection with Pacific Street to the center of the temporary cul-de-sac. Note that the maximum length for cul-de-sac streets is 800 feet.

CJ Response: Per conversation with Franklin Planning, the temporary cul-de-sac will be shifted 31.06' westerly to a maximum length of 800'. Temporary Turnaround Easement has been updated to reflect such. Revised Civil Plans will be forwarded to Engineering for approval.

2. Please label the conservation easement boundary on the face of the plat.

CJ Response: Conservation Easement labelled on the Face of the Plat.

3. Lot 17 does not meet the minimum required street frontage of 60 feet set forth in UDO Section 15-5.0106.C "Access" which states as follows: "Every lot shall front or abut for a distance of at least 60 feet on a public street as measured at the right-of-way line and, in the case of a cul-de-sac, as measured at the arc". Per the curve table, curve C8 has an arc length of 57.85 feet, please adjust the width of Lot 17.

CJ Response: Lot 17 also has an additional 2.15' line segment as shown on the Face of the Plat which brings the minimum street frontage to 60.0'. Therefore, no change is necessary.

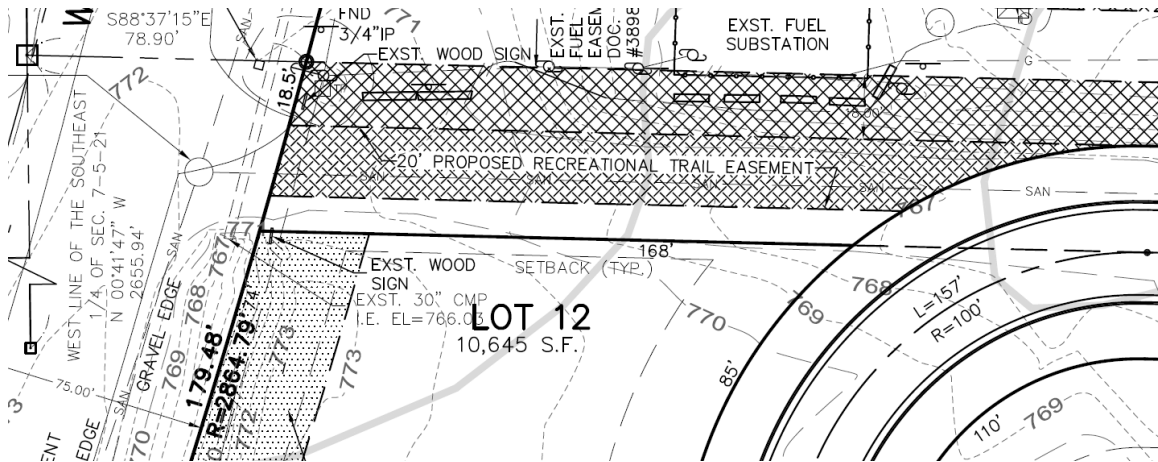
4. Please add a note indicating that the 17 lots will be served by public water and sewer.

CJ Response: Note has been added to the Face of the Plat.

5. Recreational trail easement. The Preliminary Plat depicted a 20-foot recreational trail north of Lot 12, but the Final Plat is missing this easement. Please revise or clarify.

CJ Response: The Recreational Trail Easement has been removed for this reason:

Franklin Engineering has required this development to install sidewalk along W. Pacific Street (including H.C. ramps) as well as sidewalk along W. Forest Home Ave. to the existing Franklin Bike/Hike path to connect this development directly to the existing path. This connection along the existing R.O.W.s nullifies the reason for the previously shown 20' recreational trail easement that was intended to do the same.



6. Per Preliminary Plat Resolution 2022-7838, condition No. 6, what is the current status of the Final Case Closure of the Rawson Contractors Yard?

CJ Response: The following email was sent to the Developer:

This email confirms on 01/19/2023 the Wisconsin Department of Natural Resources (DNR) Remediation and Redevelopment (RR) Program received Site Investigation Report (SIR) Received (fee) for:

02-41-548631 RAWSON CONTRACTORS YARD
 FID: 241438230
 11600 W FOREST HOME AVE, FRANKLIN

Our goal is to complete the review of your submittal within 60 days but our ability to meet this goal is dependent on the number of requests received within this period and the quality and complexity of the requests. You may contact DNR Project Manager Riley Neumann at riley.neumann@wisconsin.gov or (414) 750-7030 for additional information or if you do not receive further details within 60 days from the date of this email.

7. Note that a subdivision monument sign requires a separate application to be reviewed and approved by the Plan Commission.

CJ Response: The Developer will not be installing a sign.

8. Please review Section 15-2.0303 of the Unified Development Ordinance (UDO) regarding the installation of streets and other public improvements. This must be done prior to recording the final plat. Alternatively, a Subdivider's Agreement may be entered into to allow installation of this infrastructure after the recording of the final plat.

CJ Response: The developer would like to record the Final Plat as soon as possible and will enter a Subdivider's Agreement. Please contact Ken Servi directly to coordinate this Agreement.

9. Please be aware of City impact fees. The impact fee schedule can be found on the City's website

CJ Response: The developer is aware of the Impact Fees.

10. These review comments are only for the Final Plat, you will receive separate comments for the easement documents which are still under review.

Engineering Department comments

11. Show the 20-ft stormwater easement at Outlot 1.

CJ Response: Stormwater easement added to Outlot 1.

12. The easement width (20-ft Storm Sewer & 40-ft Storm Water Drainage) supersedes the building setback. Please adjust the building setback accordingly.

CJ Response: All building setbacks have been adjusted to end at site easements.

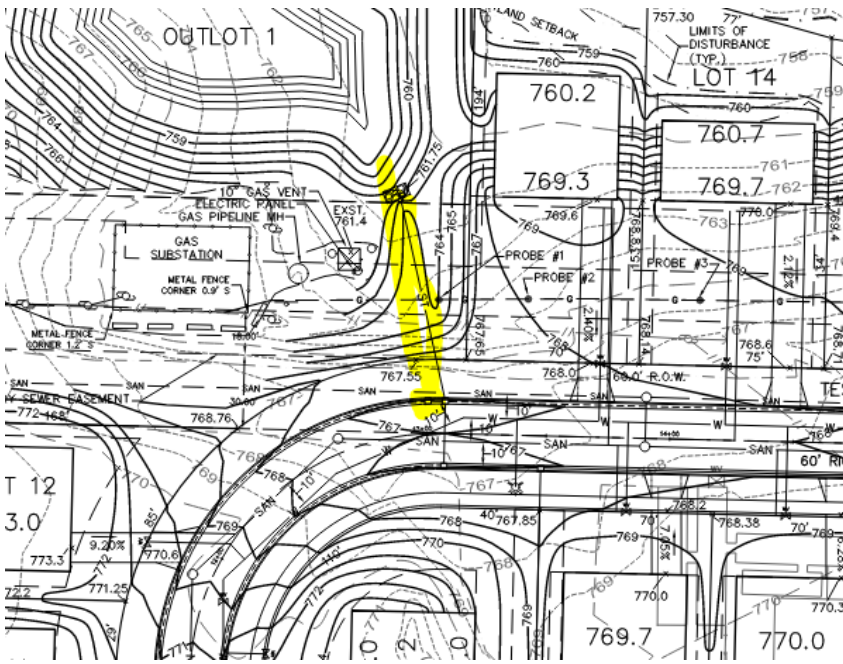
13. Sheet 2 of 2 (see attachments):

- Under the City of Franklin Certificate, in paragraph 2 on the first line sentence, insert No. 2022-7838 after the Resolution.
- Replace Sandra L. Wesolowski with Karen Kastenson, City Clerk
- Remove Denise Gilbert and leave it blank.

CJ Response: Sheet 2 updated.

14. Show the 20-ft stormwater easement on the plat.

CJ Response: 20' Storm Water Easement added to plat.



15. Please keep in mind the subdivision plat must be revised to address the 6-ft wide utility easement per WE-Energies requirements.

Note: WE-Energies may not need the 6-ft wide easement shown on the plat, that may be removed.

CJ Response: Per predesign meeting with We-Energies, the previously shown 6' wide easement behind the ROW is not needed and has been removed from the plat. We are currently waiting for the design from We-Energies so that it can be placed on the plat for final approval and recording.

Inspection Services Department comments

16. Inspection Services has no comments on the proposal at this time.

Police Department comments

17. The PD has no comment regarding this request.

City Attorney comments

18. See attached e-mail from the City Attorney.

CJ Response: Easement documents updated per Attorney comments. See attached for approval.

Comments on Declaration of Protective Covenants forwarded to developer.

Milwaukee County, Department of Administrative Services

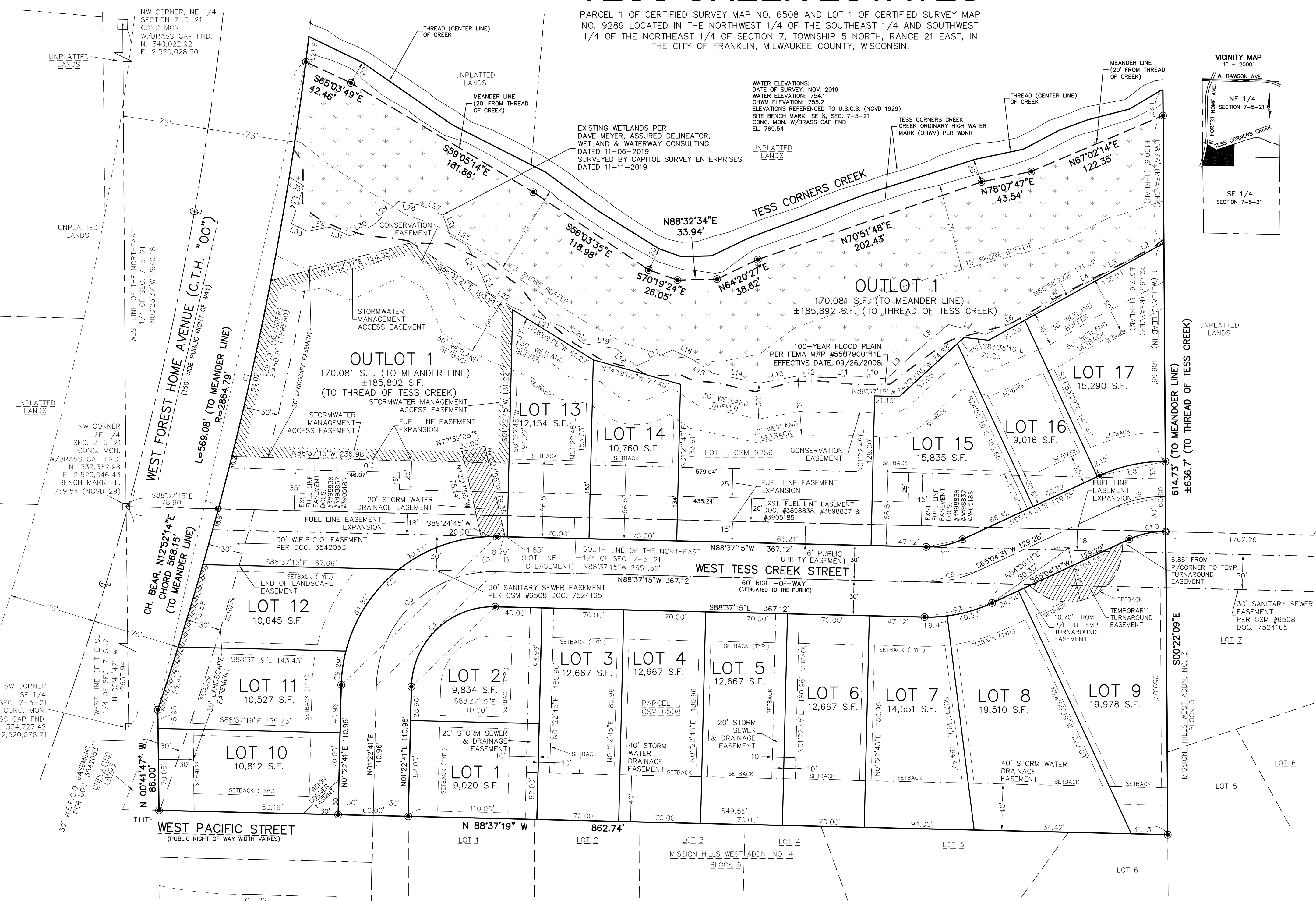
19. See attached letter dated December 15, 2022.

CJ Response: Per letter, "All special conditions required as a requirement for non-objection by Milwaukee County and listed in our letter dated October 29, 2021 have been addressed and satisfied by the developer". No additional comment.

TESS CREEK ESTATES

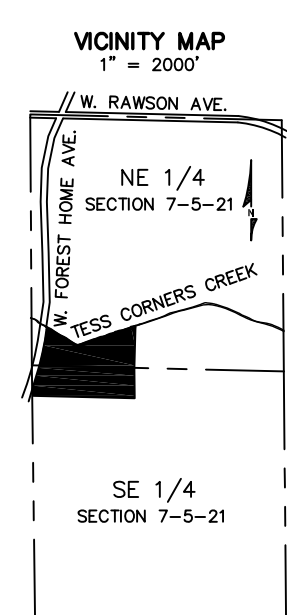
PARCEL 1 OF CERTIFIED SURVEY MAP NO. 6508 AND LOT 1 OF CERTIFIED SURVEY MAP NO. 9289 LOCATED IN THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

CJ
engineering
civil design and consulting
9205 W. Center Street
Suite 214
Milwaukee, WI 53222
PH. (414) 443-1312
www.cj-engineering.com



WATER ELEVATIONS:
DATE OF SURVEY: NOV. 2019
WATER ELEVATION: 754.1
OHWM ELEVATION: 755.2
ELEVATIONS REFERENCED TO U.S.G.S. (NGVD 1929)
SITE BENCH MARK: SE 1/4, SEC. 7-5-21
CONC. MON. W/BRASS CAP FND
EL. 769.54

EXISTING WETLANDS PER
DAVE MEYER, ASSURED DELINEATOR,
WETLAND & WATERWAY CONSULTING
DATED 11-06-2019
SURVEYED BY CAPITOL SURVEY ENTERPRISES
DATED 11-11-2019



LINE	LENGTH	BEARING
L1	187.70	N00°22'09"W
L2	29.53	N62°07'21"E
L3	36.05	N61°38'29"E
L4	18.45	N64°05'09"E
L5	42.82	N58°49'30"E
L6	45.30	N66°43'57"E
L7	32.44	S75°03'43"E
L8	37.91	N50°30'13"E
L9	32.57	N46°48'51"E
L10	22.06	S85°23'28"E
L11	31.04	N88°29'49"E
L12	22.96	S86°13'56"E
L13	33.70	N79°18'59"E
L14	40.11	S77°53'11"E
L15	20.65	S55°51'45"E
L16	19.56	S64°10'24"E
L17	34.33	N66°10'52"E
L18	22.78	S48°35'45"E
L19	28.21	S81°17'18"E
L20	22.56	S51°11'11"E
L21	45.04	S68°36'13"E
L22	24.91	S59°05'14"E
L23	14.94	S21°44'13"E
L24	29.65	S25°43'03"E
L25	16.38	S61°28'55"E
L26	18.85	S19°42'21"E
L27	21.07	S65°16'23"E
L28	19.25	S80°42'56"E
L29	29.48	N46°34'40"E
L30	21.97	N65°02'19"E
L31	18.81	S66°24'42"E
L32	19.62	N79°51'39"E
L33	14.94	S64°59'51"E
L34	34.23	S17°42'46"W
L35	14.39	N58°47'24"W

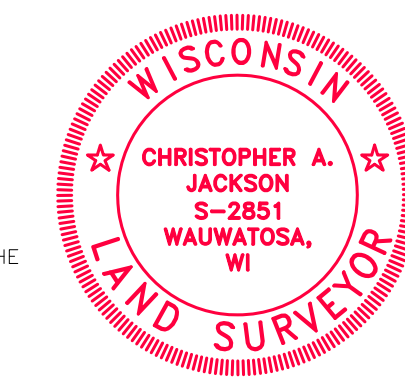
LEGEND

- FOUND 1" IRON PIPE
- PLACED 1-1/4" X 18" SOLID ROUND REBAR STAKE, WEIGHING 4.30 LBS/FT. ALL OTHER LOT AND OUTLOT CORNERS ARE MARKED WITH 3/4" X 18" SOLID ROUND IRON REBAR STAKES, WEIGHING 1.50 LBS/FT.
- ▨ DENOTES NO VEHICULAR ACCESS

ALL 17 LOTS WILL BE SERVED BY PUBLIC WATER AND SEWER

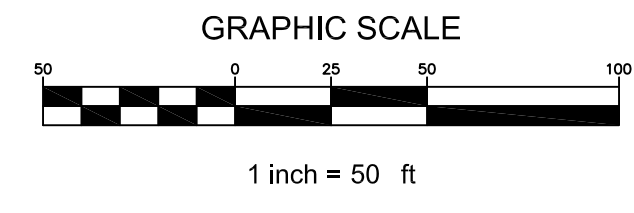
REFERENCE BEARING: ALL BEARINGS SHOWN REFER TO THE SOUTH LINE OF THE NORTHEAST 1/4 OF SECTION 7-5-21, WHICH HAS A WISCONSIN STATE PLANE COORDINATE SYSTEM GRID, SOUTH ZONE (NAD 27), BEARING OF N88°37'15"W

REFERENCE ELEVATION: ELEVATIONS REFERENCED TO U.S.G.S. (NGVD 1929)
SITE BENCH MARK: SE 1/4, SEC. 7-5-21
CONC. MON. W/BRASS CAP FND
EL. 769.54



BUILDING SETBACK LOTS 1-12:
MIN. FRONT SETBACK - 25 FT.
MIN. SIDE SETBACK - 5 FT.
MIN. SIDE SETBACK @ CORNER - 15 FT.
MIN. REAR SETBACK - 25 FT.
(EASEMENTS SUPERCEDE SETBACK LINES)

BUILDING SETBACK LOTS 13-17:
MIN. FRONT SETBACK - VARIABLE, SEE PLAN
MIN. SIDE SETBACK - 5 FT.
MIN. SIDE SETBACK @ CORNER - 15 FT.
MIN. REAR SETBACK - 50 FT. WETLAND SETBACK



CURVE NUMBER	Radius	ARC LENGTH	CHORD	CHORD BEARING	CENTRAL ANGLE	TANGENT BEARING
C1 (MEANDER)	2864.79'	569.08'	568.15'	N12°52'14"E	11°22'54"	N18°33'41"E
(THREAD)	2864.79'	±590.9'	±589.9'	N12°39'08.5"E	11°49'06"	N06°44'36"E
LOT 11	2864.79'	56.41'	56.41'	N17°59'50"E	01°07'42"	N17°59'50"E
LOT 12	2864.79'	73.58'	73.58'	N16°41'50"E	01°28'18"	N15°57'41"E
OUTLOT 1 (MEANDER)	2864.79'	439.09'	438.66'	N11°54'14"E	08°46'54"	N07°10'47"E
(THREAD)	2864.79'	±460.9'	±460.4'	N11°21'08.5"E	09°13'05"	N06°44'36"E
C2	130.00'	204.21'	183.85'	S46°22'43"W	90°00'04"	N06°44'36"E
LOT 11	130.00'	29.29'	29.22'	S07°49'54.5"W	12°54'27"	N141°7'08"E
LOT 12	130.00'	84.81'	83.31'	S32°58'29"W	37°22'42"	N51°39'50"E
OUTLOT 1	130.00'	90.11'	88.32'	S71°51'17.5"W	39°42'55"	N51°39'50"E
C3	100.00'	157.08'	141.42'	S46°22'43"W	90°00'04"	N06°44'36"E
C4	70.00'	109.98'	99.00'	S46°22'43"W	90°00'04"	N06°44'36"E
C5	70.00'	32.14'	31.85'	N78°13'38"E	26°18'14"	N141°7'08"E
C6	100.00'	45.91'	45.61'	N78°13'38"E	26°18'14"	N141°7'08"E
C7	130.00'	59.68'	59.16'	N78°13'38"E	26°18'14"	N141°7'08"E
LOT 7	130.00'	19.45'	19.43'	N87°05'33.5"E	8°34'23"	N82°48'22"E
LOT 8	130.00'	40.23'	40.07'	N73°56'26.5"E	17°43'51"	N141°7'08"E
C8	130.00'	57.85'	57.37'	S77°49'25.5"W	25°29'49"	N141°7'08"E
C9	100.00'	45.00'	44.62'	S77°37'58"W	25°46'54"	N141°7'08"E
C10	70.00'	32.14'	31.85'	N78°13'38"E	26°18'14"	N141°7'08"E

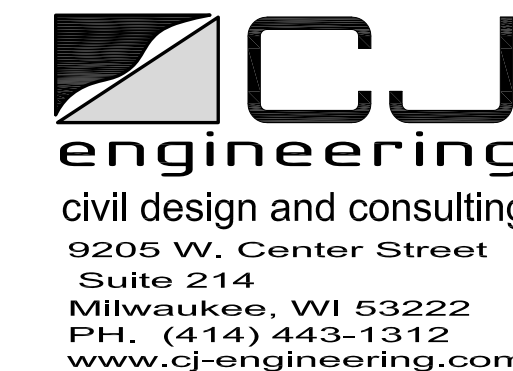
There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified _____, 20____
Department of Administration

DIGGERS HOTLINE
Toll Free (800) 242-8511
Milwaukee Area (414) 259-1181
Hearing Impaired TDD (800) 542-2289
www.DiggersHotline.com

TESS CREEK ESTATES

PARCEL 1 OF CERTIFIED SURVEY MAP NO. 6508 AND LOT 1 OF CERTIFIED SURVEY MAP NO. 9289 LOCATED IN THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.



SURVEYOR'S CERTIFICATE:

I, CHRISTOPHER A. JACKSON, PROFESSIONAL LAND SURVEYOR S-2851 DO HEREBY CERTIFY THAT IN FULL COMPLIANCE WITH THE PROVISIONS OF CHAPTER 236 OF THE WISCONSIN STATE STATUTES AND THE SUBDIVISION REGULATIONS OF THE CITY OF FRANKLIN, AND UNDER THE DIRECTION OF THE OWNERS LISTED BELOW, I HAVE SURVEYED, DIVIDED AND MAPPED "TESS CREEK ESTATES" AND THAT SUCH PLAT CORRECTLY REPRESENTS ALL THE EXTERIOR BOUNDARIES AND THE SUBDIVISION OF THE LAND SURVEYED AS IS DESCRIBED AS FOLLOWS:

PARCEL 1 OF CERTIFIED SURVEY MAP NO. 6508 AND LOT 1 OF CERTIFIED SURVEY MAP NO. 9289 LOCATED IN THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

DEDICATING THAT PORTION OF SUBJECT PROPERTY AS GRAPHICALLY SHOWN FOR PUBLIC RIGHT OF WAY PURPOSES.

CONTAINING 440,001 SQUARE FEET OR 10.101 ACRES (AREA TO MEANDER LINE) ±455,812 SQUARE FEET OR 10.46 ACRES (AREA TO THREAD OF TESS CREEK)

THAT I HAVE MADE SUCH SURVEY, LAND DIVISION AND MAP BY THE DIRECTION OF FOREST HOME INVESTORS, LLC, OWNER OF SAID LAND.

THAT SUCH PLAT IS A CORRECT REPRESENTATION OF ALL THE EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE LAND DIVISION THEREOF MADE

THAT I HAVE FULLY COMPLIED WITH THE REQUIREMENTS OF CHAPTER 236 OF THE WISCONSIN STATE STATUTES, THE CITY OF FRANKLIN LAND DIVISION ORDINANCE AND THE UNIFIED DEVELOPMENT ORDINANCE DIVISION 15 OF THE CITY OF FRANKLIN AND MILWAUKEE COUNTY IN SURVEYING, MAPPING AND DIVIDING THE LAND WITHIN THE SUBDIVISION.

DATED THIS 13th DAY OF FEBRUARY, 2023.

CHRISTOPHER A. JACKSON, PROFESSIONAL LAND SURVEYOR, S-2851



DATE 11-15-2022
REVISED 12-07-2022
REVISED 01-03-2023
REVISED 02-13-2023

NOTES:

- ALL LINEAR MEASUREMENTS HAVE BEEN MADE TO THE NEAREST ONE-HUNDRETH OF A FOOT AND ALL ANGULAR MEASUREMENTS HAVE BEEN MADE TO THE NEAREST ONE SECOND.
- ALL DIMENSIONS ALONG CURVES ARE ARC LENGTHS.
- ANY LAND BELOW THE ORDINARY HIGH WATER MARK OF A LAKE OR A NAVIGABLE STREAM IS SUBJECT TO THE PUBLIC TRUST IN NAVIGABLE WATERS THAT IS ESTABLISHED UNDER ARTICLE IX, SECTION 1, OF THE STATE CONSTITUTION. THE ADJACENT WEST FOREST HOME AVENUE/C.T.H. "OO" RIGHT OF WAY PROVIDES PUBLIC ACCESS TO TESS CORNERS CREEK THAT MEETS SECTION 236.16(3).
- OUTLOT 1 OF THE PLAT OF TESS CREEK ESTATES IS OWNED AND SHALL BE MAINTAINED BY THE TESS ESTATES HOMEOWNERS ASSOCIATION AND EACH INDIVIDUAL LOT OWNER SHALL HAVE AN UNDIVIDABLE FRACTIONAL OWNERSHIP OF THE OUTLOT AND THAT MILWAUKEE COUNTY AND THE CITY OF FRANKLIN SHALL NOT BE LIABLE FOR ANY FEES OR SPECIAL ASSESSMENTS IN THE EVENT MILWAUKEE COUNTY OR THE CITY OF FRANKLIN SHOULD BECOME THE OWNER OF ANY LOT IN THE SUBDIVISION BY REASON OF DELINQUENCY. THE HOMEOWNERS ASSOCIATION SHALL MAINTAIN SAID OUTLOT IN AN UNOBSTRUCTED CONDITION SO AS TO MAINTAIN THEIR INTENDED PURPOSE. THE CONSTRUCTION OF ANY BUILDING, GRADING, OR FILLING IN SAID OUTLOT IS PROHIBITED UNLESS APPROVED BY THE CITY OF FRANKLIN. THE HOMEOWNERS ASSOCIATION GRANTS TO THE CITY THE RIGHT (BUT NOT THE RESPONSIBILITY) TO ENTER UPON THIS OUTLOT IN ORDER TO INSPECT, REPAIR OR RESTORE SAID OUTLOT TO ITS INTENDED PURPOSE. EXPENSES INCURRED BY THE CITY FOR SAID INSPECTION, REPAIR OR RESTORATION OF SAID OUTLOT MAY BE PLACED AGAINST THE TAX ROLL FOR SAID ASSOCIATION AND COLLECTED AS A SPECIAL CHARGE BY THE CITY.
- VISION CORNER EASEMENT (LOT 10): NO OBSTRUCTIONS PERMITTED. NO VISUAL OBSTRUCTIONS, SUCH AS STRUCTURES, PARKING, OR VEGETATION, SHALL BE PERMITTED IN ANY DISTRICT BETWEEN THE HEIGHTS OF 2.5 FEET AND 10 FEET ABOVE THE PLANE THROUGH THE MEAN CURB GRADES WITHIN THE TRIANGULAR SPACE FORMED BY ANY TWO EXISTING OR PROPOSED INTERSECTING STREET OR ALLEY RIGHT-OF-WAY LINES AND A LINE JOINING POINTS ON SUCH LINES, LOCATED A MINIMUM OF 30 FEET FROM THEIR INTERSECTION.
- NO VEHICULAR ACCESS PERMITTED TO WEST FOREST HOME (C.T.H. "OO") FROM LOTS 11 AND 12.
- LANDSCAPE BUFFERYARD EASEMENT: THIS STRIP IS RESERVED FOR THE PLANTING OF TREES AND SHRUBS; THE BUILDING OF STRUCTURES HEREON IS PROHIBITED.
- SEE SEPARATE DOCUMENTS FOR STORM DRAINAGE EASEMENT, TEMPORARY TURN-A-ROUND EASEMENT, STORM WATER MANAGEMENT ACCESS EASEMENT, CONSERVATION EASEMENT, LANDSCAPE BUFFERYARD EASEMENT, FUEL LINE EASEMENT AND STORM WATER FACILITIES MAINTENANCE AGREEMENT.
- CONSERVATION EASEMENT RESTRICTIONS:
 - CONSTRUCT OR PLACE BUILDING OR ANY STRUCTURE
 - CONSTRUCT OR MAKE ANY IMPROVEMENTS, UNLESS, NOTWITHSTANDING BULLET 1 ABOVE, THE IMPROVEMENT IS SPECIFICALLY AND PREVIOUSLY APPROVED BY THE COMMON COUNCIL OF THE CITY OF FRANKLIN, UPON THE ADVICE OF SUCH OTHER PERSONS, ENTITIES, AND AGENCIES AS IT MAY ELECT. SUCH IMPROVEMENTS AS MAY BE SO APPROVED BEING INTENDED TO ENHANCE THE RESOURCE VALUE OF THE PROTECTED PROPERTY TO THE ENVIRONMENT OR THE PUBLIC AND INCLUDING, BUT NOT LIMITED TO ANIMAL AND BIRD FEEDING STATIONS, PARK BENCHES, THE REMOVAL OF ANIMAL BLOCKAGE OF NATURAL DRAINAGE OR OTHER OCCURRING BLOCKAGE OF NATURAL DRAINAGE, AND THE LIKE
 - EXCAVATE, DREDGE, GRADE, MINE, DRILL, OR CHANGE THE TOPOGRAPHY OF THE LAND OR ITS NATURAL CONDITION IN ANY MANNER, INCLUDING ANY CUTTING OR REMOVAL OF VEGETATION, EXCEPT FOR THE REMOVAL OF DEAD OR DISEASED TREES OR INVASIVE SPECIES.
 - CONDUCT ANY FILLING, DUMPING, OR DEPOSITING OF ANY MATERIAL WHATSOEVER, INCLUDING BUT NOT LIMITED TO SOIL, YARD WASTE OR OTHER LANDSCAPE MATERIALS, ASHES, GARBAGE OR DEBRIS
 - PLANT ANY VEGETATION NOT NATIVE TO THE PROTECTED PROPERTY OR NOT TYPICAL WETLAND VEGETATION
 - OPERATE SNOWMOBILES, DUNE BUGGIES, MOTORCYCLES, ALL-TERRAIN VEHICLES OR ANY OTHER TYPES OF MOTORIZED VEHICLES

OWNER'S CERTIFICATE:

FOREST HOME INVESTORS, LLC, A LIMITED LIABILITY COMPANY DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AS OWNER, DOES HEREBY CERTIFY THAT SAID LIMITED LIABILITY COMPANY CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED AS REPRESENTED ON THIS PLAT.

FOREST HOME INVESTORS, LLC DOES HEREBY CERTIFY THAT THIS PLAT IS REQUIRED BY S236.10 OR S236.12 WISCONSIN STATUTES TO BE SUBMITTED TO THE FOLLOWING AGENCIES FOR APPROVAL OR OBJECTION:

DEPARTMENT OF ADMINISTRATION
CITY OF FRANKLIN
MILWAUKEE COUNTY

IN WITNESS WHEREOF, FOREST HOME INVESTORS, LLC HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS OFFICIAL OFFICER(S) OF SAID LIMITED LIABILITY COMPANY AT (CITY) _____, WISCONSIN THIS _____ DAY OF _____, 20____.

IN THE PRESENCE OF: FOREST HOME INVESTORS, LLC

KEN SERVI, MANAGING MEMBER

STATE OF WISCONSIN)
MILWAUKEE COUNTY) SS

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 20____, KEN SERVI, MANAGING MEMBER OF THE ABOVE NAMED FOREST HOME INVESTORS, LLC TO ME KNOWN TO BE PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT AND TO ME KNOWN TO BE SUCH MEMBER OF SAID LIMITED LIABILITY COMPANY AND ACKNOWLEDGED THAT THEY EXECUTED THE FOREGOING INSTRUMENT AS SUCH MEMBER AS THE DEED OF SAID LIMITED LIABILITY COMPANY, BY ITS AUTHORITY.

NOTARY PUBLIC, STATE OF WISCONSIN
MY COMMISSION EXPIRES _____, 20____

CITY OF FRANKLIN CERTIFICATE:

RESOLVED, THAT THE PLAT OF "TESS CREEK ESTATES" BEING A PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, WHICH HAS BEEN FILED FOR APPROVAL, BE AND IS HEREBY APPROVED AS REQUIRED BY CHAPTER 236 OF THE WISCONSIN STATE STATUES.

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. 2022-7838 ADOPTED BY THE COMMON COUNCIL OF THE CITY OF FRANKLIN ON THE _____ DAY OF _____, 20____, WHICH ACTION BECOMES EFFECTIVE UPON RECEIPT OF APPROVAL OF ALL OTHER REVIEWING AGENCIES AND ALL CONDITIONS OF THE CITY OF FRANKLIN'S APPROVAL WERE SATISFIED AS OF THE _____ DAY OF _____, 20____.

STEPHEN R. OLSON, MAYOR DATE

KAREN KASTENSON, CITY CLERK DATE

CITY OF FRANKLIN TREASURER'S CERTIFICATE:

STATE OF WISCONSIN)
MILWAUKEE COUNTY) SS

I, _____, BEING DULY APPOINTED, QUALIFIED AND DIRECTOR OF FINANCE AND TREASURER OF THE CITY OF FRANKLIN, DO HEREBY CERTIFY IN ACCORDANCE WITH THE RECORDS IN MY OFFICE, THERE ARE NO UNPAID TAXES OR SPECIAL ASSESSMENTS AS OF _____, 20____ ON ANY OF THE LANDS INCLUDED IN THE PLAT OF TESS CREEK ESTATES.

DIRECTOR OF FINANCE & TREASURER DATE

MILWAUKEE COUNTY TREASURER'S CERTIFICATE:

STATE OF WISCONSIN)
MILWAUKEE COUNTY) SS

I, DAVID CULLEN, BEING DULY ELECTED TREASURER OF THE COUNTY OF MILWAUKEE, DO HEREBY CERTIFY THAT THE RECORDS IN MY OFFICE SHOW NO UNPAID TAXES OR NO UNREDEEMED TAX SALES OR SPECIAL ASSESSMENTS AS OF _____, 20____ ON ANY OF THE LANDS INCLUDED IN THE PLAT OF TESS CREEK ESTATES.

DAVID CULLEN, TREASURER DATE

UTILITY EASEMENT PROVISIONS

An easement for electric and communications service is hereby granted by

FOREST HOME INVESTORS, LLC, Grantor,

TO

WISCONSIN ELECTRIC POWER COMPANY, a Wisconsin Corporation, doing business as WE Energies, Grantee
WISCONSIN BELL INC. doing business as AT&T WISCONSIN, a Wisconsin Corporation, Grantee
SPECTRUM MID-AMERICA, LLC, Grantee,

their respective successors and assigns, to construct, install, operate, repair, maintain and replace from time to time, facilities used in connection with overhead and underground transmission and distribution of electricity and electric energy, gas, telephone and cable TV facilities for such purposes as the same is now or may hereafter be used, all in, over, under, across, along and upon the property shown within those areas on the plat designated as "Public Utility Easement" and the property designated on the plat for streets and alleys, whether public or private, together with the right to install service connections upon, across within and beneath the surface of each lot to serve improvements, thereon, or on adjacent lots; also the right to trim or cut down trees, brush and roots as may be reasonable required incident to the rights herein given, and the right to enter upon the subdivided property of all such purposes. The Grantees agree to restore or cause to have restored, the property, as nearly as is reasonable possible, to the condition existing prior to such entry by the Grantees or their agents. This restoration, however, does not apply to the initial installation of said underground and/or above ground electric facilities or communication facilities or to any trees, brush or roots which may be removed at any time pursuant to the rights herein granted. Buildings shall not be placed over Grantees' facilities or in, upon or over the property within the lines marked "Public Utility Easement" without the prior written consent of Grantees. After installation of any such facilities, the grade of the subdivided property shall not be altered by more than four inches with the written consent of grantees.

The grant of easement shall be binding upon and insure to the benefit of the heirs, successors and assigns of all parties hereto.

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified _____, 20____

Department of Administration



Planning Department
 9229 West Loomis Road
 Franklin, Wisconsin 53132
 generalplanning@franklinwi.gov
 (414) 425-4024
 franklinwi.gov



APPLICATION DATE: 11-15-2022

STAMP DATE: _____ city use only

LAND DIVISION REVIEW APPLICATION

PROJECT INFORMATION [print legibly]

APPLICANT [FULL LEGAL NAMES]	APPLICANT IS REPRESENTED BY [CONTACT PERSON]
NAME: Ken Servi	NAME: Christopher Jackson, PE, PLS
COMPANY: Forest Home Investors, LLC	COMPANY: CJ Engineering, LLC
MAILING ADDRESS: PO Box 91	MAILING ADDRESS: 9205 W. Center Street, Suite 214
CITY/STATE: Sussex, WI	CITY/STATE: Milwaukee, WI
ZIP: 53089	ZIP: 53222
PHONE: 414-791-6367	PHONE: 414-443-1312
EMAIL ADDRESS: kservi43@gmail.com	EMAIL ADDRESS: chris@cj-engineering.com

PROJECT PROPERTY INFORMATION

PROPERTY ADDRESS: 11600 W. Forest Home Ave. + lands to the north	TAX KEY NUMBER: Parcel 1 CSM 6501: 7969987007/Lot 1 CSM 9289: 7519001000
PROPERTY OWNER: Forest Home Investors, LLC	PHONE: 414-791-6367
MAILING ADDRESS: PO Box 91	EMAIL ADDRESS: kservi43@gmail.com
CITY/STATE: Sussex, WI	DATE OF COMPLETION: _____ office use only
ZIP: 53089	

APPLICATION TYPE

Please check the application type that you are applying for

- Affidavit of Correction (Plat)
 Certified Survey Map
 Condominium Plat
 Land Combination
 Right of Way Vacation
 Final Subdivision Plat
 Preliminary Subdivision Plat

Most requests require Plan Commission review and Common Council approval.

Applicant is responsible for providing Plan Commission resubmittal materials up to 12 copies pending staff request and comments.

SIGNATURES

The applicant and property owner(s) hereby certify that: (1) all statements and other information submitted as part of this application are true and correct to the best of applicant's and property owner(s)' knowledge; (2) the applicant and property owner(s) has/have read and understand all information in this application; and (3) the applicant and property owner(s) agree that any approvals based on representations made by them in this Application and its submittal, and any subsequently issued building permits or other type of permits, may be revoked without notice if there is a breach of such representation(s) or any condition(s) of approval. By execution of this application, the property owner(s) authorize the City of Franklin and/or its agents to enter upon the subject property(ies) between the hours of 7:00 a.m. and 7:00 p.m. daily for the purpose of inspection while the application is under review. The property owner(s) grant this authorization even if the property has been posted against trespassing pursuant to Wis. Stat. §943.13.

(The applicant's signature must be from a Managing Member if the business is an LLC, or from the President or Vice President if the business is a corporation. A signed applicant's authorization letter may be provided in lieu of the applicant's signature below, and a signed property owner's authorization letter may be provided in lieu of the property owner's signature[s] below. If more than one, all of the owners of the property must sign this Application).

I, the applicant, certify that I have read the following page detailing the requirements for land division approvals and submittals and understand that incomplete applications and submittals cannot be reviewed.

PROPERTY OWNER SIGNATURE: _____ NAME & TITLE: Ken Servi OWNER	APPLICANT SIGNATURE: _____ NAME & TITLE: Ken Servi - Developer
DATE: 4/15/2022	DATE: 4/15/2022
PROPERTY OWNER SIGNATURE: _____	APPLICANT REPRESENTATIVE SIGNATURE: _____
NAME & TITLE: _____	NAME & TITLE: _____
DATE: _____	DATE: _____

Project Description

The proposed project will consist of the construction of a 17 lot single family subdivision called Tess Creek Estates .

The existing roadway stub from South Pacific Street will be extended north then east to a temporary cul-de-sac. A 60' ROW will be extended all the way to the east lot line for possible future extension and connection to the east to Mission Hills Court. Existing onsite sanitary sewer and existing water main in South Pacific Street will be extended to serve the proposed lots. Storm sewer will be located in the proposed public roadway that will collect and drain storm water to the proposed onsite storm water pond.

The proposed Tess Creek Estates is to be located on the previously developed property addressed 11600 W. Forest Home Ave. along with approximately 5 acres of undeveloped land to the north up to the centerline of Tess Corners Creek to create an approximate 10 acre proposed single family subdivision.

Regulo Martinez-Montilva

From: Randy Bruckner <randy@cj-engineering.com>
Sent: Wednesday, January 11, 2023 12:58 PM
To: Regulo Martinez-Montilva
Cc: 'Ken Servi'
Subject: FW: Revised Plat TESS CREEK ESTATES, File No 28535
Attachments: 28535_20230111_doa_final_cert_plat.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon Regulo,
Attached and below is the DOA approval. With this approval, we are requesting City of Franklin approval of the plat. Please note that the DOA is prepared to ship the recordable copy to us.

Please email or call with any questions or concerns.

Thanks,

Randall S. Bruckner, PE

CJ Engineering
9205 W. Center Street, Suite 214
Milwaukee, WI 53222
Ph: (414) 443-1312 x223
randy@cj-engineering.com

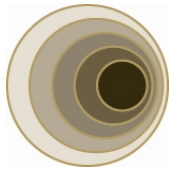
From: Sime, Don R - DOA
Sent: Wednesday, January 11, 2023 12:15 PM
To: 'chris@cj-engineering.com' <chris@cj-engineering.com>
Subject: Revised Plat TESS CREEK ESTATES, File No 28535

Greetings

I have covered up the Milwaukee County certificate of no objection; we certify on their behalf, so there is no need for the certificate (one less signature to gather). Everything else checks out and the County has notified us that conditions of their certification have been met so if you are OK with this we will certify and ship the recordable plat to you.

Thanks

Don Sime, PLS
Plat Review



BUCKEYE PARTNERS, L.P.

DAVE A. JONES
Manager, Damage Prevention Program Services
E-Mail: dajones@buckeye.com

6161 Hamilton Blvd
Allentown, PA 18106
Phone: (610) 904-4409

November 23, 2022

Ken Servi
Servi Investments
kservi43@gmail.com

RE: CONDITIONAL APPROVAL – Tess Creek Estates
Franklin, WI
BPL ER # 2022-5609

Mr. Servi,

Buckeye has received and reviewed the project plans for the above-referenced project. Upon review it has been determined that Buckeye Partners, L.P. (“Buckeye”) **does have** pipeline facilities in the vicinity of the proposed project area.

Any further correspondence or updated plans relating to this project please reference Buckeye’s **ER # 2022-5609** and can be submitted to myself.

This approval is based on the following documents, correspondences, and drawings:

- Buckeye Partners Right-of-Way Use Restrictions Revision 7.2¹
- Application for the project titled “Tess Creek Estates” submitted via email 6/21/2022 (Application Right-of-Way Use Restrictions Version 7.pdf).
- Sheets C1.0, C1.1, C2.0, C3.0, C4.0, C5.0, C5.1, C5.2, & C5.3 of the plan set for the project titled “Tess Creek Estates” prepared by CJ Engineering and for Servi Investments, latest revision dated 10/18/2022, and submitted via email 10/20/2022 (CJE1931R10-CIVIL SET.pdf).
- Sheet C6.0 of the plan set for the project titled “Tess Creek Estates” prepared by CJ Engineering, latest revision dated 10/18/2022, and submitted via email 10/20/2022 (CJE1931R10-Existing Gas Main Plan and Profile.pdf).
- Easement Exhibit submitted via email 8/16/2022 (CJE1931R9-C3D GAS MAIN EASEMENT EXHIBIT.pdf)

This written approval is contingent on the following conditions and references the above plans:

- All proposed utility crossings shall cross a minimum of 2’ below Buckeye’s pipeline as shown on the plans with the exception of the proposed 24” storm sewer crossing that will cross 4.3’ above Buckeye’s pipeline.
- The proposed storm sewer crossing shall cross the entire width of Buckeye’s easement with the outfall on the north side of the easement.

¹The implementation of these plans is subject to Buckeye Partners, L.P.’s most recent Right-of-Way Use Restrictions Specification revision in effect at the time of construction.

- The grade changes above Buckeye's pipeline shall match the proposed grade on the plans with a maximum cover of 7.6' over Buckeye's pipeline as shown on sheet C6.0.
- The proposed driveways shall have provide the following cover over Buckeye's pipeline:
 - 7.3' at Lot 13 driveway
 - 6.0' at Lot 14 driveway
 - 5.9' at Lot 15 driveway
- The proposed Tess Creek Street shall be constructed as shown on the plans with the cul-de-sac providing a minimum 48" of cover with a net cover of 36" of undisturbed soil over Buckeye's pipeline. The road shall consist of 8" TB, 4" bituminous concrete base course, and 2" bituminous concrete surface course.
- The proposed sidewalk shall be on the south side of Tess Creek Street and not within Buckeye's easement.
- The proposed houses shall be outside of Buckeye's easement.
- Buckeye's pipeline easement shall be amended to be 63' wide as shown in the easement exhibit provided.
- Any damage done to Buckeye's assets shall be repaired at the contractor's expense.
- During construction, a copy of this letter shall be kept on site.
- During construction, a Buckeye representative may halt the construction, or any associated activity should he/she judge that anyone is operating in an unsafe manner or in a way that jeopardizes the integrity of Buckeye's pipeline until an agreeable solution is reached between all involved parties.
- An easement amendment agreed upon between both parties. Please coordinate this amendment through Jana Olthoff (JOlthoff@buckeye.com; cell: 219-741-0201)
- A signed encroachment agreement between both parties. Please coordinate this agreement through Jana Olthoff (JOlthoff@buckeye.com; cell: 219-741-0201)
- **NO WORK SHALL TAKE PLACE WITHOUT A BUCKEYE ON-SITE FIELD MEMBER PRESENT.**
- This process can be coordinated through your state 811 process.

Please note that any changes made to the aforementioned documents and/or construction plans will require additional written approvals from Buckeye. If construction of the aforementioned project does not commence within three calendar years of the issued approval letter date, the Crossing Party shall submit a new application and resubmission fee. Buckeye shall have the right to reconsider the conditions and privileges granted, and have full right to consider current policies and procedures at the time of resubmission.

Should the scope of the project extend beyond the currently defined limits, Buckeye's pipeline involvement could become more advanced. In this case or if further correspondence relating to this project is required, please reference Buckeye's **ER # 2022-5609**.

All other work not specifically mentioned within this letter will need to abide by Buckeye Partners most recent Right-of-Way Use Restrictions Specification revision in effect at the time of construction.

When any construction activity is conducted in or around our pipeline right-of-way, Buckeye's On-Site Inspector must be present at all times. **NO WORK SHALL TAKE PLACE WITHOUT A BUCKEYE ON-SITE INSPECTOR PRESENT.** To coordinate this procedure, please place the necessary notification through your state 811 one-call system.

Should you have any questions or need any additional information, please do not hesitate to contact me at (610) 904-4409 or by email at dajones@buckeye.com.

Sincerely,



David Jones
Manager, Damage Prevention
Program Services

CROSSING PARTY

Accepted by (signature):

Print:

Date:

Company/Title



MEMORANDUM

Date: January 30, 2023

SENT VIA EMAIL

To: City of Franklin UDO Update Task Force
Régulo Martínez-Montilva, AICP, Principal Planner
Marion Ecks, AICP, Associate Planner

From: Houseal Lavigne Associates
Jackie Wells, AICP, Practice Lead
Ruben Shell, AICP, Planner II

Re: **Franklin, WI Unified Development Ordinance
Draft Articles 8 - 9 Overview**

The purpose of this memorandum is to provide an overview of the content contained within the draft Article 8 - Subdivision Standards and Article 9 - Administrative Standards and Procedures and portray the substantial changes to those Articles from the current Unified Development Ordinance (UDO). Questions identified by City staff and the project team for discussion by the Task Force are also provided.

ARTICLE 8. SUBDIVISION STANDARDS

Article 8 contains all the UDO provisions that regulate the subdivision of land within the City. The Article includes regulation on a variety of topics; the configuration and orientation of lots, arrangement of streets, required street design and features, easements, water, sewer, and stormwater features, cluster development, building variety standards, and park and recreation land and school site requirements.

Section 15-8-02 Lots includes the standards regarding the configuration and orientation of lots within subdivisions. The City's existing standards, which prohibit flag lots, requiring adequate lot depth to width, and require adequate access from a public street for each lot are retained and revised for clarity.

Section 15-8-03 Street Arrangement includes standards regarding the layout and arrangement of streets. The City's existing standards, which identify the purpose each type of street serves are retained. A new provision is added to require that recreational trails be provided in accordance with the Comprehensive Outdoor Recreation Plan. The standards for alleys are revised to allow the Plan Commission to require alleys in the nonresidential and mixed-use districts and to allow for the provision of alleys in the R-M Multiple-Unit Residence District and R-V - Village Residence Districts and require that alleys be privately maintained.

Section 15-8-03 contains requires certain street elements. The standards are revised as follows:

- Cul-de-sac standards are revised to allow their use for snow storage or stormwater management.
- New standards require that streets be terminated with stubs at subdivision perimeters.
- A new connectivity index is established to limit the number of nodes (intersections and cul-de-sacs) relative to the number of links (road sections between intersections) within a given development.
- Block widths are revised to require shorter blocks in residential, commercial, and mixed-use districts and allow longer blocks in all other districts.
- Street tree standards are revised to require that developers provide compensation to plant street trees and cover the cost of tree replacement over time.

**HOUSEAL LAVIGNE
ASSOCIATES, LLC**

CHICAGO, IL
188 West Randolph Street, Suite 200
Chicago, Illinois 60601
(312) 372-1008

www.hlplanning.com
info@hlplanning.com

- Minimum right-of-way and paving widths for each type of street are revised to comply with Chapter 7 of the City's Comprehensive Master Plan.
- Requirements for features such as ditches, sidewalks, bicycle lanes, curb lawns, and medians/turn lanes, are revised to comply with Chapter 7 of the City's Comprehensive Master Plan.

Next, Section 15-8-05 Easements establishes the City's standards for the provision of easements, while Section 15-8-06 Water, Sewer, and Stormwater establishes the City's standards for the provision of water, sewer, and stormwater facilities. The City's existing standards are retained for both of these sections and revised for clarity.

Section 15-8-08 Cluster Development allows for an increase in density and reduction in the base district's bulk and dimensional standards when natural features such as wetlands, oak Savanna are preserved.

Section 15-9-09 establishes anti-monotony standards that require that dwellings placed on consecutive adjacent lots be varied architecturally from one another.

Section 15-9-10 Park and Recreation Land and School site Dedication requires that minimum quantities of certain types of recreation areas be provided within development, based on standards in the City's Comprehensive Outdoor Recreation Plan. The Section also allows the City to consider public school site dedication in the approval of subdivisions.

Questions For Task Force Discussion

The following issues have been identified for discussion and policy direction as the Task Force considers the draft Article 8.

- Are alleys appropriate in residential districts? In previous discussions, the Task Force discussed allowing alleys so long as they are privately maintained.
- The anti-monotony standards in Section 15-8-09 are designed to promote architectural variety within subdivisions. Are the draft standards appropriate for Franklin?
- The draft of Article 8 contains a connectivity index in Section 15-8-04(H)(5) that limits the number of nodes (like cul-de-sacs) to links. Is this an appropriate control on the number of cul-de-sacs for Franklin?

ARTICLE 9. ADMINISTRATIVE STANDARDS AND PROCEDURES

Article 9 contains all the UDO provisions regarding the City's zoning procedures and processes. The Article begins by describing the roles and responsibilities of the individuals, boards, and commissions involved in zoning procedures and processes. It then establishes the process and approval criteria for all procedures that involve review by City staff, followed by those that involve review by the City's Boards and Commissions.

Section 15-9-01 establishes standards for applicants to file a complete application, regardless of the applicable zoning process. The steps include filing with the Zoning Administrator, a completeness check, and submittal of fees.

Section 15-9-02 Zoning Procedures Responsibilities establishes the role and responsibilities of the Zoning Administrator, Plan Commission, Board of Zoning and Building Appeals, Architectural Review Board, and Historic and Preservation Commission. The City's existing standards are retained and revised for clarity.

Section 15-9-03 Administrative Procedures establishes the City's administrative processes which are approved by City staff. Procedures for zoning compliance permits, which are required for change of use applications or construction of duplex or single-family dwellings, and site plan review, which is required for any new development other than duplex or single-family dwellings. New processes are also established for temporary uses, sign permits, and interpretations, which are approved by staff.

Section 15-9-05 Conditional Uses establishes the process for Conditional Uses, including review and recommendation by the Plan Commission, and action by Common Council. A process is also established to allow the amendment of previously approved Conditional Uses.

Section 15-9-06 Variance establishes the process for Variances. New criteria for the Board of Zoning and Building Appeals to review and approve or deny variances are established to ensure that the Board uses the same standards to evaluate each successive variance application. The existing process for Area Exceptions is removed from the UDO, given its similarity in purpose to the Variance procedure.

Section 15-9-07 establishes procedures and standards for the Plan Commission to review and Common Council to approve of Map Amendments. New criteria are established including the proposal's consistency with the Comprehensive Master Plan. Similarly, Section 15-9-08 establishes procedures for the approval of Text Amendments, and includes new objective standards for Plan Commission and Common Council review.

Section 15-9-10 Appeal contains a new procedure for the Plan Commission to review and consider appeals of administrative interpretations or decisions made by the Zoning Administrator.

Section 15-9-11 Subdivision Procedures includes the City's procedures for the review and approval of subdivision applications, including minor land divisions, which are land divisions resulting in four or fewer parcels, land combinations, which involve the consolidation of parcels, and subdivisions involving the creation of more than four parcels.

Last, Section 15-9-12 Violations, Penalties, and Remedies contains the City's existing standards regarding violations of UDO provisions.

Questions For Task Force Discussion

The following issues have been identified for discussion and policy direction as the Task Force considers the draft Article 9.

- Should the final decision to approve conditional uses be with Common Council or the Plan Commission?
- Land division variances currently exist in 15-9.0310 and appeals exist in 15-9.0311. We've removed these from the draft of Article 9 as the general appeal and variance procedures within the Article should cover the same intent. Are these two processes important to retain in the UDO?
- The existing process for area exceptions is removed, as the process is redundant with the variance process. All exceptions to bulk and dimensional standards should be covered under the variance process. Is the area exception process important to keep as a distinct process?
- The list of authorized variances that applicants can apply for are eliminated. Instead, the new text allows the BZBA to consider any variance on a case-by-case basis. Is this appropriate?
- Minor Land Divisions are proposed to be an administrative approval by staff unless the dedication of easements is required, in which case Common Council approval is required. Is this the appropriate process for Franklin?

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Article 1. General Provisions	Reviewed by Task Force on Sep. 2022
Article 2. Establishment of Districts	"
Article 3. District Specific Standards	"
Article 4. Use-Specific Standards	"
Article 5. General Development Standards	Reviewed by Task Force on Nov. 2022
Article 6. Sign Standards	Reviewed by Task Force on Nov. 2022
Article 7. Natural Resource Standards	Not ready for review
Article 8. Subdivision Standards	FOR REVIEW AT THIS MEETING
Article 9. Administrative Standards and Procedures	FOR REVIEW AT THIS MEETING
Article 10. Planned Unit Development	Not ready for review
Article 11. Nonconforming Structures, Lots, and Uses	"
Article 12. Definitions	"

Article 8. Subdivision Standards

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15-8-03. Street Arrangement	2
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15-8-01. Intent and Purpose

- A. The purpose of this Article is to:
1. Establish reasonable rules and regulations governing the subdivision, development and platting of land, the preparation of plats, the location and extension of streets and highways, the installation of utilities and the provision of necessary public grounds for parks, playgrounds, and public open space,
 2. Conserve, protect, and enhance property and property values;
 3. To secure the most efficient use of land;
 4. Discourage scattered development beyond existing public utilities and to facilitate the adequate provision of public improvements;
 5. To ensure the provision of sufficient utilities with new development;
 6. Limit and control the pollution of the environment that can be caused by inadequate or incomplete development;
 7. Provide common grounds of understanding and a sound working relationship between the City and the subdivider;
 8. Implement the goals and objectives of the Comprehensive Plan;
 9. Prescribe reasonable rules and regulations governing the subdivision and platting of land; the preparation of plats;

15-8-02. Lots

- A. **Size, Shape, and Orientation.** The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated as determined by the Plan Commission.
- B. **Lot Lines.** Lot lines shall follow municipal boundary lines rather than cross them.

- C. **Double Frontage Lots.** Double frontage and reverse frontage lots shall be prohibited except where necessary to provide separation of development from through traffic or to overcome specific disadvantages of topography and orientation, as determined by the Plan Commission.
- D. **Access.** Each lot shall front or abut a public street where possible. In the event any parcel does not front on a public street, due to the street's right-of-way width or other site conditions, a dedicated right-of-way providing access to the parcel from a public street, with a minimum width of thirty (30) feet, shall be provided.
- E. **Area and Dimensional Requirements of Lots.** Lot area and width shall conform to the requirements of this UDO for land under the jurisdiction of the City of Franklin. Building sites not served by a public sanitary sewage system or other approved system shall be of sufficient area to permit the use of an on-site soil absorption sewage disposal system designed in accordance with **Chapters ILHR 83 and 85** of the Wisconsin Administrative Code as amended and Section 190-22 of the City of Franklin Municipal Code.
- F. **Lot Depth to Width.** Lots with a lot depth to width ratio greater than two (2) to one (1) are prohibited, except for the creation of outlots as approved by the Zoning Administrator.
- G. **Corner Lots.** Corner lots shall a minimum depth not less than ninety (90) percent of the minimum required lot width.
- H. **Plats Abutting a Lake or Stream.** In any plat abutting a lake or stream, lands lying between the meander line and the water's edge and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots, or public dedications.
- I. **Land Remnants.** All land remnants below the minimum lot size shall be platted as "Outlots" which may be combined with adjacent parcels in the future.
- J. **Large Lots.** Where lots are created of a size larger than the minimum lot size required by the underlying zoning district, the Plan Commission shall require that the plat be designed as to allow for the future resubdivision of such lots into sizes compliant with the underlying zoning district.
- K. **Flag Lots Prohibited.** Flag-shaped lots, or lots not meeting the minimum lot width requirements of this Ordinance or where access to a public street right-of-way to such lots is by a narrow strip of land, shall not be permitted.

15-8-03. Street Arrangement

- A. **Street Layout to Conform to Official Map and/or Adopted Plans.** In any new subdivision, certified survey map, or condominium the street layout shall generally conform to the arrangement, width, and location indicated on the official map, County jurisdictional highway system plan, County Development Plan, City of Franklin Comprehensive Master Plan or plan component, detailed planning district plan, or detailed neighborhood development plan of the City.
- B. **Street Layout in Areas With No Official Map or Adopted Plans.** In areas for which such plans as enumerated in **Paragraph A** above have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas.
 - 1. **Arterial Streets.** Arterial streets shall be arranged to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.
 - 2. **Collector Streets.** Collector streets shall be arranged to provide ready collection of traffic from residential areas and conveyance of this traffic to the arterial street, major street, and highway system and shall be properly related to the mass transportation system, to special traffic generators such as schools, churches, or shopping centers, business

parks, and other concentrations of population or employment and to the arterial and/or major streets to which they connect. Where neighborhoods and/or commercial activity/employment centers abut along arterial streets or highways, collector streets shall be planned to align to provide secondary interconnections between abutting neighborhoods or between abutting commercial activity/employment centers.

3. **Minor Streets.** Minor streets shall be arranged to conform to the topography, to discourage use by through traffic to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.
4. **Recreational Trails.** Any recreational trail identified in the City of Franklin Comprehensive Outdoor Recreation Plan shall be provided in the subdivision in accordance with the plan.
5. **Proposed Streets.** Proposed streets shall extend to the boundary lines of the tract being subdivided or developed as a Condominium unless prevented by topography or other physical conditions or unless, in the opinion of the Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision or Condominium or for the advantageous development of the adjacent tracts.
6. **Arterial Street and Highway Protection.** Whenever a proposed Certified Survey Map or subdivision contains or is adjacent to an arterial street or highway, for adequate protection of residential properties, the limitation of access and separation of through and local traffic shall be provided by reversed frontage, with screen planting contained in a nonaccess reservation along the rear property line, or by the use of frontage streets.
7. **Stream or Lake Shores.** Stream or lake shores shall have a minimum of sixty (60) feet of public access platted to the low water mark at intervals of not more than one-half (1/2) mile as required by [§ 236.16\(3\) of the Wisconsin Statutes](#).
8. **Reserve Strips.** Reserve strips, which intentionally prevent access to a public street from an abutting property, shall not be provided on any plat or Condominium to control access to streets or alleys, except where control of such strips is placed with the City under conditions approved by the Plan Commission.
9. **Alleys.**
 - a. **Commercial, Mixed-Use, and Industrial Districts.** Alleys may be provided in the commercial and mixed-use, B-P Business Park, and LI - Limited Industrial Districts for off-street loading and service access and may be required by the Plan Commission.
 - b. **Residential Districts.** Alleys may be provided in the R-M Multiple-Unit Residence District and R-V – Village Residence Districts but shall not be approved in other residential districts. New dead-end alleys shall not be approved by the Plan Commission.
 - c. **Thoroughfare Connection Prohibited.** Alleys shall not connect to a major thoroughfare, including an arterial or collector street.
 - d. **Private Maintenance Required.** All newly-constructed alleys shall be privately maintained.
- C. **Street Names.** Street names shall not duplicate or be similar to existing street names elsewhere in southern Milwaukee County, and existing street names shall be projected wherever possible. "Court" may be used in a street name only for cul-de-sac streets. The naming of streets shall be coordinated with the City Engineer.

15-8-04. Street Design and Improvements

A. Cul-de-Sac Streets.

1. **Length.** Cul-de-sac streets designed to have one end permanently closed shall not exceed three-hundred (300) feet in length.

2. **Adequate Turn-Around Required.** Cul-de-sac streets shall terminate in a circular turn-around having a minimum radius of
 - a. Sixty (60) feet from the center of the island to the edge of right-of-way and
 - b. Forty-five (45) feet from the center of the island to the outside curb.
3. **Islands.** Islands in the center of cul-de-sacs with a minimum radius of twenty (20) feet shall be required. Where approved by the City Engineer, cul-de-sac islands may be designed with a vegetated snow storage area or stormwater management area. Curbing may be varied as required to accommodate snow plowing or stormwater inflow per the approved design.

B. Street Stubs.

1. In new developments, the subdivider shall terminate streets as stubs at the outer perimeter boundaries of the development based on the criteria of this section. If the street in question meets at least two (2) of the criteria, then the street must be built to an appropriate collector street standard:
 - a. The street intersects directly with any street designated as an arterial street and provides access to an area with an overall density of ten (10) dwelling units per acre or provides access to more than one hundred fifty (150) dwelling units.
 - b. The street by its general configuration, in relationship to the existing development of the area, serves any collector function.
 - c. The street extends into an undeveloped area in such a manner as to serve any future collector function.
 - d. The street serves as the primary access to a significant nonresidential, institutional, or recreational land as well as an access to a residential area of twenty (20) or more acres.
2. Street stubs shall be clearly demarcated and identified for future street extension by street signage.
3. All street stubs shall terminate with a turn-around for vehicles.
4. All stub streets shall conform to the City's adopted version of the International Fire Code.

C. Roadway Elevations. Elevations of roadways passing through floodplain areas shall be designed in the following manner:

1. Freeways and arterial streets and highways shall be designed so they will not be overtopped by the one-hundred-year recurrence interval flood.
2. Collector and local minor land access streets shall be designed so they will not be overtopped by the ten-year recurrence interval flood.

D. Street Grades.

1. Street grades shall be established wherever practicable to avoid excessive grading, the indiscriminate removal of ground cover and tree growth, and general leveling of the topography.
2. All changes in street grades shall be connected by vertical curves as approved by the City Engineer. Vertical curves for arterial street shall have a minimum length equivalent in feet of three (3) times the design speed of the street in miles per hour.
3. **Minimum Grade.** The minimum centerline grade of any street or public way shall be one-half (0.5) percent unless a flatter grade is approved by the City Engineer.

4. **Maximum Grade.** Unless necessitated by exceptional topography and subject to the approval of the City Engineer, the maximum centerline grade of any street or public way shall not exceed the following:
 - a. **Arterial Streets:** Five (5) percent.
 - b. **Collector Streets:** Six (6) percent.
 - c. **Minor Streets, Alleys, and Frontage Streets:** Six (6) percent.
 - d. **Pedestrian Ways:** Eight (8) percent and meeting all applicable "American with Disabilities Act (ADA) Accessibility Guidelines."

E. Radii of Curvature.

1. When a continuous street centerline deflects at any one point by more than ten (10) degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following unless approved by the City Engineer:
 - a. **Arterial Streets and Highways:** Five-hundred (500) feet.
 - b. **Collector Streets:** Three-hundred (300) feet.
 - c. **Minor Streets:** Two-hundred (200) feet.
 - d. **Rural and Suburban Streets:** May be less than two-hundred (200) feet only in areas where natural resource features are to be preserved as determined by the Plan Commission.
2. A tangent at least one-hundred (100) feet in length shall be provided between reverse curves on arterial and collector streets.

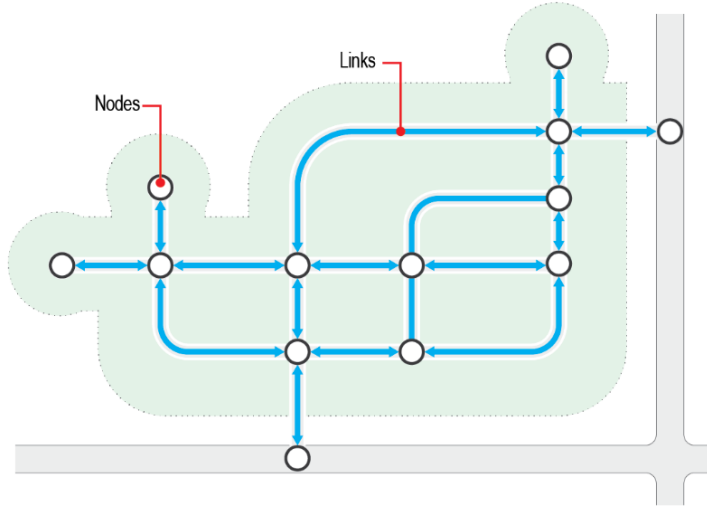
- F. Half-Streets.** Where an existing dedicated or platted half-street is adjacent to the tract being subdivided by either a subdivision plat or certified survey map, the other half of the street shall be dedicated by the subdivider. The platting of new half-streets shall not be permitted.

- G. Excessive Street Right-of-Way Length to Serve Subdivision to be Avoided.** The use of excessive street right-of-way length, as determined by the City Planner and/or City Engineer, to serve a subdivision shall be avoided.

H. Street Intersections and Connectivity.

1. **Right Angles Required.** Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.
2. **Maximum Number of Streets Converging at Single Intersection.** With the exception of roundabout intersections approved by the City Engineer, the number of streets converging at one conventional intersection shall be two (2).
3. **Distance Between Intersections Along Arterial Streets and Highways.** The distance between street intersections along an arterial street or highway shall be at least one-thousand two-hundred (1,200) feet.
4. **Alignment of Minor Streets Required.** Local streets crossing any collector or arterial street shall align with each other. Minor streets that cross a collector or arterial street and whose center lines are less than two-hundred-fifty (250) feet apart, measured along the centerline of the arterial or collector street, shall be prohibited.

5. **Connectivity Index.** A connectivity index shall be used to determine the adequacy of street layout design. A connectivity index is calculated as the ratio of the number of street links (road sections between intersections) in the subdivision street layout divided by the number of street nodes (intersections and cul-de-sac heads). Streets within a subdivision shall have a minimum connectivity index measurement of one and four-tenths (1.4).



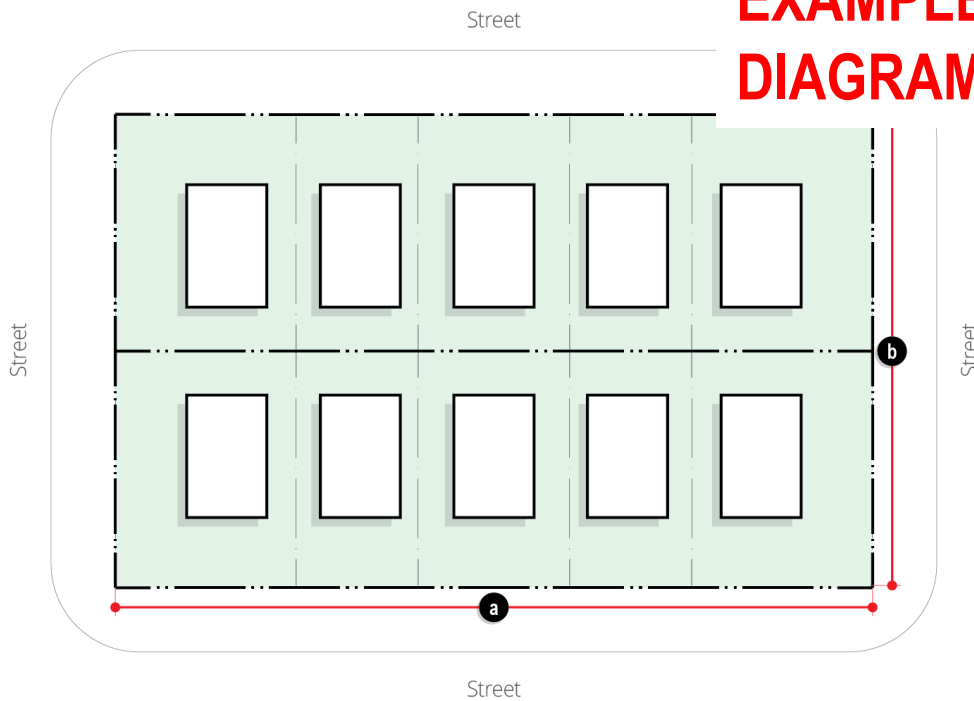
Connectivity Index Calculation

Links = 17
Nodes = 13
Connectivity Index = $17 / 13 = 1.3$

**EXAMPLE
DIAGRAM ONLY**

- I. **Blocks.** The widths, lengths, and shapes of blocks that are created shall be suited to the planned use of the land, zoning requirements, overall residential density, the need for convenient access, control and safety of street traffic, and the limitations and opportunities of topography. In addition:
 1. **Maximum Block Length.** The length of blocks shall be limited as follows unless exceptional topography natural resource features, request of the Plan Commission, or other factors necessitate an alternative design.
 - a. **Residential, Commercial and Mixed-Use Districts.** In residential, commercial, and mixed use districts, blocks shall not, exceed eight-hundred (800) feet in length.
 - b. **All Other Districts.** In all other districts, blocks shall not exceed one-thousand five-hundred (1,500) feet in length.
 2. **Block Width.** The width of blocks shall be wide enough to provide for two (2) tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or laid out for commercial or industrial uses shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.

**EXAMPLE
DIAGRAM ONLY**



3. **Mid-Block Utility Easements Required.** Utility easements for electric power and telephone service shall, where practical, be placed on mid-block easements along rear lot lines, unless the protection of natural resources require placement elsewhere. When natural resources to be protected are present, all utility easements shall be shown on the final plat, certified survey map, or condominium plat prior to approval by the City.

I. **General Improvement Requirements.**

1. **Payment For Improvements.**

- a. The improvements prescribed in this Ordinance are required as a condition of approval of a subdivision.
- b. The required improvements described in this Ordinance shall be installed, furnished, and financed at the sole expense of the developer. However, in the case of required improvements in a commercial, industrial, or other nonresidential area, the cost of such improvements, at the sole discretion of the Common Council, may be financed through special assessments.

- c. A contract, or "Development Agreement," with the developer as specified under § 15-2.0303 of this Ordinance shall be required. Financial sureties described in § 15-2.0303 of this Ordinance shall be required.

2. **General Standards.**

- a. The required improvements set forth in this Ordinance shall be installed in accordance with the City Engineer's "City of Franklin Design Standards and Construction Specifications." Where the City has no prescribed standards and specifications, the improvements shall be made in accordance with good engineering practices, approved prior to the commencement of construction by the City Engineer.
- b. Any and all improvements or utility services required by this Ordinance, shall be extended to the limits of the parcel or lot upon which a building permit is requested unless exempted by the Plan Commission. Monuments shall be installed at all lot corners no later than upon completion of final utility installation.
- c. In the event the improvements are required to the end of the parcel or lot, the owner, Subdivider, or Condominium Developer shall be required to post financial sureties with the City pursuant to § 15-2.0303 of this Ordinance if improvements are not made.

3. **Survey Monuments.** The Subdivider shall install survey monuments placed in accordance with the requirements of Chapter 236.15 of the Wisconsin Statutes. Monuments shall be installed at all lot corners no later than upon completion of final utility installation and as may be required by the City Engineer.

4. **Grading.**

- a. **Right-of-Way and Roadbed Grading.** After the installation of temporary block corner monuments and establishment of street grades, the Subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated. The Subdivider shall grade the roadbeds in the street rights-of-way to subgrade.
- b. **Grading of Cut and Filled Lands.** Cut and filled lands shall be graded to a maximum slope of one to four, or the soil's angle of repose, whichever is less, and covered with permanent vegetation.
- c. **Preservation of Septic Field Areas During Grading.** During grading operations, every effort shall be made by the Subdivider or Condominium Developer to preserve and protect any active or planned septic field areas from damage.

5. **Surfacing.** Unless superseded by a developer's agreement, the Subdivider shall complete the base and binder courses of street paving prior to issuance of building permits for structures within the subdivision after the installation of all required utility and stormwater drainage improvements. The final surface course shall be placed no earlier than at ninety (90) percent completion of the subdivision or when required by law, whichever is earlier.

6. **Curb and Gutter.** In all subdivisions, certified survey maps, and condominiums the subdivider shall construct concrete curbs and gutters except where an alternative street edge is incorporated as part of an approved stormwater management plan. Where possible, provision shall be made at the time of construction for driveway access curb cuts.

7. **Traffic Control and Street Name Signs.** The developer shall pay all costs associated with the City's installation of traffic control and street name signs along all streets proposed to be dedicated to the public. Traffic control and street name signs shall meet the following standards:

- a. **Traffic Control Signs.** The design and placement of traffic control signs shall follow state and local regulations or the requirements specified in the most current edition of the Wisconsin Manual on Uniform Traffic Control Devices for Streets and Highways published by the Wisconsin Department of Transportation and the Federal Highway Administration.
- b. **Street Name Signs.** The Developer shall install at least two (2) street name signs, of a design and color as approved by the City, at each street intersection proposed to be dedicated and one at each "T" intersection. Signs shall be installed to be free of visual obstructions.

8. **Sidewalks.** Sidewalks shall be a minimum of five (5) feet in width.
9. **Bicycle Lanes.** Bicycle lanes shall be at least six (6) feet in width.
10. **Street Trees.**
 - a. **Compensation Required.** The developer will provide compensation to plant street trees in the form of a letter of credit or escrow as established in a fee schedule as established by Common Council. In addition, an amount equivalent to ten (10) percent of the fee for required trees shall be provided in a letter of credit or escrow for a minimum period of three (3) years to ensure that any failed trees are replaced.
 - b. **Waiver.** In the event an applicant or property owner requests specific accommodation or modification pursuant to the City planting of street trees in accordance with this section, the City Forester may in his/her sole discretion vary the planting plan, provided the overall number of required trees is planted within the perimeter of the development and provided the accommodation or modification does not adversely affect safety, aesthetic, drainage, or environmental conditions in the vicinity of the site.
11. **Street Lights.** The developer shall pay all costs associated with the installation of streetlights. Wisconsin Electric Power Company system leased lights shall be installed at all intersections and other critical locations within residential developments as determined by the City Engineer. Other nonresidential locations shall be served by a dedicated lighting system to be owned and maintained by the City unless otherwise superseded by an agreement with the Common Council.

J. **Street Design Requirements.**

1. **Right-of-Way and Paving Widths.** The minimum right-of-way and paving widths of proposed streets shall be as detailed in **Table ##-##-##**.

Table 15-8-04(J)(1) Minimum Paving and Right-of-Way Widths		
Type of Street	Minimum Paving Width (Feet)	Minimum Right-of-Way Widths (Feet)
<i>Freeway or Expressway</i>	As required by WisDOT	
<i>Major Urban Arterial</i>	36 - Dual	130
<i>Major Rural Arterial</i>	24 - Dual	130
<i>Minor Urban Arterial</i>	30 - Dual	130
<i>Minor Rural Arterial</i>	24 - Dual	130
<i>Urban Collector Street</i>	36	80
<i>Rural Collector Street</i>	24	80
<i>Minor Street (High Volume)</i>	24	66
<i>Minor Street (Typical)</i>	28	60
<i>Minor Street (Difficult Terrain)</i>	20	50
Notes		
<i>The paving widths shall include required bicycle lanes.</i>		

2. **Required Design Elements.** Required street design elements shall be as established per street type in [Table ##-##](#). The dimensions and placement of street design elements required in [Table ##-#-##](#) shall comply with the requirements of the City of Franklin Comprehensive Master Plan as adopted.
 - a. A “●” indicates an element that is required on both sides of a given street.
 - b. A “■” indicates an element that is required on one side of a given street.
 - c. A “◆” indicates an element that is required.
 - d. A “▲” indicates an element that is required at the discretion of the City.

Table 15-8-04(J)(2) Required Street Design Elements					
Type of Street	Required Street Design Element				
	Ditch	Sidewalk	Bicycle Lane	Curb Lawn	Median/Turn Lane
<i>Freeway or Expressway</i>	As required by the WisDOT				
<i>Major Urban Arterial</i>		●		●	▲
<i>Major Rural Arterial</i>	●				▲
<i>Minor Urban Arterial</i>		●	●	●	▲
<i>Minor Rural Arterial</i>	●				▲
<i>Urban Collector Street</i>		●	●	●	
<i>Rural Collector Street</i>	●				
<i>Minor Street (High Volume)</i>		●	●	●	
<i>Minor Street (Typical)</i>		●	●	●	
<i>Minor Street (Difficult Terrain)</i>				●	

- K. **Rural Street.** When permanent rural street sections have been approved by the Common Council in areas not located within the urban service boundaries of the City of Franklin, the Subdivider shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the City, including the City of Franklin Design Standards and Construction Specifications" and as set forth in [Table 15-5.0103](#) of this Ordinance.

15-8-05. Easements

- A. **Natural Resource Features Protection/Mitigation, Conservation, Landscape Buffer yard, and Utility Easements Required.** The Plan Commission shall require natural resource features protection/mitigation, conservation, landscape bufferyard, and/or utility easements of widths deemed adequate for the intended purpose on each side of all rear lot lines and on side lot lines or across lots where necessary or advisable for natural resource feature protection, landscape bufferyards (see [Division 15-5.0300](#) of this Ordinance), electric power and communication lines, wires, conduits, stormwater management systems, storm and sanitary sewers, and gas, water, and other utility lines.
- B. **Site, Subdivision, Certified Survey Map, or Condominium Plat Traversed by Watercourse, Drainageway Channel, or Stream.** Where a site, subdivision, certified survey map, or condominium plat is traversed by a watercourse, drainageway channel, or stream, an adequate drainageway or easement shall be provided as may be required by the City Engineer. The location, width, alignment, and improvement of such drainageway or easement shall be subject to the approval of the Plan Commission, and parallel streets or parkways may be required in connection therewith. Where necessary, stormwater drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. These design details are subject to review and approval by the City Engineer.
- C. **Minimum Width Required for All Utility Easements.** All public utility easements shall be a minimum of twenty (20) feet in width or wider where required by the City Engineer.

15-8-06. Water, Sewer, and Stormwater

- A. When public sanitary sewer facilities are available to the subdivision plat, certified survey map or condominium, the Subdivider or Condominium Developer shall construct sanitary sewer facilities in such a manner as to make adequate sanitary sewer service available to each lot within the subdivision or certified survey map or dwelling unit within a condominium. In addition:
1. **Extent of Required Installation of Lateral Sewer Lines.** The Plan Commission shall require the installation of sewer laterals to the street lot line.
 2. **Costs Associated with Sanitary Sewers Eight Inches or Less in Diameter.** The developer shall assume the cost of installing all sanitary sewers that are eight inches in diameter or less.
 3. **Costs Associated with Sanitary Sewers Larger than Eight Inch in Diameter.** If larger than eight (8) inch diameter sanitary sewers are required, the costs of such larger sewers shall be prorated in proportion to the ratio which the total sewage of the proposed subdivision, Certified Survey Map, or Condominium is to the total sewage capacity to be served by such larger sewer and the excess cost shall be either borne by the City of Franklin or assessed against the total tributary sewer area.
- B. **Wastewater Holding Tanks.** Where public sanitary sewer facilities are not available in the Commercial and Mixed-Use, Industrial and Agricultural, and Miscellaneous zoning districts only, the Plan Commission or Common Council may require the developer to construct either individual or common wastewater holding facilities sufficiently sized and placed to accommodate the proposed development. The individual or common wastewater holding facilities shall be constructed pursuant to all applicable State, County, and local regulations as amended and in such a manner to make available wastewater holding facilities to the proposed development.
- C. **Stormwater Management Facilities.** The developer shall construct stormwater management facilities adequate to serve the proposed development. These facilities may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, open channels, water retention and detention structures, infiltration/biofiltration basins, and other green infrastructure. All such facilities shall be of adequate size and grade to hydraulically accommodate the design volumes of flow and shall be so designed as to prevent and control soil erosion and sedimentation and to present no hazards to life or property. All stormwater management facilities shall be constructed in accordance with the provisions of the City of Franklin Stormwater Management Ordinance. In addition:
1. **Detailed Site-Specific Stormwater Management Plan Required.** A detailed stormwater management plan consistent with the requirements of §15-8.0609, Storm Water Management Plan, shall be submitted.
 - a. The design criteria, the size, type, grades, and installation of all stormwater management measures shall be in accordance with the plans and standard specifications, including the City of Franklin Design Standards and Construction Specifications.
 2. **Storm Sewers.** The developer shall assume the cost of installing all required storm sewers within the proposed development.
 3. **Cost Responsibility.** Subdivider shall be responsible for all City costs to review the stormwater management plan.
- D. **Water Supply Facilities.**
1. **Adequate Public Water Supply Facilities to be Made Available.** When public water supply and distribution facilities are available to the subdivision plat, certified survey map, or condominium or when it is proposed to establish a private water supply and distribution system to serve two (2) or more lots or dwelling units, the Subdivider or Condominium Developer shall cause such public water supply and distribution facilities to be installed in such a manner as to make adequate water service available to each lot within the Subdivision or Certified Survey Map or to each Condominium dwelling unit. Said water supply facilities shall be made available pursuant to City of Franklin Water Utility extension rules and policies.

2. **Additional Water Supply Facilities Requirements.** When a public water supply is not available, the Common Council may allow the subdivider of a subdivision or certified survey map or condominium developer to make provision for adequate private water systems as required by the City in accordance with the standards of the State of Wisconsin. In addition:
 - a. **Water Laterals to Street Lot Line.** The installation of water laterals to the street lot line are required.
 - b. **Size, Type, and Installation of Public and Private Water Mains.** The size, type, and installation of all public and private water mains proposed to be constructed shall be in accordance with plans and standard specifications, including the City of Franklin's public water supply comprehensive system plan and the City of Franklin Design Standards and Construction Specifications.
 - c. **Costs of Installing Water Mains, Water Laterals, Water System Appurtenances or Wells.** The Subdivider or Condominium Developer shall assume the cost of installing all water mains, water laterals, water system appurtenances or wells within the proposed subdivision, Certified Survey Map or Condominium except for the added cost of installing public water mains greater than eight inches in diameter pursuant to City of Franklin Water Utility extension policies. The cost of such larger water mains or other water system-related facilities shall be pursuant to City of Franklin Water Utility extension rules and policies.
 - d. **Installation of Water Main.** The Subdivider or Condominium Developer shall install water mains in accordance with this Ordinance and specifications of the City, including the City of Franklin Design Standards and Construction Specifications. For all residential development (except Certified Survey Maps abutting existing public street rights-of-way), all water mains shall be extended to the farthest property line of any property served which shall include the full property frontage along a public street right-of-way.
- E. **Other Utilities.** The Subdivider or Condominium Developer shall cause appropriate utilities such as gas, electrical power, cable television, and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision or Certified Survey Map and to each dwelling unit in a Condominium. No such electrical, cable television, or telephone service shall be located on overhead poles. In addition, plans indicating the proposed location of all gas, electrical power and telephone, and distribution and transmission lines required to service the subdivision, certified survey map, or condominium shall be approved by the City.

15-8-07. Soil Erosion and Sediment Control

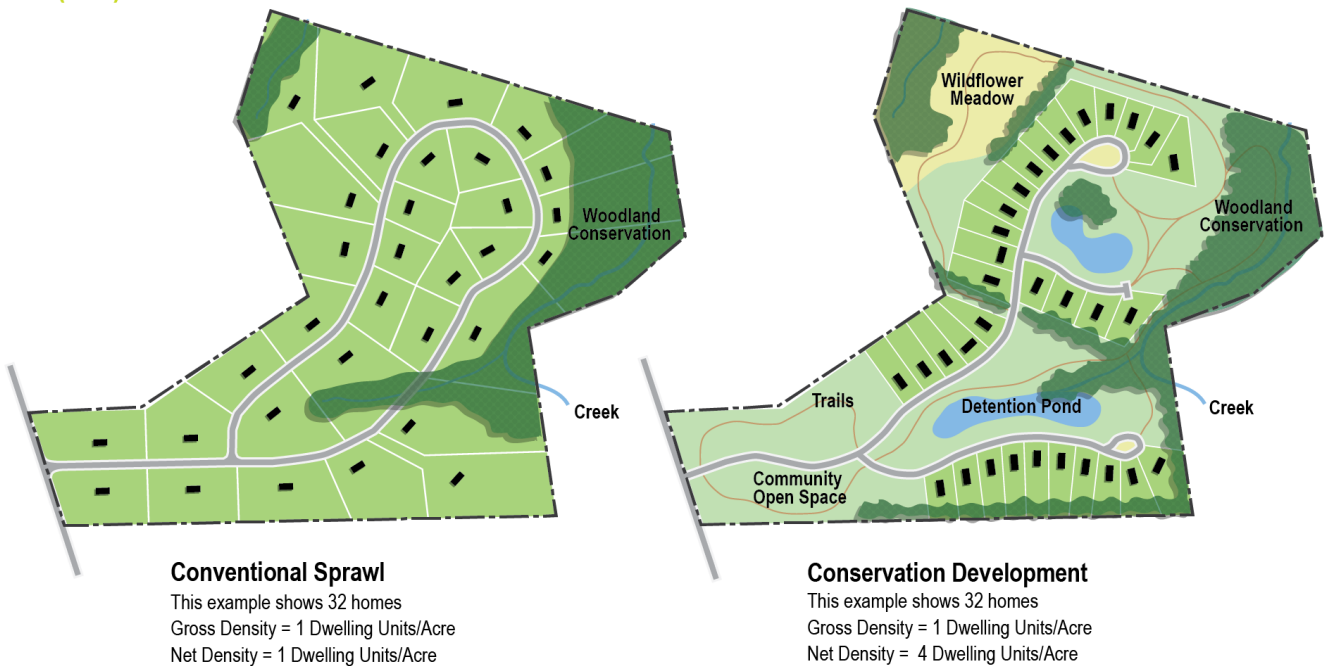
- A. The provisions of §15-8.0118 shall apply to all subdivisions.

15-8-08. Cluster Development

- A. Cluster development is allowed in residential subdivisions in the R-C, R-SE, and R-SR Districts to encourage and accommodate in a unified project, creative and imaginative approaches to development that preserve sensitive natural areas.
- B. **Resources to be Conserved.** To qualify for cluster development any land located in a special flood hazard area, as determined by the Federal Emergency Management Agency, shall be placed in a conservation easement.
- C. **Maximum Density per Acre.** The gross density of a cluster development shall not exceed the maximum dwelling units per acre detailed in Table ##-#-##.

Table 15-8-08(C) Maximum Density per Acre	
District	Maximum Density
R-C	4.35 dwelling units/acre
R-SE	2.42 dwelling units/acre
R-SR	4.35 dwelling units/acre

- D. **Maximum Dimensional Standards Reduction.** The dimensional standards established in **Table ##-##-##** may be reduced by thirty (30) percent or by the cumulative total land area to be placed in a conservation easement, whichever is less.
- E. **Density Bonus.** The maximum gross density per acre, per district, may be exceeded by a maximum of thirty (30) percent if a minimum of one (1) of the following sensitive natural areas are placed in a conservation easement. The maximum allowed density bonus shall be as determined by the Common Council and shall be directly tied to the amount of land area placed in a conservation easement.
1. Wetlands,
 2. Oak Savanna landscapes,
 3. Mature tree stands,
 4. Prime farmland,
 5. Critical habitat, and/or
 6. Other as approved by the Zoning Administrator.



EXAMPLE DIAGRAM ONLY

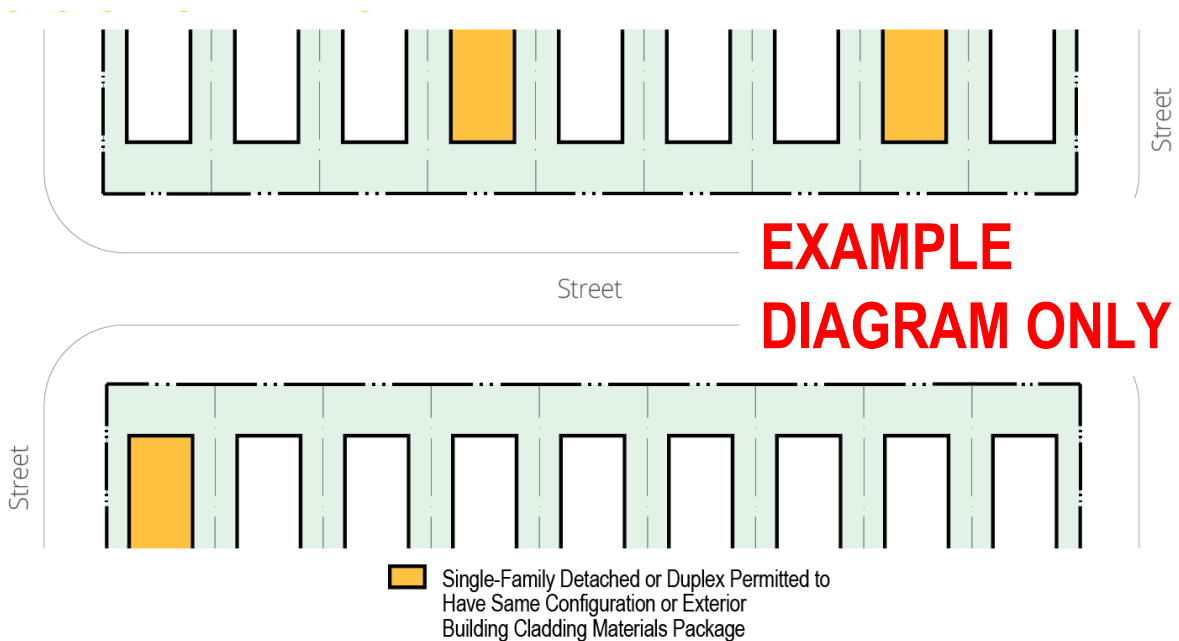
15-8-09. Anti-Monotony Standards

A. Building Variety Standards.

1. No new single-family or duplex dwelling units shall be similar in appearance to any other single-family detached or duplex dwelling units within three (3) units on either side of the subject property or on any of the five (5) units across the street from the subject property.
2. On cul-de-sac turnarounds, no single-family or duplex dwelling shall be similar in appearance to another dwelling fronting on the turnaround.

B. Similarity Standards. Any two (2) dwelling units shall be considered similar in appearance if they are identical or nearly identical to one another in any three (3) of the following characteristics:

1. Roof type (gable, hip, mansard, gambrel, flat, combination);
2. Roof height;
3. Approximate dimensions (height and length) of the front wall closest to the front lot line;
4. Shape of the front elevation silhouette;
5. Relative location and size of windows on the front elevation;
6. Relative location and dimensions of garage door(s), if included on the front elevation; and
7. Type(s) of exterior building cladding materials on the front elevation.



15-8-10. Park and Recreation Land and School Site Dedication

As a condition of approval of a final plat of a subdivision, the developer shall dedicate land for park and recreational purposes and for school sites to serve the needs of residents of the development, or a cash contribution in lieu of the land dedication, or a combination of both, at the discretion of the City, in accordance with the criteria and formula below.

A. Criteria For Requiring Park and Recreation Land Dedication.

1. **Requirements and Population Ratio.** The quantity of land required for park dedication shall result directly from the total population of the proposed development. The total requirement shall be ten and one-fifth (10.2) acres of land per one thousand (1,000) residents. The required ten and one-fifth (10.2) acres shall be allocated into different types of recreation areas as shown in **Table ##-#-##**, or as may be required by Common Council at its discretion.

Table 15-8-10(A) Parkland Dedication Requirements		
Type of Recreation Area	Size Range	Minimum Acres Per 1,000 People
Mini-Level Public Outdoor Recreation Land	Less than 5 acres	1
Neighborhood Playground	Minimum 8 acres	1.7
Neighborhood Level Public Outdoor Recreation Land	5-25 acres	
Community Playfields	12-20 acres	2.2
Community Level Public Outdoor Recreation Land	25-99 acres	
Regional and Multi-Community Level Public Outdoor Recreation Land	250 acres or greater	5.3
Total		10.2

- B. **Public School Site Dedication.** To properly locate and preserve sites for public schools as the City develops on the basis of the additional need created by the individual certified survey map, subdivision plat, or condominium, the following provisions are established:

1. **Reservation of Potential Future School Sites.**

- a. In designing the certified survey map, subdivision plat, or condominium, consideration shall be given to the adequate provision of, and correlation with, public school sites.
- b. When a certified survey map, subdivision plat, or condominium, is filed with the City for approval, the Zoning Administrator shall notify Franklin Public Schools and when it is determined by the School Board of Franklin Public Schools that a portion of the certified Survey Map, subdivision plat, or condominium, is required for such future school sites, or that the Plan Commission determines that a portion of the certified survey map, subdivision plat, or condominium, is so required under the City of Franklin Comprehensive Master Plan, the Subdivider or Condominium Developer (as applicable) may be required to reserve such area for not more than five years, during which Franklin Public Schools, through the City, shall either acquire the property or release the reservation. If the parties are unable to agree on an acquisition price, either party may commence an action for declaratory judgment to determine the fair market value of such property and to compel conveyance accordingly; the filing of such action shall toll the expiration of the five (5) year time period.

2. **Dedication of Land.**

- a. Where land has been required to be reserved pursuant to **§ 15-5.0111(A)** above, or when the subdivider or developer (as applicable) owns other land that has been determined by the Plan Commission and Franklin Public Schools to be acceptable for school site purposes, the subdivider or condominium developer (as applicable) may be required to dedicate such land.
- b. The representative cash value of the land to be dedicated shall be determined by the City and subdivider or Condominium Developer (as applicable) on the basis of full and fair market value of the land to be dedicated. If the value of such land cannot be determined satisfactorily by the City and the subdivider or condominium

- developer (as applicable), an appraisal board consisting of one appraiser selected by the City at its own expense, one selected by the subdivider or condominium developer (as applicable) at his own expense, and a third selected by the other two appraisers at City expense, shall determine the value upon a consensus of a majority of the Plan Commission. If a majority determination is not made by the appraisal board within forty-five (45) days of the date of selection of the third appraiser, the average of the three appraisals shall be the value.
- c. The determination as to the feasibility of dedication shall be made by the Plan Commission.

Article 9. Administrative Standards and Procedures

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15-9-01. General Application Requirements

A. Authorization.

1. An application for any zoning procedure, except for amendments, may be filed only by the owner or lessee of the property, or by an agent or contract purchaser specifically authorized by the owner to file such application.
2. An application for an amendment may be filed by an owner, lessee, agent or contract purchaser of property located in the City or by Common Council, Plan Commission, or the Zoning Administrator.

B. Filing.

1. An application for any zoning procedure shall be filed with the Zoning Administrator.
2. The application shall be on forms provided by the City and shall be filed in such number as the instructions provide.
3. All plans shall be at a scale sufficient to permit a clear and precise understanding of the proposal.
4. The application shall include all information, plans, and data, specified in the application requirements manual.

C. Completeness.

1. The Zoning Administrator shall determine whether the application is complete.
2. If the application is not complete, the Zoning Administrator shall notify the applicant of any deficiencies and shall take no steps to process the application until the deficiencies are remedied.
3. Once the Zoning Administrator has determined that the application is complete, the application shall be reviewed and acted upon by the Zoning Administrator or scheduled for consideration at the appropriate meeting.

D. **Fees.**

1. Every application shall be accompanied by the required filing fee as established and modified, from time to time, by Common Council.
2. The failure to pay such fee when due shall be grounds for refusing to process the application and for denying or revoking any permit or approval for the subject property.
3. No fees shall be waived and no fees shall be refunded except those authorized by the Common Council.
4. The Common Council shall adopt the City Fee Schedule by resolution.

E. **Withdrawal of Application.** An applicant shall have the right to withdraw an application at any time prior to the decision on the application by a City official, commission, or board. Such withdrawal shall be made in a written statement to the City.

F. **Successive Applications.**

1. A subsequent application shall not be reviewed or heard within one (1) year of the date of denial unless there is substantial new evidence available or if a significant error in law or of fact affected the prior denial.
2. Such subsequent application shall include a detailed statement of the grounds justifying its consideration.
3. The Zoning Administrator shall make a determination as to whether the subsequent application is substantially the same as the original application.
4. If the Zoning Administrator finds that there are no grounds for consideration of the subsequent application, they shall summarily and without hearing deny the request.

15-9-02. Zoning Procedures Responsibilities

A. **Zoning Administrator.** The City Planning and Zoning Administrator of the City of Franklin is designated as the Zoning Administrator of said City, to be responsible for enforcing this UDO. The Zoning Administrator shall have the power and shall see that the provisions of this Ordinance are properly enforced.

1. **Duties of the Zoning Administrator.** In the enforcement of this Ordinance the Zoning Administrator shall perform the following duties:
 - a. Issue the necessary Zoning Compliance Permits and other permits as provided for in the provisions of this Ordinance and assure that the provisions of this Ordinance have been complied with.
 - b. Keep an accurate record of all permits and interpretation, numbered in order of issuance, in a record book for this purpose. The Zoning Administrator shall further record the first-floor elevations of any structure erected or placed in the floodplain districts.
2. **Authority.** In the enforcement of this Ordinance the Zoning Administrator shall have the power and authority for the following:
 - a. At any reasonable time, and for any proper purpose, to enter upon any public or private premises and make inspection thereof.
 - b. Upon reasonable cause or question as to proper compliance, to revoke any Building or Occupancy Permit and issue cease and desist orders requiring the cessation of any building, moving, alteration, or use which is in violation of the provisions of this Ordinance, such revocation to be in effect until reinstated by the Zoning Administrator or the Board of Zoning and Building Appeals.
 - c. In the name of the City, and with authorization of the Council for matters initiated in Circuit Court and without authorization of the Council for matters initiated in Municipal Court, commence any legal proceedings necessary

to enforce the provisions of this Ordinance or the City of Franklin Building Code including the collection of forfeitures provided for herein.

- B. **City Plan Commission.** The City Plan Commission shall have the following functions and duties:
1. **Make and Adopt a Comprehensive Plan.** To make and adopt a Comprehensive Plan for the physical development of the municipality including any areas outside of its boundaries in accordance with § 62.23 of the Wisconsin Statutes.
 2. **Make and Recommend an Official Map.** To make and recommend an Official Map to the Common Council in accordance with § 62.23 of the Wisconsin Statutes.
 3. **Prepare and Recommend a Zoning District Plan and Regulations.** To prepare and recommend a zoning district plan and regulations to the Common Council in accordance with § 62.23 of the Wisconsin Statutes.
 4. **Prepare and Recommend Land Division Regulations.** To prepare and recommend land division regulations to the Common Council in accordance with § 236.45 of the Wisconsin Statutes.
 5. **Changes to the Comprehensive Plan.** To make any changes to the Comprehensive Plan they deem necessary or desirable and to recommend any changes or amendments to the Common Council that they deem necessary or desirable concerning the Official Map and Official Map Ordinance, Zoning and Land Division provisions of the Unified Development Ordinance, and Fire Prevention Ordinances.
 6. **Matters Referred to the City Plan Commission.** To consider and report or recommend on all matters referred to them including, but not limited to, Conditional Use Permits.
 7. **Variations to the Land Division and Platting Provisions of this Ordinance.** The granting of variations to the land division and platting related aspects of this Ordinance shall be the sole charge of the Plan Commission [See State ex rel. Westbrook v. City of New Berlin, 120 Wis.2d 256, 354 N.W.2d 206 (Ct. App. 1984)].
 8. **Hold Public Hearings and Informational Meetings.** To hold public hearings and informational meeting on matters referred to the City Plan Commission.
- C. **Board of Zoning and Building Appeals.** The Board of Zoning and Building Appeals shall have the following powers pertaining to the City of Franklin's zoning regulations and Chapter 30 "Building Code" of the City of Franklin's Municipal Code:
1. **Errors.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator or the Director of Inspection Services; and also where it is alleged there is an error in any order, requirement, decision or determination made by the Fire Official, to hear and decide an appeal of such error pursuant to and upon the standards set forth in §§ 26.10 and 26.11 of the City of Franklin Municipal Code.
 2. **Variations.** To hear and grant applications for variations pursuant to the provisions of § 62.23(3) of the Wisconsin Statutes as amended and to hear and grant applications for minor variations pursuant to this Division of this Ordinance. Use variations shall not be granted. No variance shall be granted which may vary any term or provision of this UDO as it pertains to any property which is subject to a Conditional Use resolution or a Planned Unit Development or vary any term of such Conditional Use resolution or Planned Unit Development itself, unless the application for such variance is specifically authorized within such Conditional Use resolution or Planned Unit Development ordinance.
 3. **Interpretations.** To hear and decide applications for interpretation of the zoning regulations, also to hear and decide disputes relative to the boundaries of the zoning districts
 4. **Substitutions.** To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the Plan Commission has made a review and recommendation. Whenever the Board of Zoning and Building Appeals permits such a substitution, the use may not thereafter be changed without application.

5. **Permits.** The Board of Zoning and Building Appeals may reverse, affirm wholly or partly, modify the requirements appealed from, and may issue or direct the issue of a permit.
6. **Assistance.** The Board of Zoning and Building Appeals may request assistance from other City officers, departments, commissions, and boards.
7. **Oaths.** The Chairman of the Board of Zoning and Building Appeals may administer oaths and compel the attendance of witnesses.

D. Architectural Review Board.

1. **Establishment.** There is hereby established an Architectural Review Board for the City of Franklin for the purpose of promoting compatible development, aesthetics, stability, or property values, and to prevent impairment or depreciation of existing developments.
2. **Compliance.** No structure shall hereafter be erected, moved, reconstructed, extended, enlarged, or have its exterior significantly altered or changed without the Architectural Review Board's approval, however, on matters that require zoning approval by the Plan Commission, they shall act as the Architectural Review Board, and the Plan Commission may request the assistance of the Architectural Review Board. Small accessory structures are exempt unless the Zoning Administrator requests a determination by the Architectural Review Board.
3. **Membership.** The Architectural Review Board shall consist of six (6) regular and two (2) alternate members. The City Director of Inspection Services or his/her designee shall be an ex officio member. Members shall be residents of the City of Franklin appointed by the Mayor, subject to confirmation by the Common Council. Alternate members shall act only when a regular member is absent or refused to vote due to a conflict of interest. Terms shall be staggered for three-year periods.
 - a. **Chairman.** Chairman shall be appointed by the Mayor.
 - b. **Recording Secretary.** Recording Secretary shall be the Director of Inspection Services or his/her designee.
 - c. **Officials Oaths.** Official oaths shall be taken by all members in accordance with **§ 19.01 of the Wisconsin Statutes** within ten (10) days of receiving notice of their appointments.
 - d. **Vacancies.** Vacancies shall be filled for the unexpired term in the same manner as appointments for the full term within one month of the occurrence of the vacancy.
4. **Organization.** The Architectural Review Board shall organize and adopt rules for its own government in accordance with the provisions of this subsection.
 - a. **Meetings.** Meetings shall be held semimonthly or at the call of the Chairman or when requested by the Director of Inspection Services or his/her designee and shall be open to the public.
 - b. **Minutes.** Minutes shall be kept showing all actions taken and shall be a public record. The grounds for every decision shall be stated.
 - c. **Quorum.** Quorum shall be four members, and all actions shall require the concurring vote of at least four members.
5. **Powers.** The Architectural Review Board shall have the following power:
 - a. **Hear and Decide Applications.** Hear and decide applications for permission to erect, move, reconstruct, extend, alter, or significantly change the exterior of all structures.
 - b. **Approve, Deny, or Conditionally Approve the Application.** Approve, Deny, or Conditionally Approve the application and may request such modifications as they may deem necessary to carry out the purpose of this section.

- c. **Assistance.** The Architectural Review Board may request assistance from other municipal officers, departments, boards, and commissions.
 - d. **Additional Information.** Request applicant to furnish additional information.
 - 6. **Application.** Applications for approval by the Architectural Review Board shall be made to the Director of Inspection Services and shall be accompanied by plans showing the exterior elevations of the existing and proposed structure, description of the proposed materials, proposed floor grades, and a list of the names and addresses of the parties in interest. Applications for Architectural Review shall include that information and data as required under § 15-7.0800 of this Ordinance.
 - 7. **Findings.** The Architectural Review Board shall not approve any application unless they find beyond a reasonable doubt that the following facts and conditions exist and shall so indicate in the minutes of their proceedings:
 - a. **Conformance with Architectural Review Principles and Standards.** The exterior design proposed is in conformance with the principles and standards set forth in § 15-7.0802 of this Ordinance.
 - b. **No Depreciation of Property Values.** The exterior design is not unsightly or obnoxious and is not disharmonious or so similar to existing or proposed neighboring developments that substantial depreciation of neighboring property or development will be caused by the applicant's proposal.
 - 8. **Decision.** The Architectural Review Board shall decide all applications within five (5) days after its review. The Director of Inspection Services or his/her designee shall notify the applicant within five days after the Architectural Review Board's decision is made on the review of any application..
 - 9. **Appeals.** Any person or persons aggrieved by any decision of the Architectural Review Board may appeal the decision to the Board of Zoning and Building Appeals. Such appeal shall be filed with the City Clerk within thirty (30) days after filing of the decision with the Zoning Administrator.
- B. **Historic Preservation Commission.** There is hereby established a Historic Preservation Commission for the City of Franklin to safeguard the City's historic and cultural heritage; stabilize and improve property values; promote civic pride in the beauty and noble accomplishments of the past; protect and enhance the City for its residents, tourists and visitors for education, pleasure, and general welfare; and to strengthen the economy of the City.
- 1. **Membership.**
 - a. **Members.** The Historic Preservation Commission shall consist of seven (7) residents of the City appointed by the Mayor subject to confirmation by the Common Council. Memberships shall consist of the following: one (1) shall be a registered architect or graduate architect; one (1) shall be a recognized local historian with qualifications in historic preservation, architectural history, or history; one (1) shall be a licensed real estate broker; one shall be an alderman; one shall be a Plan Commission member; and two shall be citizen members with known interest in local history and historic preservation.
 - b. **Terms.** Terms shall be for staggered three (3) year periods.
 - I. **Chairman.** Chairman shall be appointed by the Mayor.
 - II. **Secretary.** Secretary shall be selected by the members.
 - III. **Official Oaths.** Official oaths shall be taken by all members in accordance with § 19.0 of the Wisconsin Statutes within ten (10) days of receiving notice of their appointment.
 - IV. **Vacancies.** Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term within one month of the occurrence of the vacancy.

2. **Organization.** The Historic Preservation Commission shall organize and adopt rules for its own government in accordance with the provisions of this Section.
 - a. **Meetings.** Meetings shall be held at the call of the Chairman of the Historic Preservation Commission or when requested by the Common Council or City Plan Commission and shall be open to the public.
 - b. **Minutes.** Minutes shall be kept showing all actions taken and shall be a public record. The grounds for every decision shall be stated in the minutes.
 - c. **Quorum.** Quorum shall be four members, and all actions shall require the concurring vote of at least four members.

3. **Powers.** The Historic Preservation Commission shall have the following powers:
 - a. **Designation.** The Historic Preservation Commission shall have the power to recommend the designation of landmarks, landmark sites and historic districts within the City to the City Plan Commission based upon criteria established in § 15-10.0405 of this Ordinance.
 - b. **Regulation of Construction, Reconstruction and Exterior Alteration.** No owner or person in charge of a landmark, landmark site, or structure within a historic district shall reconstruct or alter all or any part of the exterior of such property or construct any improvement upon such designated property or cause or permit any such work to be performed upon such property unless a Certificate of Appropriateness has been granted by the City Plan Commission upon recommendation by the Historic Preservation Commission. Applications for a Certificate of Appropriateness shall be filed with the Historic Preservation Commission. Within thirty (30) days of Submission of the application, the Historic Preservation Commission shall make a recommendation to the City Plan Commission based upon the following determinations:
 - I. Whether, in the case of a designated landmark or landmark site, the proposed work would detrimentally change, destroy or adversely affect any exterior architectural feature of the improvement upon which said work is to be done; and
 - II. Whether, in the case of the construction of a new improvement upon a landmark site, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site; and
 - III. Whether, in the case of any property located in a historic district designated pursuant to the criteria established in § 11.5, hereunder, the proposed construction, reconstruction or exterior alteration does not conform to the objectives and design criteria of the historic preservation plan for said district as duly adopted by the City Plan Commission.

4. **Regulation of Demolition.** No person in charge of a landmark, or improvement in a historic district shall be granted a permit to demolish such property without review and recommendation by the Historic Preservation Commission to the City Plan Commission.

5. **Recognition of Landmarks and Landmark Sites.** At such time as a landmark or landmark site has been properly designated in accordance with this Division, the Historic Preservation Commission may cause to be prepared and erected on such property, at City expense, a suitable plaque declaring that such property is a landmark or landmark site. Such plaque shall be so placed to be easily visible to passing pedestrians. In the case of a landmark, the plaque shall state the accepted name of the landmark, the date of its construction, and other information deemed proper by the Historic Preservation Commission. In the case of a landmark site which is not the site of a landmark building, such plaque shall state the common name of the site, and such other information deemed appropriate by the Historic Preservation Commission.

6. **Sale of Landmark Sites.** Any party who is listed as the owner of record of a landmark or landmark site at the time of its designation, who can demonstrate to the Historic Preservation Commission that by virtue of such designation he is

unable to find a buyer willing to preserve such landmark site, even though he has made reasonable attempts in good faith to find and attract such a buyer, may petition the Historic Preservation Commission to recommend to the City Plan Commission a rescission of its designation. Following the filing of such petition with the secretary of the Historic Preservation Commission:

- a. The owner and the Historic Preservation Commission shall work together in good faith to locate a buyer for the subject property who is willing to abide by its designation.
- b. If, at the end of a period not exceeding six months from the date of such petition, no such buyer can be found, and if the owner still desires to obtain such rescission, the Historic Preservation Commission shall recommend to the City Plan Commission to rescind its designation of the subject property.
- c. In the event such rescission, the Historic Preservation Commission shall notify the City Clerk, the Director of Inspection Services and the City Assessor of same, and shall cause the same to be recorded, at the City's expense, in the office of the Milwaukee County Register of Deeds.
- d. Following any such rescission, the Historic Preservation Commission may not recommend to redesignate the subject property a landmark or landmark site for a period of not less than five years following the date of rescission.

7. **Other Duties of the Historic Preservation Commission.** In addition to those duties already specified in this section, the Historic Preservation Commission shall:

- a. Actively work for the passage of enabling legislation which would permit the granting of full or partial tax exemptions to properties it has designated under the provisions of this section in order to encourage landmark owners to assist in carrying out the provisions of this Ordinance.
 - I. Cooperate with the State of Wisconsin Historic Preservation Officer and the State Historic Preservation Review Board in attempting to include such properties designated as landmarks or landmark sites, or historic districts on the National Register of Historic Places.
- b. Work for the continuing education of the citizens about the historic heritage of the City of Franklin and the landmarks and landmark sites.
- c. As it deems advisable, receive, and solicit funds for the purpose of landmarks preservation in the City. Such funds shall be placed in a special City account for such purpose.

C. **Landmark, Landmark Site, and Historic District Designation Criteria.**

1. **Landmark or Landmark Site Designation.** For the purposes of this Ordinance, a landmark or landmark site designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, architectural or cultural significance to the City of Franklin, such as historic structures or sites which:
 - a. Exemplify or reflect the broad cultural, political, economic, or social history of the nation, state or community; or
 - b. Are identified with historic personages or with important events in national, state or local history; or
 - c. Embody the distinguishing characteristics of an architectural type specimen, inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship; or
 - d. Are representative of the notable work of a master builder, designer or architect whose individual genius influenced his age.

2. **Historic Preservation Commission Operating Guidelines.** The Historic Preservation Commission may adopt specific operating guidelines for landmark and landmark sites designation providing such are in conformance with the provisions of this paragraph.

D. Procedures.

1. **Designation of Landmarks, Landmark Sites and Historic Districts.**

- a. The Historic Preservation Commission may, after notice and public hearing, recommend to the City Plan Commission establishment of landmarks, landmark sites and historic districts, after application of the criteria in § 15-10.0405 of this Ordinance.
 - b. At least ten (10) days prior to such hearing, the Historic Preservation Commission shall notify the owners of property in whole or in part situated within two-hundred (200) feet of the boundaries of the property affected. These owners shall have the right to confer with the Historic Preservation Commission prior to its recommendation to the Plan Commission on the designation.
 - c. Notice of such hearing shall also be published as provided in Division 15-9.0200 and § 15-10.0406(D) of this Ordinance.
 - d. The Historic Preservation Commission shall also notify the City Planning and Zoning Administrator, Engineering Department, the Department of Public Works, Park Commission, Fire and Police Departments, City Director of Inspection Services, and City Plan Commission. Each such department shall respond to the Historic Preservation Commission within thirty (30) days of notification with its comments on the proposed designation or rescission.
 - e. The Historic Preservation Commission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems necessary. The Historic Preservation Commission may conduct an independent investigation into the proposed designation or rescission.
 - f. Within ten (10) days after the close of the public hearing, the Historic Preservation Commission may recommend designation of the property as either a landmark, a landmark site, or its inclusion in an historic district to the Plan Commission or recommend to the Plan Commission to rescind the designation.
 - g. After the recommendation has been made, notification shall be sent to the property owner or owners and to the persons who appeared at the public hearing. Notification shall also be given to the City Clerk, Director of Inspection Services, and the City Assessor. The Historic Preservation Commission shall cause the City Plan Commission approved designation or rescission to be recorded, at City expense, in the Milwaukee County Register of Deeds office.
2. **Voluntary Restrictive Covenants.** The owner of any landmark or landmark site may, at any time following such designation of his property, enter into a restrictive covenant on the subject property after negotiation with the Historic Preservation Commission. The Historic Preservation Commission may assist the owner in preparing such covenant in the interest of preserving the landmark or landmark site and the owner shall cause to be recorded such covenant in the Milwaukee County Register of Deeds office and shall notify the City Assessor of such covenant and the conditions thereof.
 3. **Creation of a Historic District.** For preservation purposes, the Historic Preservation Commission may recommend to the City Plan Commission that certain geographically defined areas within the City of Franklin be designated as historic districts under the provisions as outlined in this Division of this Ordinance. A historic district may be recommended by the Historic Preservation Commission for designation by the City Plan Commission which meets those criteria set forth in § 15-10.0405 of this Ordinance. Each historic district recommended by the Historic Preservation Commission shall be supported by a Historic Preservation Plan for the district which plan shall include a cultural and architectural analysis supporting the historic significance of the area, specific guidelines for the development of the district and a statement of preservation objectives.

E. Compliance.

1. **General.** Every person in charge of any landmark, landmark site or improvement in a historic district shall maintain same or cause to permit it to be maintained in a condition consistent with the provision of this Section. Insofar as they are applicable to a landmark, landmark site or improvement in a historic district, designated under this Division of this Ordinance, any provision of the Plumbing Code, the Minimum Housing and Property Maintenance Code, Building Code, Heating, Ventilating and Air Conditioning Code, may be varied or waived, on application, by the appropriate board having such jurisdiction over such chapter or, in the absence of such board, by the Director of Inspection Services, provided such variance or waiver does not endanger public health or safety.
2. **Government Order.** Nothing contained in this Division of this Ordinance shall prohibit the making of necessary construction, reconstruction, alteration or demolition of any improvement on a landmark site or in a historic district pursuant to order of any governmental agency or pursuant to any court judgement, for the purpose of remedying emergency conditions determined to be dangerous to life, health or property. In such cases, no approval from the Historic Preservation Commission or City Plan Commission shall be required.

15-9-03. Administrative Procedures

A. Zoning Compliance Permit.

1. **Purpose and Applicability.** In all zoning districts a zoning compliance permit shall be required for any new use or change of use of a building, structure, or land not involving the construction of new buildings or structures, alteration of existing buildings or structures, or other exterior changes to the City. Any use necessitating construction of a new building or structure, addition, accessory structure or any other similar expansion of the use on the site, such as additional parking spaces, except single-family and duplex development shall comply with Site Plan Review of this Ordinance.
2. **Zoning Administrator Review and Action.**
 - a. The Zoning Administrator shall review the zoning compliance permit application to determine whether it conforms to all applicable provisions of this UDO.
 - b. Based upon their review the Zoning Administrator shall:
 - I. Issue the Zoning Compliance Permit,
 - II. Issue the Zoning Compliance Permit with conditions,
 - III. Refer the zoning compliance permit application to the Plan Commission for review and approval, or
 - IV. Deny the Zoning Compliance Permit.
3. **Expiration and Lapse of Approval.** A Zoning Compliance Permit shall expire if within six (6) months of the date of issuance of a Zoning Compliance Permit the use has not commenced or that the use has not occupied the structure or location. Upon the showing of a valid cause by the applicant, the Zoning Administrator may grant an extension of such Zoning Compliance Permit for a period not to exceed six (6) months.
4. **Enforcement.** Failure to comply with this Section relating to Zoning Compliance Permits may be enforced pursuant to this Ordinance, or any other provision of law including, but not limited to, revocation of the Zoning Compliance Permit, injunction, or other civil suit.

B. Site Plan Review.

1. **Purpose and Applicability.** Site Plan Review is required prior to the issuance of a Certificate of Occupancy to certify compliance with all applicable provisions of this UDO. Site Plan Review shall be required for any development involving construction of a new building, accessory structure, or any other similar expansion such as the construction of

additional impervious area or parking spaces. Single-family and duplex residential development shall be exempt from site plan review and shall only require a Zoning Compliance Permit as specified in [Section ##-#-##](#).

2. Standards of Review.

- a. **Conformity of Use to Zoning District.** The proposed use(s) conform(s) to the uses permitted as a Permitted Use in the zoning district.
- b. **Dimensional Requirements.** The dimensional arrangement of buildings and structures conform to the required area, yard, setback, and height restrictions of the UDO.
- c. **Use and Design Provisions.** The proposed use conforms to all use and design provisions and requirements (if any) as found in this Ordinance for the specified uses.
- d. **Relation to Existing and Proposed Streets and Highways.** There is a proper relationship between the existing and proposed streets and highways within the vicinity of the project to assure the safety and convenience of pedestrian and vehicular traffic. In the case of arterial streets and highways not under the jurisdiction of the City of Franklin, that the applicable highway authority (County, State, or Federal) has been contacted and the needed permits have been obtained and submitted to the City for review.
- e. **Impact on Surrounding Uses.** The proposed on-site buildings, structures, and entry ways are situated and designed to minimize adverse effects upon owners and occupants of adjacent properties by providing for adequate design of ingress/egress, and interior/exterior traffic flow, stormwater drainage, erosion, grading, lighting, and parking, as specified by this Ordinance or any other codes or laws.
- f. **Natural Resource Features Protection.** Natural features of the landscape are retained to enhance the development on the site, or where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes or where they assist in preserving the general safety, health, welfare, and appearance of the neighborhood. The requirements set forth in [Divisions 15-4.0100, 15-7.0100, and 15-11.0100](#) are to be met. Where required, a "Natural Resource Protection Plan" meeting the requirements set forth in [Division 15-7.0100](#) has also been submitted for Plan Commission review and approval.
- g. **Required Landscaping and Landscape Bufferyards.** Adverse effects of the proposed development and activities upon adjoining residents or owners are minimized by design and installation of landscape bufferyards to provide for appropriate screening, fencing, or landscaping as required in [Division 15-5.0300](#) of this Ordinance. Where required, a Landscape Plan meeting the requirements set forth in [Division 15-5.0300](#) has also been submitted for Plan Commission review and approval.
- h. **Provision of Emergency Vehicle Accessibility.** Land, buildings, and structures are readily accessible to emergency vehicles and persons with physical disabilities.
- i. **Building Location.** No building shall be permitted to be sited in a manner which would unnecessarily destroy or substantially damage the beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in the area; or which would unnecessarily have an adverse effect on the beauty and general enjoyment of existing structures on adjoining properties.
- j. **Location and Design of On-Site Waste Disposal and Loading Facilities.** No on-site waste disposal and/or loading facility shall be permitted to be designed or sited in a manner which would substantially damage the beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in the area; or which would unnecessarily have an adverse effect on the beauty and general enjoyment of the existing structures on adjoining properties.
- k. **Consistency with the Intent of the Unified Development Ordinance.** The Site Plan is consistent with the intent and purposes of the UDO as established in [Section ##-#-##](#) and governing zoning district in [Section ##-#-##](#).

- l. **Consistency with the Intent of the Comprehensive Master Plan.** The Site Plan is consistent with the public goals, objectives, principles, standards, policies, and urban design criteria set forth in the City-adopted Comprehensive Master Plan or component thereof.
 - m. **Plan Commission Reserves the Right to Determine a Site Unsuitable for Planned Use.** The Plan Commission reserves the right to declare land or structures unsuitable for planned use when Plan Commission review occurs during the site plan review process.
3. **Zoning Administrator Review and Action.**
- a. The Zoning Administrator shall review the site plan review application to determine whether it conforms to all applicable provisions of this UDO.
 - b. Based upon their review the Zoning Administrator shall:
 - I. Approve the site plan,
 - II. Approve the site plan with conditions, or
 - III. Deny the site plan.
- IV. Plan Commission Referral.**
- i. For any proposed development that results in a change or addition of one-hundred thousand (100,000) square feet or more, the Zoning Administrator to the Plan Commission for review.
 - ii. The Plan Commission shall then review and approve the site plan, approve the site plan with conditions, or deny the Site Plan in accordance with the standards of **Section ##-##-###** above.
4. **Expiration and Lapse of Approval.** Except in the case of an approved Planned Unit Development, no site plan approval shall be valid for a period longer than two (2) years unless a Building Permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion or unless a Zoning Compliance Permit, Conditional Use Permit, or Occupancy Permit is issued and a use commences within that period.
5. **Site Plan Amendments.**
- a. **Determination of Level of Change.** Upon receiving a Site Plan amendment application, the Zoning Administrator shall determine whether the amendment is a minor amendment, or a major amendment based on the criteria detailed in **Section ##-##-###** below.
 - b. **Process.** Any minor amendment (as set forth herein) to an approved Site Plan may be submitted to the Zoning Administrator for administrative approval.
 - c. **Major Amendment.** A major amendment is an amendment which results in one (1) of the following:
 - I. A change of five (5) percent or more of the structures' floor area.
 - II. An increase in the off-street parking located on site.
 - III. Significant change in architectural styles, colors or building materials that are inconsistent with the approved Site Plan;
 - d. **Minor Amendment.** A Minor Site Plan amendment is any change that does not qualify as a major site plan amendment per **Section ##-##-###** above.
 - e. **Approval Process.** A major amendment to an approved Site Plan shall follow the Site Plan Review procedure in **Section ##-##-###**. A minor amendment to an approved Site Plan may be approved by the Zoning Administrator.

C. Temporary Use Permit.

1. **Purpose.** A Temporary Use Permit shall be required prior to the establishment of a temporary use per **Section ###-##-###** of this UDO to certify compliance with all applicable regulations of this UDO and the applicable sections of the building code as adopted by the City.
2. **Temporary Use Permit Review Criteria.** To approve the issuance of a Temporary Use Permit, the Zoning Administrator shall make an affirmative finding that all applicable provisions of this UDO, the applicable building code, and all other City ordinances are met.
3. **Zoning Administrator Action.** The application shall be reviewed by the Zoning Administrator to ensure the application conforms to the criteria in **Subsection 2** above. Based upon their review, the Zoning Administrator shall:
 - a. Issue the Temporary Use Permit,
 - b. Issue the Temporary Use Permit with conditions, or
 - c. Deny the Temporary Use Permit.

D. Sign Permit.

1. **Purpose.** A Sign Permit shall be required prior to the display, construction, erection, or alteration of a sign and its structural components on any property. All signs must comply with **Article 6**, and the applicable sections of the building code as adopted by the City. All electrical installations associated with the erection and installation of a sign must be done in accordance with the adopted Building and Electrical Codes.
2. **Exemptions.** Signs exempt from a permit are detailed in **Section ###-##-###**.
3. **Sign Permit Review Criteria.** To approve the issuance of a Sign Permit, the Zoning Administrator shall make an affirmative finding that all applicable provisions of this UDO, the applicable building code, and all other City ordinances are met.
4. **Zoning Administrator Action.** The application shall be reviewed by the Zoning Administrator to ensure the application conforms to the criteria in **Subsection 3** above. Based upon their review, the Zoning Administrator shall:
 - a. Issue the Sign Permit,
 - b. Issue the Sign Permit with conditions, or
 - c. Deny the Sign Permit.
5. **Expiration and Lapse of Approval.** A Sign Permit shall become void, if work authorized under the permit has not been completed within six (6) months of the date of issuance.

E. Interpretations.

1. **Purpose.**
 - a. The interpretation authority established by this section is intended to recognize that the provisions of this UDO, though detailed and extensive, cannot, as a practical matter, address every specific situation to which they may have to be applied.
 - b. The Zoning Administrator may issue Interpretations of the provisions of this UDO to clarify the standards or requirements as they relate to a particular type of development on a particular property.
 - c. The interpretation authority established herein is not intended to add or change the essential content of this UDO but is intended only to allow authoritative application of that content to specific cases.

2. **Request.** The Zoning Administrator may issue an Interpretation at the written request of a petitioner who is proposing to take action requiring the issuance of a permit or certificate. The request for an Interpretation shall set forth the facts and circumstances, a description of the proposed development, and the precise interpretation claimed by the applicant to be correct.
3. **Content of Letter.** The Interpretation does not itself authorize the establishment of a use but provides guidance for any approvals or permits required by this UDO, and the Interpretation shall be advisory in nature and shall not be binding upon the Plan Commission or the Common Council in their functions under this UDO. The Interpretation shall specify the facts, reasons, analysis, and standards upon which the Interpretation is based.
4. **Records.** A record of all Interpretations shall be kept on file in the Zoning Administrator's office.

F. Certificate of Occupancy.

1. **Certificate of Occupancy Required.** A Certificate of Occupancy to be issued by the Director of Inspection Services or his/her designee shall be required for any of the following, except buildings incidental to agricultural operations other than residences:
 - a. Occupancy and use of a building hereafter erected or enlarged.
 - b. Change in use of an existing building.
 - c. Any change in the use of a nonconforming use.
2. **No Occupancy, Use, or Change of Use Shall Take Place.** No such occupancy, use, or change of use shall take place until a Certificate of Occupancy has been issued.
3. **Undeveloped Land Within Floodplain Districts.**
 - a. No undeveloped land within the floodplain districts shall be occupied, developed, or used; and no structure hereafter erected, altered, substantially improved, or moved shall be occupied until the applicant submits to the Zoning Administrator a certification by a Wisconsin registered professional engineer or land surveyor that the floodplain regulations set forth in this ordinance have been fully complied with. Such certification shall include the first-floor elevation of any structure on the site.
 - b. Pending the issuance of such certificate, a temporary Certificate of Occupancy may be issued by the Zoning Administrator for a period of not more than six (6) months during the completion of the construction of the building or of alterations which are required under the terms of any law or ordinance. Such temporary certificate may be renewed, but it shall not be construed in any way to alter the respective rights, duties, or obligations of the owner or the City relating to the use or occupancy of the land or building, or any other matter covered by this ordinance, and such temporary Certificate of Occupancy shall not be issued except under such restrictions and provisions as will adequately ensure the safety of the occupants.
4. **Application for a Certificate of Occupancy.** Written application for a Certificate of Occupancy for the use of vacant land, or for a change in a nonconforming use, as herein provided, shall be made to the Director of Inspection Services.
5. **Issuance of a Certificate of Occupancy.** If the proposed use is in conformity with the provisions of this ordinance, the certificate of occupancy shall be issued within three working days after the application for the same has been made, only after the occupancy conforms to this Ordinance and other applicable City Codes, and any lack of conformance to this Ordinance or other codes are corrected.
6. **Form of Certificate of Occupancy and Permanent Record.** Each Certificate of Occupancy shall state that the building or proposed use of a building or land complies with all provisions of this Ordinance. A record of all Certificates of Occupancy shall be kept on file in the office of Inspection Services and a copy shall be forwarded, on request, to any person having proprietary or tenancy interests in the building or land affected.

7. **Certificate of Occupancy Not Required for Gas and Electric Utility Uses Issued a Certificate of Public Convenience and Necessity.** No Certificate of Occupancy shall be required for gas and electric utility uses which have been issued a Certificate of Public Convenience and Necessity pursuant to § 196.491 of the Wisconsin Statutes as amended.

15-9-04. Board/Commission General Review and Action Procedures

- A. **Summary of Board/Commission Review and Approval Procedures.** Table ##-##-## summarizes the Board and Commission Review and Approval procedures and identifies the appropriate boards or commissions that serve as recommending or decision-making bodies.

Table 15-9-04(A): Summary of Board/Commission Review and Approval Procedures			
Petition Review Procedure	Plan Commission	Common Council	Board of Zoning and Building Appeals
Conditional Use Permit	R*	D	
Major Conditional Use Permit Amendment	R*	D	
Variance			D*
Text Amendment	R*	D	
Map Amendment	R*	D	
Comprehensive Master Plan Future Land Use Amendment	R*	D	
Appeal			D*
Minor Land Division	R/D	D	
Land Combination	R		
Subdivision	R	D	
Planned Unit Development	R*	D	
Major Planned Unit Development Amendment	R*	D	
Key:			
R = Recommending Body			
D = Decision Making Body			
* = Public Notice Required			

- B. **Notice Requirements.** Table ##-##-## summarizes the required method for each type of required notice. All notices shall be made in compliance with Chapter 985 of the Wisconsin Statutes. Required written notice shall be delivered by regular mail to all owners of properties or portions of properties within five hundred (500) feet of the lands described in the application, mailed not less than ten (10) days prior to the hearing.

Table 15-9-04(B): Notice Requirements by Procedure			
Procedure	Published Notice		Written Notice
	Class 1	Class 2	
Conditional Use Permit		●	●
Major Conditional Use Permit Amendment		●	●
Variance	●		●
Text Amendment		●	
Map Amendment		●	●
Appeal	●		
Planned Unit Development (1)		●	●
Major Planned Unit Development Amendment (1)		●	●
Key			
● = Required form of notice			
Notes			
(1) Process specified in Article 10 Planned Development Standards and Procedures.			

- C. **Recording of Documents.** Recording of documents as required by the City in instances of subdivision, consolidation, amendment, or Planned Unit Development or otherwise required by state statutes, shall be completed by the Zoning Administrator in a timely manner and at the expense of the applicant. Notice of all fees shall be furnished to the applicant by the Zoning Administrator and paid prior to the recording of documents.

15-9-05. Conditional Uses

- A. **General.** It is recognized that there are uses which, because of their unique characteristics, cannot be properly classified in any particular zoning district or districts without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such conditional uses fall into two categories:
1. Uses publicly operated or traditionally affected with a public interest.
 2. Uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.
- B. **Initiation of Conditional Uses.** Any person owning or having an interest in the subject property may file an application to use such land for one or more of the conditional uses provided for in this UDO and in the zoning district in which the land is situated.
- C. **Application for Conditional Uses.** A conditional use application for a conditional use, or for the expansion of an existing conditional use, shall be filed with the Zoning Administrator or designee on an application form prescribed by the Zoning Administrator.
- D. **Notice Required.**
1. At least ten (10) days in advance of the Plan Commission hearing, but not more than thirty (30) days, a Class 2 notice as specified in Chapter 985 of the Wisconsin Statutes specifying the time and place of such hearing shall be published in a newspaper of general circulation in the City of Franklin.

2. Written notice of the public hearing shall also be delivered by regular mail to all owners of properties or portions of properties within five hundred (500) feet of the lands described in the application, mailed not less than ten (10) days prior to the hearing, with the ownership to be determined by the records on file in the Office of the City Assessor; notice to one of joint or in-common owners being notice of all.
 3. The Common Council shall request a review of each such special use in the floodplain districts by the Wisconsin Department of Natural Resources (DNR). Final action on floodplain applications shall not be taken for at least thirty (30) days or until DNR has made its recommendations, whichever comes first. A copy of all decisions relating to conditional uses in the floodplain districts shall be transmitted to DNR within ten (10) days of the effective date of such decision.
- E. **Plan Commission Hearing.** Upon receipt in proper form of the application and statement referred to above, the Plan Commission shall hold at least one (1) public hearing. At the close of the public hearing the Plan Commission shall recommend to Common Council to:
1. Approve the Conditional Use Permit,
 2. Approve the Conditional Use Permit with conditions, or
 3. Deny the Conditional Use Permit.
- F. **Common Council Action.** For each application for a conditional use, the Plan Commission shall report to the Common Council its findings and recommendations, including the stipulations of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. The Common Council shall:
1. Approve the Conditional Use Permit,
 2. Approve the Conditional Use Permit with conditions, or
 3. Deny the Conditional Use Permit.
- G. **Protest Petition.** In the event of written protest against any proposed conditional use, duly signed and acknowledged by the owners of twenty (20) percent or more either of the areas of the land included in such proposed amendment, or by the owners of twenty (20) percent or more of the area of the land immediately adjacent extending one-hundred (100) feet therefrom, or by the owners of twenty (20) percent or more of the land directly opposite thereto extending one-hundred (100) feet from the street frontage of such opposite land, such conditional use shall not be granted except by the favorable vote of three-quarters (3/4) of all the members of the Common Council.
- H. **General Standards For Conditional Uses.** In considering an application for a conditional use permit the Plan Commission and Common Council shall review the responses by the applicant to the standards set forth below.
1. **Ordinance and Comprehensive Master Plan Purposes and Intent.** The proposed use and development will be in harmony with the general and specific purposes for which this UDO was enacted and for which the regulations of the zoning district in question were established and with the general purpose and intent of the City of Franklin Comprehensive Master Plan or element thereof.
 2. **No Undue Adverse Impact.** The proposed use and development will not have a substantial or undue adverse or detrimental effect upon or endanger adjacent property, the character of the area, or the public health, safety, morals, comfort, and general welfare and not substantially diminish and impair property values within the community or neighborhood.
 3. **Compatibility With Surrounding Development.** The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable zoning district regulations.

4. **Adequate Public Facilities.** The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities including public water supply system and sanitary sewer, police and fire protection, refuse disposal, public parks, libraries, schools, and other public facilities and utilities or the applicant will provide adequately for such facilities.
 5. **Adequate Circulation.** The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
 6. **No Destruction of Significant Features.** The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance. This criterion shall be deemed to have been met with respect to natural features upon approval of a Natural Resource Protection Plan for the proposed use.
- I. **Effect of Denial of a Conditional Use.** No application for a conditional use which has been denied wholly or in part by the Common Council shall be resubmitted for a period of one-hundred eighty (180) days from the date of said order of denial.
 - J. **Revocation.** In any case where a conditional use has not been established within one (1) year after the date of granting thereof, then without further action by the Plan Commission or the Common Council, the conditional use authorization shall be null and void. The criteria for determining establishment of a conditional use may be set forth by the Common Council in the approving conditional Use Resolution.
 - K. **Amendments to Approved Conditional Uses.**
 1. **Determination of Level of Change.** Upon receiving a Conditional Use amendment application, the Zoning Administrator shall determine whether the amendment is a minor amendment, or a major amendment based on the criteria detailed in Section ###-### and Section ###-### below.
 - a. **Major Amendment.** A major amendment is any proposed change to an approved Conditional Use that results in one or more of the following:
 - I. Increase in the intensity of the site's use, including:
 - i. A five (5) percent increase in impervious surface or modification to the approved stormwater management plan.
 - ii. Request for hours of operation before 8 am or after 6 pm.
 - iii. Additional noise, glare, odor, or other impacts that are detectable from off-site
 - b. **Minor Amendment.** A minor amendment is any proposed change to an approved Conditional Use that is consistent with the standards and conditions upon which the Conditional Use was approved, which does not alter the concept or intent of the Conditional Use, and which is not considered a major amendment as detailed in Section ###-###.
 - c. **Approval Process.** A major amendment to an approved Conditional Use shall follow the procedure for a Conditional Use approval set in Section ###-###. A minor amendment to an approved Conditional Use may be approved by the Zoning Administrator.

15-9-06. Variance

- A. **Purpose.** The Variance process is designed to provide a narrowly circumscribed means by which relief may be granted from unforeseen applications of this Ordinance that create practical difficulties or particular hardships. A Variance may be granted for practical difficulties or particular hardships resulting from the strict application of the regulations of this Ordinance.

- B. **Applicants Receiving Variances in Floodplains.** Pursuant to Federal regulations set forth in **44 CFR Part 60.6(5)**, applicants receiving variances in floodplains shall be notified, in writing, by the Board of Zoning and Building Appeals that increased flood insurance premiums and increased threat to life and property may result from the granting of the variance. The Board shall keep a record of the notification in its files.
- C. **Variance Review Criteria.** In determining whether a Variance should be granted, the Board of Zoning and Building Appeals must consider whether the practical difficulty or unnecessary hardship claimed by the applicant was created by the applicant and take into account the nature of the hardship. No Variance shall be granted unless the Board of Zoning and Building Appeals makes all the following findings:
1. The application of the ordinance to the particular piece of property would create an unnecessary hardship;
 2. Such conditions are peculiar to the particular piece of property involved;
 3. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the comprehensive master plan; and
 4. The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.
- D. **Hearing on Application.**
1. Upon receipt of an eligible application for an area exception, the Board of Zoning and Building appeals shall hold a public hearing on the application. Notice of the time, place and purpose of such hearing shall be given by publication of a Class 1 Notice, pursuant to **Ch. 985 of the Wisconsin Statutes**.
 2. The time, place and purpose of such hearing shall also be delivered by regular mail to the applicant and to all owners of properties or portions of properties within five-hundred (500) feet of the lands described in the application, mailed not less than ten (10) days prior to the hearing, with the ownership to be determined by the records on file in the Office of the City Assessor; notice to one of joint or in-common owners being notice to all.
- E. **Board of Zoning and Building Appeals Hearing and Action.** The Board of Zoning and Building Appeals shall review the application for a Variation, hold a public hearing, and after consideration of the recommendation of the Zoning Administrator, recommendation of the Zoning Administrator and public comment received either:
1. Approve the Variation,
 2. Approve the Variation with conditions, or
 3. Deny the Variation.
- F. **Effect of Denial.** No application for a variation shall be filed by property owner which is identical or substantially similar to the requested variation which has been denied within one (1) year of the date of the denial.

15-9-07. Map Amendments

- A. **Purpose.** The Zoning Map may be amended from time to time by ordinance, in accordance with the state statute. The amendment process is intended to adjust this UDO in response to changed conditions or changes in City policy. Amendments are not intended to relieve particular hardships or confer special privileges or rights upon any person or party.
- B. **Map Amendment Review Criteria.** The following review criteria shall be considered in the review and action on Map Amendment applications.
1. The proposed map amendment is consistent with the City of Franklin Comprehensive Master Plan and other adopted policies of the City.
 2. Major land uses, conditions or circumstances have changed since the UDO was adopted or amended.

3. Sites do not exist for the proposed use in existing districts permitting such use.
4. The requested map amendment is compatible with the existing uses, development patterns and zoning of nearby properties.
5. The present development of the area complies with existing ordinances.
6. The existing zoning imposes an unreasonable hardship and a reasonable economic benefit cannot be realized from uses permitted by the existing zoning.
7. The proposed map amendment does not conflict with existing or planned public improvements or will not adversely impact schools, parks or other public facilities.
8. The natural environment or traffic patterns in the vicinity will not be adversely affected in a manner inconsistent with the planned character of the area.
9. The proposed map amendment is not detrimental to the health, safety and welfare of the neighborhood or of the City as a whole.

C. Hearing and Notice Required.

1. The Plan Commission shall hold a public hearing upon each proposed change or amendment giving notice of the time and place of such hearing by publication in the City of a Class 2 notice under [Chapter 985 of the Wisconsin Statutes](#).
2. Written notice of the public hearing shall also be delivered by regular mail to all owners of properties or portions of properties within five hundred (500) feet of the lands described in the application, mailed not less than ten (10) days prior to the hearing, with the ownership to be determined by the records on file in the Office of the City Assessor; notice to one of joint or in-common owners being notice to all.
3. At least ten (10) days prior written notice shall be given to the clerk of any municipality within one-thousand (1,000) feet of any land to be affected by the proposed change or amendments. Due notice of all public hearings on petitions for changes to the floodplain districts or amendment to the regulations affecting the floodplain districts shall be transmitted to the Wisconsin Department of Natural Resources (DNR) and the Federal Emergency Management Agency (FEMA).
4. Amendments to the floodplain district boundaries or regulations shall not become effective until approved by the DNR and the FEMA. In the case of floodplain district boundary changes, an official letter of map amendment from the FEMA shall also be required and the provisions set forth in [§ 15-9.0207](#) of this Division shall be followed. Only statutorily required notice is to be given for text amendment applications; written and mailed notice to owners of properties is not required for the hearing upon an application for a text amendment.

D. Plan Commission Hearing and Recommendation. The Plan Commission shall hold a public hearing and at the close of the public hearing and after consideration of the recommendation of the Zoning Administrator and public comment received, either recommend to the Common Council:

1. Approve of the Map Amendment, or
2. Deny of the Map Amendment.

E. Common Council Action. The Common Council shall review the application for the map amendment and after consideration of the recommendation of the Plan Commission, recommendation of the Zoning Administrator, and public comment received either:

1. Approve the Map Amendment, or
2. Deny the Map Amendment.

15-9-08. Text Amendments

- A. **Purpose.** The regulations imposed and the districts created by this UDO may be amended from time to time by ordinance, in accordance with the state statute. The amendment process is intended to adjust this UDO in response to changed conditions or changes in City policy. Amendments are not intended to relieve particular hardships or confer special privileges or rights upon any person or party.
- B. **Text Amendment Review Criteria.** The following review criteria shall be considered in the review and action on Text Amendment applications.
1. The proposed text amendment is consistent with the City of Franklin Comprehensive Master Plan and other adopted policies of the City.
 2. The proposed text amendment addresses a particular issue or concern for the City.
 3. The proposed text amendment does not impose an unreasonable hardship on existing uses.
 4. Major land uses, conditions, or circumstances have changed since the UDO was adopted or amended.
 5. The requested amendment is compatible with the existing uses and development patterns of the City.
 6. The proposed amendments is not detrimental to the health, safety and welfare of the neighborhood or of the City as a whole.
- C. **Hearing and Notice Required.**
1. The Plan Commission shall hold a public hearing upon each proposed change or amendment giving notice of the time and place of such hearing by publication in the City of a Class 2 notice under **Chapter 985 of the Wisconsin Statutes**.
 2. Amendments to the floodplain district boundaries or regulations shall not become effective until approved by the DNR and the FEMA. In the case of floodplain district boundary changes, an official letter of map amendment from the FEMA shall also be required and the provisions set forth in **§ 15-9.0207** of this Division shall be followed. Only statutorily required notice is to be given for text amendment applications; written and mailed notice to owners of properties is not required for the hearing upon an application for a text amendment.
- D. **Plan Commission Hearing and Recommendation.** The Plan Commission shall hold a public hearing and at the close of the public hearing and after consideration of the recommendation of the Zoning Administrator and public comment received, either recommend to the Common Council:
1. Approve of the Text Amendment, or
 2. Deny of the Text Amendment.
- E. **Common Council Action.** The Common Council shall review the application for the text amendment and after consideration of the recommendation of the Plan Commission, recommendation of the Zoning Administrator, and public comment received either:
1. Approve the Text Amendment, or
 2. Deny the Text Amendment.

15-9-09. Comprehensive Plan Future Land Use Map Amendment

- A. Amendments to the future land use map in the City of Franklin Comprehensive Master Plan shall follow the process established in the Comprehensive Master Plan.

15-9-10. Appeal

- A. **Purpose.** An appeal may be taken to the Zoning Board of Appeals for any order, requirement, decision, interpretation or determination of the regulations of this title made by the Zoning Administrator, by any individual aggrieved by the action taken under. The Board of Zoning and Building Appeals shall hear the Appeal, hold a public meeting, and render a decision.
- B. **Initiation.** An Appeal may be taken within thirty (30) days of the action of the Zoning Administrator by filing a notice of Appeal specifying the grounds thereof, who shall forward such Appeal to the Board of Zoning and Building Appeals.
- C. **Board of Zoning and Building Appeals Hearing and Action.** A public hearing shall be conducted by the Board of Zoning and Building Appeals for each Appeal. The Board of Zoning and Building Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination relating to this title, made by the Zoning Administrator subject to the criteria in **Section ##-#-##**.
- G. **Notice Required.** Notice of the time, place and purpose of such hearing shall be given by publication of a Class 1 Notice, pursuant to **Ch. 985, Wis. Stats.**, said time, place and purpose of such hearing shall also be delivered by regular mail to the applicant and to all owners of properties or portions of properties within five-hundred (500) feet of the lands described in the application, mailed not less than ten (10) days prior to the hearing, with the ownership to be determined by the records on file in the Office of the City Assessor; notice to one of joint or in-common owners being notice to all.
- D. **Appeal Review Criteria.** An Appeal of administrative decisions shall be granted only if the Plan Commission makes one of the following findings.
 - 1. The decision constituted an erroneous application or interpretation of this UDO.
 - 2. The decision constituted an abuse of the administrative official's discretion to interpret or apply this UDO.
 - 3. The decision was rendered based upon an erroneous material fact.
- E. **Record of Action.** The Plan Commission's decision shall be filed and recorded with the City Clerk.

15-9-11. Subdivision Procedures

- A. **Minor Land Division.**
 - 1. **Applicability.** When it is proposed to divide land into at least two (2) but not more than four (4) parcels or building sites, or when it is proposed to create by land division not more than four (4) parcels or building sites within a recorded Subdivision Plat without changing the exterior boundaries of a block, lot, or outlot the Subdivider shall subdivide by use of a certified survey map. The certified survey map shall include all parcels of land in any size.
 - 2. **Filing of a Certified Survey Map.** The Subdivider shall prepare the certified survey map in accordance with Division 15-7.0700 of this Ordinance.
 - a. The Subdivider shall file at least thirty (30) copies of the certified survey map, Natural Resource Protection Plan if required, Landscape Plan for any landscape bufferyard easement areas as required in **Section ##-#-##**, and the application with the Zoning Administrator, or their designee at least fifteen (15) days prior to the meeting of the Plan Commission at which action is desired. One (1) original copy of the Certified Survey Map shall be submitted.
 - b. The Zoning Administrator shall, within two (2) working days after filing, transmit copies of the map and application along with a cover letter to all approving authorities including extraterritorial plat review agencies if not waived in writing.
 - c. The Zoning Administrator, within two (2) work days after filing, transmit the certified survey map, natural resource protection plan, landscape -plan, and application.

- d. The applicant shall be responsible for transmitting copies of the certified survey map to all affected utilities for their respective review and comments.
 - e. The recommendations of all approving authorities shall be transmitted to the Plan Commission within twenty (20) days from the date the map is filed with the Zoning Administrator, or prior to the next available meeting.
3. **Plan Commission Review and Action or Recommendation.**
- a. The Certified Survey Map shall be reviewed by the Plan Commission for conformance with this Ordinance and all other ordinances, rules, regulations, adopted regional, County, or City of Franklin Comprehensive Master Plans or adopted plan components.
 - b. For all Minor Land Divisions that do not involve the dedication of land or public improvements, the Plan Commission shall within sixty (60) days from the date of filing of the certified survey map either:
 - I. Approve,
 - II. Conditionally approve, or
 - III. Deny of the map
 - c. For all Minor Land Divisions that do involve the dedication of land or public improvements, the Plan Commission shall within sixty (60) days from the date of filing of the Certified Survey Map make a recommendation to the Common Council to:
 - I. Approve,
 - II. Conditionally approve, or
 - III. Deny the map and shall transmit the map along with its recommendations to the Common Council
4. **Common Council Action.** In cases where a certified survey map has been transmitted by the Plan Commission to the Common Council, the Common Council shall approve, approve conditionally and thereby require resubmission of a corrected Certified Survey Map, or reject such Certified Survey Map within ninety (90) days from the date of filing of the map unless the time is extended by agreement with the Subdivider.
- a. If the map is approved, the Common Council shall cause the City Clerk to so certify on the face of the original map and return the map to the Subdivider.
 - b. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the Subdivider.
5. **Natural Resource Protection Plan Required.** For properties proposed to be divided by certified survey map, and that contain natural resource features as described in **Divisions 15- 4.0100 and 15-11.0100** of this UDO, a Natural Resource Protection Plan, as described in **Division 15-7.0200** of the UDO application manual , shall be submitted for review by the Zoning Administrator and Plan Commission.
6. **Deed Restrictions, Conservation Easements, and Landscape Bufferyard Easements.** For properties proposed to be divided by Certified Survey Map and which contain natural resources required to be preserved or landscape bufferyard easements under the provisions of this Ordinance, the Plan Commission shall require that deed restrictions and/or conservation easements, and landscape bufferyard easements be filed with the Certified Survey Map or submitted for review as a condition of any approval thereof, in the manner and for the purposes as set forth under **§ 15-7.0603D** for final plats.
7. **Contract Required.** For Certified Survey Maps requiring the installation of public improvements, prior to installation of any required improvements and prior to approval of the Certified Survey Map, the Subdivider shall enter into a written contract (Development Agreement) with the City of Franklin requiring the Subdivider to furnish and construct said

improvements at Subdivider's sole cost and in accordance with plans and specifications and usual contract conditions, which shall include provision for inspection of construction by the City of Franklin or its agent.

8. Recordation.

- a. All improvement requirements, specified by all approving agencies in matters over which they have jurisdiction, shall be met before recording the Certified Survey Map.
- b. The Subdivider shall record the map with the Milwaukee County Register of Deeds within twelve (12) months after the date of its last approval and within thirty-six (36) months after the date of its first approval.

9. **Copies.** The Subdivider shall file at least thirty (30) copies of the Certified Survey Map and its accompanying Natural Resource Protection Plan with the City Clerk for distribution to the Plan Commission, various City departments, and other affected agencies for their files as set forth under **§ 15-9.0309(B)**.

B. Land Combination.

1. **Application Transmittal to Plan Commission.** The City Clerk shall receive the application for a Land Combination, and after scheduling a review of the Application for a Land Combination Permit by the Plan Commission, shall refer the application and related data to the Zoning Administrator and City Engineer and other appropriate City departments for their review, study, and recommendations to the Plan Commission.

2. Plan Commission Review and Approval.

- a. The Plan Commission shall consider the Application for Land Combination Permit relative to City staff recommendations, the lot area and other dimensional requirements of the zoning district(s) within which the parcels are located, the City of Franklin Comprehensive Master Plan and planned land use districts for the parcels, present use of the parcels and proposed use of the parcels, for the purpose to ensure that upon combination, such properties shall comply with the purposes and provisions of this Ordinance.
- b. The Plan Commission shall consider these matters set forth under **§ 2** above and shall take one of the following actions with the Land Combination application:
 - I. Approve,
 - II. Conditionally approve, or
 - III. Deny the application.
- c. **Recordation.** If approved, the City Clerk shall record the resolution with the Milwaukee County Register of Deeds.

C. Subdivisions.

1. **Sketch Plan Required.** Prior to the filing of an application a Preliminary Plat, the subdivider shall be required to file an application for a "Sketch Plan Review" and to consult with all affected utilities, the City Planner, City Engineer, and affected City Departments to obtain their advice and assistance. This consultation is mandatory and is intended to inform the Subdivider of the purpose and objectives of these regulations; the City of Franklin Comprehensive Master Plan, Comprehensive Master Plan components; duly adopted plan implementation devices of the City of Franklin; the availability of sanitary sewer, public water supply, stormwater management facilities, and site grading requirements; and to otherwise assist the Subdivider in planning the development. In so doing, both the Subdivider and City of Franklin may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and surrounding area. The Subdivider will gain a better understanding of the subsequent required procedures.
2. **Sketch Plan Review.** The Sketch Plan shall be prepared in accordance with **Section ##-#-##** of the UDO application requirements manual, and the Subdivider shall file at least twenty (20) copies of the Sketch Plan and the application

with the City Clerk, or designee together with all necessary fees. Within thirty (30) days of the filing of a Sketch Plan application with the City Clerk, the City Planner, City Engineer, and all other affected City Departments shall review the Sketch Plan and conduct the Pre-Application Conference with the applicant. In addition:

- a. **City Departments Review.** The City Clerk shall within three (3) days transmit a copy of the Sketch Plan Review Applications and Sketch Plan to all affected City Departments, the City Planner, the City Engineer, or Milwaukee County and affected local utilities for their review and recommendations concerning matters within their jurisdiction.
 - I. The recommendations of the City Departments, City Planner, City Engineer and Milwaukee County and affected local utilities shall be transmitted to the Plan Commission within twenty (20) days from the date the Sketch Plan Review Applications Sketch Plan are filed.
 - II. The Sketch Plan Review Applications and Sketch Plan shall then be reviewed by the City Planner, City Engineer, and all other affected City Departments for general conformance with this Ordinance and all other ordinances, rules, regulations, adopted regional or county development, City of Franklin Comprehensive Master Plan or adopted components thereof which affect it.

3. **Preliminary Plat Review.** Before submitting a Final Plat for approval, the Subdivider shall prepare a Preliminary Plat and an application. The Preliminary Plat shall be prepared in accordance with Section ###-#-## of the UDO application requirements manual, and the Subdivider shall file at least thirty-five (35) copies of the Preliminary Plat, Natural Resource Protection Plan if required "Landscape Plan" for any landscape bufferyard easement areas and the application with the City Clerk, or designee together with all necessary fees at least twenty five (25) days prior to the meeting of the Plan Commission at which first consideration is desired. Said copies shall be in addition to those copies which may be required or requested by Milwaukee County or other agencies. In addition:
 - a. **Copies of Preliminary Plat, Natural Resource Protection Plan, Landscape Plan, and Application to be Transmitted by City Clerk.** The City Clerk shall, within two (2) normal workdays after filing, transmit copies as required in the UDO application requirements manual.:

4. **Copies of Preliminary Plat to be Transmitted by City Clerk to Affected City Commissions or Departments.** The City Clerk shall transmit a copy of the Preliminary Plat to all affected City Commissions or Departments for their review and recommendations concerning matters within their jurisdiction. The recommendations of City Commissions, Departments, City Planner, City Engineer, Milwaukee County, State agencies, and affected local utilities shall be transmitted to the Plan Commission within twenty (20) days from the date the plat is filed.

5. **Plan Commission Review and Recommendation.**
 - a. **Plan Commission Review.** The Preliminary Plat including Natural Resource Protection Plan and Landscape Plan as applicable shall then be reviewed by the Plan Commission for conformance with this Ordinance and all other ordinances, rules, regulations, adopted regional or county development plans, City of Franklin Comprehensive Master Plan or adopted components thereof which affect it.
 - b. **Plan Commission Recommendation to Common Council.** The Plan Commission shall within sixty (60) days of the date of the filing of a Preliminary Plat including Natural Resource Protection Plan and Landscape Plan as applicable with the City Clerk or other Common Council authorized agent, recommend to the Common Council approval, conditional approval, or denial of the Preliminary Plat and shall transmit the Preliminary Plat including Natural Resource Protection Plan and Landscape Plan as applicable and application, along with its recommendation, to the Common Council.

6. **Preliminary Plat Approval.**
 - a. **Notification by Objecting Agencies.** The objecting agencies shall, within twenty (20) days of the date of receiving their copies of the Preliminary Plat, notify the Subdivider and all other approving and objecting agencies of any objections.

- I. **Certification of No Objections Required.** If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the City Clerk.
 - II. **Failure of Objecting Agency to Act on Preliminary Plat.** If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objections to the Plat.
- b. **Common Council Action.** The Common Council within ninety (90) days of the date of filing a Preliminary Plat with the City Clerk shall approve, approve conditionally, or deny such plat, unless the time is extended by agreement with the Subdivider.
- I. **Notification to Subdivider of Common Council Action.** One (1) copy of the plat may thereupon be returned to the Subdivider with the date and action endorsed thereon; and if approved conditionally or denied, a letter setting forth the conditions of approval or the reasons for denial shall accompany the plat.
 - II. **Filing of Preliminary Plat in Common Council's Permanent File.** One (1) copy each of the plat and letter shall be placed in the Common Council's permanent file.
- c. **Failure of Common Council to Act.** Failure of the Common Council to act within ninety (90) days of the date of filing, or within the time extended by agreement with the Subdivider, shall constitute an approval.
- d. **Approval or Conditional Approval of a Preliminary Plat.** Approval or conditional approval of a Preliminary Plat shall not constitute automatic approval of the Final Plat unless the Final Plat is submitted within thirty-six (36) months after the last required approval of the Preliminary Plat or within an extended time frame specified by a conditional approval and the Final Plat conforms substantially to the Preliminary Plat as approved, including any conditions of that approval, and to City of Franklin plans and ordinances adopted as authorized by law.

D. Final Plat Review.

1. **Designation of Approving Authorities.** The Common Council, the town wherein the plat is located in the case of a plat located within the extraterritorial plat jurisdiction of the City of Franklin, and each adjoining city or village in whose extraterritorial plat approval jurisdiction the subdivision lies pursuant to § 236.10(1)(b) of the Wisconsin Statutes are designated approving authorities.
2. **Designation of Objecting Agencies.** The Wisconsin Department of Agriculture, Trade and Consumer Protection; the Wisconsin Department of Industry, Labor and Human Relations; Wisconsin Department of Transportation; and county planning agency as defined by § 236.02(a) of the Wisconsin Statutes shall be hereinafter referred to as objecting agencies.
3. **Final Plat and Application Submittal.** The Subdivider shall prepare a Final Plat and an application in accordance with Section ##-#-## of the UDO application requirements manual and shall file an adequate number of copies of the Final Plat and the application as set forth below:
 - a. **Submittal of Final Plat to the Wisconsin Department of Administration.** Before any approvals of the Final Plat are made, the Subdivider or Subdivider's agent shall submit the original Final Plat to the Wisconsin Department of Administration.
 - I. Two (2) copies to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a State Trunk Highway or a connecting street;
 - II. Two (2) copies to the Wisconsin Department of Natural Resources if shorelands are contained within the proposed subdivision.
 - b. **Submittal of Final Plat to the City Clerk.** After approval by required State Departments, the Subdivider shall file at least thirty (30) copies of the Final Plat and an application with the City Clerk, or designees along with the proper fees as established in the City of Franklin fee schedule, and the receipt of the proper filing fees of each of the other approving authorities and objecting agencies.

- c. **City Clerk Transmittal of Final Plat.** The City Clerk shall, within two working days after the filing by the Subdivider, transmit with a cover letter and copies of the Final Plat and application as specified in the UDO application requirements manual.
- 4. **Plan Commission Examination.** The Plan Commission shall examine the Final Plat as to its conformance with the approved Preliminary Plat; any conditions of approval of the Preliminary Plat, this Ordinance, and all ordinances, rules, regulations, adopted regional and County development, City of Franklin Comprehensive Master Plan (, or other local comprehensive plans and adopted plan components which may affect the Final Plat.
- 5. **Partial Platting.**
 - a. **Plat Phasing.** The Final Plat may, if permitted by the Common Council, be platted as a Final Plat in phases with each phase constituting only that portion of the approved Preliminary Plat which the Subdivider proposes to record at that time. It is required that each such phase be platted as a Final Plat and be designated as a phase of the approved Preliminary Plat.
 - b. **Time Extension for Approval of a Final Plat for Portion of Preliminary Plat.** Final Plat for only a portion of the Preliminary Plat shall extend approval for the remaining portion of the Preliminary Plat for six (6) months from the date of such Final Plat approval.
- 6. **Contract Required.** Prior to installation of any required improvements and prior to approval of the Final Plat, the Subdivider shall enter into a written contract (Development Agreement) with the City of Franklin requiring the Subdivider to furnish and construct said improvements at Subdivider's sole cost and in accordance with plans and specifications and usual contract conditions, which shall include provision for inspection of construction by the City of Franklin or its agent. The Subdivider may construct the project in such phases as the Common Council approves, which approval may not be unreasonably withheld. If the Subdivider's project will be constructed in phases, the amount of any surety bond or other security required by the Common Council shall be limited to the phase of the project that is currently being constructed. The Common Council may not require that the Subdivider provide any security for improvements sooner than is reasonably necessary before the commencement of the installation of the improvements.

E. Final Plat Approval.

- 1. **Objecting Agencies.** The objecting agencies shall, within twenty (20) days of the date of receiving their copies of the Final Plat, notify the Subdivider and all other approving authorities and objecting agencies of any objections.
 - a. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Plan Commission via the City Clerk.
 - b. If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objections to the plat.
- 2. **Submission.** If the Final Plat is not submitted within six (6) months of the required approval of the Preliminary Plat, the approving authorities may refuse to approve the Final Plat. Extensions may be granted upon mutual agreement of all approving authorities.
- 3. **Plan Commission Recommendation to the Common Council.** The Plan Commission shall, within forty (40) days of the date of filing of the Final Plat with the City Clerk or other Common Council authorized agent, recommend approval, conditional approval, or denial of the plat and shall transmit the Final Plat and application along with its recommendations to the Common Council.
- 4. **Approval or Rejection of Final Plat.** The Common Council shall within sixty (60) days of the date of filing the original Final Plat with the City Clerk approve or reject such Final Plat unless the time is extended by agreement with the Subdivider.
 - a. If the Final Plat is denied, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the Subdivider and surveyor.

- b. The Common Council may not inscribe its approval on the Final Plat unless the Department of Agriculture, Trade and Consumer Protection has certified on the face of the Final Plat that the copies were forwarded to the objecting agencies as required herein, the date thereof, and that no objections have been filed within twenty (20) days, or, if filed, have been met.
- c. Failure of the Common Council to act within sixty (60) days, the time having not been extended and no unsatisfied objections having been filed, the Final Plat shall be deemed approved.
- d. The Planning Manager shall provide the Common Council with his or her conclusions as to whether the final plat conforms substantially to the preliminary plat and with his or her recommendation shall be made a part of the record of the proceeding at which the final plat is being considered and are not required to be submitted in writing.

5. Recordation.

- a. After the Final Plat has been approved by the Common Council and improvements as shall be required by the City to be installed or a contract and sureties ensuring their installation filed, the City Clerk shall cause the certificate inscribed upon the Final Plat attesting to such approval to be duly executed and the plat returned to the Subdivider for recording with the Milwaukee County Register of Deeds.
- b. The Register of Deeds cannot record the Final Plat unless it is offered within twelve (12) months from date of last approval or thirty (36) months from first approval.

6. Copies of the Recorded Final Plat. The Subdivider shall file at least ten (10) copies of the recorded Final Plat with the City Clerk and copies, as necessary, to other affected agencies for their files.

F. Plats Within the Extraterritorial Plat Approval Jurisdiction. When the land to be subdivided lies within one and one-half (1 ½) miles of the corporate limits of a fourth-class city or village or within three (3) miles of the corporate limits of a first, second, or third class city, the Subdivider shall proceed as specified in §§ 15-9.0301 through 15-9.0306 except:

- 1. **Transmittal Responsibility.** The City Clerk to whom the Certified Survey Map, Subdivision Plat, or Condominium is first submitted shall be responsible for transmitting copies of the Certified Survey Map, Subdivision Plat, or Condominium to designated objecting agencies. The Subdivider or Condominium Developer (as applicable) shall specify in the Subdivider's application to whom the original application was submitted.
- 2. **Improvement and Design Requirements.** If the extraterritorial Certified Survey Map, Subdivision Plat, or Condominium contains lands located within a City of Franklin adopted sanitary sewer service area, the Subdivider or Condominium Developer (as applicable) shall comply with all of the improvement requirements of Division 15-8.0100 of this Ordinance and with all of the design requirements of Division 15-5.0100 of this Ordinance.
- 3. **Park Dedication and Public Site Fees.** In extraterritorial plat approval jurisdiction areas of the City of Franklin, the subdivider or condominium developer shall not be required to dedicate park and open space land to the City of Franklin or be required to pay a public site fee or other development impact fees to the City of Franklin.

G. Replat. Except as provided in § 70.27(1) of the Wisconsin Statutes, when it is proposed to replat a recorded subdivision, or part thereof, to change the boundaries of a recorded subdivision, or part thereof, the Subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in § 236.40 through 236.44 of the Wisconsin Statutes. The Subdivider, or person wishing to replat, shall then proceed as specified in § 15-9.0301 through 15-9.0306 of this Ordinance.

15-9-12. Violations, Penalties, and Remedies

- A. **Zoning Violations.** Unlawful to Use or Improve Any Structure or Land, or to Use Water or Air in Violation of Any Provisions of This Ordinance. It shall be unlawful to use or improve any structure or land, or to use water or air in violation of any provisions of this Ordinance. In case of violation, the Common Council, the Zoning Administrator, the City Attorney, the Plan Commission or any property owner who would be specifically damaged by such violation, may institute appropriate action or proceeding to enjoin a violation of this Ordinance or cause a structure to be vacated or removed.

- B. Structure, Fill, or Development Placed or Maintained Within Any Floodplain Area in Violation of this Ordinance.** Every structure, fill, or development placed or maintained within any floodplain area in violation of this Ordinance is hereby declared a public nuisance and the creation thereof may be enjoined and maintenance thereof may be abated by action of suit of the State, the County, the City or any citizen thereof.
- C. Actions and Proceedings to Enjoin Violations.** The City of Franklin may institute appropriate action or proceedings to enjoin violations of this Ordinance or the applicable Wisconsin Statutes or Wisconsin Administrative Code.
- D. Land Division Violations.**
1. **Unlawful to Violate Ordinance Provisions.** It shall be unlawful to build upon, divide, convey, record or place monuments on any land in violation of this Ordinance or the Wisconsin Statutes; and no person, firm, or corporation shall be issued a Building Permit by the City of Franklin authorizing the building on, or improvement of, any Subdivision, Certified Survey Map, Condominium, or replat within the jurisdiction of this Ordinance not of record as of the effective date of this Ordinance until the provisions and requirements of this Ordinance have been fully met.
 2. **Actions and Proceedings to Enjoin Violations.** The City of Franklin may institute appropriate action or proceedings to enjoin violations of this Ordinance or the applicable Wisconsin Statutes or Wisconsin Administrative Code.
- E. Penalties and Remedies.**
1. **Double Fee.** A double fee shall be charged by the Zoning Administrator if work is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this Ordinance nor from prosecution for violation of this Ordinance.
 2. **Remedial Action.** Whenever an order of the Zoning Administrator has not been complied with within thirty (30) days after written notice has been mailed to the owner, resident agent, or occupant of the premises, the Common Council, the Zoning Administrator, the Director of Inspection Services, or the City Attorney may institute appropriate legal action or proceedings to prohibit such owner, agent, or occupant from using such structure, land, or water.
 3. **Forfeiture and Imprisonment.** Any person, firm, or corporation who violates or fails to comply with the provisions of this Ordinance shall, upon conviction thereof, in addition to all other remedies set forth under this Ordinance, be subject to the penalty provisions set forth under **§ 31.04 of the Municipal Code**, as amended.
 4. **Separate Offense.** Each day a violation exists or continues shall constitute a separate offense.
 5. **Injunctive Relief.** In addition to the above-described fines, the Common Council or its agent shall have the power to institute appropriate action for injunctive relief to prevent persons, firms, or corporations from acting in violation of the provision of this Ordinance.
 6. **Violations and Concomitant Penalties Relating to Land Division.** Violations and concomitant penalties shall include:
 - a. **Improper Recordation.** Recordation improperly made carries penalties as provided in **§ 236.30 of the Wisconsin Statutes**.
 - b. **Conveyance of Lots in Unrecorded Plats.** Conveyance of lots in unrecorded plats carries penalties as provided for in **§ 236.31 of the Wisconsin Statutes**.
 - c. **Monuments Disturbed or Not Placed.** Monuments disturbed or not placed carries penalties as provided for in **§ 236.32 of the Wisconsin Statutes**.