

ORDINANCE NO. 2006-1897

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE
TO AMEND THE CC CITY CIVIC CENTER DISTRICT.

WHEREAS, the City of Franklin having petitioned for an amendment to the City of Franklin Unified Development Ordinance, Part 3: Zoning Districts: District Establishment, Dimensional, and Use Regulations, or as may be otherwise located and numbered within such Ordinance, to amend the existing CC City Civic Center zoning district (Section 15-3.0307); and

WHEREAS, a public hearing was held before the City of Franklin Plan Commission on the 31st day of October, 2006, upon the aforesaid petition and the Plan Commission thereafter having determined that the proposed zoning text amendment would promote the health, safety and welfare of the City and having recommended approval thereof to the Common Council; and

WHEREAS, the Common Council having considered the petition and having concurred with the recommendation of the Plan Commission and having determined that the proposed zoning text amendment to amend the CC City Civic Center District, as set forth above, would promote the health, safety and welfare of the Community.

NOW, THEREFORE, the Mayor and Common Council of the City of Franklin, Wisconsin, do ordain as follows:

SECTION 1: The Unified Development Ordinance of Franklin, Wisconsin is hereby amended as follows:

Section 15-3.0307 of the Unified Development Ordinance is hereby repealed and recreated as follows:

SECTION 15-3.0307 CC CITY CIVIC CENTER DISTRICT

A. **District Intent.** The CC District is intended to:

1. Serve as the new "downtown" of the City of Franklin.
2. Be used in that area of the City designated on the City of Franklin Comprehensive Master Plan as the Civic Center Planning District, and in close proximity to that area.
3. Promote mixed-use development which may also include cultural and institutional facilities, indoor entertainment facilities, business uses, residential uses (to a lesser extent), and those other uses which would contribute to the CC City Civic Center District's role as the "heart" of the City of Franklin while also accommodating uses which are under public or public-related ownership, or which serve a quasi-public purpose.
4. Foster a pedestrian-oriented City of Franklin Civic Center even though the CC City Civic Center District has off-street parking requirements.

5. Foster a balance between people-oriented and automobile-oriented development. The spaces formed in this area, through careful site planning and urban design, are to cater to both pedestrian and vehicular safety and circulation.
6. Employ superior building, site, and landscape design standards than most other areas of the City since the uses in the CC City Civic Center District will convey the image of all of the City of Franklin to both residents and visitors. Building design within the CC District shall follow the City's design guidelines established for buildings located within the CC City Civic Center District.
7. Require a landscape surface ratio (LSR) and floor area ratio (FAR) requirement that is consistent with the B-3 Community Business District.
8. Single retail establishments are limited to tenant space of 125,000 square feet or less in area.
9. Require that cross-access for both pedestrian and vehicular circulation be provided between adjacent parcels at the time of any new development or redevelopment. In cases where existing development on adjacent parcels, not under common ownership, does not allow for the actual construction of connecting driveways, sidewalks, etc. it shall be sufficient in most cases to provide the appropriate cross-access easements to be utilized at the point in time when the adjacent parcel undergoes development or redevelopment that would facilitate the completion of the connection. The city may require a letter of credit sufficient to ensure the construction of the future pedestrian and vehicular connection when actual construction is not taking place at the time of site plan approval.
10. Require that a Developers Agreement and Letter of Credit be submitted by the applicant/developer during the Site Plan approval process for the purpose of securing the installation and construction of required public improvements and/or non-principal site improvements proposed by the City of Franklin.

While the character of the highly pedestrianized portions of the CC District would be URBAN in character, the various requirements of the CC District are established to increase its compatibility with a SUBURBAN character through the preservation of open space and natural resource features characteristic of the CC District as set forth in the City of Franklin Comprehensive Master Plan.

- B. **District Standards.** The CC District is further intended to have the development standards as set forth in Table 15-3.0307A and Table 15-3.0307B.
- C. **Permitted, Accessory, and Special Uses.** See Sections 15-3.0603, 15-3.0605, 15-3.0606, 15-3.0607, 15-3.0608, 15-3.0609, Division 15-3.0700, Section 15-3.0703, and Division 15-3.0800.

**Table 15-3.0307A
CC CITY CIVIC CENTER DISTRICT NONRESIDENTIAL DEVELOPMENT STANDARDS**

Type of Standard	Standard
Landscape Surface Ratio and Floor Area	
Minimum Landscape Surface Ratio (LSR)	0.40 (a), (b)
Alternative Minimum Landscape Surface Ratio (LSR) with Required Mitigation (See Section 15-5.0302E)	0.30
Maximum Gross Floor Area Ratio (GFAR)	0.34
Maximum Net Floor Area Ratio (NFAR)	0.57
Lot Dimensional Requirements	
Minimum Lot Area (s.f.)	10,000
Minimum Lot Width at Setback Line (feet)	100
Minimum Front Yard (feet)	10 (c)
Minimum Side Yard (feet)	10 (d)
Minimum Side Yard on Corner Lot (feet)	10 (c)
Minimum Rear Yard (feet)	10 (c), (d)
Minimum Parking and Driveway Setback	10 (e)
Minimum Shore Buffer (feet)	75
Minimum Wetland Buffer (feet)	30
Minimum Wetland Setback (feet)	50
Minimum Total Living Area for Commercial Apartment Dwelling Units (D.U.) (f)	
For Less than 3 D.U.s per Structure for One Bedroom D.U.	900 s.f. (plus 200 s.f. for each bedroom over 1 bedroom)
For 3 or More D.U.s per Structure	Use Requirements for R-8 District (see Table 15-3.0209B)
Maximum Building Height	
Principal Structure (stories/ft.)	3.0/45
Accessory Structure (stories/ft.)	1.0/25

- (a) See Division 15-5.0300 for the determination of minimum required bufferyards.
- (b) Landscape surface ratio (LSR) may be calculated cumulatively for two or more parcels provided:
- (1) Each parcel is zoned CC City Civic Center.
 - (2) The parcels are in common ownership or each owner is party to the application.
 - (3) A minimum landscape surface ratio is established for each parcel to maintain the cumulative 40% minimum LSR in perpetuity. This will result in one parcel having a permanent minimum LSR greater than 40%.
 - (4) The minimum LSR for each parcel is approved by the City of Franklin Common Council.
 - (5) The approved LSR for each parcel is recorded as a covenant binding on all future owners. The covenant may not be changed without the approval of the City of Franklin Common Council.
 - (6) Each parcel with a LSR below the district minimum of 40% undertakes onsite Alternative Minimum Landscape Surface Ratio mitigation. (See Section 15-5.0302E)

- (c) The CC City Civic Center district is exempt from those increased setback requirements along arterial streets and highways set forth in Section 15-5.0108.
- (d) Where two parcels in the CC City Civic Center zoning abut, the setback for the abutting portion of the lot line is either zero (0) or at least ten (10) feet. No setback in the CC City Civic Center zoning district shall be between zero (0) and ten (10) feet.
- (e) For property in the CC City Civic Center zoning district developed in conjunction with an abutting property in the CC City Civic Center zoning district, this ten (10) foot minimum setback may be waived upon approval of site plans for shared parking and driveways.
- (f) Commercial apartment dwelling units are permitted on the second and third level only. Such units may be rental or owner-occupied. The first level must be occupied by a non-residential, non-parking use.

**Table 15-3.0307B
CC CITY CIVIC CENTER RESIDENTIAL DEVELOPMENT STANDARDS**

Type of Standard	Special Use: Single-Family Detached D.U. s	Special Use: Two-Family Structures	Special Use: Multiple-Family Attached Dwelling Units with more than two D.U. s per Structure
		Option 1	Option 2
Minimum Open Space Ratio and Maximum Density			
Open Space Ratio (OSR)	0.5	0.5	0.5
Maximum Gross Density (GD)	1.5	3.00	8.00
Lot Dimensional Requirements			
Minimum Lot Area (s.f.)	10,000	15,000	43,560
Minimum Lot Width at Setback Line (feet)	60 & 75-corner	100	150
Minimum Front Yard (feet)	10	10	10
Minimum Side Yard (feet)	10	10	10
Minimum Side Yard on Corner Lot (feet)	10	10	10
Minimum Rear Yard (feet)	10	10	10
Minimum Shore Buffer (feet)	75	75	75
Minimum Wetland Buffer (feet)	30	30	30
Minimum Wetland Setback (feet)	50	50	50
Minimum Total Living Area per Dwelling Unit (D.U.)			
1-Story D.U. 3 or fewer Bedrooms	1,250 s.f.	1,250 s.f.	(i)
1-Story D.U. >3 Bedrooms	150 s.f. (g)	150 s.f.(g)	(i)
1-Story D.U. if Basement is < 600 Square Feet	250 s.f. (h)	250 s.f. (h)	(i)
Multi-Story D.U. 3 Bedrooms	1,550 s.f.-total & 950 s.f.-1st floor	1,550 s.f.-total & 950 s.f.-1st floor	(i)
Multi-Story D.U. >3 Bedrooms	100 s.f.	100 s.f.	(i)

(g) Add to minimum required building floor area for each bedroom in excess of three (3).

(h) Add to minimum required first floor area for each D.U. which has a basement less than 600 s.f.

(i) Table 15-3.0307A Commercial Apartment D.U. standards apply.

SECTION 2: The Unified Development Ordinance of Franklin, Wisconsin is hereby amended as follows:

That portion of Table 15-3.0603 of the Unified Development Ordinance which pertains to the CC City Civic Center District is hereby repealed and recreated to establish the following list of permitted and special uses for the CC City Civic Center District:

Table 15-3.0603

Permitted, Accessory, and Special Uses

742	Veterinary services, specialties	S
4311	U.S. Postal Service	S
4724	Travel agencies	P
4725	Tour operators	P
5231	Paint, glass, and wallpaper stores	S
5251	Hardware stores	S
5261	Retail nurseries and garden stores	S
5311	Department stores	P
5331	Variety stores	P
5399	Miscellaneous general merchandise stores	S
5411	Grocery stores	P
5421	Meat and fish markets	P
5431	Fruit and vegetable markets	P
5441	Candy, nut and confectionery stores	P
5451	Dairy products stores	P
5461	Retail bakeries	P
5499	Miscellaneous food stores	S
5611	Men's & boys' clothing stores	P
5621	Women's clothing stores	P
5632	Women's accessory & specialty stores	P
5641	Children's and infants' wear stores	P
5651	Family clothing stores	P
5661	Shoe stores	P
5699	Miscellaneous apparel & accessory stores	P
5712	Furniture stores	P
5714	Drapery and upholstery stores	S
5719	Miscellaneous homefurnishings stores	P
5722	Household appliance stores	P
5731	Radio, TV, & electronic stores	P
5734	Computer and software stores	P
5735	Record & prerecorded tape stores	S
5736	Musical instrument stores	P
5812	Eating places (without drive through facilities)	P
5812	Eating places (with drive through facilities)	S
5813	Drinking places (without drive through facilities)	S
5912	Drug stores and proprietary stores	P
5921	Liquor stores	S
5932	Used merchandise stores	S
5941	Sporting goods and bicycle shops	P
5942	Book stores	P
5943	Stationery stores	P
5944	Jewelry stores	P
5945	Hobby, toy, and game shops	P
5946	Camera & photographic supply stores	P

5947	Gift, novelty, and souvenir shops	P
5948	Luggage and leather goods stores	P
5949	Sewing, needlework, and piece goods	P
5961	Catalog and mail-order houses	S
5963	Direct selling establishments	S
5992	Florists	P
5993	Tobacco stores and stands	S
5999	Miscellaneous retail stores, not elsewhere classified	S
6011	Federal reserve banks	P
6021	National commercial banks (without drive through facilities)	P
6021	National commercial banks (with drive through facilities)	S
6022	State commercial banks (without drive through facilities)	P
6022	State commercial banks (with drive through facilities)	S
6029	Commercial banks, not elsewhere classified (without drive through facilities)	P
6029	Commercial banks, not elsewhere classified (with drive through facilities)	S
6035	Federal savings institutions (without drive through facilities)	P
6035	Federal savings institutions (with drive through facilities)	S
6036	Savings institutions, except federal (without drive through facilities)	P
6036	Savings institutions, except federal (with drive through facilities)	S
6061	Federal credit unions (without drive through facilities)	P
6061	Federal credit unions (with drive through facilities)	S
6062	State credit unions (without drive through facilities)	P
6062	State credit unions (with drive through facilities)	S
6081	Foreign bank & branches & agencies	P
6082	Foreign trade & international banks	P
6091	Nondeposit trust facilities	P
6099	Functions related to deposit banking	P
6111	Federal & federal-sponsored credit	P
6153	Short-term business credit	S
6159	Miscellaneous business credit institutions	P
6162	Mortgage bankers and correspondents	P
6163	Loan brokers	S
6211	Security brokers and dealers	P
6221	Commodity contracts brokers, dealers	P
6231	Security and commodity exchanges	P
6282	Investment advice	P
6289	Security & commodity services, not elsewhere classified	P
6311	Life insurance	P
6321	Accident and health insurance	P
6324	Hospital and medical service plans	P
6331	Fire, marine, and casualty insurance	P
6351	Surety insurance	P
6361	Title insurance	P
6371	Pension, health, and welfare funds	P
6399	Insurance carriers, not elsewhere classified	P
6411	Insurance agents, brokers, & service	P
6512	Nonresidential building operators	S
6513	Apartment building operators	S
6514	Dwelling operators, except apartments	S
6519	Real property lessors, not elsewhere classified	S
6531	Real estate agents and managers	P
6541	Title abstract offices	P
6552	Subdividers and developers, not elsewhere classified	P
6712	Bank holding companies	P
6719	Holding companies, not elsewhere classified	P

6722	Management investment, open-end	P
6726	Investment offices, not elsewhere classified	P
6732	Educational, religious, etc. trusts	P
6733	Trusts, not elsewhere classified	P
6792	Oil royalty traders	P
6794	Patent owners and lessors	P
6798	Real estate investment trusts	P
6799	Investors, not elsewhere classified	P
7011	Hotels and motels	S
7041	Membership-basis organization hotels	S
7212	Garment pressing & cleaners' agents	P
7219	Laundry and garment services, not elsewhere classified	S
7221	Photographic studios, portrait	P
7231	Beauty shops	P
7241	Barber shops	P
7251	Shoe repair and shoeshine parlors	P
7291	Tax return preparation services	P
7299	Miscellaneous personal services, not elsewhere classified	S
7311	Advertising agencies	P
7313	Radio, TV, publisher representatives	P
7319	Advertising, not elsewhere classified	S
7322	Adjustment & collection services	S
7323	Credit reporting services	P
7331	Direct mail advertising services	P
7334	Photocopying & duplicating services	P
7335	Commercial photography	P
7336	Commercial art and graphic design	P
7338	Secretarial & court reporting	P
7361	Employment agencies	P
7363	Help supply services	S
7371	Computer programming services	P
7372	Prepackaged software	P
7373	Computer integrated systems design	P
7374	Data processing and preparation	P
7375	Information retrieval services	P
7376	Computer facilities management	P
7377	Computer rental & leasing	P
7378	Computer maintenance & repair	P
7379	Computer related services, not elsewhere classified	P
7812	Motion picture & video production	S
7819	Services allied to motion pictures	S
7822	Motion picture and tape distribution	S
7829	Motion picture distribution services	S
7832	Motion picture theaters, except drive-in	S
7841	Video tape rental	S
7911	Dance studios, schools, and halls	P
7922	Theatrical producers and services	P
7929	Entertainers & entertainment groups	S
7933	Bowling centers	S
7991	Physical fitness facilities	P
8011	Offices & clinics of medical doctors	P
8021	Offices and clinics of dentists	P
8031	Offices of osteopathic physicians	P
8041	Offices and clinics of chiropractors	P
8042	Offices and clinics of optometrists	P
8043	Offices and clinics of podiatrists	P

8049	Offices of health practitioners, not elsewhere classified	P
8071	Medical laboratories	S
8082	Home health care services	S
8092	Kidney dialysis centers	S
8093	Specialty outpatient clinics, not elsewhere classified	S
8099	Health and allied services, not elsewhere classified	S
8111	Legal Services	P
8322	Individual and family services	P
8331	Job training and related services	P
8351	Child day care services	S
8399	Social services, not elsewhere classified	P
8412	Museums and art galleries	P
8611	Business associations	P
8621	Professional organizations	P
8631	Labor organizations	P
8641	Civic and social associations	P
8651	Political organizations	P
8661	Religious organizations	P
8699	Membership organizations, not elsewhere classified	P
8711	Engineering services	S
8712	Architectural services	P
8713	Surveying services	S
8721	Accounting, auditing, & bookkeeping	P
8731	Commercial physical research	S
8732	Commercial nonphysical research	S
8733	Noncommercial research organizations	S
8741	Management services	P
8742	Management consulting services	P
8743	Public relations services	P
8744	Facilities support services	P
8748	Business consulting, not elsewhere classified	S
9311	Finance, taxation, & monetary policy	P
9411	Administration of educational programs	P
9431	Administration of public health programs	P
9441	Administration of social & manpower programs	P
9451	Administration of veterans' affairs	P
9511	Air, water, & solid waste management	S
9512	Land, mineral, wildlife conservation	S
9531	Housing programs	P
9532	Urban and community development	P
9611	Administration of general economic programs	P
9621	Regulation, administration of transportation	P
9631	Regulation, administration of utilities	P
9641	Regulation of agricultural marketing	P
9651	Regulation miscellaneous commercial sectors	P
9661	Space research and technology	P
9711	National security	P
9721	International affairs	P

Other uses not classified by SIC Code

Community Centers	P
Convenience Stores (without the dispensing of gasoline)	S
Cultural Centers	P
Hiking Trails	P
Historic Monuments or Sites	P
Jogging Trails	P
Nature Areas	P
Nature Trails	P
Wildlife Sanctuaries	P

SECTION 3: The Unified Development Ordinance of Franklin, Wisconsin is hereby amended as follows:

Table 15-3.0602 of the Unified Development Ordinance is amended to establish the following list of permitted and special uses for the CC City Civic Center District:

Residential

One-family detached dwellings	S
Two-family attached dwellings	S
Multiple-family dwellings and apartments	S
Commercial apartment dwelling units (second and third floor only)	S
Row dwellings not greater than six dwelling units	S
Home occupations	P
Foster family home	S
Community living arrangement (serving 8 or fewer persons)	S
Community living arrangement (serving 15 or fewer persons)	S
Required off-street parking (see Division 15-5.0200)	P
Community living arrangement (serving 9 or more persons)	S
Community living arrangement (serving 16 or more persons)	S
Essential Services	P

SECTION 4:

The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 5:

All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 6:

This ordinance shall take effect and be in force from and after its passage and publication.

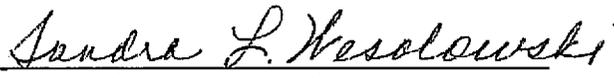
Introduced at a regular meeting of the Common Council of the City of Franklin this 21st day of November, 2006, by Alderman Kosovich.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 21st day of November, 2006.

APPROVED:


Thomas M. Taylor, Mayor

ATTEST:


Sandra L. Wesolowski, City Clerk

AYES 6 NOES 0 ABSENT 0

