

CITY OF FRANKLIN
PLAN COMMISSION MEETING*
FRANKLIN CITY HALL COUNCIL CHAMBERS
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA
THURSDAY, FEBRUARY 9, 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 January 5, 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. **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 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.

Franklin Plan Commission Agenda

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E. Adjournment

*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: February 23, 2023

City of Franklin
Plan Commission Meeting
January 5, 2023
Minutes

unapproved

A. Call to Order and Roll Call

Mayor Steve Olson called the January 5, 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, City Attorney Jesse Wesolowski and Director of Economic Development John Regetz, as well as Alderman Holpfer and Alderwoman Eichmann.

B. Approval of Minutes

1. Regular Meeting of December 1, 2022.

Commissioner Leon moved and Alderwoman Hanneman seconded a motion to approve the December 1, 2022 meeting minutes. On voice vote, all voted ‘aye’; motion carried (5-0-1).

C. Public Hearing Business Matters

- 1. PLANNED DEVELOPMENT DISTRICT NO. 8 (TWIN OAKS OF TUCKAWAY) ORDINANCE AMENDMENT.** Unified Development Ordinance §15-3.0413 Planned Development District No. 8 (Twin Oaks of Tuckaway) Planned Development District Amendment (Major) application by Dennis C. Sauer and Lori J. Sauer, applicants, Quail Haven LLC property owner, to revise the district to add professional services as a permitted use (to operate a surveying services business in the existing converted farmhouse on the property (property purchased with the intent of restoring and maintaining the historic building)) property zoned Planned Development District No. 8 (Twin Oaks of Tuckaway), generally located at 8482 South 76th Street.

The Official Notice of Public Hearing for a Unified Development Ordinance §15-3.0413 Planned Development District No. 8 (Twin Oaks of Tuckaway) Planned Development District Amendment (Major) was read in to the record by Principal Planner Régulo Martínez-Montilva and the Public Hearing was opened at 7:07 p.m. and closed at 7:16 p.m.

Principal Planner Régulo Martínez-Montilva presented the request by Dennis C. Sauer and Lori J. Sauer, applicants, Quail Haven LLC property owner, to revise the district to add professional services as a permitted use (to operate a surveying services business in the existing converted farmhouse on the property (property purchased with the intent of restoring and maintaining the historic building)) property zoned Planned Development District No. 8 (Twin Oaks of Tuckaway), generally located at 8482 South 76th Street, specific addresses and Tax Key Numbers within the condominium complex.

Commissioner Leon moved and City Engineer Morrow seconded a motion to waive the requirement of a presentation by the applicant. On voice vote, all voted ‘aye’; motion carried (5-0-1).

City Engineer Morrow moved and Commissioner Leon seconded a motion to recommend approval of an Ordinance to amend section 15-3.0413 of the Unified Development Ordinance Planned Development District No.8 (Twin Oaks of

Tuckaway) to revise the district to add professional services as a permitted use (generally at 8482 South 76th Street). On voice vote, all voted ‘aye’; motion carried. (5-0-1).

D. Business Matters

1. VITALOGY DEVELOPMENT: CREATION OF A NEW RESIDENTIAL AND COMMERCIAL PLANNED DEVELOPMENT DISTRICT.

Comprehensive Master Plan Amendment and Planned Development District and Rezoning applications by Wetland Treehouse LLC, Rawson-Loomis, LLC, current property owner, to amend the Future Land Use Map designation of an approximately 51.61 acre parcel of land from Commercial Use and Areas of Natural Resource Features Use to Mixed Use, and to create Vitalogy, a new mixed-use, luxury residential and commercial planned development district which includes 358 apartments, 2.52 acres of retail outlots, a public street connecting Terrace Drive with South Loomis Road, private drives to serve 10 multi-family buildings, 2 townhouse clusters and a clubhouse, with resident amenities including patio space with an outdoor kitchen and private pool, and adjacent outdoor uses including pickleball courts, putting and chipping green, professionally managed gardens and open green space, on the approximately 51.61 acres of land located at 8301 West Old Loomis Road, and to rezone the property from R-6 Suburban Single-Family Residence District and C-1 Conservancy District to Planned Development District No. 41 (Vitalogy); Tax Key No. 755-9997-000. [THE MATTER WAS OPENED AND CLOSED AT THE DECEMBER 1, 2022 MEETING AND THE SUBJECT MATTER WAS PUT OVER TO THE JANUARY 5, 2023 PLAN COMMISSION MEETING.]

Commissioner Leon left the council chambers at 7:50.

Aldерwoman Hanneman moved and Commissioner Haley seconded a motion to postpone this item to the call of the chair. On voice vote, 4 voted ‘aye’ with 1 abstention; motion carried. (4-0-1).

Commissioner Leon returned to the council chambers at 7:54

2. SAPUTO CHEESE USA INC. CONSUMER FOOD PRODUCT CONVERTING FACILITY

City Attorney Wesolowski presented the request by Saputo Cheese USA Inc.

DEVELOPMENT. A Resolution to Amend Resolution No. 2022-7815, A Resolution Imposing Conditions and Restrictions for the Approval of a Special Use to Allow a 310,485 Square Foot “Office/Light Industrial Flex Space” to Develop a Food Processing Operation, Including the Provision of Materials Delivery, Processing, Packaging and Distribution of Food Products, with Supporting Office and Employee Welfare Facilities upon Property Located on the Eastern Half of the Parcel at the Intersection of West Oakwood Road and South 27th Street (Lot 2 of Certified Survey Map No. 9362), to Extend the Time for Commencement of the Special Use Development; and A Resolution to Amend Resolution No. 2022-001, A Resolution Imposing Conditions and Restrictions for the Approval of a Site Plan for Construction of an Approximately 310,485 Square Foot Consumer Food Product Converting Facility, Including a Two-Story Welfare and Office Area Supporting the Production Facility at the Northeast Portion of the Facility, 459 Parking Spaces for Cars in Front of the Building on West Oakwood Road and South 27th Street, Loading Areas for Trucks on the West and South Facing Sides of the Proposed Building and Stormwater Ponds on the North and South Sides of the Site for Onsite Stormwater Management and Visual Amenities (the Proposed Stormwater Elements Have Been Designed to Account for Potential Future Expansion of Key Areas of the Facility to Accommodate Growth for Saputo) upon Property Zoned Planned Development District No. 39 (Mixed-Use Business Park) Located on the Eastern Half of the Parcel at the Intersection of West Oakwood Road and South 27th Street in the Gateway Area District of Planned Development District No. 39 (Mixed-Use Business Park) (Lot 2 of Certified Survey Map No. 9362, Recorded on November 5, 2021) (Part of Tax Key No. 951-9994-001, Otherwise Known as Lot 2 of Certified Survey Map

Special Use Amendment

Alderdwoman Hanneman moved and Commissioner Leon seconded a motion to recommend approval of a Resolution to amend Resolution No. 2022-7815, a Resolution imposing conditions and restrictions for the approval of a Special Use to allow a 310,485 square foot “office/light industrial flex space” to develop a food processing operation, including the provision of materials delivery, processing, packaging and distribution of food products, with supporting office and employee welfare facilities upon property located on the eastern half of the parcel at the intersection of West Oakwood Road and South 27th street (lot 2 of Certified Survey Map No. 9362) (by Saputo Cheese USA Inc., applicant, HSA Commercial, Inc., d/b/a HSA Commercial Real Estate, property owner), to extend the time for commencement of the Special Use development. On voice vote, all voted ‘aye’; motion carried. (5-0-1).

Site Plan Amendment

Alderdwoman Hanneman moved and City Engineer Morrow seconded a motion to adopt a Resolution to amend Resolution No. 2022-001, a Resolution imposing conditions and restrictions for the approval of a Site Plan for construction of an approximately 310,485 square foot consumer food product converting facility, including a two-story welfare and office area supporting the production facility at the northeast portion of the facility, 459 parking spaces for cars in front of the building on West Oakwood Road and South 27th Street, loading areas for trucks on the west and south facing sides of the proposed building and stormwater ponds on the north and south sides of the site for onsite stormwater management and visual amenities (the proposed stormwater elements have been designed to account for potential future expansion of key areas of the facility to accommodate growth for Saputo) upon property zoned Planned Development District No. 39 (Mixed-Use Business Park) located on the eastern half of the parcel at the intersection of West Oakwood Road and South 27th Street in the gateway area district of Planned Development District No. 39 (Mixed-Use Business Park) (lot 2 of Certified Survey Map No. 9362, recorded on November 5, 2021) (part of tax key no. 951-9994-001, otherwise known as lot 2 of Certified Survey Map No. 9362) (Saputo Cheese USA, applicant, H.S.A. Commercial Real Estate, property owner), to extend the time for commencement of the Site Plan use development . On voice vote, all voted ‘aye’; motion carried. (5-0-1).

No. 9362) (Saputo Cheese USA, Applicant, H.S.A. Commercial Real Estate, Property Owner), to Extend the Time for Commencement of the Site Plan Use Development.

Adjournment

Commissioner Hogan moved and Commissioner Leon seconded to adjourn the Plan Commission meeting of January 5, 2023 at 7:33 p.m.. On voice vote, all voted ‘aye’; motion carried (5-0-1).

DRAFT



CITY OF FRANKLIN
REPORT TO THE PLAN COMMISSION

Item D.1.

Meeting of February 9, 2023

Site Plan Amendment

RECOMMENDATION: City Development staff identifies three (3) options for consideration by the Plan Commission.

Table with 2 columns: Label (Project name, Property Owner, Applicant, Property Address/TKN, Aldermanic District, Zoning District, Staff Planner, Submittal date, Application number) and Value (Iconica, after the fact grading, BPC County Land LLC, Cody Schwichtenberg, Iconica, 7005 S. Ballpark Dr. / 744 1003 000, District 6, PDD 37 - The Rock Sports Complex/Ballpark Commons, Régulo Martínez-Montilva, AICP, Principal Planner, 10-12-2022, PPZ22-0191)

Introduction:

In September 2021, excess spoil materials from the netting poles installation and golf ball target field were stockpiled in the area between the Rocks Sports Complex parking lot and Whitnall View subdivision, which is planned for future overflow parking per the Ballpark Commons master plan.

In August 2022, the applicant spread the spoil materials 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 Rocks Sports Complex development and Whitnall View subdivision, and its visual screening function might be impacted by higher elevations in the Rocks Sports Complex side.

Project Description and Analysis:

The landscape berm between the Whitnall View residential subdivision and the Rock Sports Complex/Ballpark Commons was part of the approval of Planned Development District Major Amendment, Special Use and Natural Resource Special Exception applications in 2017 (see approved grading plan, landscape plan and easement exhibit, appendices #1-3).

It is noted that the Unified Development Ordinance (UDO) section 15-5.0301D states that "Bufferyards shall be required to separate different zoning districts from each other. Bufferyards function to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs, and unsightly buildings or parking areas, or to provide spacing to reduce adverse impacts of noise, odor, or danger from fires or explosions".

Per the grading plan dated January 20, 2023, submitted with this application, the elevation of the fill area near the south berm is approximately 809 feet, while the south berm crest was 811 feet in some areas per the 2018 grading plan. City Development staff visited the site and noticed that

the fill dirt was close to the south berm crest in some areas. Staff is concerned about the higher elevations in the Ballpark Commons side that may impact the buffering purpose of the existing berm.



Photograph of the berm by City Development staff, looking southwest from the parking lot.

Staff Recommendation:

City Development staff identifies the three (3) options below for consideration by the Plan Commission:

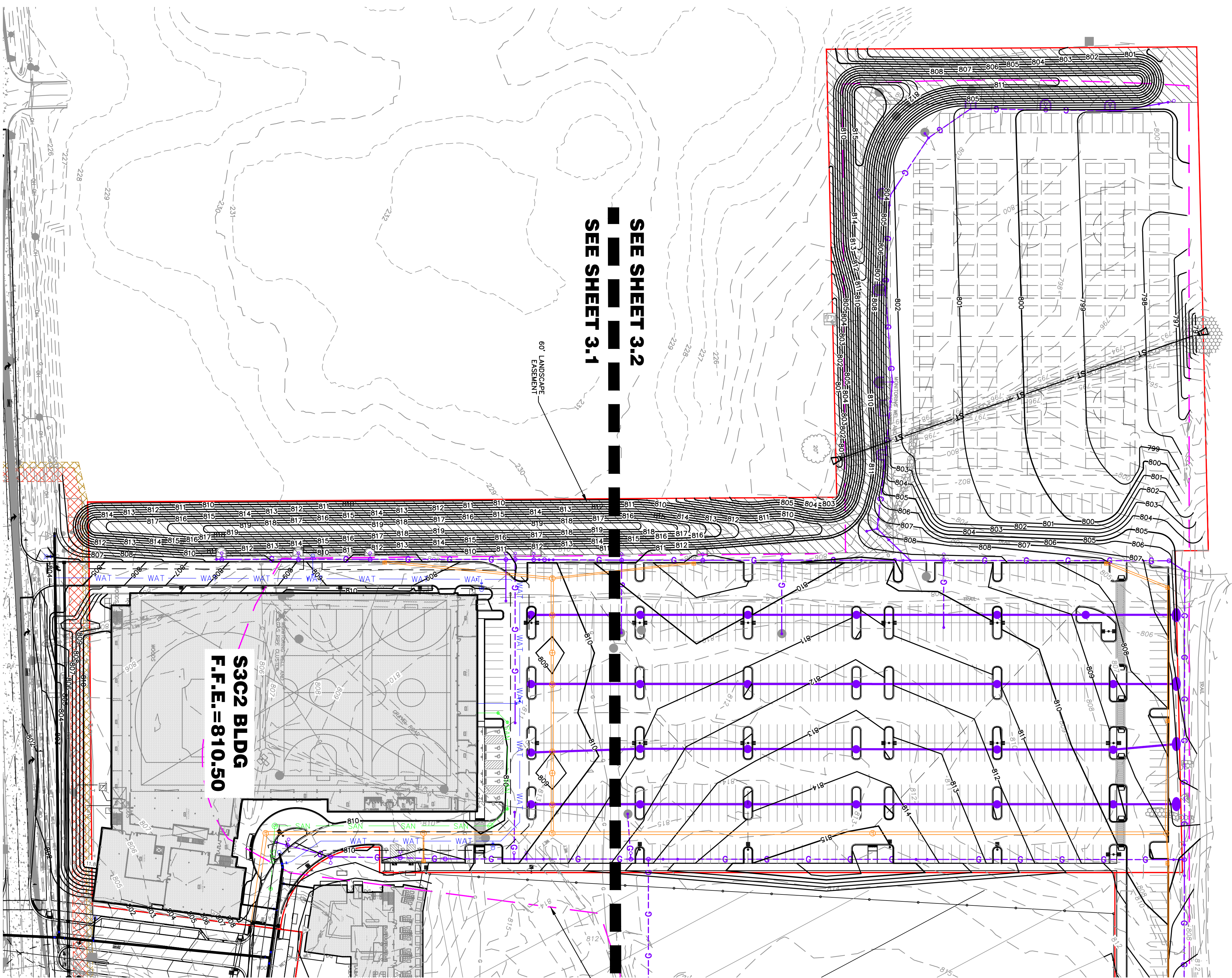
1. **Raise the height of the berm.** Motion: To table this Site Plan amendment until the applicant submits a revised grading plan and landscape plan with a higher elevation for the berm to compensate for higher elevations on the Rocks Sports Complex side.
2. **Remove all fill dirt.** Motion: To deny this Site Plan amendment and direct the applicant to remove all fill dirt in conformance with the approved grading plan dated March 23, 2018 (appendix #1).
3. **Approve Site Plan amendment.** Motion: To adopt the attached resolution.
 - For this option, staff recommends this condition of approval: The applicant must submit a tree survey to the Department of City Development, if the quantity of landscape features at the time of the survey differs from the approved landscape plan dated November 1, 2017 (appendix #2), due to missing or dead plantings, the

applicant must install and/or replace all necessary plantings in conformance to such approved landscape plan.

Appendices list:

1. Overall Grading Plan dated March 23, 2018.
2. North Berm Planting Plan dated November 1, 2017.
3. Conservation easement exhibit.

Appendix #1



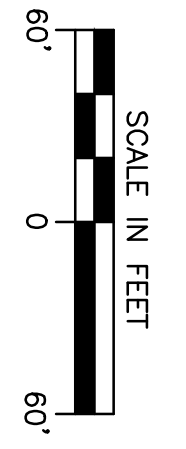
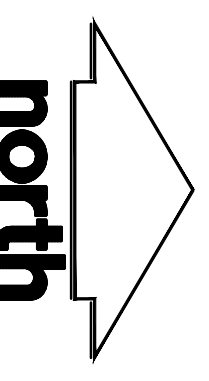
GRADING NOTES

1. THE CONTRACTOR SHALL FIELD VERIFY THE FOLLOWING:
 - A. ELEVATIONS OF THE BENCHMARKS PRIOR TO COMMENCING WORK.
 - B. LOCATION AND ELEVATION OF:
 - i. EXISTING PIPE INVERTS
 - ii. CURB OR PAVEMENT WHERE MATCHING INTO EXISTING WORK
 - iii. HORIZONTAL CONTROL BY REFERENCING SHOWN COORDINATES TO KNOWN PROPERTY LINES.

NOTIFY ENGINEER OF DISCREPANCIES IN EITHER VERTICAL OR HORIZONTAL CONTROL PRIOR TO PROCEEDING WITH WORK.
2. ALL UNSURFACED AREAS ARE TO RECEIVE FOUR INCHES OF TOPSOIL AND BE SEEDED, MULCHED AND WATERED UNTIL A HEALTHY STAND OF GRASS IS OBTAINED.
3. THIS GRADING PLAN IS BASED ON AN TOPOGRAPHIC SURVEY BY OTHERS. SOME FIELD ADJUSTMENTS MAY BE NECESSARY AT CONSTRUCTION OF WORK.
4. PROPERTY CORNERS SHALL BE CAREFULLY PROTECTED. MONUMENTS DISTURBED BY THE CONTRACTOR'S OPERATIONS SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE. REVIEW ANY REQUIRED CHANGES WITH THE ENGINEER PRIOR TO CONSTRUCTION OF WORK.
5. PROPOSED SPOT ELEVATIONS WHERE PROVIDED.
6. STORM SEWER SPECIFICATIONS
 - A. PIPE - ALL PIPE MATERIAL ARE INDICATED ON THE PLANS. REFER TO FOLLOWING SPECIFICATIONS:
 - i. REINFORCED CONCRETE PIPE (RCP) SHALL MEET THE REQUIREMENTS OF ASTM C-76, CLASS III (MINIMUM) WITH RUBBER GASKET JOINTS ASTM C-443.
 - ii. HIGH DENSITY POLYETHYLENE SMOOTH-WALLED INTERIOR CORRUGATED PIPE SHALL BE AS MANUFACTURED BY ADS OR EQUAL, WITH WATER TIGHT JOINTS. MANHOLE "N" VALUE OF 0.010 AND SHALL MEET THE REQUIREMENTS OF AASHTO DESIGN M-204 PIPE S. MATERIAL AND INSTALLATION SHALL BE IN ACCORDANCE WITH ASTM D3550, D2412, AND DES21 WITH ELASTOMER GASKETS CONFORMING TO ASTM F477.
 - B. INLETS AND FRAMES
 - i. INLETS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF WISCONSIN ADMINISTRATIVE CODE COMM 82.36(9)B.3.
 - ii. FRAMES AND GRATES SHALL BE GRAY IRON MATERIAL (PER ASTM A-48) OF STILES / CATALOG NUMBERS AS INDICATED ON THESE CONSTRUCTION DRAWINGS.
 - C. MANHOLES AND FRAMES
 - i. MANHOLES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF WISCONSIN ADMINISTRATIVE CODE COMM 82.35(9)A.6.
 - ii. FRAMES AND LIDS SHALL BE GRAY IRON MATERIAL (PER ASTM A-48) OF STILES/CATALOG NUMBERS AS INDICATED ON THESE CONSTRUCTION DRAWINGS. INTERNAL CHIMNEY SEALS SHALL BE CRETEX SPECIALTY PRODUCTS, OR EQUAL.
 - D. CLEANOUTS - CLEANOUTS SHALL BE EQUIPPED WITH FROST SLEEVES IN ACCORDANCE WITH COMM 82.36(9)A.2. (REFER TO DETAIL)
 - E. BACKFILL AND BEDDING - STORM SEWER SHALL BE BEDDED IN 3/4" CRUSHED STONE CHIPS AS DESCRIBED IN 10.11.2 OF THE CITY OF FRANKLIN DESIGN STANDARDS AND CONSTRUCTION SPECIFICATIONS TO Z FEET ABOVE THE TOP OF PIPE AND BACKFILLED WITH 1-1/4" THICK SAND AS DESCRIBED IN 10.11.3 OF SAID SPECIFICATIONS.
 - F. FIELD TILE CONNECTION - ALL FIELD TILE ENCOUNTERED DURING CONSTRUCTION SHALL BE INCLUDED IN THE UNIT PROCEEDS FROM STORM SEWER TILES CROSSING BY THE TRENCH SHALL BE REPLACED WITH THE SAME MATERIAL AS THE STORM SEWER AND SHALL BE INSPECTED BY THE CITY OF FRANKLIN PRIOR TO BACKFILLING.

LEGEND

- PROPOSED STORM INLET
- PROPOSED STORM SEWER
- PROPOSED WATER MAIN
- PROPOSED SANITARY SEWER
- PROPOSED STORM SEWER
- PROPOSED ELECTRIC
- PROPOSED GAS
- PROPOSED 1' CONTOUR
- PROPOSED 5' CONTOUR
- EXISTING 1' CONTOUR
- EXISTING 5' CONTOUR



ATTACHMENT 10



CREATE THE VISION TELL THE STORY

MADISON | MILWAUKEE
 KENOSHA | APPLETON | WAUSAU
MILWAUKEE REGIONAL OFFICE
 1022 NORTH BISSER ROAD, SUITE 100
 WAUKESHA, WISCONSIN 53188
 P. 262.513.0666

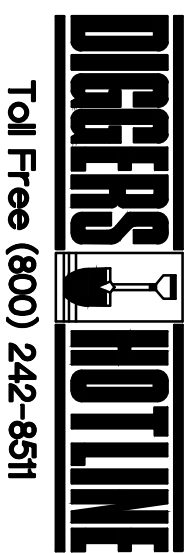


CLIENT ADDRESS:



BUILDING
 S3C2

SUBJECT TO AGENCY
 REVIEW - NOT FOR
 CONSTRUCTION



PLAN MODIFICATIONS

#	Date	Description
1	02/23/18	SITE PLAN SUBMITTAL

Design/Drawn: CWS/SJK
 Approved: JLU
 SHEET TITLE:
OVERALL GRADING PLAN

SHEET NUMBER:
C3.0
 JSD PROJECT NO. 14-6548

CONSTRUCTION SITE EROSION CONTROL

- CONTRACTOR IS RESPONSIBLE TO NOTIFY ENGINEER OF RECORD AND APPROPRIATE OFFICIALS OF ANY CHANGES TO THE EROSION CONTROL AND STORMWATER MANAGEMENT PLANS. ENGINEER OF RECORD AND APPROPRIATE CITY OF FRANKLIN OFFICIALS MUST APPROVE ANY CHANGES PRIOR TO DEVIATION FROM THE APPROVED PLANS.
- ALL EROSION CONTROL MEASURES SHALL BE CONSTRUCTED AND MAINTAINED BY THE CONTRACTOR IN ACCORDANCE WITH THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES (WDNR) TECHNICAL STANDARDS (REFERRED TO AS BMP'S) AND THE CITY OF FRANKLIN ORDINANCE. IT IS THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN A COPY OF THESE STANDARDS. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY ADDITIONAL EROSION CONTROL MEASURES WHICH MAY BE NECESSARY TO MEET UNFORESEEN FIELD CONDITIONS.
- MODIFICATIONS TO THE APPROVED EROSION CONTROL DESIGN IN ORDER TO MEET UNFORESEEN FIELD CONDITIONS IS ALLOWED IF MODIFICATIONS CONFORM TO BMP'S. ALL DESIGN MODIFICATIONS MUST BE APPROVED BY THE CITY OF FRANKLIN, PRIOR TO DEVIATION OF THE APPROVED PLAN.
- ADDITIONAL EROSION CONTROL MEASURES, AS REQUESTED BY STATE INSPECTORS, LOCAL INSPECTORS, COUNTY INSPECTORS AND/OR ENGINEER OF RECORD SHALL BE INSTALLED WITHIN 24 HOURS OF REQUEST.
- INSTALL PERIMETER EROSION CONTROL MEASURES (SUCH AS CONSTRUCTION ENTRANCES, SILT FENCE AND EXISTING INLET PROTECTION) PRIOR TO ANY SITE WORK, INCLUDING GRADING OR DISTURBANCE OF EXISTING SURFACE COVER, AS SHOWN ON PLAN IN ORDER TO PROTECT ADJACENT PROPERTIES/STORM SEWER SYSTEMS FROM SEDIMENT TRANSPORT.
- A CONSTRUCTION ENTRANCE IN ACCORDANCE WITH WDNR TECHNICAL STANDARD 1057 SHALL BE INSTALLED AT ALL LOCATIONS OF VEHICLE INGRESS/EGRESS. CONTRACTOR IS RESPONSIBLE TO COORDINATE LOCATION WITH THE PROPER AUTHORITIES, PROVIDE NECESSARY FEES, AND OBTAIN ALL REQUIRED APPROVALS OR PERMITS.
- INLET PROTECTION IN ACCORDANCE WITH WDNR TECHNICAL STANDARD 1060 SHALL BE IMMEDIATELY FITTED AT THE INLET OF ALL INSTALLED STORM SEWER AND AT ALL INSTALLED CULVERT INLETS TO PREVENT SEDIMENT DEPOSITION WITHIN STORM SEWER SYSTEMS.
- DITCH CHECKS AND APPLICABLE EROSION NETTING/MATTING SHALL BE INSTALLED IN ACCORDANCE WITH WDNR TECHNICAL STANDARDS 1053 & 1062 IMMEDIATELY AFTER COMPLETION OF GRADING EFFORTS WITHIN DITCHES/SWALES TO PREVENT SOIL TRANSPORTATION.
- CONTRACTOR SHALL INSTALL SILT FENCING AT DOWNSLOPE SIDE OF STOCKPILES IN ACCORDANCE WITH WDNR TECHNICAL STANDARD 1056.
- ALL EXPOSED SOIL AREAS THAT WILL NOT BE BROUGHT TO FINAL GRADE OR ON WHICH LAND DISTURBING ACTIVITIES WILL NOT BE PERFORMED FOR A PERIOD GREATER THAN 7 DAYS AND REQUIRE VEGETATIVE COVER FOR LESS THAN 1 YEAR, REQUIRE TEMPORARY SEEDING FOR EROSION CONTROL. SEEDING FOR EROSION CONTROL SHALL BE IN ACCORDANCE WITH WDNR TECHNICAL STANDARD 1059 AND CITY OF FRANKLIN ORDINANCE.
- IF TOPSOIL STOCKPILE REMAINS UNDISTURBED FOR MORE THAN SEVEN (7) DAYS, TEMPORARY SEEDING AND STABILIZATION IN ACCORDANCE WITH BEST MANAGEMENT PRACTICES IS REQUIRED. IF DISTURBANCE OCCURS BETWEEN NOVEMBER 15TH AND MAY 15TH, THE MULCHING SHALL BE PERFORMED BY HYDRO-MULCHING WITH A "TACKIFIER."
- ALL DISTURBED SLOPES EXCEEDING 5:1, SHALL BE STABILIZED WITH CLASS I, TYPE B EROSION MATTING OR APPLICATION OF A WISCONSIN DEPARTMENT OF TRANSPORTATION (WISDOT) APPROVED POLYMER SOIL STABILIZATION TREATMENT OR A COMBINATION THEREOF, AS REQUIRED. EROSION MATTING AND/OR NETTING USED ON SITE SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S GUIDELINES AND WDNR TECHNICAL STANDARDS 1052 AND 1053.
- THE CONTRACTOR IS RESPONSIBLE FOR CONTROLLING WIND EROSION (DUST) DURING CONSTRUCTION AT HIS/HER EXPENSE, WHEN NECESSARY OR REQUIRED BY LOCAL INSPECTORS AND/OR ENGINEER OF RECORD.
- EROSION CONTROL FOR UTILITY CONSTRUCTION (STORM SEWER, SANITARY SEWER, WATER MAIN, ETC.):
 - PLACE EXCAVATED TRENCH MATERIAL ON THE HIGH SIDE OF THE TRENCH.
 - BACKFILL, COMPACT AND STABILIZE THE TRENCH IMMEDIATELY AFTER PIPE CONSTRUCTION.
 - DISCHARGE TRENCH WATER INTO A SEDIMENTATION BASIN OR FILTERING TANK IN ACCORDANCE WITH BMP'S PRIOR TO RELEASE INTO THE STORM SEWER, RECEIVING STREAM OR DRAINAGE DITCH.
- PAVED SURFACES ADJACENT TO CONSTRUCTION SITE VEHICLE ACCESS SHALL BE SWEEPED AND/OR SCRAPPED TO REMOVE ACCUMULATED SOIL, DIRT AND/OR DUST AFTER THE END OF EACH WORK DAY AND AS REQUESTED BY THE CITY OF FRANKLIN.
- INSPECTIONS AND MAINTENANCE OF ALL EROSION CONTROL MEASURES SHALL BE ROUTINE (ONCE PER WEEK MINIMUM) TO ENSURE PROPER FUNCTION OF EROSION CONTROLS AT ALL TIMES. EROSION CONTROL MEASURES ARE TO BE IN WORKING ORDER AT THE END OF EACH WORK DAY.
- ALL EROSION AND SEDIMENT CONTROL ITEMS SHALL BE INSPECTED WITHIN 24 HOURS OF ALL RAIN EVENTS EXCEEDING 0.5 INCHES. IMMEDIATELY REPAIR ANY DAMAGE OBSERVED DURING THE INSPECTION.
- EROSION CONTROL MEASURES SHALL BE REMOVED ONLY AFTER SITE CONSTRUCTION IS COMPLETE WITH ALL SOIL SURFACES HAVING AN ESTABLISHED VEGETATIVE COVER.
- THE CONTRACTOR SHALL NOTIFY THE CITY EROSION CONTROL INSPECTOR PRIOR TO DEWATERING ACTIVITIES TAKING PLACE.
- SEE C5.14 FOR FURTHER GUIDANCE.

LEGEND

- | | | | |
|---|--------------------------|---|----------------------------|
| ⊙ | MANHOLE, TYPE UNKNOWN | ⊕ | WATER VALVE |
| ⊙ | SANITARY MANHOLE | ⊕ | FIRE HYDRANT |
| ⊙ | STORM MANHOLE | ⊕ | TELEPHONE PEDESTAL |
| ⊕ | CATCH BASIN ROUND | ⊕ | SIGN |
| ⊕ | CATCH BASIN SQUARE | ⊕ | ELECTRICAL PED/TRANSFORMER |
| ⊕ | STORM INLET | ⊕ | PEDESTAL CABLE |
| ⊙ | SANITARY MANHOLE | ⊕ | ELECTRIC VALVE |
| ⊙ | SANITARY CLEANOUT | ⊕ | POWER POLE |
| ⊙ | SEPTIC LID | ⊕ | LIGHT POLE |
| ⊕ | SEPTIC TANK | ⊕ | YARD LIGHT |
| ⊕ | FLOOD LIGHT | ⊕ | PULL BOX |
| ⊕ | WELL | ⊕ | GUY |
| ⊕ | MH TELEPHONE | ⊕ | GAS METER |
| ⊕ | AIR CONDITION UNIT | ⊕ | TREE |
| ⊕ | SEPTIC VENT | ⊕ | DECIDUOUS TREE |
| ⊕ | WOOD POST | ⊕ | BUSH |
| ⊕ | BOLLARD | ⊕ | WATER MAIN |
| ⊕ | MONITORING WELL | ⊕ | SANITARY SEWER |
| ⊕ | POST INDICATOR VALVE | ⊕ | STORM SEWER |
| ⊕ | SIAMESE | ⊕ | FIBER OPTIC |
| ⊕ | SPRINKLER CONTROL VALVE | ⊕ | UNDERGROUND TELEPHONE |
| ⊕ | MAILBOX | ⊕ | UNDERGROUND ELECTRIC |
| ⊕ | FLAGPOLE | ⊕ | UNDERGROUND GAS |
| ⊕ | CORRUGATED METAL PIPE | ⊕ | OVERHEAD UTILITY |
| ⊕ | REINFORCED CONCRETE PIPE | ⊕ | CABLE TV |
| | | ⊕ | FENCE LINE |

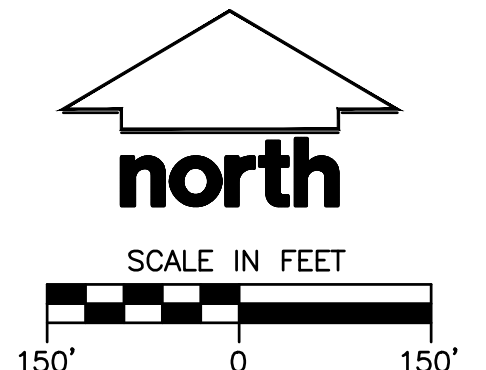
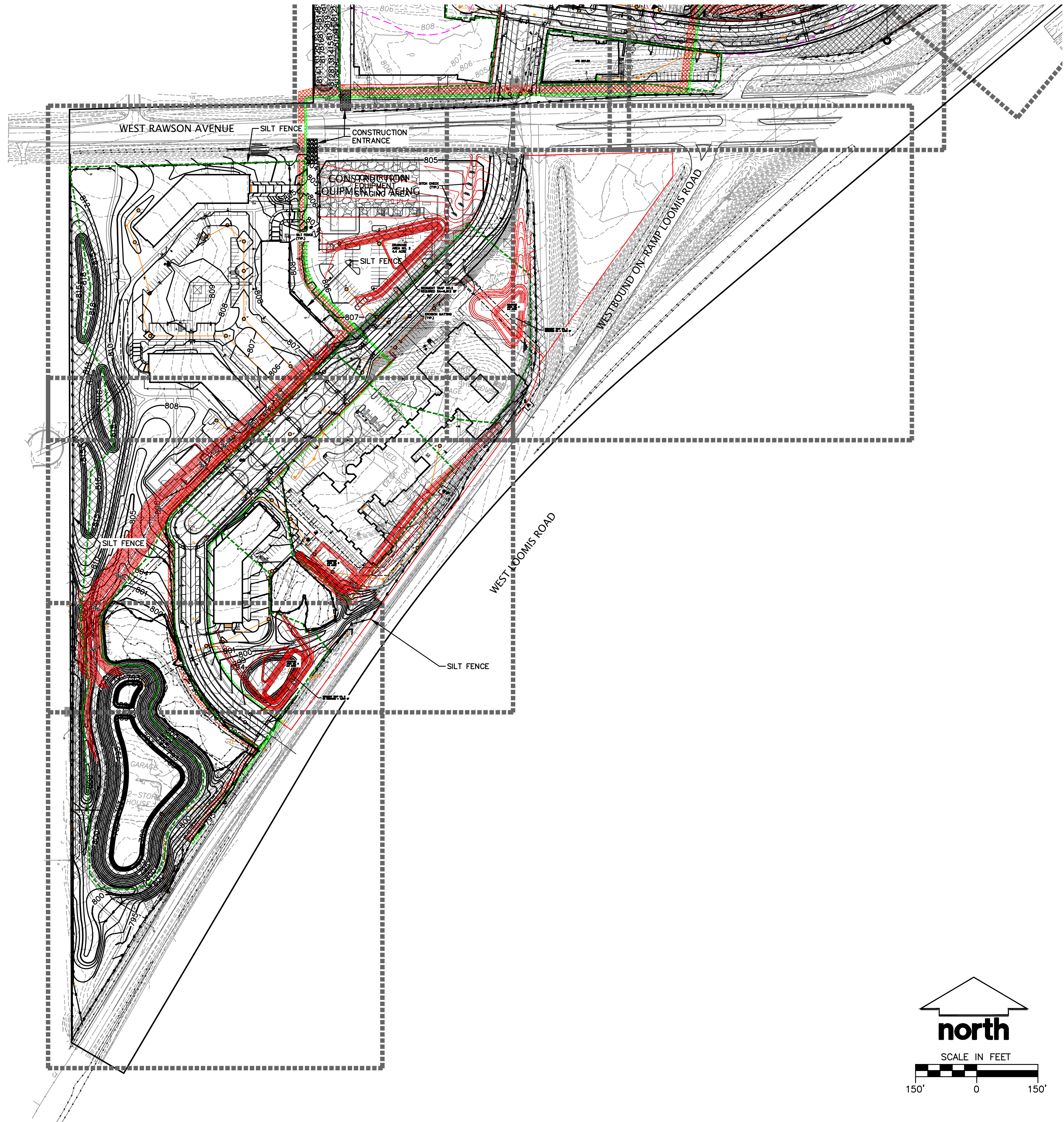
EROSION CONTROL LEGEND

- | | | |
|------|------|--|
| —SF— | (SF) | SILT FENCE TYP. |
| — | (WL) | ORANGE MESH WETLAND INDICATOR FENCE TYP. |
| — | (DV) | TEMPORARY DIVERSION TYP. |
| ⊙ | (IP) | INLET PROTECTION TYP. |
| ⊕ | (DC) | DITCH CHECK TYP. |
| ⊕ | (EM) | EROSION MATTING TYP. |
| ⊕ | (RR) | RIP-RAP ON TYPE R FILTER FABRIC |
| ⊕ | (CE) | CONSTRUCTION ENTRANCE |
| ⊕ | (CS) | CONSTRUCTION STAGING |

SEDIMENT TRAP CALC.

Trap No.	Drainage Area (A _d) Acres	Required Surface Area (A _r) Sq. Ft.	Provided Surface Area Sq. Ft.	Required Weir Length Ft.	Provided Weir Length Ft.
1	3.4	5,246	5,914	10	10
2	4.4	6,812	7,159	12	12
3	2.0	3,050	3,188	8	8
4	3.3	5,153	5,268	10	10
5	3.6	5,608	5,917	10	10
6	2.9	4,599	4,792	8	8

Note: $A_r = 1560 * A_{d,r}$
Weir Lengths are designed base on Table 1 of WDNR Technical Standards 1063



File: R:\2014\140548 Ballpark Commons\wg\140548 C5.0 - Erosion Control Plan - Mass Grading.dwg Layout: 5.1 South User: Inmanman Plotdate: Apr 11, 2018 - 2:12pm Xref's:



CREATE THE VISION TELL THE STORY

MADISON | MILWAUKEE
KENOSHA | APPLETON | WAUSAU

MILWAUKEE REGIONAL OFFICE
W238 N1610 BUSSE ROAD, SUITE 100
WAUKESHA, WISCONSIN 53188
P. 262.513.0666

CLIENT:



CLIENT ADDRESS:

PROJECT:



Toll Free (800) 242-8511

PLAN MODIFICATIONS:

#	Date	Description
1	09-25-17	CITY PLAN SUBMITTAL
2	11-01-17	CITY COMMENTS
3	12-01-17	ISSUED FOR BID
4	03-13-18	REVISED PLANS
5	03-15-18	PLANS FOR PHASING
6	03-30-18	PHASE III WRAPP
7	04-09-18	CITY COMMENTS

Design/Drawn: CAP/SJK
Approved: JLL

SHEET TITLE:
**EROSION CONTROL
PLAN - SOUTH
(PHASE III)**

SHEET NUMBER:

C5.1A

JSD PROJECT NO: 14-6548

THESE PLANS AND DESIGNS ARE COPYRIGHT PROTECTED AND MAY NOT BE USED IN WHOLE OR IN PART WITHOUT THE WRITTEN CONSENT OF JSD PROFESSIONAL SERVICES, INC.

EASEMENT EXHIBIT

PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 4, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION; THENCE NORTH 00°21'07" WEST ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, 108.28 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF WEST RAWSON AVENUE ALSO KNOWN AS C.T.H. BB AND THE POINT OF BEGINNING; THENCE SOUTH 88°31'09" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE, 60.01 FEET TO THE SOUTHEAST CORNER OF WHITNALL VIEW, ADDITION NO. 1 SUBDIVISION; THENCE NORTH 00°21'07" WEST ALONG THE EAST LINE OF SAID SUBDIVISION, 809.45 FEET; THENCE SOUTH 88°41'11" WEST ALONG THE NORTH LINE OF SAID SUBDIVISION, 484.57 FEET; THENCE NORTH 00°21'07" WEST ALONG THE EAST LINE OF SAID SUBDIVISION, 400.06 FEET TO THE NORTHEAST CORNER OF LOT 9 OF SAID SUBDIVISION; THENCE NORTH 88°41'11" EAST, 60.01 FEET; THENCE SOUTH 00°21'06" EAST, 340.05 FEET; THENCE NORTH 88°41'11" EAST, 484.57 FEET TO A POINT ON SAID WEST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 00°21'07" EAST ALONG SAID WEST LINE, 869.29 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID WEST RAWSON AVENUE AND THE POINT OF BEGINNING.

LANDS CONTAINING 101,640 SQUARE FEET OR 2.3333 ACRES

File: R:\2014\1406548 Ballpark Commons.dwg Exhibit Conservation Easement.dwg Layout: North Conservation Easement 3 User: dsponjar Plotted: Feb 22, 2018 3:32pm

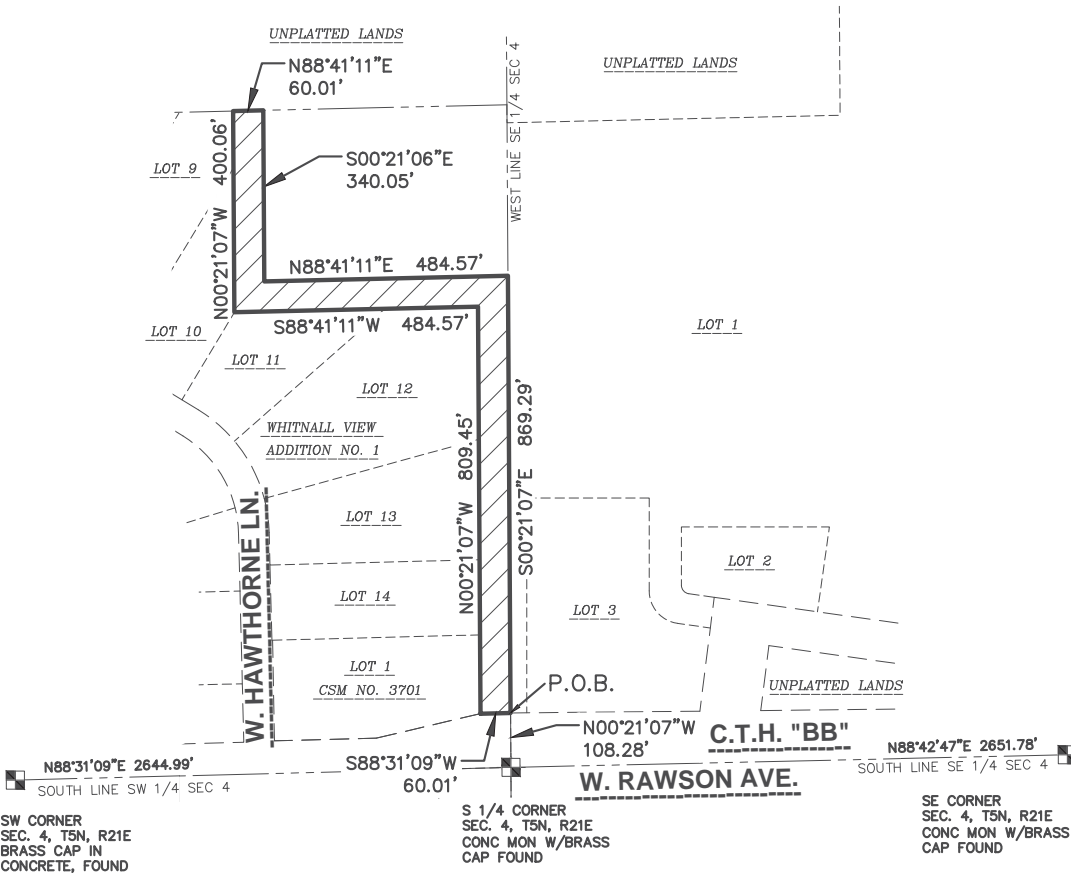


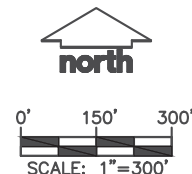
EXHIBIT CONSERVATION EASEMENT

PREPARED BY:
JSD Professional Services, Inc.
 • Engineers • Surveyors • Planners
 N22 W22931 NANCYS COURT
 SUITE 3
 WAUKESHA, WISCONSIN 53186
 PHONE: (262)513-0666

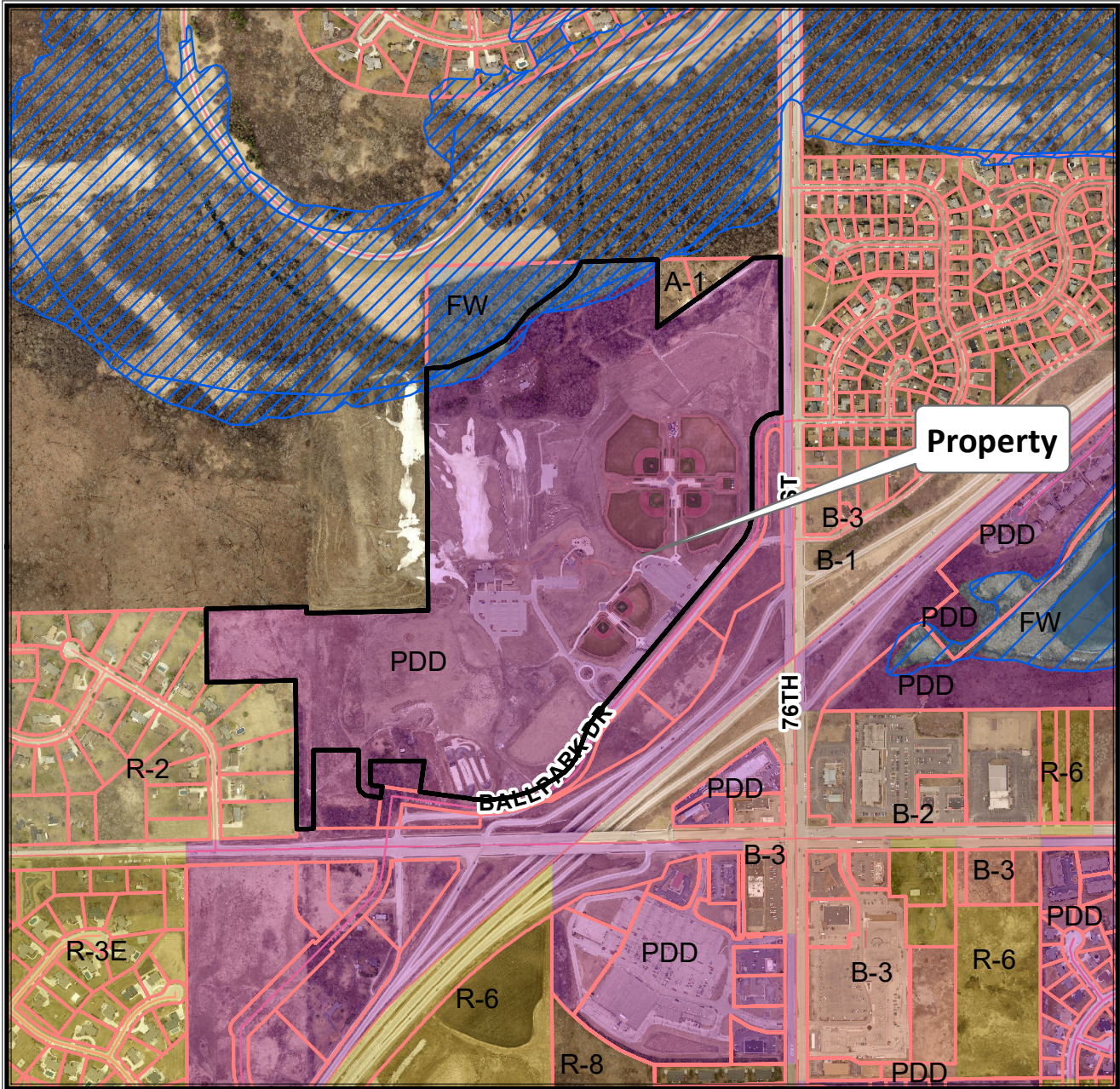
PREPARED FOR:
 BPC COUNTY LAND, LLC
 510 W. KILBOURN AVE.
 2ND FLOOR
 MILWAUKEE, WI 53202

PROJECT NO: 14-6548
 FILE NO: B-*
 FIELDBOOK/PG: -
 SHEET NO: 1 OF 1

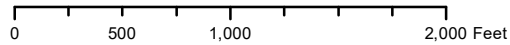
SURVEYED BY: -
 DRAWN BY: BFG
 CHECKED BY: AW
 APPROVED BY: AW



7005 S. Ballpark Drive
TKN: 744 1003 000

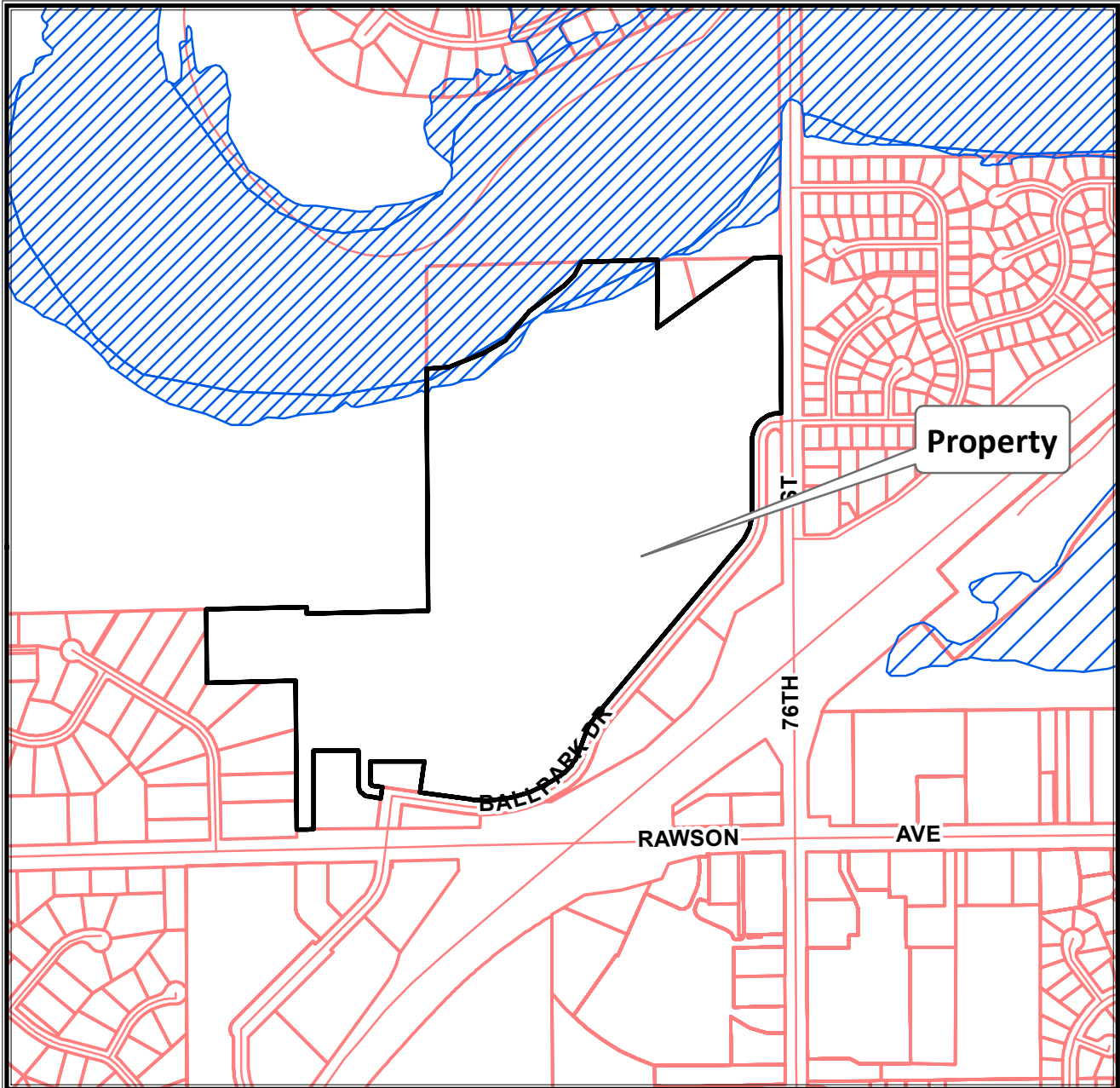


Planning Department
(414) 425-4024

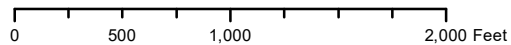


This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.

7005 S. Ballpark Drive
TKN: 744 1003 000



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.

RESOLUTION NO. 2023-_____

A RESOLUTION AMENDING THE SITE PLAN FOR PROPERTY LOCATED AT APPROXIMATELY 7005 SOUTH BALLPARK DRIVE TO ALLOW FOR “AFTER THE FACT GRADING” ON ACCOUNT OF EXCESS SPOIL MATERIALS FROM THE LUXE GOLF BAYS INSTALLATION, STOCKPILED AND THEN SPREAD OUT THEREAFTER OVER 3 ACRES NORTH OF THE STOCKPILE, RESULTING IN AN ELEVATION INCREASE OF APPROXIMATELY 4 FEET

(TAX KEY NO. 744-1003-000)

(ICONICA, INC., APPLICANT, BPC COUNTY LAND, LLC, PROPERTY OWNER)

WHEREAS, Iconica, Inc., applicant, BPC County Land, LLC, property owner, having applied for an amendment to the site plan for the property located at 7005 South Ballpark Drive, such Site Plan having been previously approved on September 19, 2019, by Resolution No. 2019-016; and

WHEREAS, such proposed amendment proposes “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 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, and the Plan Commission having reviewed such proposal and having found same to be in compliance with and in furtherance of those express standards and purposes of a Site Plan review pursuant to Division 15-7.0100 of the Unified Development Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Site Plan for BPC County Land, LLC, 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 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, as submitted by Iconica, Inc., as described above, be and the same is hereby approved, subject to the following conditions:

ICONICA, INC. – SITE PLAN AMENDMENT
RESOLUTION NO. 2023-_____

Page 2

1. Iconica, Inc., applicant, BPC County Land, LLC, property owner, successors and assigns and any developer of the Iconica, Inc. “after the fact grading” approval 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 the Iconica, Inc. “after the fact grading”, 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.
2. The approval granted hereunder is conditional upon Iconica, Inc., applicant, BPC County Land, LLC, property owner, and the Iconica, Inc. “after the fact grading” for the property located at 7005 South Ballpark Drive: (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.
3. The Iconica, Inc. “after the fact grading” shall be developed in substantial compliance with the plans City file-stamped January 20, 2023.

BE IT FURTHER RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that the Iconica, Inc. “after the fact grading” as depicted upon the plans City file-stamped January 20, 2023, attached hereto and incorporated herein, shall be developed and constructed within one year from the date of adoption of this Resolution, or this Resolution and all rights and approvals granted hereunder shall be null and void, without any further action by the City of Franklin; and the Site Plan for the property located at 7005 South Ballpark Drive, as previously approved, is amended accordingly.

Introduced at a regular meeting of the Plan Commission 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, Chairman

ICONICA, INC. – SITE PLAN AMENDMENT
RESOLUTION NO. 2023-_____

Page 3

ATTEST:

Karen L. Kastenson, City Clerk

AYES _____ NOES _____ ABSENT _____

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



APPLICATION DATE: 10/7/2022

STAMP DATE: city use only

PLAN COMMISSION REVIEW APPLICATION

PROJECT INFORMATION [print legibly]

APPLICANT [FULL LEGAL NAMES]	APPLICANT IS REPRESENTED BY [CONTACT PERSON]
NAME: Cody Schwichtenberg	NAME:
COMPANY: Iconica	COMPANY:
MAILING ADDRESS: 901 Deming Way, Suite 102	MAILING ADDRESS:
CITY/STATE: ZIP: Madison, WI 53717	CITY/STATE: ZIP:
PHONE: (608) 664-3631	PHONE:
EMAIL ADDRESS: cody.schwichtenberg@iconicacreates.com	EMAIL ADDRESS:

PROJECT PROPERTY INFORMATION

PROPERTY ADDRESS: 7005 S Ballpark Dr, Franklin WI 53132	TAX KEY NUMBER: 7441003000
PROPERTY OWNER: BPC County Land LLC	PHONE:
MAILING ADDRESS: 7044 S Ballpark Dr, Suite 300	EMAIL ADDRESS:
CITY/STATE: ZIP: Franklin, WI 53132	DATE OF COMPLETION: office use only

APPLICATION TYPE

Please check the application type that you are applying for

Building Move
 Sign Review
 Site Plan / Site Plan Amendment
 Temporary Use

Most requests require Plan Commission review and 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 plan commission approval and submittals and understand that incomplete applications and submittals cannot be reviewed.

PROPERTY OWNER SIGNATURE: 	APPLICANT SIGNATURE:
NAME & TITLE: DATE: <i>Thomas Shors</i> 1/27/2023	NAME & TITLE: DATE: Cody Schwichtenberg, Construction Project Manager 10/7/2022
PROPERTY OWNER SIGNATURE:	APPLICANT REPRESENTATIVE SIGNATURE:
NAME & TITLE: DATE:	NAME & TITLE: DATE:

CITY OF FRANKLIN APPLICATION CHECKLIST

If you have questions about the application materials please contact the planning department.

BUILDING MOVE APPLICATION MATERIALS

- This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- \$200 Application fee payable to the City of Franklin.
- Word Document legal description of the subject property.
- Three (3) complete collated sets of application materials to include ...
 - Three (3) project narratives.
 - Three (3) folded full size, drawn to scale copies (at least 8 ½ " X 11") of the plat of survey, *showing the proposed building placement at the new location, indicate setbacks from property lines and locations of driveways and access points.*
NOTE: Single-Family homes require an attached 2-car garage.
 - Three (3) copies of color photographs of the building's current elevations.
- Other items as may be required for specific applications, per a city planner.
- Email or flash drive with all plans / submittal materials.
 - Applications for a Building Move are governed by the City of Franklin Municipal Code Chapter 92-2 (A.) and the Wisconsin Uniform Building Code.

SIGN REVIEW APPLICATION MATERIALS

- This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- \$40 Application fee payable to the City of Franklin.
- Word Document legal description of the subject property.
- Three (3) complete collated sets of application materials to include ...
 - Three (3) colored copies of the sign elevations, drawn to scale not less than ½" = 1'. *Plans shall be folded to a maximum size of 9" X 12". The elevations should denote the sign dimension and area. Identify the colors, materials, finishes and lighting method (if applicable).*
 - Three (3) scaled copies of the Site Plan, *showing the location of the proposed signage relative to (1) any existing or proposed structures; (2) parking stalls and/or driveways; (3) proposed landscaping and outdoor lighting; (4) the setback distance from the street right-of-way at the proposed location; (5) height of sign above the finished grade; and (6) the vision triangle distances described in Section 15-5.0201 of the Unified Development Ordinance.*
- Email or flash drive with all plans / submittal materials.
 - Required for signage in Planned Development Districts (PDD) No. 7 and 18. Additional materials / copies may be required for board/commission meetings.
 - Permits for construction are REQUIRED after approval. Contact Inspection Services (414-425-0084) for permit processes.

SITE PLAN / SITE PLAN AMENDMENT APPLICATION MATERIALS

- This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- Application fee payable to the City of Franklin... [select one of the following]
 - Tier 1: \$2000
 - Tier 2: \$1000 (*lot size ≤ 1 acre*)
 - Tier 3: \$500 (*≤ 10% increase or decrease in total floor area of all structures with no change to parking: or change to parking only*).
- Word Document legal description of the subject property.
- Three (3) complete collated sets of application materials to include ...
 - Three (3) project narratives.
 - Three (3) folded full size, drawn to scale copies (at least 24" X 36") of the Site Plan / Site Plan Amendment package. *The submittal should include only those plans/items as set forth in Section 15-7.0103, 15-7.0301, and 15-0402 of the Unified Development Ordinance that are impacted by the development (e.g., Site Plan, Building Elevations, Landscape Plan, Outdoor Lighting Plan, Natural Resource Protection Plan, Natural Resource Protection Report, etc.)*
- One (1) colored copy of the building elevations on 11" X 17" paper, *if applicable.*
- One (1) copy of the Site Intensity and Capacity Calculations, *if applicable (see division 15-3.0500 of the UDO)*
- Email or flash drive with all plans / submittal materials.
 - Some requests may require CDA approval (PDD 18) or EDC approval (PDD 7) in which additional materials / copies may be required.

TEMPORARY USE APPLICATION MATERIALS

- This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- \$50 Application fee payable to the City of Franklin.
- Three (3) complete collated sets of application materials to include ...
 - Three (3) project narrative
 - Three (3) folded, scaled copies, of the Site Plan, *see section 15-3.0804 of the UDO for information that must be denoted on each respective plan.*
- Email or flash drive with all plans / submittal materials.
 - Some requests may require CDA approval (PDD 18) or EDC approval (PDD 7) in which additional materials / copies may be required.
 - Submittal of Application for review is not a guarantee of approval. Approval of Temporary Use does not exclude potential requirement for additional licenses or permits. For information on other licenses or permits that may be required, contact the City Clerk's office at (414) 425-7500, the Health Department at (414) 425-9101, and Inspection Services at (414) 425-0084.

LEGAL DESCRIPTION

Property: Lot 1 of Certified Survey Map No. 9041.

Work Site Area: Part of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 04 Town 5 North Range 21 East. Approximately 3 Acres.

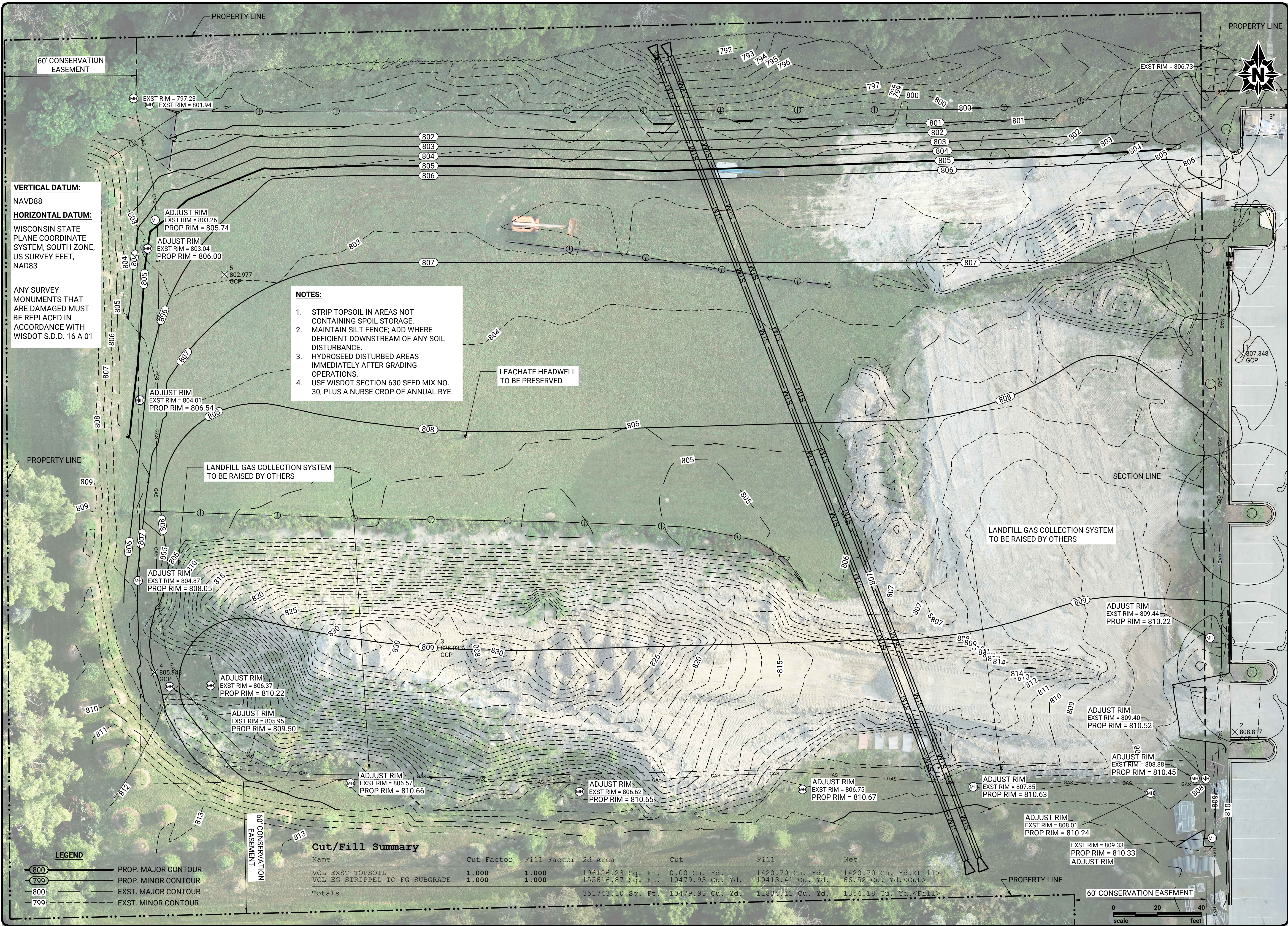
PROJECT NARRATIVE

In September 2021, Iconica broke ground on the Luxe Golf site at Ballpark Commons. Part of the project work resulted in excess spoil materials from the pole installation for the netting (previously permitted with the City) and from the golf ball target field that were stockpiled adjacent to an open field on the western portion of the Ballpark Commons property.

In August 2022, Iconica, working with the property owner, decided to spread the spoil pile over the approximate 3 acre grass field immediately north of the stockpile. They were working off a draft of the proposed grading plan that is included in this packet. The resulting spoils raised the elevation of the field approximately 4'. The existing drainage patterns and surface water runoff from the area were maintained and are commensurate with the approved stormwater master plan for the BPC property.

The area is planned to serve as an overflow parking area for larger BPC events, as needed.

Jan 20, 2023 - 11:41am pcg C:\pwworking\pwworking\proj\06145691\ROC EMPLOYEE PARKING_X-DSGN.dwg



VERTICAL DATUM:
NAVD88

HORIZONTAL DATUM:
WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, US SURVEY FEET, NAD83

ANY SURVEY MONUMENTS THAT ARE DAMAGED MUST BE REPLACED IN ACCORDANCE WITH WISDOT S.D.D. 16 A 01

NOTES:

1. STRIP TOPSOIL IN AREAS NOT CONTAINING SPOIL STORAGE.
2. MAINTAIN SILT FENCE; ADD WHERE DEFICIENT DOWNSTREAM OF ANY SOIL DISTURBANCE.
3. HYDROSEED DISTURBED AREAS IMMEDIATELY AFTER GRADING OPERATIONS.
4. USE WISDOT SECTION 630 SEED MIX NO. 30, PLUS A NURSE CROP OF ANNUAL RYE.

Cut/Fill Summary

Name	Cut Factor	Fill Factor	2d Area	Cut	Fill	Net
VOL EXST TOPSOIL	1.000	1.000	196126.23 Sq. Ft.	0.00 Cu. Yd.	1420.70 Cu. Yd.	1420.70 Cu. Yd.<Fill>
VOL EG STRIPPED TO FG SUBGRADE	1.000	1.000	155616.87 Sq. Ft.	10479.93 Cu. Yd.	10413.41 Cu. Yd.	66.52 Cu. Yd.<Cut>
Totals			351743.10 Sq. Ft.	10479.93 Cu. Yd.	11834.11 Cu. Yd.	1354.18 Cu. Yd.<Fill>

LEGEND

	PROP. MAJOR CONTOUR
	PROP. MINOR CONTOUR
	EXST. MAJOR CONTOUR
	EXST. MINOR CONTOUR

Foth
Foth Infrastructure & Environment, LLC
704 S. Ballpark Drive, Suite 200
Phone: 414-338-7900 Fax: 414-338-7901

REUSE OF DOCUMENTS
THIS DOCUMENT HAS BEEN DEVELOPED FOR A SPECIFIC APPLICATION AND IS NOT BEING REUSED FOR ANY OTHER PROJECT. WRITTEN APPROVAL OF FOTH INFRASTRUCTURE AND ENVIRONMENT, LLC, IS REQUIRED FOR ANY REUSE. UNAPPROVED USE IS THE SOLE RESPONSIBILITY OF THE UNAUTHORIZED USER.

ROC VENTURES, LLC.
WEST SIDE EMPLOYEE
TURF OVERFLOW PARKING LOT
PROPOSED SITE PLAN AMENDMENT
CITY OF FRANKLIN
MILWAUKEE COUNTY
WISCONSIN

NO.	BY	DATE	REVISION / ISSUE DESCRIPTION
1	PCG	1/20/2023	RECORD DRAWING OF COMPLETED CONSTRUCTION
2	PCG	1/20/2023	RECORD DRAWINGS OF COMPLETED CONSTRUCTION CONFORMING TO CONTRACTOR AND/OR OWNERS RECORDS.

DATE OF PREPARATION: BY: DATE

SURVEYED	BY	DATE
-	PCG	1/20/2023
DESIGNED	PCG	1/20/2023
CHECKED	-	-

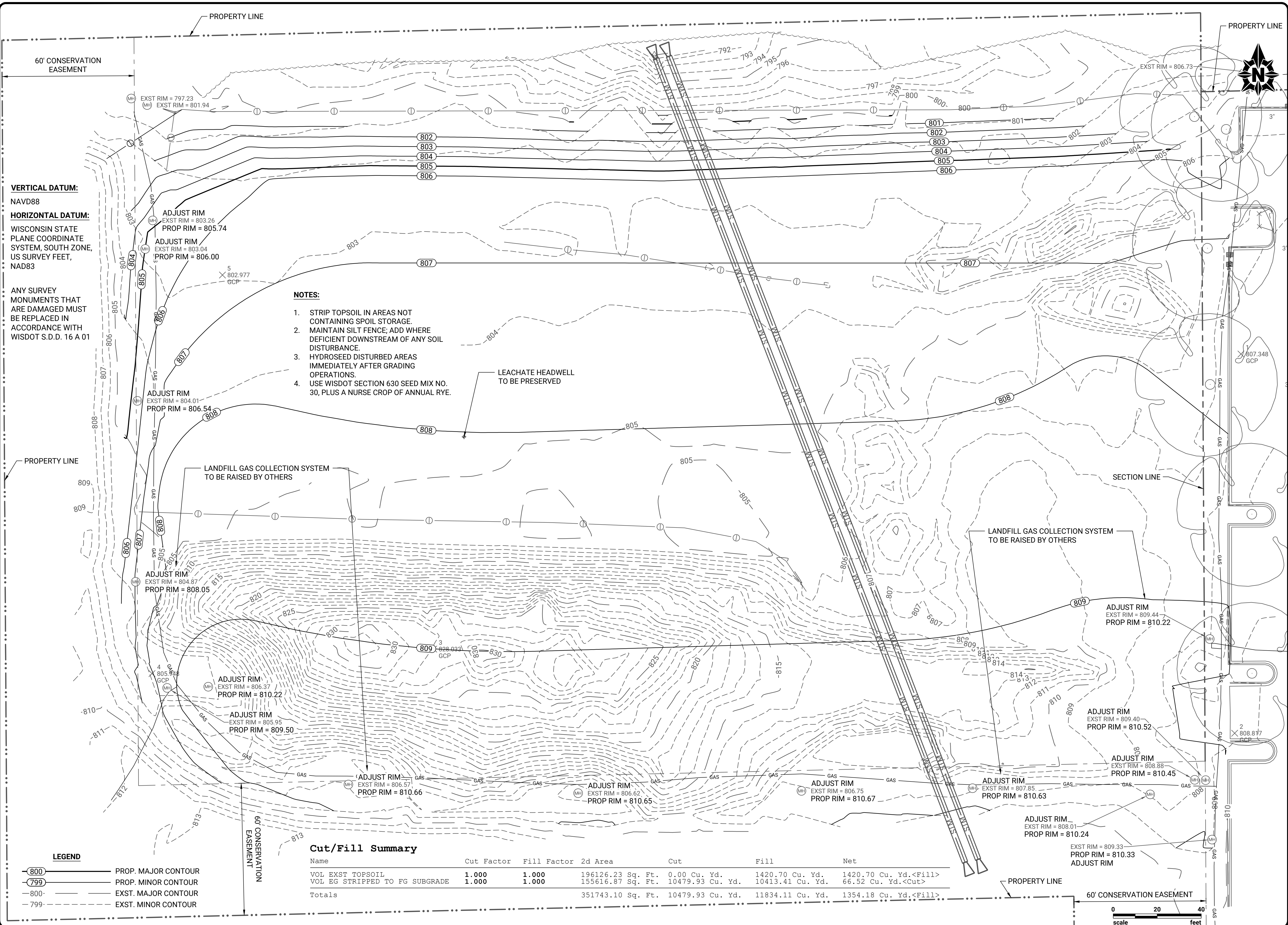
LUXE GOLF
EXCESS SPOIL PROP.
GRADING PLAN &
GAS COLLECTION MH
ADJUSTMENTS

PLAN COMMISSION
SUBMITTAL

PROJECT ID 00X000.00

1

Jan 20, 2023 - 11:40am pcg C:\pwworkdir\pwworkdir\proj\06145691\ROC EMPLOYEE PARKING_X-DSGN.dwg



VERTICAL DATUM:
NAVD88

HORIZONTAL DATUM:
WISCONSIN STATE
PLANE COORDINATE
SYSTEM, SOUTH ZONE,
US SURVEY FEET,
NAD83

ANY SURVEY
MONUMENTS THAT
ARE DAMAGED MUST
BE REPLACED IN
ACCORDANCE WITH
WISDOT S.D.D. 16 A 01

- NOTES:**
1. STRIP TOPSOIL IN AREAS NOT CONTAINING SPOIL STORAGE. MAINTAIN SILT FENCE; ADD WHERE DEFICIENT DOWNSTREAM OF ANY SOIL DISTURBANCE.
 2. HYDROSEED DISTURBED AREAS IMMEDIATELY AFTER GRADING OPERATIONS.
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VOL EG STRIPPED TO FG SUBGRADE	1.000	1.000	155616.87 Sq. Ft.	10479.93 Cu. Yd.	10413.41 Cu. Yd.	66.52 Cu. Yd.<Cut>
Totals			351743.10 Sq. Ft.	10479.93 Cu. Yd.	11834.11 Cu. Yd.	1354.18 Cu. Yd.<Fill>

LEGEND

(800)	PROP. MAJOR CONTOUR
(799)	PROP. MINOR CONTOUR
-800-	EXST. MAJOR CONTOUR
-799-	EXST. MINOR CONTOUR

Foth
Foth Infrastructure & Environment, LLC
704 S. Balgink Drive, Suite 300
Milwaukee, WI 53212
Phone: 414-338-7900 Fax: 414-338-7901

REUSE OF DOCUMENTS
THIS DOCUMENT HAS BEEN DEVELOPED FOR A SPECIFIC APPLICATION AND SHOULD NOT BE REUSED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN APPROVAL OF FOTH INFRASTRUCTURE AND ENVIRONMENT, LLC. UNAPPROVED USE IS THE SOLE RESPONSIBILITY OF THE UNAUTHORIZED USER.

ROC VENTURES, LLC.
WEST SIDE EMPLOYEE
TURF OVERFLOW PARKING LOT
PROPOSED SITE PLAN AMENDMENT
CITY OF FRANKLIN
MILWAUKEE COUNTY
WISCONSIN

NO.	BY	DATE	REVISION / ISSUE DESCRIPTION

RECORD DRAWING OF COMPLETED CONSTRUCTION BY
RECORD DRAWINGS OF COMPLETED CONSTRUCTION
CONFORMING TO CONTRACTOR AND/OR OWNERS RECORDS.
BY: _____ DATE: _____

DATE OF PREPARATION

SURVEYED	BY	DATE

DRAWN	PCG	1/20/2023
DESIGNED	PCG	1/20/2023
CHECKED		

LUXE GOLF
EXCESS SPOIL PROP.
GRADING PLAN &
GAS COLLECTION MH
ADJUSTMENTS

PLAN COMMISSION
SUBMITTAL

PROJECT ID 00X000.00
1



MEMORANDUM

Date: January 30, 2023

SENT VIA EMAIL

To: City of Franklin UDO Update Task Force
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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.

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- 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 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	"
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Article 8. Subdivision Standards

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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.

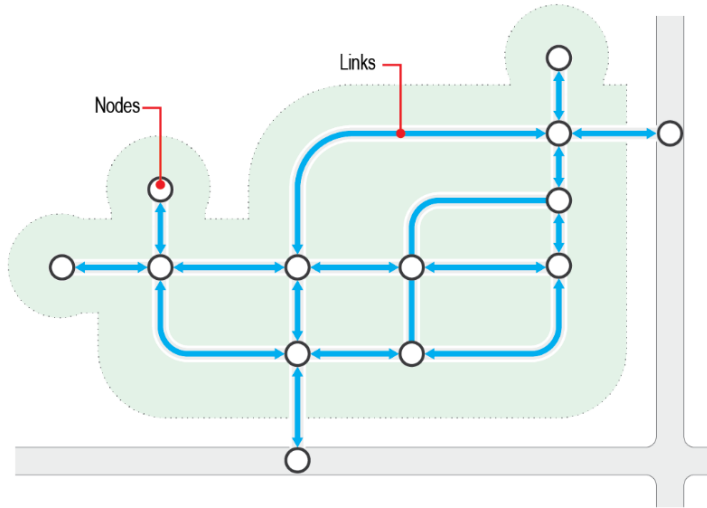
- F. Half-Streets.** Where an existing dedicated or platted half-street is adjacent to the tract being subdivided by either a subdivision plat or certified survey map, the other half of the street shall be dedicated by the subdivider. The platting of new half-streets shall not be permitted.

- 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).



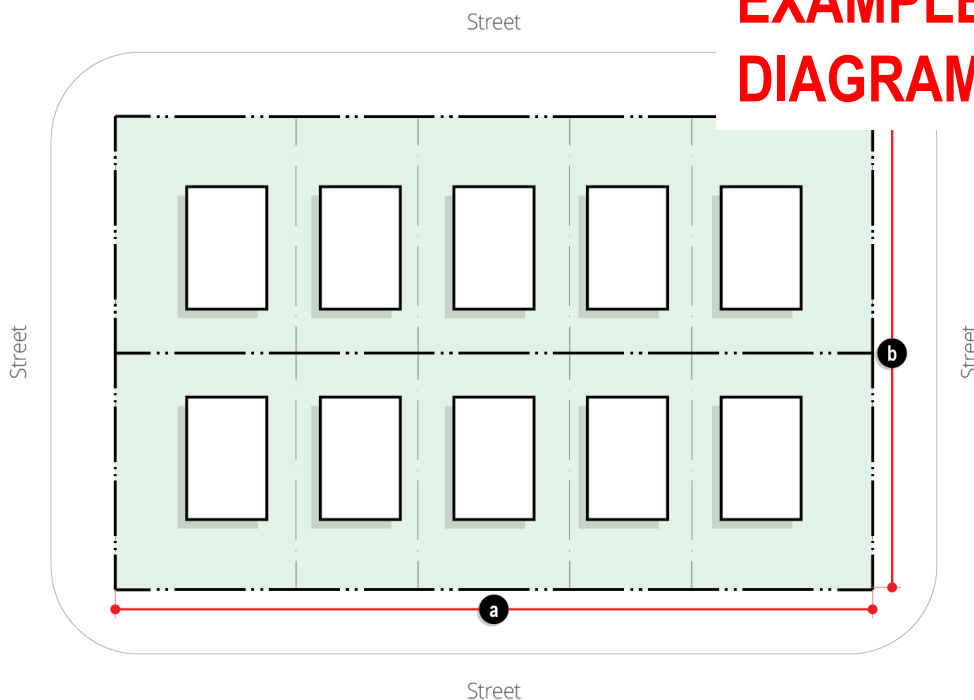
Connectivity Index Calculation

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

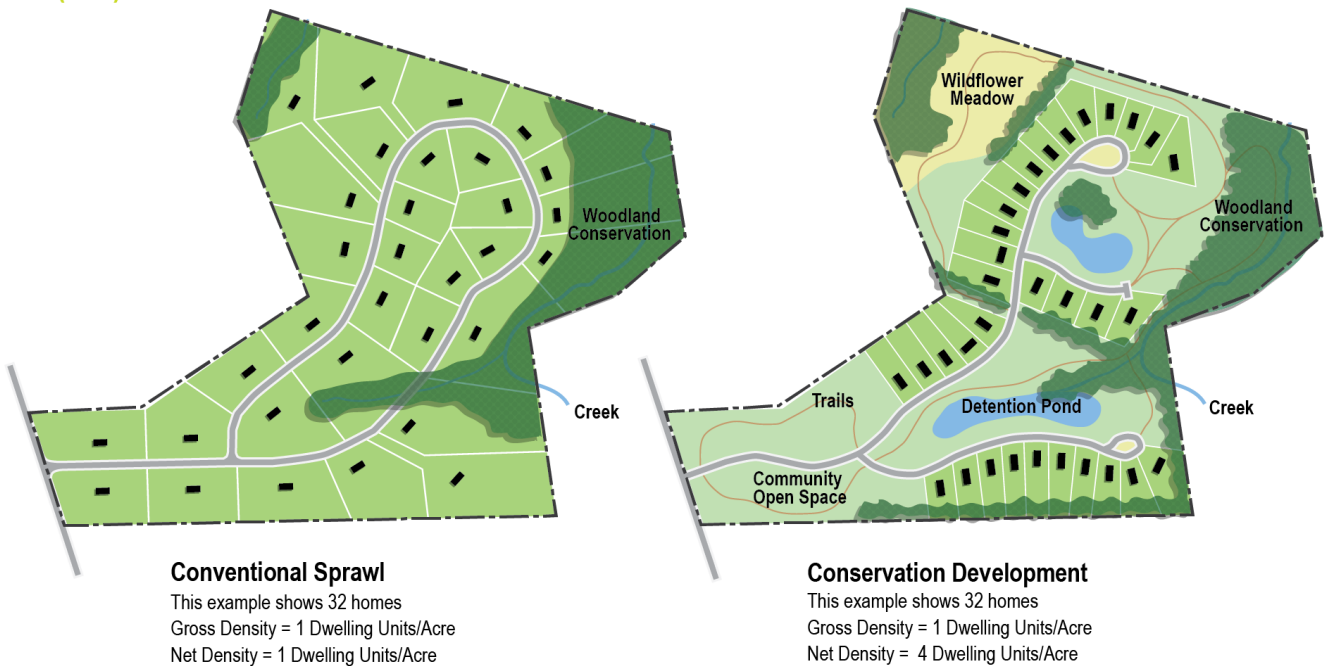
- A. The provisions of §15-8.0118 shall apply to all subdivisions.

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

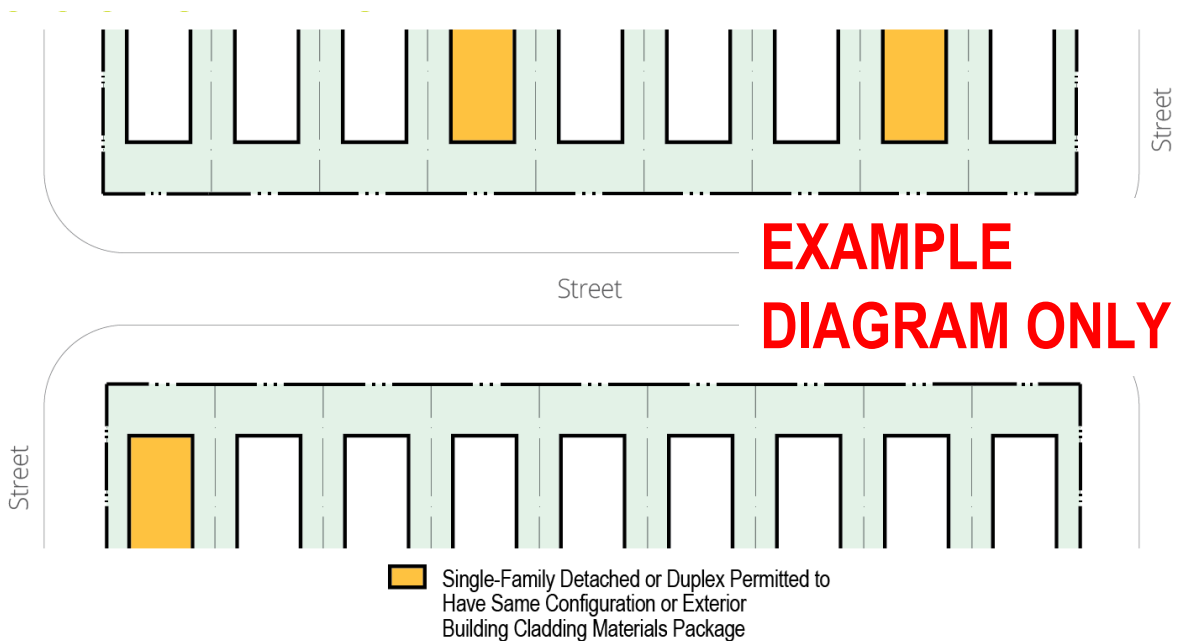
15-8-09. Anti-Monotony Standards

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
<i>Mini-Level Public Outdoor Recreation Land</i>	Less than 5 acres	1
<i>Neighborhood Playground</i>	Minimum 8 acres	1.7
<i>Neighborhood Level Public Outdoor Recreation Land</i>	5-25 acres	
<i>Community Playfields</i>	12-20 acres	2.2
<i>Community Level Public Outdoor Recreation Land</i>	25-99 acres	
<i>Regional and Multi-Community Level Public Outdoor Recreation Land</i>	250 acres or greater	5.3
<i>Total</i>		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**.