



FRANKLIN CITY HALL CHAMBERS
9229 W. LOOMIS ROAD
FRANKLIN, WISCONSIN

PLAN COMMISSION MEETING AGENDA
Thursday, May 23, 2024 at 5:00 P.M.

SPECIAL WORKSHOP (5:00 P.M.)

- A. Call to Order and Roll Call**
- B. Unified Development Ordinance (UDO) Rewrite Task Force.** Introductory session to the UDO draft with planning staff and project consultants Houseal Lavigne Associates and Birchline Planning, LLC.

REGULAR MEETING (6:00 P.M.)

- A. Call to Order and Roll Call**
- B. Approval of Minutes**
 - 1. Approval of the regular meeting of May 9, 2024.
- C. Public Hearing Business Matters**
 - 1. **Konicek, Area Exception.** Request to allow for a 1,080-squarefoot garage exceeding the maximum size for accessory structures of 900 square feet set forth in UDO Section 15-30801C.2, upon property located at 7102 S. Woelfel Road (754 9993 003).
- D. Citizen comment period.** Citizens may comment upon the Business Matter items set forth on this Meeting Agenda.
- E. Business Matters**
 - 1. **Jilly's LLC, Site Plan Amendment.** Request for Site Plan Amendment to allow construction of a single-story building with car was and offices, and adjacent parking, on property located at 5484 W. Rawson Ave (741 9002 000)
 - 2. **Update to the Unified Development Ordinance fee schedule** for zoning and land division procedures, UDO Section 15-9.0401. [This item is for discussion only as text amendments require a public hearing before the Plan Commission].
- F. Adjournment**

The YouTube channel "City of Franklin WI" will live stream the Plan Commission meeting so the public can watch and listen to it at <https://www.youtube.com/c/CityofFranklinWIGov>. Any questions on this agenda may be directed to the Department of City Development's office at 414-425-4024, Monday through Friday, 8 AM – 4:30 PM.

*Supporting documentation and details of these agenda items are available at City Hall during regular 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: June 6, 2024.



MEMORANDUM

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Date: May 13, 2024

SENT VIA EMAIL

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

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

**Re: Franklin, WI UDO Update
Task Force Meeting - Draft UDO Overview**

The purpose of this memorandum is to provide an overview of the City's draft Unified Development Ordinance (UDO), provide background on the project, and the process of drafting the UDO that the Task Force has received in advance of the May 23rd meeting. This memo is further intended to describe the purpose of the Task Force in providing input and policy guidance on the draft UDO and to further describe the purpose of the May 23rd Task Force meeting and the information that will be discussed in the meeting.

UDO Rewrite Process and Purpose

Franklin's UDO regulates how land throughout the City can be developed and subdivided, and the types of uses allowed. Its regulations include which types of residential and nonresidential uses properties in the City can be put to and establishes regulations for their physical development, including the allowed density of development, off-street and landscaping requirements, standards for the protection of natural resources, and the processes by which development is approved in the City. The UDO is one of the City's key tools to implement its planning goals for future land use and development.

Franklin began the process of updating its UDO in 2021 to streamline the document's text and map, make it user-friendly for applicants and staff to navigate, and achieve high-quality development outcomes in the City. The City accepted proposals from qualified consulting firms to complete the project by issuing a request for proposals (RFP). In the RFP, the City articulated its goals for the project as follows:

- Review and streamline of all existing zoning districts with recommendations for additions, deletions, and modifications.
- Include user-friendly graphics that illustrate regulations and make the codes easy to use.
- Include provisions that will help achieve high-quality infill and redevelopment projects that are consistent with the context of the area.
- Develop provisions that reflect the creation of opportunities to establish development centers.
- Address development procedures – review and suggest improvements based upon compliance with the Comprehensive Master Plan, zoning requirements, and standards and environmental and economic impacts.
- Ensure that residential and commercial development is consistent with availability of infrastructure, public services, and the limitations of resources.
- Promote and support multi-modal transportation options including bicycles and pedestrians.

After receiving proposals from qualified firms, the City selected Houseal Lavigne and Birchline Planning to complete the proposed work. The process began by engaging stakeholders in the City including staff,

residents, developers, and local institutions to define the issues and priorities for the project. Based on these initial engagement activities, the City worked with the consultant team to formulate recommendations for the UDO rewrite that identified major changes to the UDO text and map to consider, which were reviewed with the Task Force. Based on these initial recommendations, the consultant team drafted the updated UDO in sections, which City staff and the Task Force reviewed in stages and provided input on in a series of meetings. At this stage, the entire draft UDO is prepared and has been reviewed with the Task Force.

Role of the UDO Task Force

The Task Force is comprised of diverse perspectives including elected and appointed officials, City staff, and other key local stakeholders to provide input and guidance on the UDO rewrite process. Given the extensive policy input and the substantial amount of value judgment required during the process the Task Force was designated as the body designated to take on the bulk of the responsibility of reviewing and providing input on the draft UDO during the outset of the project in 2021. The Task Force is meant to provide expertise on issues and opportunities in Franklin and to provide policy direction in considering the advantages and disadvantages of decisions throughout the process. The Task Force ultimate responsibility is to provide recommendations to the Plan Commission and Common Council on decisions to be made in the draft UDO. Given this, the Task Force should assess how the draft meets the goals and priorities of City as a whole.

Meeting Purpose and Goals - Draft UDO Overview

The purpose of the May 23rd meeting is to provide an overview of the UDO update process undertaken through May 2024. The meeting will describe the scope of work that the City contracted with Houseal Lavigne and Birchline Planning to complete and how the draft UDO was completed. The meeting will also describe the supplemental scope steps that the City is partnering with Houseal Lavigne and Birchline Planning for to complete to reach adoption of the UDO and conclude the process in 2024.

The meeting will then provide an overview of the draft UDO, including its organization and format, and the regulations and content contained in each of its 12 Articles. The meeting will review the major issues and concerns that stakeholders, staff, and elected and appointed official highlighted during the preliminary phases of the project, how these major issues and concerns were addressed in the draft UDO, and how the most substantial changes in the draft UDO relate to stakeholder input.

The meeting is meant to provide an overview of the UDO update process undertaken to-date and to provide context to aid in the Task Force's review of the draft. The meeting is not intended to provide a forum for extended discussion on specific regulations or updates in the draft UDO. Subsequent meetings to be held in the Summer of 2024 are meant for extended discussion on the draft UDO. The meeting will conclude by summarizing future Task Force meeting dates scheduled between July 2024 and September 2024, which are meant to provide extended discussion and input from the Task Force on certain aspects of the UDO.

Subsequent Review Meetings in 2024

Three additional Task Force meetings are scheduled for the Summer of 2024. These meetings will cover more specific aspects of the draft UDO as follows.

- **June 20th, 2024:** Article 7 Natural Resource Protection Standards and Draft Noise Ordinance
- **August 6th, 2024:** Article 2 - Establishment of Districts and Article 3 – District Specific Standards, Article 5 – Use Specific Standards
- **September 20th, 2024:** Article 5 General Development Standards, Article 6 Sign Standards, Article 8 Subdivision Standards, Article 9 Administrative Standards and Procedures

In advance of these meetings, the Task Force is encouraged to review the content of the Articles listed above and prepare thoughts, questions, and input on the draft content in advance.

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Article 8. Subdivision Standards

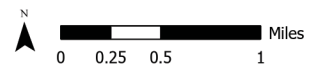
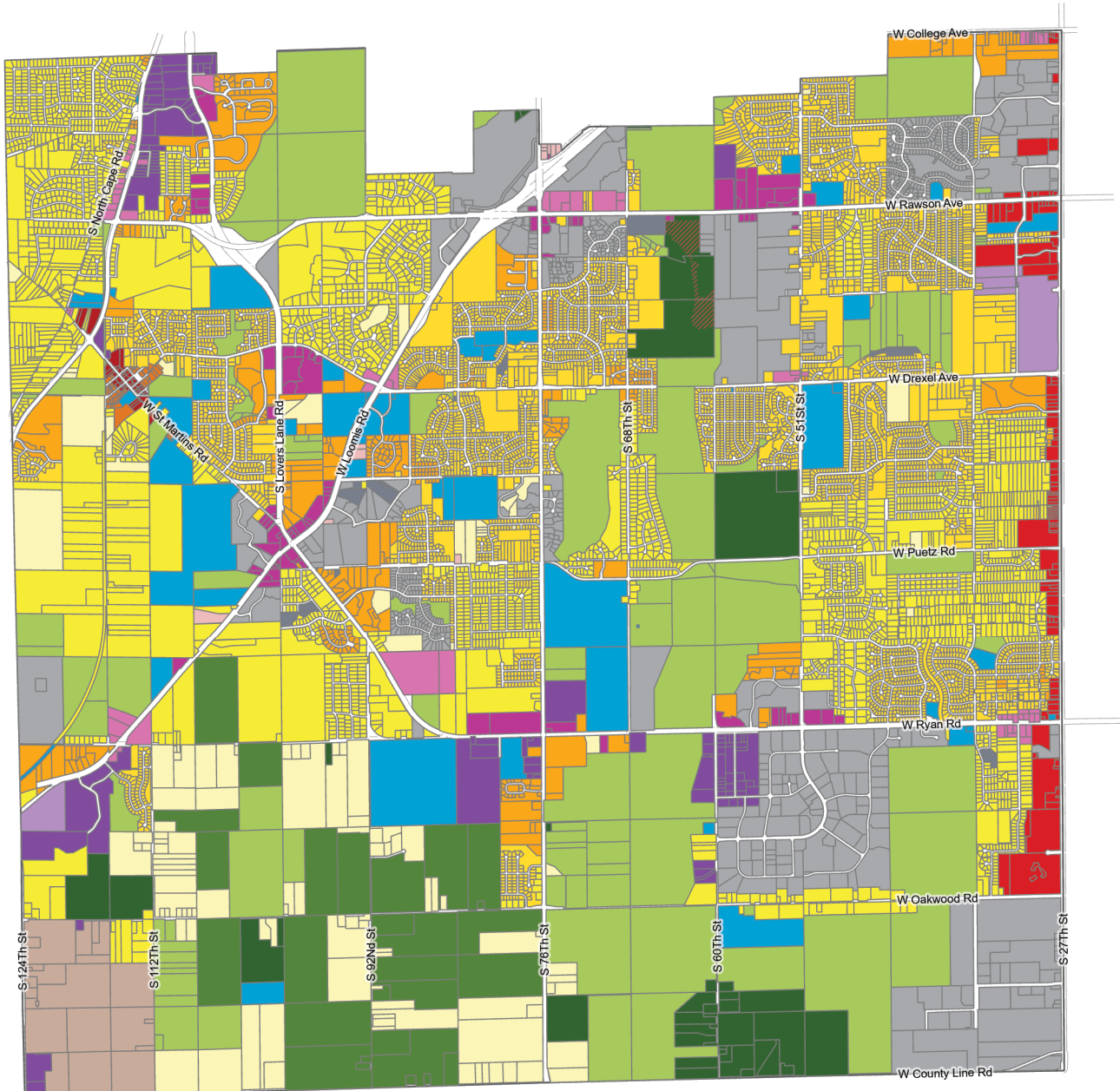
Article 9. Administrative Standards and Procedures

Article 10. Planned Unit Development

Article 11. Nonconforming Structures, Lots, and Uses

Article 12. Definitions

Proposed Zoning



Proposed Zoning

- | | | |
|----------------------------------|--|-----------------------------------|
| A - Agricultural | B-N - Neighborhood Business | LI - Limited Industrial |
| A-P - Prime Agricultural | B-G - General Business | P - Parks and Open Space |
| R-C - Conservation Residence | B-R - Regional Business | L - Landfill |
| R-SE - Suburban/Estate Residence | B-P - Business Park | Policy Direction |
| R-SR - Suburban Residence | B-MU - South 27th Street Mixed-Use | PDL - Planned Development Legacy |
| R-M - Multiple-unit Residence | B-SM - Saint Martin's Road Historic Business | PDO - Planned Development Overlay |
| R-V - Village Residence | I - Institutional | |

Article 1. General Provisions

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15-1-01. Title

- A. This Ordinance shall be known as, referred to, or cited as, "Unified Development Ordinance, City of Franklin, Wisconsin" or the "UDO".

15-1-02. Purpose

- A. The purpose of this UDO is to promote the health, safety, morals, prosperity, aesthetics, and general welfare and to regulate and control the division of land within the limits of the City of Franklin, Wisconsin

15-1-03. Intent

It is the general intent of this UDO to regulate the division of land and restrict the use of all structures, lands, and waters to achieve the following objectives.

- A. Regulate and control development densities and formats to prevent overcrowding and to provide adequate sunlight, air, sanitation, and drainage.
- B. Regulate population density and distribution to avoid inefficient land use and development patterns, to further the orderly layout and appropriate use of land, and to facilitate the provision of adequate public service and utilities.
- C. Regulate parking, loading, and access to lessen congestion and promote the safety and efficiency of streets and highways.
- D. Ensure safety from fire, flooding, pollution, contamination, panic, and other dangers.
- E. Stabilize and protect existing and future property values.
- F. Encourage compatibility between different land uses and protect from the encroachment of incompatible development.
- G. Further the wise use and conservation of natural resources including soils, topography water, floodplains, shorelands, drainageways, wetlands and shoreland wetlands, woodlands and forests, scenic resources, and wildlife resources.
- H. Prevent flood damage to persons and property to minimize expenditures for flood relief and flood control projects.
- I. Provide for and protect a variety of suitable commercial and industrial sites.
- J. Protect the traffic-carrying and pedestrian capacity of existing and proposed arterial streets, highways, and collector streets.

- K. Facilitate adequate provisions for housing, transportation, pedestrian access, water supply, stormwater, wastewater, schools, parks, playgrounds, and other public facilities and services.
- L. Restrict building sites in areas covered by poor soils or in other areas poorly suited for development due to natural resource features or other characteristics.
- M. Facilitate the appropriate division of larger tracts into smaller parcels of land.
- N. Ensure adequate legal descriptions and proper survey monumentation of subdivided land.
- O. Implement the municipal, County, watershed, or regional plans or their components adopted by the City and facilitate the enforcement of those development standards.
- P. Provide for the administration and enforcement of this UDO.

15-1-04. Interpretation

- A. **Minimum Standards Established.** The provisions of this UDO shall be interpreted as minimum requirements, unless otherwise stated, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.
- B. **Severability.** If any part, division, section, provision, or portion of this Ordinance is adjudged unconstitutional, or invalid by a court of competent jurisdiction, the remainder of this UDO shall not thereby be affected but shall remain in full force and effect. If an application of this UDO to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgement shall not be applicable to any other structure, land, or water not specifically included in said judgement.

15-1-05. Jurisdiction

- A. The jurisdiction of this Ordinance shall apply to all structures, lands, water, and air within the corporate limits of the City of Franklin.

15-1-06. Vested Rights

- A. **Construction and Uses Approved Prior to UDO Effective Date.** All buildings, structures, and uses authorized by permit prior to the effective date of this UDO or any amendment thereto shall be subject to the applicable provisions of the UDO at the time of approval.
- B. **Applicability to Pending Applications.** When a complete application for a zoning action is submitted but pending action by the City on the effective date of this UDO, the provisions in effect when the application was filed shall govern the review and approval. Upon the refile of any pending application after the effective date of this UDO, the refiled application shall such application shall be subject to the applicable provisions of this UDO at the time of submittal.
- C. **Construction Allowed pursuant to Approved Plans.** Nothing in this UDO shall require a change in the plans for any structure or use if a building permit or certificate of occupancy for such structure was lawfully issued prior to the effective date of this UDO or any such amendment thereto, and such building or certificate of occupancy had not by its own terms expired prior to the effective date of this UDO, and construction pursuant to such permit is commenced prior to the expiration date of such permit.
- D. **Building Permit.** Where a building permit for a building or structure has been issued prior to the effective date of this UDO and construction is commenced within ninety (90) days of the effective date of this UDO, the building or structure may be completed in accordance with the approved plans for which the building permit has been issued.
- E. **Final Subdivision Plat.** Any preliminary subdivision plat filed prior to the effective date of this UDO shall vest such approval rights upon the approval of the preliminary subdivision plat. Any subsequent final subdivision plat may be subsequently filed in accordance with the approved preliminary plat.

Article 2. Establishment of Districts

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15-2-01. Districts Established

A. Base Districts.

1. Residential Districts.

- a. R-C - Conservation Residence District
- b. R-SE - Suburban/Estate Residence District
- c. R-SR - Suburban Residence District
- d. R-M - Multiple-Unit Residence District
- e. R-V - Village Residence District

2. Commercial and Mixed-Use Districts.

- a. B-N - Neighborhood Business District
- b. B-G - General Business District
- c. B-R - Regional Business District
- d. B-MU - South 27th Street Mixed-Use District
- e. B-SM - Saint Martin's Road Historic Business District

3. Industrial and Agricultural Districts.

- a. B-P - Business Park District
- b. LI - Limited Industrial District
- c. A - Agricultural District
- d. A-P - Agricultural Prime District

4. Miscellaneous Districts.

- a. P - Park and Open Space District
- b. I - Institutional District
- c. L - Landfill District

d. PDL - Planned Development Legacy District

5. **Floodplain Districts.**

a. FW - Floodway District

b. GFP - General Floodplain District

c. FF - Floodfringe District

15-2-02. Purpose and Intent of Districts

A. Residential Districts

1. **R-C - Conservation Residence District.** The R-C Conservation Residence District is intended to allocate land for single-family residential uses on large lots and in low-density settings. The District is further intended to preserve open space, sensitive natural features, and maintain the community's rural residential setting and scenic viewsheds where these assets exist in the southern areas of the City.
2. **R-SE - Suburban/Estate Single-Family Residence District.** The R-SE Suburban/Estate Single-Family Residence District is intended to provide land for single-family residential housing in moderately-low densities and that is suburban or semi-rural in character. The District is further intended to preserve and protect the City's natural resources, including woodlands and open spaces.
3. **R-SR - Suburban Single-Family Residence District.** The R-SR Suburban Single-Family Residence District is intended to provide land for single-family suburban residential housing at moderately low densities. The District is designed to preserve the community's suburban and semi-rural character and its open space and natural resources. The district is intended to allow infill in locations where moderately low-density neighborhoods exist and to allow new residential growth as the community determines is appropriate.
4. **R-M - Multiple-Family Residence District.** The R-M Multiple-Family Residence District is intended to establish and preserve land for both multifamily and single-family attached residential development such as duplexes, townhomes, and rowhomes to accommodate a variety of households with different lifestyles, age ranges, and incomes. The District is intended to allow a flexible mix of scales, densities and formats throughout the community while ensuring that the single-family attached and multifamily residential uses enhance the character of Franklin's residential setting, contribute to the community's visual appeal, and ensure the adequate provision of open space.
5. **R-V - Village Residence District.** The R-V Village Residence District is intended to preserve the single-family residential character and architectural qualities of the Saint Martin's Historic Village Area. The District is intended to allow new single-family residential infill on vacant or underused sites in the Village area, provided that such development is consistent with the historic visual character and preserves its moderate residential density.

B. Commercial and Mixed-Use Districts

1. **B-N - Neighborhood Business District.** The B-N Neighborhood Business District is intended to provide for the day-to-day retail, commercial service, and employment needs of Franklin residents, particularly the needs of the neighborhoods adjacent to properties in the District. The District is further intended to promote a mutually supportive mix of small-scale retail establishments and to ensure safe and convenient pedestrian and vehicular circulation on-site and between adjacent sites as redevelopment of existing sites occurs.
2. **B-G - General Business District.** The B-G General Business District is intended to promote a variety of commercial service and retail uses along the City's major roadways. The District is intended to allow moderately large-scale development that serves the general population of Franklin. It is further intended to promote commercial development in visually appealing plaza formats that promote safe and convenient pedestrian travel on sites and between adjacent sites and neighborhoods.

3. **B-R - Regional Business District.** The B-R Regional Business District is intended to promote a variety of commercial service and retail uses along the City's major roadways to serve the needs of Franklin residents as well as a regional consumer market beyond the City's borders. Moderately large-scale development should be configured with groups of large-lot commercial structures with outlot commercial buildings surrounding shared parking areas and should provide safe and convenient pedestrian travel on-site, and when practicable, between other sites and neighborhoods.
4. **B-MU - South 27th Street Mixed-Use District.** The B-MU South 27th Street Mixed-Use District is intended to provide land for a mutually-supportive combination of retail, commercial, office, and compact residential uses in buildings' upper floors along South 27th Street. Development is configured in multi-building plaza formats and on relatively large sites. The District is intended to facilitate greater densities of retail, commercial, office, and residential uses than in the B-1 through B-3 Districts, given South 27th Street's direct access to bus transit. The development should further be arranged in cohesive plaza developments that facilitate convenient vehicle and pedestrian travel and enhance the corridor's appearance.
5. **B-SM - Village Business District.** The B-SM Village Business District is intended to promote a mix of commercial retail, service, and upper-floor residential uses in the historic Saint Martin's Village area while maintaining the area's traditional character and built form. The District is designed to preserve historic structures while allowing infill development on underused sites that is consistent with the area's built characteristics and architectural qualities. Development should continue to be formatted in small lots and buildings should be placed relatively near front lot lines to preserve the area's pedestrian-oriented character.

C. Industrial and Agricultural Districts.

1. **B-P - Business Park District.** The B-P Business Park District is intended to promote a flexible mix of light industrial, research, and office uses in a campus like setting. Uses are conducted primarily indoors and do not have the potential to generate nuisances to adjoining properties. Circulation systems should be integrated into the site in a cohesive manner to ensure convenient pedestrian and vehicular travel.
2. **LI - Limited Industrial District.** The LI Limited Industrial District is intended to provide land for manufacturing, industrial, warehousing, and similar uses of a limited scale and intensity. The district is intended to support employment opportunities in the City while maintaining the community's natural resources and neighborhood character.
3. **A - Agricultural District.** The A Agricultural District is intended to preserve land in the City historically used for small farming operations engaged in crop production, the raising of livestock, the cultivation of orchards, and other small-scale agricultural activities. The district also accommodates limited single-family housing. The District is intended to preserve the large contiguous parcels of land that are characteristic of the community's rural areas.
4. **A-P - Prime Agricultural District.** The A-P Prime Agricultural District is intended to preserve and protect land in the City historically designated as prime agricultural land in the City of Franklin's Comprehensive Plan. The District is intended to preserve the natural integrity, agricultural productivity, and scenic qualities of these lands while allowing limited single-family residential development.

D. Miscellaneous Districts

1. **P - Park and Open Space District.** The P Park and Open Space District is intended to provide land for parks and recreational facilities that meet the needs of the Franklin community while also preserving the City's natural resources, including rivers, woodlands, and open space.
2. **I - Institutional District.** The I Institutional District is intended to allocate land for public or semi-public uses, municipal facilities, utilities, and noncommercial places of assembly as defined in this UDO. The district serves to accommodate existing and future public and semi-public uses and to allocate land separately from commercial and residential uses.
3. **L - Landfill District.** The L Landfill District is intended to contain and regulate existing and former landfill uses in the City while mitigating their adverse impacts such as odor, noise, and traffic on the community's commercial and residential areas.

4. **PDL - Planned Development Legacy District.** The PDL Planned Development Legacy District includes properties that have been previously zoned as a "planned development district" and are governed by a unique set of regulations as set forth in the related planned development ordinance. Properties zoned in the Legacy Planned Development District will continue to operate under their specific planned unit development ordinance. No property may be rezoned into the Legacy Planned Development District after the date of the adoption of this chapter.

E. Floodplain Districts.

1. **FW - Floodway District.** The FW Floodway District, is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters, within AE Zones as shown on the FIRM, or within A Zones shown on the FIRM when determined according to s. 5.1(5).
2. **GFP - General Floodplain District.** The GFP General Floodplain District is those riverine areas that may be covered by floodwater during the regional flood in which a floodway boundary has not been delineated on the FIRM and also includes shallow flooding areas identified as AH and AO zones on the FIRM.
3. **FF - Floodfringe District.** The GFP General Floodplain District is those riverine areas that may be covered by floodwater during the regional flood in which a floodway boundary has not been delineated on the FIRM and also includes shallow flooding areas identified as AH and AO zones on the FIRM.

15-2-03. Official Zoning Map

- A. **Official Zoning Map Established.** The location and boundaries of the districts established by this UDO shall be established in the Zoning Map as amended, which is incorporated herein and hereby made a part of this Ordinance.

B. District Boundary Description and Interpretation.

1. **Zoning Boundary Determination.** The district boundaries shall be streets, alleys, railroads, lot lines, streams, floodplain boundaries, and wetland boundaries unless otherwise shown on the Zoning Map.
2. **Zoning Boundary Determination for Approximate Boundaries.** Where the designation of the Official Zoning Map indicates that various zoning districts are approximately bounded by a street, alley, lot line, stream, floodplain boundary, or wetland boundary, such lot line or the centerline of such street, alley, or railroad right-of-way, or centerline of the main channel of such stream, the floodplain boundaries, or wetland boundaries as delineated on maps prepared by the City or under the Root River Watershed study, or as determined through the use of on-site wetland delineation, flood profiles and accompanying hydrologic and hydraulic engineering data, shall be construed to be the zoning district boundary line.
3. **Split Zoning of New Lots Prohibited.** The split zoning of any newly created lot or parcel into more than one zoning district shall not be allowed except for parcels split between a district and the AO, GFP, FW, and FF Districts.
4. **Zoning of Annexed Land.** Any additions to the incorporated area of the City of Franklin shall be classified in the A Agricultural District until otherwise classified by amendment.
 - a. **Annexations or Consolidations Containing Shorelands.** Annexations containing shorelands shall comply with [§ 62.231 of the Wisconsin Statutes](#).
 - b. **Annexations or Consolidations Containing Floodplains.** Annexations or consolidations containing floodplains shall be placed in the following districts as applicable:
 - i. All floodways and unnumbered A Zones on the FEMA map shall be placed in the FW Floodway District.
 - ii. All other floodplains shall be placed in the GFP General Floodplain District.

Article 3. District Specific Standards

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15-3-01. Bulk and Dimensional Standards

- A. **Residential District Bulk and Dimensional Standards.** Table 15-3.0100(A) establishes the bulk and dimensional requirements for development or the use of a lot in each residential district.

Table 15-3-01(A): Residential District Bulk and Dimensional Standards					
Standard	R-C	R-SE	R-SR	R-M	R-V
<i>Lot Standards (Minimum)</i>					
Lot Area (sqft)	10,000	18,000	10,000	12,000(1)	7,200
Lot Area / DU (sqft)(2)	--	--	--	4,500	--
Lot Width (ft)	60	90	80	100	60
<i>Yard Setbacks (Minimum)</i>					
Front (ft)	25	45	30	15	25
Street Side (ft)	15	35	20	10	15
Interior Side (ft)	5	10	10	5	5
Rear (ft)	25(3)	30(3)	30(3)	15(3)	25(3)
<i>Building Standards (Maximum)</i>					
Height Building (ft)	35	35	35	35	35
Impervious Surface Coverage (%)	20	40	50	60	40
<i>Notes</i>					
(1) A lot area of 6,000 square feet shall be allowed for duplex structures with a parti wall.					
(2) Lot area per dwelling unit requirements shall apply in addition to the baseline lot area requirement for each additional dwelling unit on a lot over one.					
(3) Minimum setback of 10 feet shall be allowed for garages.					

DRAFT FOR REVIEW ONLY

- B. **Nonresidential and Mixed-Use District Bulk and Dimensional Standards.** Table 15-3.0100 (B) establishes the bulk and dimensional requirements for development or uses of a parcel in each nonresidential or mixed-use district.

Table 15-3-01(B): Mixed-Use and Nonresidential District Bulk and Dimensional Standards											
Standard	B-N	B-G	B-R	B-MU	B-SM	B-P	LI	A	A-P	I	P
<i>Lot Standards (Minimum)</i>											
Lot Area (acres)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	3	35	n/a	n/a
Lot Width (ft)	50	50	50	50	50	50	50	200	300	50	50
Lot Depth (ft)	110	110	110	110	110	110	110	110	110	110	110
<i>Yard Setbacks (Minimum)</i>											
Front (ft)	25	25	40	30(1)	10	50	30	50	50	30	50
Street Side (ft)	25	25	40	30(1)	15	50	30	50	50	20	50
Interior Side (ft)	10	10	10	10(1)	5	20	20	25	25	10	20
Rear (ft)	20	20	20	30(1)	20	40	15	50	50	30	50
<i>Building Standards (Maximum)</i>											
Height Building (ft)	40	40	50	50(2)	40	95	45	35	35	45	40
Impervious Surface Coverage (%)	60	70	70	70	90	60	70	n/a	n/a	60	n/a
<i>Notes</i>											
(1) 40% of the required setback may be reduced when at least 15% of dwelling units on site are deed restricted to be affordable relative to 80% of the Milwaukee County Area Median Household Income. A minimum of 1 total dwelling units shall be provided on site to qualify.											
(2) An additional ten (10) feet of building height shall be allowed when at least 15% of dwelling units on site are deed restricted to be affordable relative to 80% the Milwaukee County Area Median Household Income. A minimum of 1 total dwelling unit shall be provided on site to qualify.											

15-3-02. Calculating Dimensional Standards

- A. **Lot Width.** Lot width shall be measured as the distance between the side lot lines of a lot at right angles to its depth along a straight line parallel to the front lot line.
- B. **Lot Widths for Lots that Abut a Cul-de-Sac.** The lot width of all lots which abut a cul-de-sac may be reduced by a maximum of twenty (20) percent of the required lot width for the district in which it is located. The required lot width for the district shall be met at the front yard setback line.
- C. **Yard Setbacks.**
1. A required yard setback shall be measured as the horizontal distance from the center point of the applicable lot line into the interior of the lot for the minimum distance specified in [Table 15-3.0100\(A\)](#) or [Table 15-3.0100\(B\)](#).
 2. The span of a yard setback shall be measured as follows.
 - a. **Front Yard.** From the interior side lot line to the other interior side lot line or street side lot line as applicable.
 - b. **Street Side Yard.** From the front yard setback line to the rear lot line.
 - c. **Interior Side Yard.** From the front yard setback line to the rear yard setback line.
 - d. **Rear Yard.**
 - I. From the interior side lot line to the other interior side lot line; or
 - II. From the interior side lot line to the street side yard setback line.

- D. **Height.** Building height shall be the vertical distance measured from the mean elevation of the finished lot grade along the building frontage to the highest elevation of the roof.
- E. **Impervious Surface Coverage.** The portion of a lot that is not covered with soil or natural vegetation. Such surfaces include areas covered by buildings, porches, decks, patios, terraces, and swimming pools, and also include surfaces constructed of asphalt, concrete, gravel composite, brick, stone, tile or any other paving material used for parking, driveways and walkways.

15-3-03. Exceptions to Bulk and Dimensional Standards

- A. **Height Exceptions.** The following structures may exceed the height limitations established in Table ##-### and ##-### as follows.
1. **Architectural Projections.** Architectural projections such as antennae, spires, steeples, belfries, parapet walls, cupolas, domes, flues, and chimneys may exceed the height limit for the district to provide for projections usual and customary to the proposed use.
 2. **Special Structures.** Structures such as elevator penthouses, mechanical penthouses, gas tanks, grain elevators, observation towers, and scenery lofts, manufacturing equipment and necessary appurtenances, cooling towers, fire towers, substations, and smoke stacks are exempt from the height limitations of this UDO provided the structures are an integral part of and do not detract from the design of the principal structure as approved by the Plan Commission and/or Architectural Board.
 3. **Essential Services, Utilities, Water Towers, and Electric Power and Communication Transmission Lines.** Essential services, utilities, water towers, and electric power and communication transmission lines are exempt from the height limitations of this Ordinance. Building-mounted earth station dish antennas shall not exceed the maximum height regulation of the district in which they are located.
 4. **Agricultural Structures.** Agricultural structures, such as barns, silos, windmills, shall not exceed in height twice their distance from the nearest lot line.
 5. **Public or Semipublic Facilities.** Public or semipublic facilities, such as schools, churches, hospitals, monuments, sanatoriums, libraries, and governmental offices and stations, may be erected to a height of sixty (60) feet, provided all required yard setbacks are increased not less than one (1) foot for each foot the structure exceeds the district's maximum height requirement.
 6. **Modification of Other Ordinances and Regulations Not Permitted Under this Division.** Modifications permitted under this Division of this Ordinance do not modify any requirements of federal, State, or local building codes relating to the elements addressed in this Division of this Ordinance.
- B. **Yard Setback Exceptions.** Obstructions into the yard setback requirements specified in Section ##-### and ##-### may be permitted as follows.
1. **Uncovered Stairs, Landings, and Fire Escapes.** Uncovered stairs, landings, and fire escapes may project a maximum of six (6) feet into a required yard setback and shall not be closer than three (3) feet to any lot line.
 2. **Architectural Projections.** Architectural projections including chimneys, flues, sills, eaves, belt courses, and ornamental features, may project a maximum of two (2) feet into a required yard setback. Bay windows may project a maximum of three (3) feet into a required yard setback.
 3. **Accessibility Structures.** ADA accessible wheelchair ramps and other features designed to promote universal access on the subject site may project into a required yard setback but shall be located at least three (3) feet from any lot line.
 4. **Utility and Electric Power and Communication Transmission Lines.** Utility and electric power and communication transmission lines are exempt from the yard setback and distance requirements of this Ordinance.

5. **Terraces, Patios, Uncovered Decks.** Terraces, patios, uncovered decks, and ornamental features which do not extend more than three (3) feet above or below the adjacent grade may project a maximum of ten (10) feet into any required yard setback, however any such structure shall be setback at least five (5) feet from any property line.
6. **Lampposts and Flagpoles.** Lampposts with a maximum height of ten (10) feet and flag poles with a maximum height of thirty five (35) feet may project into required yard setbacks, however any such structure shall be set back at least five (5) feet from any property line.
7. **Air Conditioning Units.** Air conditioning units may project up to five (5) feet into a required side or rear yard setback but shall not be closer than five (5) feet from any property line.
8. **Below-Ground Stairways and Windows.** Stairways and windows that are constructed entirely below the site's finished grade may project into any required yard setback.
9. **Fences.** Fences may be located in required yard setbacks as specified in **Section 15-5-##**.
10. **Rainwater Harvesting Structures.** Rainwater harvesting structures with two-hundred (200) gallons or less of storage may project into a required side or rear yard setback but shall not be closer than five (5) feet from any property line. Rainwater harvesting structures with over two-hundred (200) gallons of capacity meet the location standards for accessory structures in **Section ##-#-##**. In no instance shall an underground rainwater harvesting structure be within five (5) feet of an easement.
 - a. If rain water harvesting structures are to be buried they shall be considered stormwater and shall conform to the requirements of SPS 382. A plumbing permit shall be required. Rain water harvesting structures located above ground shall not require a plumbing permit and shall not be required to conform with the requirements of SPS 382.
 - b. All rainwater harvesting structure shall be adequately maintained and in functional condition and shall meet the applicable standards of Section 190-24 of the Franklin municipal code.

15-3-04. Permitted, Limited, Conditional, and Temporary Uses.

- A. The following key shall be used in the interpretation of **Table 15-3.0400(B) and (C)**.
 1. **Permitted Uses.** Uses which are marked as "P" in the table shall be allowed subject to all applicable regulations of this UDO.
 2. **Conditional Uses.** Uses which are marked as "C" in the table shall be allowed upon the approval of a Conditional Use Permit as detailed in **Section ##-#-##**.
 3. **Temporary Uses.** Uses which are marked "T" in the tables shall be allowed upon the approval of a Temporary Use Permit as detailed in **Section ##-#-##**.
 4. **Prohibited Uses.** A blank space in the tables indicates that a use type is not allowed in the respective zoning district unless it is otherwise expressly allowed by other regulations of this UDO.
 5. **Uses Not Listed.** If a proposed use is not listed in the tables, the Zoning Administrator shall determine if the use is substantially similar to a use listed on the tables per **Section ##-#-##**. If it is, they shall treat the use in the same manner as the substantially similar use. If not, the use shall be regarded as prohibited.
 6. **Additional Regulation.** If a use has use specific standards they are highlighted in green. Use specific standards shall apply to permitted, conditional, and temporary uses.
- B. **Permitted, Conditional, and Temporary Uses in Residential Districts.**

Table 15-3-04(B): Permitted, Conditional, and Temporary Uses in Residential Districts					
Use	R-C	R-SE	R-SR	R-MF	R-V
<i>Residential</i>	<i>R-C</i>	<i>R-SE</i>	<i>R-SR</i>	<i>R-MF</i>	<i>R-V</i>
Community Living, 1-15 Persons	P	P	P	P	P
Community Living, 16 + Persons	C	C	C	C	C
Single-Family	P	P	P		P
Mobile/Manufactured Home Park, Existing Prior to this UDO				P	
Dwelling Duplex			C	P	
Dwelling Townhome				P	
Dwelling Multifamily Building				P	
Dwelling Multifamily Complex				P	
Senior Housing, Assisted Living	C	C	C	C	C
Senior Housing, Nursing Care	C	C	C	C	C
Senior Housing, Total Life Care				C	
<i>Institutional</i>	<i>R-C</i>	<i>R-SE</i>	<i>R-SR</i>	<i>R-MF</i>	<i>R-V</i>
Educational Facility	C	C	C	C	C
<i>Place of Assembly</i>	<i>R-C</i>	<i>R-SE</i>	<i>R-SR</i>	<i>R-MF</i>	<i>R-V</i>
Noncommercial Place of Assembly, ##### sqft or less	P	P	P	P	P
Noncommercial Place of Assembly, more than ##### sqft	C	C	C	C	C
<i>Recreation, Amusement, and Lodging</i>	<i>R-C</i>	<i>R-SE</i>	<i>R-SR</i>	<i>R-MF</i>	<i>R-V</i>
Lodging House	P	P	P	P	P
Short Term Rental	P	P	P	P	P
<i>Agricultural</i>	<i>R-C</i>	<i>R-SE</i>	<i>R-SR</i>	<i>R-MF</i>	<i>R-V</i>
Community Garden	P	P	P	P	P
Crop Production	C				
Indoor Agriculture	C				
Telecommunications Tower	C	C	C	C	C
<i>Accessory</i>	<i>R-C</i>	<i>R-SE</i>	<i>R-SR</i>	<i>R-MF</i>	<i>R-V</i>
Accessory Dwelling, Detached/Attached	C	C	C	C	C
Accessory Dwelling, Internal	P	P	P	P	P
Accessory Structure	P	P	P	P	P
Artisan Workshop	P	P	P	P	P
Home Based Business	P	P	P	P	P
Solar Energy Collection System, canopy	P	P	P	P	P
Solar Energy Collection System, ground mounted	P	P	P	P	P
Solar Energy Collection System, roof mounted	P	P	P	P	P
<i>Temporary</i>	<i>R-C</i>	<i>R-SE</i>	<i>R-SR</i>	<i>R-MF</i>	<i>R-V</i>
Construction Related	T	T	T	T	T
Food Truck	T	T	T	T	T

C. Permitted, Conditional, and Temporary Uses in Nonresidential and Mixed-Use Districts.

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Table 15-3-04(C): Permitted, Conditional, and Temporary Uses in Nonresidential and Mixed-Use Districts

Use	B-N	B-G	B-R	B-MU	B-SM	B-P	LI	A	A-P	P	I	L	FW
<i>Residential</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Single-Family								P	P				
Multifamily, above ground floor only	P	P	P	P	P								
<i>Institutional</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Educational Facility											C		
Governmental Uses											C		
Health Care Facility	P	P	P	P			P				C		
Cemetery											C		
<i>Place of Assembly</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Indoor Commercial Place of Assembly, ##### sqft or less	P	P	P	P	P			C	C	C	P		
Indoor Commercial Place of Assembly, more than ##### sqft	C	P	P	P	C			C	C	C	P		
Outdoor Commercial Place of Assembly	C	C	C	C	C			C	C	C	P		
Noncommercial Place of Assembly, ##### sqft or less								C	C	C	P		
Noncommercial Place of Assembly, more than ##### sqft								C	C	C	P		
<i>Recreation, Amusement, and Lodging</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Campground								C	C				P
Lodging House								P	P				
Hotel	C	C	C	C									
Motel		C											
Recreation Area													P
Short-Term Rental					C			P	P				
<i>Retail</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Adult Establishment							C						
General Retail, ##### sqft or less	P	P	P	P	P								
General Retail, more than ##### sqft	S	P	P	P	C								
Multitenant Shopping Center	C	C	C	C									
Wholesale Establishment							C						
<i>Service</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Animal Boarding Facility/Kennel and/or Veterinary Service	C	C					C	C					
General Service, ##### sqft or less	P	P	P	P	P								
General Service, more than ##### sqft	S	P	P	P	C	P							
Financial Institution	P	P	P	P		P							
Funeral Home	C	C											
Office, above ground floor only				P	P								

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Table 15-3-04(C): Permitted, Conditional, and Temporary Uses in Nonresidential and Mixed-Use Districts

Use	B-N	B-G	B-R	B-MU	B-SM	B-P	LI	A	A-P	P	I	L	FW
Office, ##### sqft or less	P	P	P	P	P	P							
Office, more than ##### sqft	P	P	P	P		P							
Office Complex/Business Park						P							
<i>Eating and Drinking</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Bar/Tavern	P	P	P	P	P								
Brewery/Winery/Distillery							C						
Brewery/Winery/Distillery Tasting Room	P	P	P	P	P								
Food Truck Court	C	C	C	C	C	C							
Micro Brewery/Winery/Distillery		P	P	P	P								
Restaurant	P	P	P	P	P								
<i>Vehicle Related</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Auto Sales/Rental and Service		C	C				P						
Carwash		C	C				P						
Major Automotive Repair			C				P						
Minor Automotive Repair			P				P						
Vehicle Fuel Sales		C	C				P						
<i>Agricultural</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Community Garden								P	P				
Crop Production								P	P				
Animal Husbandry								P	P				
Indoor Agriculture							P	P	P				
Nursery Retail	P	P	P					P	P				
Nursery Wholesale								P	P				
<i>Industrial</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Artisan Manufacturing	P	P	P	P	P								
Brewery/Winery/Distillery							P	C	C				
Composting Facility							C	C	C				
Distribution Facility							C						
Equipment Rental, Sales, and Service	P	P	P				P						
Extractive Industry							C	C					
Heavy Industry							C						P
Home Improvement Center/ Lumberyard	P	P	P				P						
Landfill												C	
Light Industry							C						
Recycling Facility											C	C	
Salvage Yard							C					P	
Self-Service Storage Facility			C				C						
Solid Waste Facility							C					C	
Storage Yard							C						

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Table 15-3-04(C): Permitted, Conditional, and Temporary Uses in Nonresidential and Mixed-Use Districts

Use	B-N	B-G	B-R	B-MU	B-SM	B-P	LI	A	A-P	P	I	L	FW
Warehouse							C						
<i>Utility and Transportation</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Airport/ Heliport											C		
Helistop		C	C	C		C					C		
Loading Areas and Parking Areas as a Principal Use													P
Railroad Use											C		
Sanitary Sewer or Water Supply Lines													C
Solar Farm								C	C				
Telecommunications Tower	C	C	C	C	C	C	C	C	C	C	C	C	
Wastewater Treatment Ponds and Facilities													P
Waterborne Transportation Uses													P
Wind Farm								C	C				
<i>Accessory</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Accessory Retail	P	P	P	P	P	P	C						
Accessory Structure	P	P	P	P	P	P	P	P	P	P	P	P	
Artisan Workshop								P	P				
Drive Through	C	C	C	C									
Donation Drop Box	C	C	C	C			C						
Outdoor Activity/Operation/Storage							C						
Outdoor Dining	P	P	P	P	P								
Outdoor Display/Sale of Merchandise	P	P	P	P	P								
Solar Energy Collection System, canopy	P	P	P	P	P	P	P	P	P	P	P	P	
Solar Energy Collection System, ground mounted	C	C	C	C	C	C	C	C	C	C	C	C	
Solar Energy Collection System, roof mounted	P	P	P	P	P	P	P	P	P	P	P	P	
<i>Temporary</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Construction Related	T	T	T	T	T	T	T	T	T	T	T	T	
Farmers Market	T	T	T	T	T			T	T				
Food Truck	T	T	T	T	T	T		T	T				
Seasonal Sales	T	T	T	T	T			P	P				

15-3-05. B-SM - Saint Martin’s Road Historic Business District Specific Standards.

A. Canopies and Awnings.

1. Building canopies, awnings, or similar weather protection devices are encouraged on the first floor of all buildings.

2. If provided, the device shall project a minimum of three (3) feet and a maximum of five (5) feet from the façade to which it is affixed.
- B. **Building Frontage.** The primary façade of all nonresidential and mixed-use development shall meet the standards of one (1) of the frontage types detailed in subsection one through four below. The use of the resulting front yards or porches for outdoor dining or other activity generating uses that support the subject lot's principal use is encouraged.
1. **Projecting Porch.** The primary façade of the building shall be sufficiently set back from the property line to accommodate the projecting porch within the front yard setback. The resulting front yard may or may not be defined by a fence or hedge to spatially maintain the edge of the street. The projecting porch shall be open on three (3) sides and have a roof form that shall be separate from the principal structure. A projecting porch may encroach into a required front yard setback to a maximum extent of ten (10) feet. The following minimum standards shall apply to projecting porches.
 - a. **Width.** Ten (10) feet
 - b. **Depth.** Eight (8) feet
 - c. **Height.** Eight (8) feet
 2. **Storefront.** The primary façade of the building shall adjoin the required minimum front setback. Accordion-style windows and doors or other operable windows are encouraged. The following standards shall apply to shopfronts.
 - a. **Window Area.** Sixteen (16) square feet
 - b. **Window Width.** Three (3) feet
 - c. **Window Height.** Four (4) feet
 - d. **Sill Height.** Three (3) feet
- C. **Entrance Orientation.** Main entrances to buildings shall be oriented toward the primary street adjoining the subject property. Secondary entrances are encouraged along secondary streets or along building frontages not adjoining a street.
- D. **Parking Location.** Off-street parking spaces and lots shall be located to the rear or interior side of the principal building.

15-3-06. FF Floodfringe District and GFP General Floodplain District.

- A. **Statutory Authorization, Finding of Fact, Statement of Purpose, Title, and General Provisions**
1. This ordinance is adopted pursuant to the authorization in Wisconsin Statutes Annotated s. 61.35 and 62.23 and the requirements in s. 87.30.
 2. Uncontrolled development and use of the floodplains and rivers within the City of Franklin would impair the public health, safety, convenience, general welfare, and tax base.
 3. This ordinance is intended to regulate floodplain development in order to:
 - a. Protect life, health and property;
 - b. Minimize expenditures of public funds for flood control projects;
 - c. Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
 - d. Minimize business interruptions and other economic disruptions;
 - e. Minimize damage to public facilities in the floodplain;

- f. Minimize the occurrence of future flood blight areas in the floodplain;
 - g. Discourage the victimization of unwary land and homebuyers;
 - h. Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
 - i. Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.
4. This Section shall constitute, for statutory purposes, the Floodplain Zoning Ordinance for the City of Franklin, Wisconsin.
5. **General Provisions.**
- a. **Areas to be Regulated.** This Section regulates all areas of special flood hazard identified as zones A, AO, AH, A1-30, AE, VE, V1-30, or V on the Flood Insurance Rate Map.
 - b. **Official Maps and Revisions.** Special Flood Hazard Areas (SFHA) are designated as zones A, A1-30, AE, AH, AO, VE, V1-30, or V on the Flood Insurance Rate Maps (FIRMs) based on flood hazard analyses summarized in the Flood Insurance Study (FIS) listed in subd. (i) below. Additional flood hazard areas subject to regulation under this ordinance are identified on maps based on studies approved by the DNR and listed in subd. (b) below. These maps and revisions are on file in the office of the **Planning Manager**.
 - c. **Official Maps.**
 - i. Flood Insurance Rate Map (FIRM) panel number 55079C0144E, effective on 09/26/2008; number 55079C0142E, effective on 09/26/2008; number 55079C0161E, effective on 09/26/2008; number 55079C0163E, effective on 09/26/2008. [NOTE: CHECK WITH GIS MANAGER & SEWRPC to ensure all are included & correct; from <https://msc.fema.gov/portal/search?AddressQuery=Franklin%2C%20Wisconsin#searchresultsanchor>].
6. **Establishment of Floodplain Zoning Districts.** The flood hazard areas regulated by this ordinance are divided into districts as follows and collectively shall be known as the "Floodplain Districts":
- a. The **Floodway District (FW)**, is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters, **within AE Zones as shown on the FIRM [see Section 5(c)li) above]**, or within **A Zones shown on the FIRM** when determined according to Wisconsin Statutes Annotated s. 5.1(5).
 - b. The **Floodfringe District (FF)** is that portion of a riverine special flood hazard area outside the floodway **within AE Zones on the FIRM, or, when floodway limits have been determined according to s. 5.1(5), within A Zones shown on the FIRM.**
 - c. The **General Floodplain District (GFP)** is those riverine areas that may be covered by floodwater during the regional flood in which a floodway boundary has not been delineated on the **FIRM and also includes shallow flooding areas identified as AH and AO zones on the FIRM.**
7. **Locating Floodplain Boundaries.**
- a. Discrepancies between the exterior boundaries of zones A1-30, AE, AH, or A on the official floodplain zoning map and actual field conditions may be resolved using the criteria in subsections (7)(d) or (7)(e) below. If a significant difference exists, the map shall be amended according to Section **[.XXI]** Amendments.
 - b. The Zoning Administrator may rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The Zoning Administrator shall be responsible for

documenting actual pre- development field conditions and the basis upon which the district boundary was determined. Disputes between the Zoning Administrator and an applicant over the district boundary line shall be settled according to **SECTION XX] 7.3(3)** and the criteria in (a) and (b) below.

- c. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to **sXX]** Amendments.
- d. If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
- e. Where flood profiles do not exist for projects, including any boundary of zone A or AO, the location of the boundary shall be determined by the map scale.

8. **Removal of Lands from Floodplain.**

- a. Compliance with the provisions of this section shall not be grounds for removing land from the floodplain unless the affected land is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to **s. 8.0 Amendments**.
- b. The delineation of any of the Floodplain Districts may be revised by the City of Franklin where natural or man-made changes have occurred and/or where more detailed studies have been conducted. However, prior to any such change, approval must be obtained from the Wisconsin Department of Natural Resources and Federal Emergency Management Agency. A completed Letter of Map Revision is a record of this approval. The Zoning Administrator shall not sign a community acknowledgement form unless all criteria set forth in the following paragraphs are met:
 - i. The land and/or land around the structure must be filled at least two feet above the regional or base flood elevation; and
 - ii. the fill must be contiguous to land outside the floodplain; Applicant shall obtain floodplain development permit before applying for a LOMR or LOMR-F.
- c. Removal of lands from the floodplain may also occur by operation of §87.30(1)(e), Wis. Stat. if a property owner has obtained a letter of map amendment from the federal emergency management agency under 44 C.F.R. 70.

9. **Compliance.**

- a. No structure or use within areas regulated by this ordinance shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged, or altered without full compliance with the terms of these regulations and all other applicable regulations that apply to uses within the jurisdiction of these regulations.
- b. Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with **s. 9.0**.
- c. Floodplain development permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, and arrangement, set forth in such approved plans and applications, or amendments thereto if approved by the Zoning Administrator. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with **s. 9.0**.

10. **Municipalities and State Agencies Regulated.**

- a. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if **s. 13.48(13)**, Stats., applies.
- b. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when **s. 30.2022**, Stats., applies. Although exempt from a local zoning

permit and permit fees, DOT must provide sufficient project documentation and analysis to ensure that the community is in compliance with Federal, State, and local floodplain standards.

- c. If a local transportation project is located within a Zone A floodplain and is not a WisDOT project under s. 30.2022, then the road project design documents (including appropriate detailed plans and profiles) may be sufficient to meet the requirements for issuance of a local floodplain permit if the following apply:
 - i. The City provides documentation to the Floodplain Administrator that the proposed project is a culvert replacement or bridge replacement under 20' span at the same location, the project is exempt from a DNR permit under s. 30.123(6)(d),
 - ii. The capacity is not decreased, the top road grade is not raised, and no floodway data is available from a federal, state, or other source.
 - iii. If floodway data is available in the impacted area from a federal, state, or other source that existing data must be utilized by the City in the analysis of the project site.

11. Abrogation and Greater Restrictions

- a. This Section supersedes all the provisions of the this UDO which relate to floodplains. A more restrictive provision shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
- b. This Section is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this ordinance imposes greater restrictions, the provisions of this Section shall prevail.

12. Interpretation. In their interpretation and application, the provisions of this Section are the minimum requirements liberally construed in favor of the City of Franklin, and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this Section, required by ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this Section or in effect on the date of the most recent text amendment to this Section.

13. Warning and Disclaimer of Liability. The flood protection standards in this Section are based on engineering experience and research. Larger floods may occur, or the flood height may be increased by man-made or natural causes. This Section does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. This Section does not create liability on the part of, or a cause of action against, the City of Franklin, or any officer or employee thereof, for any flood damage that may result from reliance on this Section.

14. Severability. Should any portion of this Section be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Section shall not be affected.

B. General Standards Applicable to All Floodplain Districts.

1. Applicability.

- a. The City of Franklin Zoning Administrator shall review all permit applications to determine compliance with the provisions of this Section.
- b. If a proposed building site is in a Floodplain District as defined in this Section , all new construction and substantial improvements shall:
 - i. Be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - ii. Be constructed with flood-resistant materials;
 - iii. Be constructed by methods and practices that minimize flood damages; and

- iv. Be constructed in a manner wherein mechanical and utility equipment is elevated to or above the flood protection elevation.
- c. If a subdivision or other proposed new development is in a Floodplain District as defined in this Section, the Zoning Administrator shall assure that:
 - i. Such proposed subdivision or other proposed new development is consistent with the need to minimize flood damage within the Floodplain District;
 - ii. Public utilities and facilities such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
 - iii. Adequate drainage is provided to reduce exposure to flood hazards.
- d. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance and all other requirements in **s. 7.1(2)**.

2. Hydraulic and Hydrologic Analyses.

- a. No development within a Floodplain District shall:
 - i. Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or
 - ii. Cause any increase in the regional flood height due to floodplain storage area lost.
- b. The Zoning Administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of **s. 8.0** Amendments are met

3. Watercourse Alterations

- a. No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the Zoning Administrator has notified in writing all adjacent municipalities, the Wisconsin Department of Natural Resources, and FEMA regional offices, and required the applicant to secure all necessary state and federal permits. The standards of Subsection B.2 above must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained.
- b. As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to **s. 8.0** Amendments, the City of Franklin shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

4. Applicability of Chapter 30 and 31, Wisconsin Statutes, Development. Development which requires a permit from the Department, under Chapters 30 and 31, Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to this Section are made in accordance with **s. 8.0** Amendments.

5. Public or Private Campgrounds. Public or private campgrounds ~~shall have a low flood damage potential and~~ shall meet the following provisions:

- a. The campground is approved by the Wisconsin Department of Agriculture, Trade and Consumer Protection;
- b. A land use permit for the campground can properly be issued by the Zoning Administrator;
- c. The character of the river system and the campground elevation are such that a 72- hour warning of an impending flood can be given to all campground occupants;

- d. There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, officials of the City of Franklin (including but not the City's emergency government coordinator and the chief law enforcement official) which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;
- e. This agreement shall be for no more than one (1) calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in sub. (4) - to remain in compliance with all applicable regulations, including those of the Wisconsin Department of Agriculture, Trade and Consumer Protection and all other applicable regulations.
- f. All mobile recreational vehicles placed on site must meet one of the following:
 - i. Be fully licensed, if required, and ready for highway use; or
 - ii. Not occupy any site in the campground for more than 180 consecutive days, at which time the recreational vehicle must be removed from the floodplain for a minimum of 24 hours; or
 - iii. Meet the requirements in either s. 3.0, 4.0, 5.1, or 5.3 for the floodplain district in which the structure is located;
- g. A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.
- h. All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which shall be kept on file at the campground. Such authorization shall allow placement of a camping unit consistent with 2.4(6) and shall ensure compliance with all the provisions of this section;
 - i. The City of Franklin shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;
- j. The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued; and
- k. All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.
- l. Standards for structures in a campground:
 - i. All structures must comply with the applicable requirements in ss. 3.0, 4.0, 5.1, or 5.3 for the floodplain district in which the structure is located;
 - ii. A portable deck or landing may be allowed for a camping unit for each entry provided that the landing is not permanently attached to the ground or camping unit, is no more than 200 square feet in size, shall be portable, contain no walls or roof, and can be removed from the campground by a truck and/or trailer. Sections of such portable landings may be placed together to form a single deck not greater than 200 square feet at one entry point. Provisions for the removal of these temporary landings during flood events must be addressed within the written agreement with the municipality compliant with subsections (a) through (j) above. Any such deck/landing structure may be constructed at elevations lower than the flood protection elevation but must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

- m. Camping equipment and appurtenant equipment in the campground may be allowed provided that the equipment is not permanently attached to the ground or camping unit, is not used as a habitable structure, and must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood. Provisions for the removal of this equipment during flooding events shall be addressed within the written agreement with the City of Franklin pursuant to subsection 5(d) and 5(e) above.
 - n. Once a flood warning in the written agreement has been issued for the campground, the campground owner or the designated operator shall ensure that all persons, camping units, decks, camping equipment and appurtenant equipment in the campground shall be evacuated within the timelines specified within the written agreement with the City pursuant to subsection 5(d) and 5(e) above.
6. A land use permit shall be obtained as provided under **7.1(2)** before any development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated.

C. Floodway District (FW)

1. **Applicability.** This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to s. 5.1(5).
2. **Permitted Uses.** The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District, if:
 - a. The uses are not prohibited by any other provision of these Regulations;
 - b. The standards in this Subsection C are met; and
 - c. All permits or certificates have been issued in accordance with **section 7.1**.
 - d. Permitted Uses:
 - i. Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting
 - ii. Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
 - iii. Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of **s. 3.3(4)**.
 - iv. Uses or structures accessory to open space uses or classified as historic structures that comply with **s. 3.3 and 3.4**.
 - v. Extraction of sand, gravel or other materials that comply with **s. 3.3(4)**.
 - vi. Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with Chapters 30 and 31, Wisconsin Statutes.
 - vii. Public utilities, streets and bridges that comply with **s. 3.3(3)**.
 - viii. Portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and Chapter SPS 383, Wisconsin Administrative Code.

- ix. Public or private wells used to obtain potable water for recreational areas that meet the requirements of local ordinances and Chapters NR 811 and NR 812, Wisconsin Administrative Code
 - x. Wastewater treatment ponds or facilities permitted under Sections NR 110.15(3)(b), Wisconsin Administrative Code
 - xi. Sanitary sewer or water supply lines to service existing or proposed development located outside the floodway, which development complies with the regulations for the floodplain area occupied.
3. **Standards for Developments in the Floodway.**
- a. Any development in the floodway shall comply with Subsection B above and have a low flood damage potential.
 - b. Applicants shall provide an analysis calculating the effects of this proposal on the regional flood height to determine the effects of the proposal according to Subsection B.2 and 7.1(2)(c). The analysis must be completed by a professional engineer registered in the state of Wisconsin.
 - c. Any encroachment in the regulatory floodway is prohibited unless the data submitted for subd. 3.3(1)(b) above demonstrates that the encroachment will cause no increase in flood elevations in flood events up to the base flood at any location or removes the encroached area from the regulatory floodway as provided in Subsection A(8) above.
4. **Structures.** Structures accessory to permanent open space uses, including utility and sanitary facilities, or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:
- a. Not designed for human habitation
 - b. Does not have a high flood damage potential
 - c. Is constructed to minimize potential flood damage;
 - d. Shall either have the lowest floor elevated to or above the flood protection elevation or shall meet all the following standards:
 - i. The lowest floor is elevated to or above the regional flood elevation and is dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water, and completely dry to the flood protection elevation without human intervention during flooding;
 - ii. Has structural components capable of meeting all provisions of Subsection 6, Certification below and;
 - iii. Has certification by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with Subsection 6, Certification, below.
 - e. Shall be anchored to resist flotation, collapse, and lateral movement
 - f. Mechanical and utility equipment are elevated to or above the flood protection elevation; and
 - g. Does not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
5. **Design for Automatic Entry of Floodwaters.** For a structure designed to allow the automatic entry of floodwaters below the Regional Flood Elevation, the applicant shall submit a plan that meets Subsection (4)(a) through (4)(e) above, and meets or exceeds the following standards:
- a. The lowest floor must be elevated to or above the regional flood elevation;

- b. a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - c. the bottom of all openings shall be no higher than one foot above the lowest adjacent grade; openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters, otherwise must remain open.
 - d. The use must be limited to parking, building access or limited storage.
6. **Certification:** Whenever floodproofing measures are required, a registered professional engineer or architect shall certify that the following floodproofing measures will be utilized, where appropriate, and are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the regional flood:
- a. Reinforcement of floors and walls to resist rupture, collapse, or lateral movement caused by water pressures or debris buildup;
 - b. Construction of wells, water supply systems and waste treatment systems so as to prevent the entrance of flood waters in such systems and must be in accordance with provisions in Sections 3.4(4) and 3.4(5);
 - c. Subsurface drainage systems to relieve external pressures on foundation walls and basement floors;
 - d. Cutoff valves on sewer lines or the elimination of gravity flow basement drains; and
 - e. Placement of utilities to or above the flood protection elevation.
7. **Public Utilities, Streets, and Bridges.** Public utilities, streets and bridges may be allowed by permit, if:
- a. Adequate floodproofing measures are provided to the flood protection elevation; and
 - b. Construction meets the development standards of s. 2.1.
8. **Fills or Deposition of Materials.** Fills or deposition of materials may be allowed by permit, if:
- a. The requirements of s. 2.1 are met;
 - b. No material is deposited in navigable waters unless a permit is issued by the Department pursuant to ch. 30, Stats., and a permit pursuant to Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met;
 - c. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
 - d. The fill is not classified as a solid or hazardous material.
9. **Prohibited Uses.** All uses not listed as permitted uses in Subsection C(2) above are prohibited, including the following uses:
- a. Habitable structures, structures with high flood damage potential, and structures not associated with permanent open-space uses;
 - b. Storage of materials that are buoyant, flammable, explosive, or potentially injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
 - c. Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
 - d. Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department- approved campgrounds that meet the applicable provisions of City of Franklin ordinances and Chapter SPS 383, Wisconsin Administrative Code.

- e. Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of City of Franklin ordinances and Chapters NR 811 and NR 812, Wisconsin Administrative Code
- f. Any solid or hazardous waste disposal sites;
- g. Any wastewater treatment ponds or facilities, except those permitted under Sections NR 110.15(3)(b), Wisconsin Administrative Code;
- h. Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

D. Floodfringe District (FF)

1. **Applicability.** This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to **s. 5.1(5)**.
2. **Permitted Uses.** Any structure, land use, or development is allowed in the Floodfringe District if the standards in **s. 4.3** are met, the use is not prohibited by the City of Franklin Land Development Regulations, or any other ordinance or regulation of the City of Franklin; and all permits or certificates specified in **s. 7.1** have been issued.
3. **Standards for Development in the Floodfringe District.** The provisions of Subsection (C) above shall apply in addition to the following requirements, according to the proposed use. Any existing structure in the Floodfringe District must meet the requirements of **s. 6.0**, Nonconforming Uses.
 - a. **Residential Uses.** Any existing structure in residential use in the Floodfringe District must meet the requirements of s. 6.0 Nonconforming Uses. Any structure for residential use, including a manufactured home, which is to be newly constructed or moved into the Floodfringe District, shall meet or exceed the following standards:
 - i. All new construction, including placement of manufactured homes, and all substantial improvement of residential structures, shall have the lowest floor elevated to or above the flood protection elevation on fill. The fill around the structure shall be one foot or more above the regional flood elevation for an area extending at least 15 feet beyond the limits of the structure. No area may be removed from the Floodfringe District unless the resulting condition can be shown to meet **s. 1.5(5)**.
 - ii. Notwithstanding Subsection (D)(4)(a) above, a basement or crawlspace floor may be placed at the regional flood elevation if the basement or crawlspace is designed to make all portions of the structure below the flood protection elevation watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. No floor of any kind is allowed below the regional flood elevation.
 - iii. Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in subsection (d)(1) through (d)(2) below.
 - iv. In developments where existing street or sewer line elevations make compliance with Subsection (4)(c) above impractical, the City of Franklin may permit new development and substantial improvements where roads are below the regional flood elevation, if:
 - a) The City of Franklin Zoning Administrator has secured written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
 - b) The City of Franklin has adopted and in place a DNR-approved emergency evacuation plan applicable to the site that follows acceptable hazard mitigation planning guidelines.

- b. **Accessory Structures and Uses.** In addition to meeting the provisions of Section B, General Standards, new construction and substantial improvements of Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.
- c. **Commercial Uses.** In addition to meeting the provisions of Section B, General Standards, any commercial structure which is erected, altered or moved into the Floodfringe District shall meet the requirements of [s. 4.3\(1\)](#). Subject to the requirements of [s. 4.3\(5\)](#), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- d. **Manufacturing and Industrial Uses.** In addition to meeting the provisions of Section B, General Standards, any manufacturing or industrial structure which is erected, altered or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in [s. 7.5](#). Subject to the requirements of [s. 4.3\(5\)](#), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- e. **Storage of Materials.** Materials that are hazardous, buoyant, flammable, explosive, or potentially injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with [s. 7.5](#). Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.
- f. **Public Utilities, Streets, and Bridges.** All public utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans. In addition, the following criteria shall apply:
 - i. When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if the proposed improvements are designed to comply with [s. 7.5](#).
 - ii. Minor roads or non-essential utilities may be constructed at lower elevations if ~~they are~~ designed to withstand flood forces to the regional flood elevation.
- g. **Sewage Systems.** All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to [s. 7.5\(3\)](#), to the flood protection elevation and meet the provisions of all City of Franklin standards and Chapter SPS 383, Wisconsin Administrative Code.
- h. **Wells.** All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to [s. 7.5\(3\)](#), to the flood protection elevation and shall meet the provisions of Chapters NR 811 and NR 812, Wisconsin Administrative Code.
- i. **Solid Waste Disposal Sites Prohibited.** Disposal of solid or hazardous waste is prohibited in floodfringe areas.
- j. **Deposition of Material.** Any deposition of material must meet all the provisions of this Section.
- k. **Manufactured Homes.**
 - i. Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
 - ii. In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
 - a) have the lowest floor elevated to the flood protection elevation; and
 - b) be anchored so that the manufactured home does not float, collapse or move laterally during a flood

- iii. Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in s. 4.3(1).
- I. **Mobile Recreational Vehicles.** A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions. All mobile recreational vehicles must be on site for less than one-hundred eighty (180) consecutive days and be either:
 - i. fully licensed and ready for highway use; or
 - ii. shall meet the elevation and anchoring requirements in s. 4.3 (11)(b) and (c).

E. General Floodplain District (GFP)

1. **Applicability.** The provisions for the General Floodplain District shall apply to development in all floodplains mapped as A, AO, AH, and in AE zones within which a floodway is not delineated on the Flood Insurance Rate Maps identified in s. 1.5(2)(a).
2. **Floodway Boundaries.** For proposed development in zone A, or in zone AE within which a floodway is not delineated on the Flood Insurance Rate Map identified in s. 1.5(2)(a), the boundaries of the regulatory floodway shall be determined pursuant to s. 5.1(5).
 - a. If the development is proposed to encroach upon the regulatory floodway, the development is subject to the standards of s 3.0.
 - b. If the development is located entirely within the floodfringe, the development is subject to the standards of s. 4.0.
3. **Permitted Uses.** Pursuant to s. 5.1(5) for any application for development, the Zoning Administrator shall determine whether proposed use is located within the floodway or floodfringe. Those uses permitted in the Floodway (Section C) and Floodfringe (Section D) Districts are allowed within the General Floodplain District, according to the standards of s. 5.1(4), provided that all permits or certificates required under s. 7.1 have been issued.
4. **Standards for Development in the General Floodplain District.** Any development within the floodway, as determined pursuant to 5.1(5), shall comply with the provisions of Section C, Floodway. Any development within the floodfringe, as determined pursuant to Section 5.1(5), shall comply with the provisions of Section D, Floodfringe.
 - a. New construction and substantial improvement of structures in zone AO shall have the lowest floor, including basement, elevated:
 - i. to or above the depth, in feet, as shown on the FIRM above the highest adjacent natural grade; or
 - ii. if the depth is not specified on the FIRM, to or above two (2) feet above the highest adjacent natural grade.
 - b. New Construction and substantial improvement of structures in zone AH shall have the lowest floor, including basement, elevated to or above the flood protection elevation.
 - c. In AO/AH zones, adequate drainage paths shall be provided to guide floodwaters around structures.
 - d. All development in zones AO and zone AH shall meet the requirements of s. 4.0 applicable to flood fringe areas.
5. **Determination of Floodway and Floodfringe Limits.** Upon receiving an application for development within zone A, or within zone AE where a floodway has not been delineated on the Flood Insurance Rate Maps, the Zoning Administrator shall:
 - a. Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain

developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures; and the flood zone as shown on the FIRM.

- b. Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:
 - i. A Hydrologic and Hydraulic Study as specified in s. 7.1(2)(c).
 - ii. A plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information; and
 - iii. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

F. Non-Conforming Uses

1. Applicability.

- a. The standards in this section shall apply to all uses and buildings that do not conform to the provisions contained within a floodplain zoning ordinance or with Section 87.30, Wisconsin Statutes, Sections NR 116.12-14, Wisconsin Administrative Code, and 44 CFR 59-72.
- b. These standards shall apply to all modifications or additions to any nonconforming use or structure, and to the use of any structure or premises which was lawful before the passage of this Section or any amendment thereto.
- c. A party asserting existence of a lawfully established nonconforming use or structure has the burden of proving that the use or structure was compliant with the floodplain zoning ordinance in effect at the time the use or structure was created.

As permit applications are received for additions, modifications, or substantial improvements to nonconforming buildings in the floodplain, the City of Franklin shall develop a list of those nonconforming buildings, their present equalized assessed value and a list of the costs of those activities associated with changes to those buildings.

- 2. **Continuation of Use.** The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this Section may continue subject to the following conditions:
 - a. No modifications or additions to a nonconforming use or structure shall be permitted unless such modifications or additions comply with applicable provisions of this Section. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use.
 - i. Maintenance is not considered a modification; maintenance shall include painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities.
 - ii. Any costs associated with the repair of a damaged structure shall not be considered maintenance.
 - b. The construction of a deck that does not exceed two-hundred (200) square feet and that is adjacent to the exterior wall of a principal structure shall not be considered an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.
 - c. If a nonconforming use or the use of a nonconforming structure is discontinued for twelve (12) consecutive months, the non-conforming use or use of the non-conforming structure is no longer permitted. Any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this Section.

The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;

- d. No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed fifty (50) percent of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with [s. 4.3\(1\)](#). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;
- e. No maintenance on a per event basis to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with [s. 4.3\(1\)](#). Maintenance to any nonconforming structure, which does not exceed 50% of its present equalized assessed value on a per event basis, does not count against the cumulative calculations over the life of the structure for substantial improvement calculations.
- f. If on a per event basis the total value of the work being done under (d) and (e) above equals or exceeds 50% of the present equalized assessed value the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with [s. 4.3\(1\)](#).
- g. Except as provided in subdivision (h) below, if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, re-constructed, or rebuilt unless the use and the structure meet the current requirements of this Section. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.
- h. For nonconforming buildings that are substantially damaged or destroyed by a non-flood event, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the following minimum requirements are met and all required permits have been granted prior to the start of construction:
 - i. **Residential Structures.** All such residential structures:
 - a) Shall have the lowest floor, including basement, elevated to or above the flood protection elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of [s. 7.5\(2\)](#).
 - b) Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.
 - c) Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - d) In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.
 - e) In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in [s. 5.1\(4\)](#).

- f) In AO Zones, have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.
 - ii. **Nonresidential Structures.** All such non-residential structures:
 - a) Shall meet the requirements of **s. 6.1(2)(h)1a-f.**
 - b) Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in **s. 7.5 (1) or (2).**
 - c) In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in **s. 5.1(4).**
 - d) A nonconforming historic structure may be altered if the alteration does not preclude the structure's continued designation as a historic structure, the alteration will comply with **s. 3.3 (1)**, flood resistant materials are used, and construction practices and floodproofing methods that comply with **s. 7.5** are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of **s. 6.1 (2)(h)1** if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.
3. **Floodway District.**
- a. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:
 - i. Has been granted a permit or variance in conformance with all ordinance requirements;
 - ii. Meets the requirements of **s. 6.1**;
 - iii. Shall not increase the obstruction to flood flows or regional flood height;
 - iv. Any addition to the existing structure shall be floodproofed, pursuant to **s. 7.5**, by means other than the use of fill, to the flood protection elevation; and
 - v. If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 - a) The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
 - b) The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 - c) Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 - d) The use must be limited to parking, building access or limited storage.
 - vi. No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, **s. 7.5(3)** and Chapter SPS 383, Wisconsin Administrative Code.

- vii. No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances, **s. 7.5(3)** and Chapters NR 811 and NR 812, Wisconsin Administrative Code.
- b. No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all City of Franklin ordinances, **s. 7.5(3)** of this Section, and Chapter SPS 383, Wisconsin Administrative Code.
- c. No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all City of Franklin ordinances, **s. 7.5(3)**, and Chapters NR 811 and NR 812, Wisconsin Administrative Code.

4. Floodfringe District

- a. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality and meets the requirements **of s. 4.3** except where **s. 6.3(2)** is applicable.
- b. Where compliance with the provisions **of subd. (1)** would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Zoning and Building Appeals, using the procedures established **in s. 7.3**, may grant a variance from those provisions of **subd. (1)** for modifications or additions using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if all of the following are met:
 - i. No floor is allowed below the regional flood elevation for residential or commercial structures;
 - ii. Human lives are not endangered;
 - iii. Public facilities, such as water or sewer, shall not be installed;
 - iv. Flood depths shall not exceed two feet;
 - v. Flood velocities shall not exceed two feet per second; and
 - vi. The structure shall not be used for storage of materials as described in **s. 4.3(5)**.
- c. All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all City of Franklin ordinances, **s. 7.5 (3)** and Chapter SPS 383, Wisconsin Administrative Code.
- d. All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this Section, **s. 7.5 (3)** and Chapter NR 811 and NR 812, Wisconsin Administrative Code.

G. Administration

1. Zoning Administrator; Land Use Permits; Certificates of Compliance

- a. Duties and Powers. The Zoning Administrator is authorized to administer this Section and shall have the following duties and powers:
 - i. Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications

- ii. Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate.
 - iii. Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
 - iv. Keep records of all official actions such as:
 - a) All permits issued, inspections made, and work approved;
 - b) Documentation of certified lowest floor and regional flood elevations;
 - c) Floodproofing certificates.
 - d) Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
 - e) All substantial damage assessment reports for ~~floodplain~~ structures in floodplain districts.
 - f) Lists of nonconforming structures and uses.
 - v. Submit copies of the following items to the Department of Natural Resources Regional office:
 - a) Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
 - b) Copies of case-by-case analyses and other required information.
 - c) Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
 - vi. Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department of Natural Resources Regional office.
 - vii. Submit copies of amendments to the FEMA Regional office.
- b. **Land Use Permit.** A land use permit shall be obtained before any development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the Zoning Administrator shall include:
- i. **General Information**
 - a) Name and address of the applicant, property owner and contractor;
 - b) Legal description, proposed use, and whether it is new construction or a modification;
 - ii. **Site Development Plan.**
 - a) A site plan drawn to scale shall be submitted with the permit application form and shall contain:
 - (i) Location, dimensions, area and elevation of the lot;
 - (ii) Location of the ordinary highwater mark of any abutting navigable waterways;
 - (iii) Location of any structures with distances measured from the lot lines and street center lines;
 - (iv) Location of any existing or proposed on-site sewage systems or private water supply systems;

- (v) Location and elevation of existing or future access roads;
- (vi) Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
- (vii) The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study - either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
- (viii) Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of s. 3.0 or 4.0 are met; and
- (ix) Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to s. 2.1. This may include any of the information noted in s. 3.3(1).

iii. **Hydraulic and Hydrologic Studies**

a) All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State of Wisconsin. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Wisconsin Department of Natural Resources.

(i) **In Zone A floodplains and in AE zones within which a floodway is not delineated:**

1. **Hydrology:** The appropriate method shall be based on the standards in Chapter NR 116.07(3), Wisconsin Administrative Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.
2. **Hydraulic modeling:** The regional flood elevation shall be based on the standards in Chapter NR 116.07(4), Wisconsin Administrative Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:
 - a. Determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.
 - b. Channel sections must be surveyed.
 - c. A minimum four-foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
 - d. A maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.
 - e. The most current version of HEC-RAS shall be used.
 - f. A survey of bridge and culvert openings and the top of road is required at each structure.
 - g. Additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.
 - h. Standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical

data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.

- i. The model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.
- (ii) **Mapping.** A work map of the reach studied shall be provided, showing all cross-section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.
1. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
 2. If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided
- (iii) **In Zone AE Floodplains:**
1. **Hydrology:** If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on Chapter NR 116.07(3), Wisconsin Administrative Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.
 2. **Hydraulic model:** The regional flood elevation shall be based on the standards in Chapter NR 116.07(4), Wisconsin Administrative Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:
 - a. **Duplicate Effective Model:** The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.
 - b. **Corrected Effective Model:** The Corrected Effective Model shall not include any man-made physical changes since the effective model date but shall import the model into the most current version of HEC-RAS for Department review.
 - c. **Existing (Pre-Project Conditions) Model:** The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.
 - d. **Revised (Post-Project Conditions) Model.** The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.
 - e. All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.
 - f. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface

elevations and topwidths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.

3. **Mapping.** Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:
 - a. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.
 - b. Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.
 - c. Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.
 - d. If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.
 - e. The revised floodplain boundaries shall tie into the effective floodplain boundaries.
 - f. All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.
 - g. Both the current and proposed floodways shall be shown on the map.
 - h. The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.
- iv. **Expiration.** All permits issued under the authority of this ordinance shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause. If the permitted work has not started within 180 days of the permit date, the development must comply with any regulation, including any revision to the FIRM or FIS, that took effect after the permit date.
- c. **Certificate of Compliance.** No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following provisions:
 - i. The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this Section;
 - ii. Application for such certificate shall be concurrent with the application for a land use permit;
 - iii. If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;
 - iv. The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a Wisconsin registered professional engineer or architect that the requirements of **s. 7.5** are met.

- v. Where applicable pursuant to **s. 5.1(4)**, the applicant must submit a certification by a registered Wisconsin professional engineer or surveyor of the elevation of the bottom of the lowest horizontal structural member supporting the lowest floor (excluding pilings or columns), and an indication of whether the structure contains a basement.
 - vi. Where applicable pursuant to **s. 5.1(4)**, the applicant must submit certifications by a Wisconsin registered professional engineer or architect that the structural design and methods of construction meet accepted standards of practice as required by **s. 5.1(4)**.
- d. **Other Permits.** Prior to obtaining a floodplain development permit the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.
2. **Plan Commission; Role and Responsibilities.**
- a. The Plan Commission of the City of Franklin shall, with respect to this Section:
 - i. Oversee the functions of the office of the zoning administrator; and
 - ii. Review and advise the Common Council body on all proposed amendments to this ordinance, maps and text; and
 - iii. Publish adequate notice pursuant to Chapter 985, Wisconsin Statutes, specifying the date, time, place and subject of any public hearing.
 - b. The Plan Commission of the City of Franklin shall not, with respect to this Section:
 - i. Grant variances to the terms of the ordinance in place of action by the Board of Zoning and Building Appeals; or
 - ii. Amend the text or zoning maps in place of official action by the governing body.
3. **Board of Zoning and Building Appeals; Role and Responsibilities.** The Board of Zoning and Building Appeals established pursuant to **Section 62.23(7)(e)** Wisconsin Statutes is hereby authorized or shall be appointed to act for the purposes of this Section. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The Zoning Administrator shall not be the secretary of the Board.
- a. **Powers and Duties.** The Board of Zoning and Building Appeals shall:
 - i. **Appeals** - Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this Section;
 - ii. **Boundary Disputes** - Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map; and
 - iii. **Variances** - Hear and decide, upon appeal, variances from the ordinance standards.
 - b. **Appeals to the Board of Zoning and Building Appeals.**
 - i. **Standing to Appeal.** Appeals to the board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the Board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the Board all records regarding the matter appealed.
 - ii. **Notice and Hearing for Appeals and Variances.**

- a) **Notice.** The Board shall:
 - (i) Fix a reasonable time for the hearing;
 - (ii) Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing; and
 - (iii) Assure that notice shall be mailed to the parties in interest and the Wisconsin Department of Natural Resources Regional office at least 10 days in advance of the hearing.

- b) **Hearing.** Any party may appear in person or by agent. The Board shall:
 - (i) Resolve boundary disputes according to **s. 7.3(3)**;
 - (ii) Decide variance applications according to **s. 7.3(4)**; and
 - (iii) Decide appeals of permit denials according to **s. 7.4**.

- c) **Decision.** The final decision regarding the appeal or variance application shall:
 - (i) Be made within a reasonable time;
 - (ii) Be sent to the Department of Natural Resources Regional office within ten (10) days of the decision;
 - (iii) Be issued in the form of a written determination signed by the chairman or secretary of the Board;
 - (iv) State the specific facts which are the basis for the Board's decision;
 - (v) Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application; and
 - (vi) Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings

- c. **Boundary Disputes.** The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:
 - i. If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary.
 - ii. The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and
 - iii. If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to **s. 8.0** Amendments.

- d. **Variance.**
 - i. The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
 - a) Literal enforcement of the ordinance will cause unnecessary hardship;
 - b) The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises (in which case the ordinance or map must be amended to grant a permit);

- c) Issuance of the variance will not result in an outcome or precedent contrary to the public interest; and
 - d) The variance is consistent with the purpose of this ordinance as set forth in Subsection A.
- ii. In addition to the criteria in Subsection (i) above, to qualify for a variance under FEMA regulations, the Board must find that the following criteria have been met:
- a) The variance shall not cause any increase in the regional flood elevation;
 - b) The applicant has shown good and sufficient cause for issuance of the variance;
 - c) Failure to grant the variance would result in exceptional hardship;
 - d) Granting the variance will not result in additional threats to public safety, extraordinary expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances; and
 - e) The variance granted is the minimum necessary, considering the flood hazard, to afford relief.
- iii. A variance shall not:
- a) Grant, extend or increase any use prohibited in the zoning district;
 - b) Be granted for a hardship based solely on an economic gain or loss;
 - c) Be granted for a hardship which is self-created;
 - d) Damage the rights or property values of other persons in the area;
 - e) Allow actions without the amendments to this ordinance or map(s) required in **s. 8.0**, Amendments; or
 - f) Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
- iv. When a floodplain variance is granted the Board shall notify the applicant in writing that the authorized action may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage. A copy of this notice shall be maintained with the variance record.
- 4. Review of Appeals and Permit Denials.**
- a. The Board of Zoning and Building Appeals shall review all data related to the appeal including, but not limited to:
 - i. Permit application data listed **in s. 7.1(2)**;
 - ii. Floodway/floodfringe determination data **in s. 5.1(5)**;
 - iii. Data listed in **s. 3.3(1)(b)** in cases where the applicant has not submitted this information to the Zoning Administrator; and
 - iv. Other data submitted with the application or submitted to the Board with the appeal.
 - b. For appeals of ~~a~~ denied permits, the Board shall:
 - i. Follow the procedures of **s. 7.3**;
 - ii. Consider recommendations of the Plan Commission; and
 - iii. Either uphold the denial or grant the appeal.

- c. For appeals concerning increases in regional flood elevation the Board shall:
 - i. Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of s. 8.0 Amendments; or
 - ii. Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.

5. Floodproofing Standards.

- a. No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to or above the flood protection elevation and submits a FEMA Floodproofing Certificate. Floodproofing is not an alternative to the development standards set forth in ss. 2.0, 3.0, 4.0, 5.1, or 5.3.
- b. For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:
 - i. Certified by a registered Wisconsin professional engineer or architect; or
 - ii. Meeting or exceeding the following standards:
 - a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
 - b) The bottom of all openings shall be no higher than one-foot above grade; and
 - c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that these permit the automatic entry and exit of floodwaters.
 - iii. Floodproofing measures shall be designed, as appropriate, to:
 - a) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
 - b) Protect structures to the flood protection elevation;
 - c) Anchor structures to foundations to resist flotation and lateral movement;
 - d) Minimize or eliminate infiltration of flood waters;
 - e) Minimize or eliminate discharges into flood waters;
 - f) ~~Placement of~~ Locate essential utilities to or above the flood protection elevation; and
 - g) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 - (i) The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
 - (ii) The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;

- (iii) Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
- (iv) The use must be limited to parking, building access or limited storage.

H. Amendments.

1. **General Provisions.** Obstructions or increases may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with Section H.2 below
 - a. **In AE Zones with a mapped floodway**, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with **s. 8.1**. Any such alterations must be reviewed and approved by FEMA and the Wisconsin Department of Natural Resources.
 - b. In **A Zones** increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this Section, the official floodplain maps, floodway lines, and water surface profiles, in accordance with **s. 8.1**.
2. **Action by Common Council.** The Common Council shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in s. 8.2 below. Actions which require an amendment to the ordinance and/ or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:
 - a. Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;
 - b. Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;
 - c. Any changes to any other officially adopted floodplain maps listed in **s. 1.5 (2)(b)**;
 - d. Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
 - e. Correction of discrepancies between the water surface profiles and floodplain maps;
 - f. Any upgrade to a floodplain zoning text required by Section NR 116.05, Wisconsin Administrative Code, or otherwise required by law, or for changes by the City of Franklin; and
 - g. All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.
3. **Procedures.**
 - a. Amendments may be made upon petition of any party according to the provisions of Section 62.23, Wisconsin Statutes. The petitions shall include all data required by **s. 5.1(5) and 7.1(2)**. The Land Use Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.
 - b. The proposed amendment shall be referred to the Plan Commission for a public hearing and recommendation to the Common Council. The amendment and notice of Common Council public hearing shall be submitted to the Wisconsin Department of Natural Resources Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of Section 62.23, Wisconsin Statutes.
 - c. No amendments shall become effective until reviewed and approved by the Wisconsin Department of Natural Resources.

- d. All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.
- I. **Enforcement and Penalties.** Any violation of the provisions of this Section by any person shall be unlawful and shall be referred to the City of Franklin Attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not more than \$50.00 (fifty dollars), together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the City of Franklin, the State of Wisconsin, or any citizen thereof pursuant to [Section 87.30, Wisconsin Statutes](#).

Article 4. Use-Specific Standards

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15-4-01. Residential Use-Specific Standards

A. Community Living, All Capacities.

1. No community living arrangement shall be established within two thousand five hundred (2,500) feet of any other such facility regardless of its capacity.
2. Foster homes housing four (4) or fewer children and licensed under **Sec. 48.62, Wis. Stats.**, shall not be subject to these provisions.

B. Duplex.

1. Duplexes primary entrances shall be oriented toward the designated front lot line.
2. A minimum of one (1) of the parking spaces, as specified in **Section 16-6-1(E)** of this UDO, shall be provided in an attached or detached garage.
3. Attached garages are encouraged to be located on rear façades. If attached garages are located on the primary façade they shall:
 - a. Not exceed forty-five (45) percent of the façade's total width,
 - b. Be setback a minimum of twenty-five (25) feet from the property line, and
 - c. Be recessed from the primary front façade (excluding porches) of the duplex a minimum of five (5) feet.

4. Exterior building cladding materials shall be time- and weather- tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, precast panels with inlaid or stamped brick texture.

C. Townhome.

1. Townhomes shall be oriented with their primary entrances either:
 - a. Toward the designated front lot line. The primary entrance of end unit townhomes on corner lots may be oriented toward the designated front or exterior side lot line.
 - b. Toward an internal courtyard space. The primary entrance of end unit townhomes closest to the designated front lot line shall be oriented toward the designated front lot line.
2. Individual townhome units should be articulated through the exterior design of the townhome cluster. This can be accomplished through dormers, porches, vertical design elements, varying roof forms, or other architectural devices.
3. The maximum length of a townhome cluster shall be two hundred (200) lineal feet.
4. The siting of the townhome units in a cluster shall be staggered in order to define street edges, entry points, and public gathering spaces.
5. A minimum of one (1) of the parking spaces, as detailed in **Section #-#-##** of this UDO shall be provided in an attached or detached garage.
6. Attached or detached garages shall be located on rear or side façades, unless otherwise approved.
7. Exterior building cladding materials shall be time- and weather-tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, precast panels with inlaid or stamped brick texture.

D. Multifamily Building.

1. The building's primary façade and principal entrance shall be oriented toward a public street.
2. A maximum of one (1) curb cut allowing vehicular access to the site shall be permitted per street frontage unless otherwise approved by the Zoning Administrator.
3. All off-street parking, as specified in **Section 16-6-1(E)** of this UDO, shall be located in the rear and/or interior side of the primary building. Off-street parking located in the interior side yard setback shall be set back a minimum of one (1) foot from the front elevation of the primary building.
4. ADA compliant pedestrian walkways shall be provided to all building entries and parking areas and shall connect to the sidewalk at the street frontage.
5. Service areas, dumpsters, utilities and the required nonvegetative screening of these features shall not be visible from rights-of-way.
6. Multifamily uses shall operate in accordance with all other applicable federal, state, and local laws and, if additional permits are required, such permits were obtained prior to beginning operation.
7. All multifamily buildings shall meet the design standards of **Section 11-6-##**.

E. Multifamily Complex.

1. **Primary Façade.**
 - a. The primary entrance and front façade of buildings within a multifamily complex shall be oriented towards the following, listed in priority order:

- I. Perimeter streets,
 - II. Primary internal streets,
 - III. Parks or other common open space,
 - IV. Secondary internal streets, or
 - V. Parking areas only if approved by the Zoning Administrator.
2. Parking shall be integrated into the overall site design to minimize visual impact, reduce the loss of trees, and be visually concealed from public rights-of-way.
 3. ADA compliant pedestrian walkways shall be provided to all building entries and parking areas and shall connect to the sidewalk at the street frontage.

15-4-02. Institutional Use-Specific Standards

A. Cemetery.

1. The minimum lot size for a cemetery shall be three (3) acres.
2. Adequate space shall be provided within the site for the parking and maneuvering of funeral corteges.
3. All interment shall be set back at least fifty (50) feet from any adjoining lot line.
4. All structures shall be set back at least fifty (50) feet from any boundary line of the cemetery property plus two (2) feet for each one (1) foot of structure height over 25 feet to the maximum height permitted by the district in which it is located.
5. All requirements of the Wisconsin State Statutes regarding the interment of human dead shall be met.

15-4-03. Place of Assembly Use-Specific Standards

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15-4-04. Recreation Use-Specific Standards

A. Campgrounds.

1. All campgrounds shall have direct access to an arterial street, however no direct access to an individual site shall be permitted from a public street.
2. All campgrounds shall have a minimum site area of thirty (30) contiguous acres.
3. All trailer and vehicle parking spaces are to be paved with asphaltic concrete.
4. No more than fifteen (15) percent of a travel trailer park site shall be used for campground purposes.
5. The following accessory uses may be allowed.
 - a. Recreational facilities.
 - b. Laundry buildings.
 - c. One (1) service retail store not to exceed 2,000 square feet in total floor area.

- d. A manager's office and storage buildings, sanitary facilities, and fences, constructed in accordance with all the provisions of this Ordinance and all other applicable City of Franklin regulations.
- e. No accessory buildings or structures shall be used for human occupancy, except as explicitly approved.
6. A maximum density of 15 campsites per acre shall be allowed.
7. One hundred (100) square feet of recreation area shall be provided per campsite.
8. All public utilities shall be placed underground.
9. Campground areas of any travel trailer park shall provide a minimum of 500 square for each tent site. A ten foot separation shall be maintained between tents.
10. Every campground there shall be provided at least one (1) sanitary garbage pickup area on the site.
11. All campgrounds shall comply with all State and local regulations.

15-4-05. Lodging Use-Specific Standards

A. Lodging House.

1. The property must be developed, maintained, and operated so that the principal building, accessory buildings, yard, drive, and street frontage complement the appearance and character of its adjacent neighborhood and do not detract from abutting properties.
2. Cooking facilities shall not be permitted in any of the guest rooms.
3. The Zoning Administrator may require a lodging house to be screened from abutting residential properties by the erection and maintenance of a Transition Area per [Section 11-60#](#), the type of which shall be determined by the Zoning Administrator.
4. The principal use is for lodging with accessory uses such as catering or events venue requiring temporary use permit.

B. Short-Term Rental.

1. A maximum of two (2) adult guests per bedroom shall be allowed.
2. The duration of guest stay shall be a minimum of three (3) days and a maximum of thirty (30) days.
3. A residence may be utilized as a short-term rental for a maximum of one hundred eighty (180) days per calendar year.
4. The residential dwelling in which short term rental operates shall be the primary residence of the property owner.
5. Short-term rentals shall be subject to the hotel tax provisions established in [Chapter 138-25](#) of the City of Franklin Code of Ordinances.

15-4-06. Retail Use-Specific Standards

A. Adult Establishment.

1. Adult establishments shall locate at least one-thousand (1,000) feet from any parcel in a residential district or with an existing use classified in the following categories.
 - a. Residential.
 - b. Institutional.

- c. Place of Assembly.
- d. Lodging.
- e. Eating and drinking.
2. Adult establishments shall locate at least one thousand (1,000) feet from another adult establishment.
3. A Type D Bufferyard shall be provided along all property lines shared with an existing use categorized in subsection (A)(1) or when adjoining a residential district.
4. The hours of operation shall be limited to between 11:30 am and 1:00 am, except for cleaning and maintenance activities necessary for the property's operation, which may occur or after the hours specified in this subsection.
5. No amplified sound equipment audible outside the principal building shall be allowed.
6. Adult uses shall comply with all federal, state, county, and local laws, rules, and regulations, as amended.

15-4-07. Service Use-Specific Standards

A. Animal Boarding Facility/Kennel and/or Veterinary Services.

1. No livestock or large animals shall be boarded, treated, or kept on the premises.
2. Buildings shall be located no closer than seventy-five (75) feet from any adjacent residential property.
3. Enclosed exercise areas shall be at least one-hundred fifty (150) feet from any residential property. All exercise areas shall be enclosed by a fence and adjacent to the principal building.
4. All litter and waste shall be contained and controlled on site by having appropriate flushing drains and other physical elements to properly dispose of cleaning waste from the boarding area. Solid waste shall be removed from outdoor areas after each use of the area.
5. All activities, except animal exercise areas, shall be conducted within an enclosed building designed with noise resistant materials and which allows for adequate ventilation.
6. Drainage from outdoor areas shall be directed to gravel, grassed, or other planted areas in a manner that prevents direct discharge to storm drain inlets and surface waters.
7. Solid waste will be removed from the outdoor area after each use of the area.
8. All outdoor areas shall be screened with a solid opaque fence or wall at least six (6) feet in height. Slatted chain link fences shall not meet this requirement.
9. Use of outdoor exercise areas between the hours of 10:00 pm and 7:00 am is prohibited.

15-4-08. Eating and Drinking Use-Specific Standards

A. Food Truck Court.

1. The maximum number of food trucks allowed on site shall depend on the size of the lot and site's ability to provide required electrical access and parking. Site plans shall be provided to the City for review before permitting.
2. A minimum of ten (10) feet of clearance shall be provided between food truck stalls.

3. Food truck stalls shall be clearly defined and separated from all patron parking with an enclosure. Any use of fencing or planters to separate the food truck park from parking shall provide visibility into the site and shall not exceed four (4) feet in height.
4. Food truck courts are encouraged to create an inviting and attractive aesthetic environment and shall include seating and shade elements.
5. A minimum of (2) permanent restrooms that meet ADA standards shall be made accessible to patrons within two hundred (200) feet of the food truck court during hours of operation.
6. Electrical service shall be provided to each food truck.
7. A minimum of one (1) trash receptacle and one (1) recycling receptacle shall be provided per food truck. The food truck park shall also provide a commercial dumpster outside of the designated patron area for waste disposal. The dumpster shall be screened in accordance with [Section 11-60#](#).

15-4-09. Vehicle-Related Use-Specific Standards

A. Auto Sales/Rental and Service.

1. All outdoor display areas for sales, rental, and service shall be improved with all-weather surfaces.
2. Parking lots used for the outdoor display of motor vehicles for sale and/or rent shall be exempt from the landscape spacing requirements for the parking area perimeter zone, as detailed in [Section 11-60#](#), and instead may cluster required landscape elements to preserve views to motor vehicles offered for sale and/or rent.
3. No vehicles shall be parked within the public right-of-way.
4. Repair bays shall not front adjacent public rights-of-way or face a parcel with a residential use or in a residential district.
5. No more than one (1) elevated display shall be used, raising the vehicle no more than three (3) feet off the ground.
6. Accessory uses and structures, such as car wash facilities and their incidental functions (vacuums and air compressors) shall be set back at least fifty (50) feet from public rights-of-way or a residential use or district.
7. No existing buildings shall be occupied or re-used for vehicle sales, rental and service unless all requirements of this UDO are met. The use shall operate in accordance with all other applicable federal, state, and local laws. If additional permits are required, such permits shall be obtained prior to the operation's approval.
8. Drainage from outdoor storage and/or activity areas shall be directed to gravel, grassed, or other planted areas in a manner that prevents direct discharge to storm drain inlets and surface waters.
9. Measures for containment of potentially contaminated runoff from vehicle-related activities shall be incorporated into the site plan and drainage plan to ensure that contaminated runoff does not reach storm drains or surface waters.
10. The City Engineer shall review plans to ensure sufficient measures, including grading and where necessary oil/water separation or equivalent structures, have been incorporated into the site plan to comply with [Section \(13\)](#).

B. Carwash.

1. Hours of operation shall be restricted to between 7am and 10pm.
2. All car wash facilities and accessory equipment such as vacuums, dryers, and accessory buildings and structures shall be set back a minimum of two hundred (200) feet from any parcel with an existing residential use or in a residential district. Such facilities and equipment shall be enclosed within a building, except for self-service vacuum units.

3. If self-service vacuum facilities are provided, a minimum of one (1) parking space for each vehicle capable of being serviced at any one time at such vacuum facility shall be provided. Such parking spaces for accessory vacuum facilities shall not interfere with circulation or entrance or exit drives.
4. Accessory equipment such as vacuum facilities shall be set back a minimum of twenty (20) feet from all property lines.
5. All full-service or conveyor-based carwash facilities shall be equipped with a water recycling system that shall recycle a minimum of fifty (50) percent of the water being used by the facility
6. Drainage from outdoor storage and/or activity areas shall be directed to gravel, grassed, or other planted areas in a manner that prevents direct discharge to storm drain inlets and surface waters.
7. Measures for containment of potentially contaminated runoff from vehicle-related activities shall be incorporated into the site plan and drainage plan to ensure that contaminated runoff does not reach storm drains or surface waters.
8. The City Engineer shall review plans to ensure sufficient measures, including grading and where necessary oil/water separation or equivalent structures, have been incorporated into the site plan to comply with [Section \(13\)](#).

C. Major Automotive Repair.

1. A Type C transition area, as detailed in [Section 11-60#](#), shall be required along lot lines adjacent to any parcel in a nonresidential district.
2. A Type D transition area, as detailed in [Section 11-60#](#), shall be required along lot lines adjacent to any parcel in a residential district.
3. All vehicle repair activities shall be within a completely enclosed building.
4. All storage of vehicles awaiting needed parts shall be within the building or in an enclosed or screened-in yard.
5. All damaged or nonoperable parts shall be stored indoors until removed from the premises.
6. All vehicle parts within a completely enclosed building.
7. Service bay entrances shall not front a public right-of-way unless specifically approved.
8. The maximum allowable number of tow trucks which can be parked at the site shall be determined by the Plan Commission as a condition of approval of the Conditional Use Permit.
9. Drainage from major automotive repair areas shall be directed to gravel, grassed, or other planted areas in a manner that prevents direct discharge to storm drain inlets and surface waters.
10. Measures for containment of potentially contaminated runoff from vehicle-related activities shall be incorporated into the site plan and drainage plan to ensure that contaminated runoff does not reach storm drains or surface waters.
11. The City Engineer shall review plans to ensure sufficient measures, including grading and where necessary oil/water separation or equivalent structures, have been incorporated into the site plan to comply with [Section \(10\)](#).

D. Vehicle Fuel Sales.

1. All fuel sales stations shall have direct access to an arterial or collector street.
2. Any fuel pumps, underground fuel storage tanks, and islands, shall be at least fifty (50) feet from any street or abutting lot line.
3. All fuel pumps shall be set back a minimum of twenty-five (25) feet from the street right-of-way and side or rear lot lines.

4. All fuel pump canopies shall be located a minimum of twenty (20) feet from the street right-of-way and side or rear lot lines.
5. All fuel pumps and fuel pump canopies shall be located a minimum of fifty (50) feet from any residential district boundary line.
6. Fuel pump canopies shall have a maximum height of twenty-five (25) feet.
7. Fuel pump canopy columns shall be clad in masonry, stucco, fiber cement, or stone veneer systems with a minimum thickness of three (3) inches, for a minimum of four (4) feet from the base of the column.
8. Fuel pump canopies shall be lit with only fully recessed lighting.
9. A Type B transition area, as detailed in [Section 11-60#](#), shall be required along lot lines adjacent to any parcel in a nonresidential district.
10. A Type D transition area, as detailed in [Section 11-60#](#), shall be required along lot lines adjacent to any parcel in a residential district.
11. No signs shall be permitted on fuel pump canopy roofs or fascia.
12. Drainage from vehicle fuel sales areas shall be directed to gravel, grassed, or other planted areas in a manner that prevents direct discharge to storm drain inlets and surface waters.
13. Measures for containment of potentially contaminated runoff from vehicle-related activities shall be incorporated into the site plan and drainage plan to ensure that contaminated runoff does not reach storm drains or surface waters.
14. The City Engineer shall review plans to ensure sufficient measures, including grading and where necessary oil/water separation or equivalent structures, have been incorporated into the site plan to comply with [Section \(13\)](#).

15-4-10. Agricultural Use-Specific Standards

A. Nursery, Retail.

1. The overall area of any outdoor sales accessory use shall not exceed the area of the principal enclosed building.
2. All retail nurseries shall comply with Chapter 183 Orderly Conduct of the City of Franklin Municipal Code.

15-4-11. Industrial Use-Specific Standards

A. Artisan Manufacturing.

1. Gross floor area shall not exceed five thousand (5,000) square feet.
2. Outdoor storage shall be prohibited.
3. Outdoor operations or activities may be approved with a temporary use permit.
4. Artisan manufacturing shall not create or cause any perceptible noise, odor, smoke, electrical interference, or vibrations that constitute a public or private nuisance to neighboring properties.
5. Retail sales of goods manufactured on-site shall be required and shall comprise a minimum of ten (10) percent of the total area of the building. Retail sales areas shall be located on the ground floor and shall be directly adjacent to storefront windows.
6. Manufacturing areas are encouraged to be visible from retail areas.

7. A maximum of one (1) residential unit shall be permitted within the same unit/leasable area as the artisan manufacturing use but shall be limited to twenty-five (25) percent of the total area of the building.

B. Landfill.

1. Performance Criteria and Standards.

- a. All City of Franklin or County roads to be used to service the site shall be constructed to meet the City of Franklin, Milwaukee County, and Wisconsin Department of Transportation standards appropriate for the weight of the trucks using the facility prior to the operation of the facility.
- b. A bond written by a licensed surety company, a certified check, letter of credit, or other financial guarantee in an amount sufficient to cover the costs associated with the repair of the affected road(s) to standard upon closure or if the road deteriorates due to the traffic to the facility shall be provided..
- c. An additional three (3) feet of final cover shall be required in addition to the amount required in the Wisconsin Administrative Code, and the facility shall be landscaped in approved ground cover of prairie plantings as determined appropriate by the City of Franklin.
- d. The disposal operation shall be conditioned on approval by those state agencies having authority for such approval, and the use shall meet all applicable federal, Milwaukee County, and City of Franklin requirements.

2. The City of Franklin shall enter into negotiation and arbitration procedures as set forth in Chapter 144.445 of the Wisconsin Statutes as amended for the approval of a solid waste disposal facility or expansion thereof.

C. Self-Service Storage Facility.

1. Outdoor storage, with the exception of recreational vehicles, boats, and other recreational equipment as regulated in subsection 2 below, shall be prohibited.
2. Outdoor storage of recreational vehicles, boats, and other recreational equipment shall be allowed if screened with a solid wall or opaque fence constructed from materials approved by the Zoning Administrator and not less than six (6) feet or more than eight (8) feet in height in areas visible from an existing or proposed arterial roadway or from a property in any district other than the LI District.
3. The storing of hazardous or toxic materials is prohibited.
4. No storage space shall be used for residential occupancy, business sales or operation, the storage of commercial or industrial inventory or raw materials, or the operation of machinery.

15-4-12. Utility and Transportation Use-Specific Standards

A. Airport/Heliports.

1. The site shall be at least fifteen (15) contiguous acres in area.
2. The site shall be sufficient in size to meet the standards for the type of facility proposed of the Federal Aviation Administration and the Department of Transportation in accordance with their published rules and regulations.
3. Any proposed landing area shall be situated so that any structures, high voltage power lines, towers, chimneys, and natural obstructions within the approach zones, shall comply with regulations for height restrictions in airport approach zones of the Federal Aviation Administration, Wisconsin Division of Aeronautics, or other airport authority qualified to establish zoning regulations.
4. No planned approach areas shall be permitted over parcels with existing residential uses or planned residential uses, according to the City of Franklin's Comprehensive Plan.

5. Landing and take-off areas shall be at least one hundred fifty (150) feet from any lot boundary and at least five hundred (500) feet from any dwelling unit or residential district.
6. Hangers, repair facilities, or other airport/heliport buildings shall be at least one hundred (100) feet from any street right-of-way line and least one hundred fifty (150) feet from any lot boundary
7. All repair of airplanes and mechanical equipment shall take place inside enclosed hangars.
8. Residential uses shall not be located within the approach path unless measures to achieve a noise level reduction of 25 dBA (outdoor to indoor) are incorporated into the design and construction of the residential structures.
9. Heliports shall meet all applicable Federal, state and local regulations.

B. **Helistops.** Helistops shall meet the following requirements:

1. The site shall be sufficient in size and the site shall otherwise be adequate to meet the rules and regulations established by the Federal Aviation Administration and the Department of Transportation.
2. Landing and take-off areas shall be located a minimum of one-hundred fifty (150) feet from any parcel boundary and a minimum of five hundred (500) feet from any residential parcel boundary.
3. Landing areas shall be situated so that any structures, high voltage power lines, towers, chimneys, and natural obstructions within the approach zones, shall comply with regulations for height restrictions in airport approach zones of the Federal Aviation Administration, Wisconsin Division of Aeronautics, or other airport authority qualified by law to establish hazard zoning regulations.
4. No planned approach areas shall be permitted over parcels with existing residential uses or planned residential uses, according to the City of Franklin's Comprehensive Plan.
5. Heliports shall meet all applicable Federal, state and local regulations.

C. **Solar Farm.**

1. Properties on which a public utility owns or leases the land shall be exempt from the standards for solar farms.
2. No solar farm shall be erected on any lot less than four (4) acres in size.
3. A certified professional engineer shall certify that the foundation and design on the solar panels are within accepted professional standards, given local soil and climate conditions.
4. Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground.
5. Systems, equipment, and structures shall not exceed thirty feet (30) in height when ground mounted.
6. Ground mounted solar energy collection systems as part of a solar farm shall have a minimum setback for all equipment, excluding fences, of:
 - a. Front and Exterior Side Yards: one hundred (100) feet,
 - b. Rear and Interior Yards: fifty (50) feet from nonresidential property lines and one hundred (100) feet from residential property lines.
7. Systems equipment and structures shall be fully enclosed and secured by a fence or wall with a height of eight (8) feet. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.

a. **Warnings.**

- i. Warning signs shall be provided at the entrance to the facility and along the perimeter of the solar farm in locations determined necessary by the Zoning Administrator.
 - ii. The signs shall be made with letters and numbers at least three (3) inches in height and shall include the 911 address and an emergency phone number of the operator which shall be answered twenty-four (24) hours a day by a live operator. A nonemergency phone number for the operator shall also be displayed. These phone numbers shall remain active with all calls being voice recorded for verification purposes and with comments and complaints logged and reported to the City monthly. The recorded calls shall be maintained for at least twelve (12) months.
- 8. **Outdoor Storage.** Only the outdoor storage of materials, vehicles, and equipment that directly support the operation and maintenance of the solar farm shall be allowed except for outdoor storage that is expressly allowed in the zoning district specified elsewhere in this title.
- 9. **Materials Handling, Storage, and Disposal.**
 - a. All solid wastes related to the construction, operation, and maintenance of the solar farm shall be removed from the site promptly and disposed of in accordance with all federal, state, and local laws.
 - b. A list of hazardous fluids that may be used on site shall be provided. All hazardous materials related to the construction, operation, and maintenance of the solar farm shall be handled, stored, transported, and disposed of in accordance with all applicable local, state and federal laws.
- 10. **Decommissioning Plan.** Prior to receiving approval, the applicant shall submit a decommissioning plan to ensure that the solar farm project is properly decommissioned, which shall include:
 - a. Provisions describing the triggering events for decommissioning the solar farm project. Any nonfunctioning solar panel/array of the project shall be decommissioned within thirty (30) days unless the operator has shown to the Zoning Administrator that it is diligently repairing such solar panel/array or component.
 - b. Procedures for the removal of structures, debris, and cabling, including those below the soil surface,
 - c. Provisions for the restoration of the natural soil and vegetation,
 - d. An estimate of the decommissioning costs certified by a professional engineer, to be updated every three (3) years or as determined necessary by the Zoning Administrator. The Zoning Administrator may request an independent third-party verification of the decommissioning costs at any time. The costs for this verification shall be reimbursed by the applicant and/or operator.
 - e. Financial assurance, secured by the owner or operator, for the purpose of performing the decommissioning, in an amount equal to the professional engineer's certified estimate of the decommissioning cost.
- 11. A provision that the terms of the decommissioning plan shall be binding upon the owner or operator and any of his successors, assigns, or heirs.

D. Wind Farm.

- 1. Public utilities shall be exempt from the standards for wind farms.
- 2. No wind farm shall be erected on any lot less than four (4) acres in size.
- 3. **Design and Installation.**
 - a. **Safety Certification.**
 - i. Wind farm systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI). Applicants shall submit certificates of design compliance that equipment

manufacturers have obtained from Underwriters Laboratories (UL), Det Norske Veritas (DNV), Germanischer Lloyd Wind Energic (GL), or an equivalent third party prior to plan approval.

- ii. Following plan approval, a professional engineer shall certify, as part of the building permit application, that the foundation and tower design of the wind farm system is within accepted professional standards, given local soil and climate conditions.
- b. **Controls and Brakes.** All wind farm systems shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
- c. **Electrical Components.** All electrical components of the wind farm systems shall conform to applicable local, state, and national codes, and relevant national and international standards (e.g., ANSI and international electrical commission). Utility lines connecting the towers, substations, etc., shall be placed underground where practical.
- d. **Turbine Consistency.** To the extent feasible, the project shall consist of turbines of similar design and size, including tower height. Further, all turbines shall rotate in the same direction.
- e. **Warnings.**
 - i. A reasonable visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
 - ii. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of fifteen (15) feet from the ground.
 - iii. Warning signs shall be provided at the entrance to the facility and along the perimeter of the solar farm in locations determined necessary by the Zoning Administrator.
 - iv. The signs shall be made with letters and numbers at least three (3) inches in height and shall include the 911 address and an emergency phone number of the operator which shall be answered twenty-four (24) hours a day by a live operator. A nonemergency phone number for the operator shall also be displayed. These phone numbers shall remain active with all calls being voice recorded for verification purposes and with comments and complaints logged and reported to the Zoning Administrator monthly. The recorded calls shall be maintained for at least twelve (12) months.
- f. **Climb Prevention.** All wind farm towers must be unclimbable by design or protected by anti-climbing devices such as:
 - i. Fences with locking portals at least six (6) feet high, or
 - ii. Anti-climbing devices twelve (12) feet vertically from the base of the wind farm tower.
- g. **Setbacks.** Wind farm towers and appurtenant structures shall meet the following minimum setbacks.
 - i. Wind farm towers shall be six (6) times the height of the wind farm tower or at least three thousand, two hundred fifty (3,250) feet, whichever is greater, from any principal structure or use on the subject or neighboring property.
 - ii. Wind farm towers shall be one and one-tenth (1.10) times the wind farm tower height from public roads, third party transmission lines, and communication towers.
 - iii. Wind farm towers shall be one thousand six hundred forty (1,640) feet from adjacent property lines, as measured from the center of the wind farm tower foundation.

- iv. No part of a wind farm tower or foundation shall encroach on a public or private sewage disposal (septic) system
- v. Above ground transmission facilities and poles shall be set back one-hundred fifty (150) feet from any portion any principal structure or use on the subject or neighboring property.
- h. **Use of Public Roads.** An applicant, owner, or operator proposing to use any City or County Road for the purpose of transporting and installation of wind farm or substation parts and/or equipment for construction, operation, or maintenance of the wind farm or substations, shall:
 - i. Identify all such public roads, and
 - ii. Obtain applicable weight and size permits from relevant government agencies prior to construction.
 - iii. To the extent an applicant, owner, or operator must obtain a weight or size permit from the City, County, or State, the applicant shall provide:
 - a) Financial assurance, in a reasonable amount agreed to by the relevant parties, for the purpose of repairing any damage to public roads caused by constructing, operating, or maintaining the wind farm prior to the issuance of building permits.
 - b) A signed copy of any agreements pertaining to the use of public roads prior to the issuance of building permits.
 - i. **Outdoor Storage.** Only the outdoor storage of materials, vehicles, and equipment that directly support the operation and maintenance of the wind farm shall be allowed except for outdoor storage that is expressly allowed in the zoning district specified elsewhere in this title.
- 4. **Operation.**
 - a. **Maintenance.**
 - i. The owner or operator of the wind farm must submit, upon request a summary of the operation and maintenance reports to the county. In addition to the annual summary mentioned in this subsection, the owner or operator must furnish such operation and maintenance reports as the City reasonably requests.
 - ii. Any replacement of equipment that is not a like-kind replacement using the same equipment in plan as approved shall require that an amendment to the Conditional Use.
 - b. **Materials Handling, Storage, and Disposal.**
 - i. All solid wastes related to the construction, operation, and maintenance of the wind farm shall be removed from the site promptly and disposed of in accordance with all federal, state, and local laws.
 - ii. A list of hazardous fluids that may be used on site shall be provided. All hazardous materials related to the construction, operation, and maintenance of the wind farm shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.
 - c. **Decommissioning Plan.** Prior to receiving approval, the applicant shall submit a decommissioning plan to ensure that the wind farm project is properly decommissioned, which shall include:
 - i. Provisions describing the triggering events for decommissioning the wind farm project. Any nonfunctioning wind turbine of the project shall be decommissioned within thirty (30) days unless the operator has shown to the Zoning Administrator that it is diligently repairing such wind turbine or component.
 - ii. Procedures for the removal of structures, debris, and cabling, including those below the soil surface,

- iii. Provisions for the restoration of the natural soil and vegetation,
- iv. An estimate of the decommissioning costs certified by a professional engineer, to be updated every three (3) years or as determined necessary by the Zoning Administrator. The Zoning Administrator may request an independent third-party verification of the decommissioning costs at any time. The costs for this verification shall be reimbursed by the applicant and/or operator.
- v. Financial assurance, secured by the owner or operator, for the purpose of performing the decommissioning, in an amount equal to the professional engineer's certified estimate of the decommissioning cost.
- vi. A provision that the terms of the decommissioning plan shall be binding upon the owner or operator and any of his successors, assigns, or heirs.

15-4-13. Accessory Use-Specific Standards

A. Accessory Dwelling, Detached / Attached.

- 1. One (1) detached, attached, or internal accessory dwelling unit shall be allowed per lot.
- 2. No lot may have both a detached garage and a detached accessory structure. On any lot with a detached garage, a detached accessory dwelling unit may be located above the detached garage.
- 3. The detached / attached accessory dwelling shall be located to the interior side or rear of the principal dwelling.
- 4. The maximum size of a detached accessory dwelling shall be twenty-five (25) percent of the gross floor area of the principal dwelling or one thousand two-hundred (1,200) square feet, whichever is more.
- 5. The maximum height of a standalone detached accessory dwelling shall be seventeen (17) feet or the height of the principal dwelling, whichever is less.
- 6. The maximum, combined height of a detached accessory dwelling located above a detached garage and the detached garage shall be twenty-seven (27) feet or the height of the principal dwelling, whichever is less.
- 7. Detached accessory dwellings shall be setback a minimum of five (5) feet from the rear and interior side lot lines.
- 8. Attached accessory dwellings shall be located fully within the buildable area of the lot.
- 9. The principal dwelling and detached / attached accessory dwelling shall be served by a common driveway.
- 10. The detached / attached accessory dwelling shall have similar architectural features including roof pitch; window type, size, and placement, and exterior building cladding materials and similar exterior colors as the principal dwelling.
- 11. The principal dwelling or detached / attached accessory dwelling shall be the primary residence of the owner of the property.

B. Accessory Dwelling, Internal.

- 1. One (1) detached, attached, or internal accessory dwelling unit shall be allowed per lot.
- 2. The maximum size of the internal accessory dwelling shall be one-thousand two-hundred (1,200) square feet or twenty-five (25) percent of the gross floor area of the principal dwelling, whichever is more.
- 3. The principal dwelling and internal accessory dwelling shall be served by a common driveway.
- 4. The principal dwelling or internal accessory dwelling shall be the primary residence of the owner of the property.

C. Accessory Retail.

1. The total area devoted to retail activity shall not exceed twenty-five (25) percent of the total area of the building in which the accessory retail activity shall be located.
2. Restroom facilities, if provided, shall be directly accessible from the accessory retail/restaurant sales area.
3. Accessory retail sales areas shall be physically separated from other activity areas by a wall.

D. Accessory Structures.

1. No accessory building shall be constructed on a site without a principal building and a principal use.
2. Accessory structures shall have a maximum height of seventeen (17) feet, or the height of the principal building, whichever is less.
3. No accessory structure shall be constructed within or on an easement.
4. **Location.** An accessory structure shall be located as follows.
 - a. Completely within the required rear yard setback and five (5) feet from rear yard lot lines.
 - b. Completely within the buildable area of the lot and to the interior side or rear of the principal building.
 - c. At least ten (10) feet from the principal building unless constructed with a one (1) hour fire rating, in which case the accessory structure shall be set back at least six (6) feet from the principal building.
 - d. Wetland setbacks and buffers as specified in **Article 6** may further limit the location of accessory structures.
5. **Maximum Area.**
 - a. Accessory structures shall not exceed one thousand two hundred (1,200) square feet in area.
 - b. Accessory structures may exceed one-thousand two-hundred (1,200) square feet on parcels in the RC - Conservation Residence or R-SE - Suburban/Estate Residence District use subject to the following regulations.
 - i. The minimum lot area shall be three (3) acres.
 - ii. The maximum accessory structure size shall be five hundred (500) square feet per acre. No accessory structure shall exceed five thousand (5,000) square feet.
 - iii. No accessory over twelve hundred (1,200) square feet structure shall exceed forty (40) feet in height.
 - iv. An accessory structure over twelve hundred (1,200) square feet shall not be located closer to a side or rear lot line than a distance equal to its height.
 - v. An accessory structure over twelve hundred (1,200) square feet shall not be used for commercial or residential use.

E. Artisan Workshop.

1. The artisan workshop shall be wholly within the principal building and any accessory building.
2. The principal building shall be the primary residence of the property owner.
3. No alterations shall be made to the principal building or accessory building that changes its residential character or appearance or otherwise gives evidence of the artisan workshop.
4. The sale of goods or materials on site shall be prohibited.
5. No persons, other than the residents of the dwelling unit, shall be employed on site.

6. Mechanical or electrical equipment supporting the artisan workshop shall be self-contained within the structure and normally used for office, domestic, or household purposes.
7. The outdoor display or storage of goods, materials, merchandise, or equipment related to the artisan workshop shall be prohibited.
8. The artisan workshop shall not require the delivery or shipment of goods, materials, merchandise, or equipment beyond what is typical for a residential use.
9. The artisan workshop shall not create or cause any perceptible noise, odor, smoke, electrical interference, or vibrations that constitute a public or private nuisance to neighboring properties.
10. The artisan workshop shall not discharge any material which is radioactive, poisonous, or detrimental to either wastewater or storm water systems.

F. Drive Through.

1. Drive throughs shall be permitted a maximum of four (4) total menu boards with a combined maximum area of one-hundred (100) square feet.
 - a. Each menu board or pre-order board shall not exceed sixty (60) square feet in area and ten (10) feet in height. Menu boards and pre-order boards may utilize electrically activated changeable copy message centers for one hundred (100) percent of the permitted menu board or pre-order board area and must follow all regulations of [Section 11-825.04.C.2.](#)
2. Any speaker or intercom associated with a drive through shall not be audible beyond the boundaries of the property.
3. Drive through canopies shall maintain a uniform and consistent roofline with the building to which the drive-through is associated.
4. Stacking spaces and lanes for drive through stations shall not impede on- and off-street traffic movement, shall not cross off-street parking areas or drive aisles and shall not impede pedestrian access to a public building entrance.
5. Drive through lanes shall be separated from off-street parking areas. Individual lanes shall be striped, marked, or otherwise delineated.
6. Drive through facilities shall be provided with a bypass lane with a minimum width of ten (10) feet unless an alternative means of exit is approved.
7. Stacking lanes shall have a minimum depth of twenty (20) feet per stacking space and the following minimum lane widths:
 - a. One (1) lane: twelve (12) feet,
 - b. Two (2) or more lanes: ten (10) feet per lane.
8. Drive through facilities shall be required to provide a minimum number of stacking spaces as detailed in [Table 11-511\(E\).](#)

Table 15-4-13(F): Drive Through Stacking Requirements		
Use	Minimum Stack	Measure From
<i>Automated Teller Machine</i>	3 per machine	teller machine
<i>Bank Teller Lane</i>	2 per lane	teller or window
<i>Restaurant</i>	6 per order box	order box (1)
<i>Carwash Stall, Automatic</i>	5 per stall	stall entrance
<i>Carwash Stall, Manual</i>	3 per stall	stall entrance
<i>Oil Change Shop</i>	3 per service bay	service bay entrance
<i>Pharmacy</i>	4 per lane	machine or window
<i>Notes:</i>		
(1) 4 of the required stacking spaces are to be located between the order-box and pick-up window, including the stacking space at the order box.		

G. Donation Drop Box.

1. Donation drop boxes shall be on properties that contain a legally existing and operating use.
2. No more than two (2) donation drop boxes shall be permitted on a lot.
3. Each donation drop box shall not exceed seven (7) feet in height and twenty-five (25) square feet in ground area.
4. Donation drop boxes shall only be located in side or rear yard setbacks.
5. Donation drop boxes shall be located on an asphalt or concrete paved surface.
6. Donation drop boxes shall not locate in a driveway or drive aisle and shall not reduce the width of paved clear space for the passage of pedestrians to less than five (5) feet. Boxes shall not locate in such a way as to disrupt the flow of vehicular or pedestrian traffic.
7. Donation drop boxes shall not be located nearer than forty (40) feet from an adjoining lot in a residential district.
8. Donation drop boxes shall be located to the side or rear of the primary façade of the building.
9. A notice must be permanently affixed to each donation drop box in a highly visible location prohibiting the placement of items outside of the box. The name and twenty-four (24) hour telephone number of the owner/operator must be permanently affixed to each donation drop box.

H. Electric Vehicle Charging Stations.

1. **Equipment.**
 - a. Electric Vehicle Charging stations that are accessory to all mixed-use, multifamily, and nonresidential uses shall be a level 2 charging capacity.
 - b. Electric vehicle charging station equipment shall be protected by a wheel stop, curb, or bollards.
 - c. In parking lot applications, all connections of the charging station to electrical utility equipment shall be underground.
 - d. All electric vehicle charging station equipment shall comply with the National Fire Protection Association/National Electrical Code and be approved by the Underwriters Laboratory.
 - e. All equipment should be made of low-maintenance, durable materials and shall be vandal-proof to the extent possible.

- f. All equipment shall provide a cord management system that minimizes tripping hazards for pedestrians. Charging cords may not cross sidewalks, walkways, or driveways.

2. Design Considerations.

- a. Electric vehicle charging station equipment shall be located in a manner that will not obstruct pedestrian walkways. A minimum of three (3) feet of clear area shall be maintained.
- b. Electric vehicle charging stations shall be located to optimize ease of use for all potential users.
- c. Electric vehicle charging station shall provide a safe and clearly delineated area for maneuvering around the vehicle for connecting to the equipment.
- d. A sign indicating that the electric vehicle parking is for use while charging only shall be provided.
- e. All charging stations shall be illuminated. Lighting shall comply with the limitations in **Section ###-##-###**.

3. Electrical Equipment Siting and Screening.

- a. Electric vehicle charging stations shall be located to minimize the distance to electrical supply equipment.
- b. When locating the electrical supply equipment consider blind spots and visibility obstructions for drivers and pedestrians.
- c. To the extent practical, electrical supply equipment shall be screened by walls, fences, landscaping, or a combination thereof to be effective year-round.

- 4. Accessibility.** A minimum of one (1) accessible charging station is required with any installation of electric vehicle charging stations. The accessible charging station shall provide equipment, reach, clear area, route, and other applicable building blocks to comply with the current Wisconsin Building code and federal accessibility recommendations.

5. Maintenance.

- a. The property owner on which electric vehicle charging stations are located is responsible for ensuring that the equipment is intact and will not pose a hazard to any visitors to the property. This shall include ensuring that cords are hung to prevent tripping hazards.
- b. All electric vehicle charging station equipment shall be maintained to working condition. Equipment that is no longer functional must be decommissioned within sixty (60) days.

I. Home-Based Business.

- 1. The home-based business shall be conducted wholly within the principal building and any accessory building.
- 2. The home-based business shall only employ individuals that reside on-site.
- 3. The home-based business shall encompass no more than twenty five (25) percent of the floor area of the dwelling unit shall.
- 4. The home based business shall not alter the outside appearance of the building, accessory structure, or premises that changes in a way that changes its residential character or appearance .
- 5. The outdoor display, storage, sale of goods, materials, merchandise, or equipment related to the home-based business shall be prohibited.
- 6. No mechanical equipment shall be used except such that is normally used for purely domestic or household purposes, and shall be contained within the principal or accessory building or structure.

7. No commodity or good produced off-site shall be sold on the premises, displayed on the exterior or interior of the premises or warehoused on the premises for sale elsewhere.
8. No vehicular or pedestrian traffic shall be generated by such home-based business in greater volume than would normally be expected from the principal use.
9. No noise, emissions, radiation, vibration, heat, glare, smoke, dust, fumes, odors, or electrical interference created which is detectable to the normal senses outside the dwelling unit in excess of that normally associated with a residential household use shall be allowed.
10. The home-based business shall not generate refuse exceeding the amount allowable for regular residential pick-up shall be generated by any home-based business.
11. The home-based business shall not generate or store toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other restricted materials on the site except those which are ordinarily used for household.
12. **Nuisance Causing Activities.** No home-based business shall cause or create any nuisance, cause or create any substantial or undue adverse impact on any adjacent property or the character of the area, or threaten the public health, safety, or general welfare, or be noxious, offensive, or hazardous.
13. **Materials Which Decompose by Detonation Prohibited.** No materials which decompose by detonation shall be allowed in conjunction with a home-based business.
14. No home-based business shall be permitted which generates wastewater or water use in excess of the quantity typically required for a residential dwelling unit.

J. Outdoor Activity/Operation/Storage, Accessory.

1. Any property with permanent outdoor activity/operation/storage shall have a minimum lot size of five (5) acres.
2. Outdoor activity/operation/storage shall be conducted between the hours of 7:00 am and 9:00 pm.
3. Outdoor activity/operation/storage shall be located to the rear or interior side of the principal building on the lot.
4. Outdoor activity/operation/storage shall be prohibited in front or street side yards.
5. Outdoor activities and operations shall be setback a minimum of fifty (50) feet from all property lines when adjacent properties are zoned B-G and B-R Districts.
6. Outdoor activities and operations shall be setback a minimum of one hundred (100) feet from all property lines when adjacent properties in the R-C, R-SE, R-SR, R-M, R-V, B-N, B-MU, and B-SM Districts.
7. The following minimum screening requirements shall apply to permanent outdoor activities and operations visible from the right-of-way of an existing or proposed arterial or collector roadway or a property zoned R-C, R-SE, R-SR, R-M, R-V, B-N, B-MU, B-V Districts.
 - a. A solid wall constructed from materials, not including metal, identical to those used on the exterior of the principal building, unless otherwise approved by the Planning Commission, and not less than six (6) feet and not more than eight (8) feet in height shall be erected to screen the portions of permanent outdoor activity and operations areas visible from an existing or proposed arterial or collector roadway or a property zoned in the R-C, R-SE, R-SR, R-M, R-V, B-N, or B-SM Districts.
 - b. A landscape strip, not less than five (5) feet wide shall be located in front of the wall. The landscape strip shall be improved with a Type A Transition Area per [Section 11-60#](#).

K. Outdoor Dining.

1. The outdoor dining area shall be located on an approved hard paved surface or a deck or other feature appurtenant to the principal building as approved by the Zoning Administrator.
2. Outdoor dining areas may utilize a maximum of twenty (20) percent of the parking spaces required for the operation of the principal use or two thousand (2,000) square feet, whichever is less.
3. Outdoor dining areas shall not block a pedestrian walkway or public sidewalk in a manner which reduces the width of that walkway or sidewalk to less than five (5) feet.
4. A fence, landscape hedge, or wall with a height of four (4) feet shall be utilized to segregate the outdoor dining area.
5. Use of outdoor dining areas shall be limited to the posted operational hours of the associated eating and drinking use.
6. Review by the City Engineer and other City staff shall be required in addition to the review requirements of **Section ##-###**.

L. Outdoor Display/Sale of Merchandise.

1. Only those goods and materials associated with the existing on-site use may be displayed or sold.
2. Permanent outdoor display or sales areas shall not be located within any required yard setback or parking area.
3. Permanent outdoor display or sales areas shall be surfaced with an approved hard surface material.
4. Permanent outdoor display or sales areas shall not exceed ten (10) percent of the gross floor area of the primary building on the property unless approved as a Conditional Use.
5. Outdoor dining shall be subject to site plan review as specified in **Section ##-#-##**.

M. Solar Energy Collection System, Canopy.

1. The height of canopy solar energy collection systems shall not exceed the height of the principal building that the parking area serves.
2. The minimum height of solar energy collection systems shall allow clearance for emergency and service vehicles.

N. Solar Energy Collection System, Ground-Mounted.

1. Ground mounted solar energy collection systems shall be permitted in the rear yard only.
2. The maximum height of ground mounted solar energy collection systems shall be five (5) feet in height, measured from the grade at the base of the pole to the highest edge of the system.
3. Minimum clearance between the lowest point of the system and the surface on which the system is mounted is twelve (12) inches.
4. All parts of the freestanding system shall be set back ten (10) feet from the side and rear lot lines and shall not be located in a public utility easement.
5. No part of the freestanding system shall be visible from any public right of way.

O. Solar Energy Collection System, Roof Mounted.

1. Roof mounted solar energy collection systems may be located on any roof face of principal or accessory buildings. Systems should be flush mounted when possible.
2. Systems on residential structures shall not extend beyond twelve (12) inches parallel to the roof surface of a pitched roof or flat roof.

3. Systems on nonresidential structures shall not extend beyond thirty-six (36) inches parallel to the roof surface of a pitched roof or flat roof.
4. Systems on all structures shall not extend above the highest peak of a pitched roof. Height is measured from the roof surface on which the system is mounted to the highest edge of the system.
5. All materials used for racking, mounts, mounting clamps, and flashings shall be of a color consistent with the color of the roof surface to minimize visibility.

15-4-14. Temporary Use-Specific Standards

A. Food Truck.

1. The location of a food truck on landscape areas, in required setbacks, an ADA parking stall, or a pedestrian path is prohibited.
2. Food trucks shall obtain written permission from the property owner(s) and shall submit such documentation as part of the temporary use approval process specified in **Section ##-###**.
3. A food truck, including all vending activity, tables, chairs, and trash receptacles may occupy no more than four (4) parking stalls or six hundred and fifty (650) square feet of parking area, whichever is less.
4. Tables and chairs shall be permitted and located on improved or paved surfaces and shall not locate in parking stalls, landscape areas, or drive aisles, aside from the four (4) parking stalls designated for vending.
5. A minimum of one (1) trash receptacle and one (1) recycling receptacle shall be provided per food truck.
6. Required tables, chairs, and trash and recycling receptacles shall not be retained on-site overnight.
7. Drive aisles, sidewalks, access to trash enclosures, and similar areas may not be blocked by any vending activity.
8. Food trucks shall be located a minimum of five hundred (500) feet from any brick-and-mortar restaurant as measured from the property line.

B. Seasonal Sales.

1. Seasonal sales shall be permitted for a period not to exceed ninety (90) days per calendar year, unless otherwise approved.
2. Seasonal sales areas shall not block pedestrian walkways in a manner which reduces the width of that walkway to less than five (5) feet.
3. All tents, canopies, or other temporary structures shall require review and approval by the Building Inspector.

Article 5. General Development Standards

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15-5-01. Off-Street Parking and Loading

- A. **Applicability.** The off- street parking and loading provision provisions of this Article shall apply as follows.
1. **No Off-Street Parking Required.** The off-street parking maximums in **Section #-#-##** establish maximum quantities of off-street parking that may be provided for each use on a lot. The off-street parking maximums do not constitute a parking requirement. Applicants may provide off street parking less than the maximum established for the applicable use.
 2. **Existing Uses Established Prior to the Effective Date of This Ordinance.** This article shall not require the reduction or addition of any parking or loading spaces for uses existing as of the effective date of this UDO.
- B. **Off-Street Parking Limited.**
1. **Maximum Requirements.** To minimize the creation of impervious surface, no off-street parking area shall be designed or used to provide a greater number of off-street parking spaces than the limit established in **Table #-#-##**.
 2. **Parking Increases Allowed.** The Zoning Administrator may allow an increase in the number of off-street parking spaces allowed of up to thirty (30) percent of the spaces provided above the maximum when the following provisions are met.
 - a. The additional spaces over the maximum are surfaced with a permeable paving system or one hundred (100) percent of the first half (1/2) inch of runoff from the additional parking area is treated with green infrastructure.
 - b. Additional parking area landscaping equivalent to an area fifteen (15) percent greater the minimum square feet of parking area landscaping specified in **Section #-#-##** is provided.
 - c. The parking lot perimeter landscape zone required in **Section #-#-##** is at least ten (10) feet in width.

- d. No more than fifty (50) percent of the parking spaces over the maximum parking allowed shall be located in the front yard.
3. **Calculations.** The following rules shall apply when calculating the specified maximum quantity of parking spaces.
 - a. **Area Measurements.** Parking calculations shall be based upon the definition of Gross Floor Area as defined in this UDO.
 - b. **Fractions.** When measurements of the maximum quantity of off-street parking spaces result in a fractional number, the resulting number shall be rounded up to the next higher whole number.
 - c. **Combined Uses on the Same Parcel.** When a combination of the uses in **Table ###-###** are located on the same parcel, the maximum quantity of off-street parking allowed shall be the largest quantity allowed for any of the individual uses.
 - d. **Uses Not Listed.** Off-street parking spaces for uses not listed in **Table ###-###** shall be provided for a use deemed similar, as determined by the Plan Commission.

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Table 15-5-01(B): Maximum Parking Requirements	
Use	Maximum Parking
<i>Residential Uses</i>	
Single-Family	2 / dwelling
Duplex	
Townhouse	1.5 / dwelling
Multifamily Building	
Multifamily Complex	
Multifamily, above ground floor only	
Community Living, 1-15 Persons	2 / dwelling
Community Living, 16 + Persons	3 / dwelling
Senior Housing, Assisted Living	1 / dwelling
Senior Housing, Nursing Care	0.5 / dwelling
Senior Housing, Total Life Care	
<i>Institutional</i>	
Educational Facility	As determined by the Plan Commission
Governmental Uses	
Health Care Facility	0.5 / bed for in-patient facilities; 0.5 / examining or operating room for out-patient facilities
Cemetery	As determined by the Plan Commission
<i>Place of Assembly</i>	
Indoor Commercial Place of Assembly, ##### sqft or less	1 / 3 Individuals at Maximum Occupancy
Indoor Commercial Place of Assembly, more than ##### sqft	
Outdoor Commercial Place of Assembly	
Noncommercial Place of Assembly, ##### sqft or less	
Noncommercial Place of Assembly, more than ##### sq ft	
<i>Recreation, Amusement, and Lodging</i>	
Campground	1 / camp site
Lodging House	1 / lodging unit
Hotel	
Recreation Area	
Short Term Rental	
<i>Retail Uses</i>	
Adult Establishment	1 / 250 sq ft
Retail, less ##### sqft or less	
Retail, More Than ##### sqft	
Multitenant Shopping Center	1 / 200 sq ft
Wholesale Establishment	1 / 250 sq ft
<i>Service</i>	
Animal Boarding Facility/Kennel and/or Veterinary Service	1 / 300 sq ft
General Service, ##### sqft or less	
General Service, more than ##### sqft	
Financial Institution	

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Funeral Home	
Office, above ground floor only	
Office, ##### sqft or less	
Office, more than ##### sqft	
Office Complex/Business Park	
<i>Eating and Drinking Uses</i>	
Bar/Tavern	
Brewery/Winery/Distillery	
Brewery/Winery/Distillery Tasting Room	1 / 150 sq ft
Food Truck Court	
Micro Brewery/Winery/Distillery	
Restaurant	
<i>Vehicle Related Uses</i>	
Carwash	1 / stall
Vehicle Fuel Sales	1 / 250 sq ft
Auto Sales/Rental and Service	1 / 500 sq ft
Major Automotive Repair	
Minor Automotive Repair	3 / Service Bay
<i>Agricultural</i>	
Community Garden	0.25 per garden plot or as determined by Plan Commission
Crop Production	
Animal Husbandry	1 or as determined by Plan Commission
Indoor Agriculture	
Nursery Retail	1 / 500 sqft
Nursery Wholesale	
<i>Industrial Uses</i>	
Artisan Manufacturing	
Brewery/Winery/Distillery	
Composting/ Recycling Facility	
Distribution Facility	1 / 1,000 sq ft
Equipment Rental, Sales, and Service	
Extractive Industry	
Heavy Industry	
Home Improvement Center/ Lumberyard	
Landfill	As determined by the Plan Commission
Solid Waste Facility	
Light Industry	
Self-Service Storage Facility	1 / 1,000 sq ft
Storage Yard	
Warehouse	
<i>Utility and Transportation</i>	
Airport/ Heliport	As determined by the Plan Commission

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Helistop	
Loading Areas, Parking Areas, and Landing Strips As a Principal Use	
Railroad Use	
Sanitary Sewer or Water Supply Lines	
Solar Farm	
Telecommunications Tower	
Wastewater Treatment Ponds and Facilities	
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Wind Farm	
Accessory Uses	
Accessory Dwelling, Detached / Attached	1 / dwelling
Accessory Dwelling, Internal	
Accessory Retail	1 / 250 sq ft
Accessory Structure	
Artisan Workshop	
Drive Through	
Donation Drop Box	
Outdoor Activity/Operation/Storage	
Outdoor Dining	n/a
Outdoor Display/Sale of Merchandise	
Home Based Business	
Solar Energy Collection System, canopy	
Solar Energy Collection System, ground mounted	
Solar Energy Collection System, roof mounted	
Temporary Uses	
Construction Related	
Farmers Market	As required through Temporary Use Permit process
Food Truck Court	
Seasonal Sales	

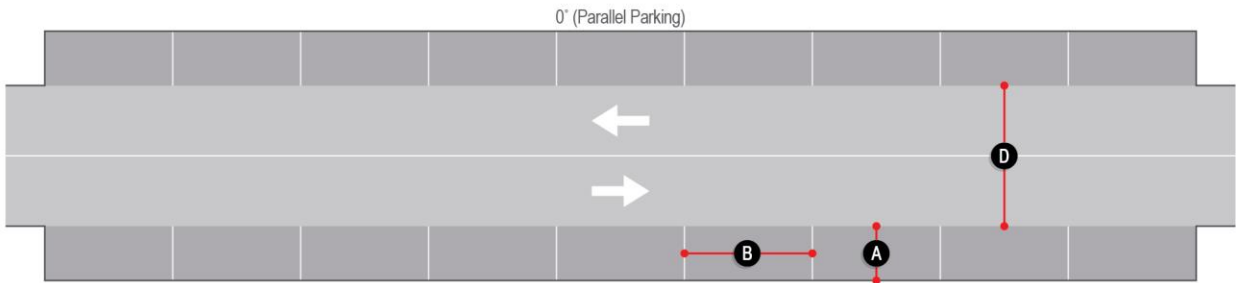
C. **Off-Street Parking Design, Location, and Size.** In all districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended, or increased, off-street parking stalls for all vehicles in accordance with the regulations of this section.

1. **Access and Cross-Access.**

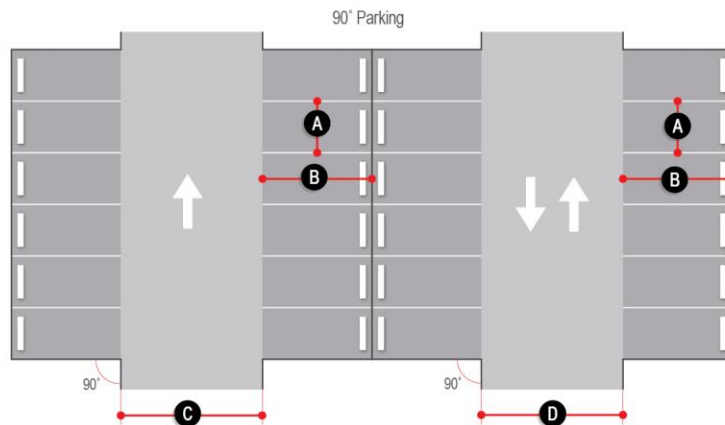
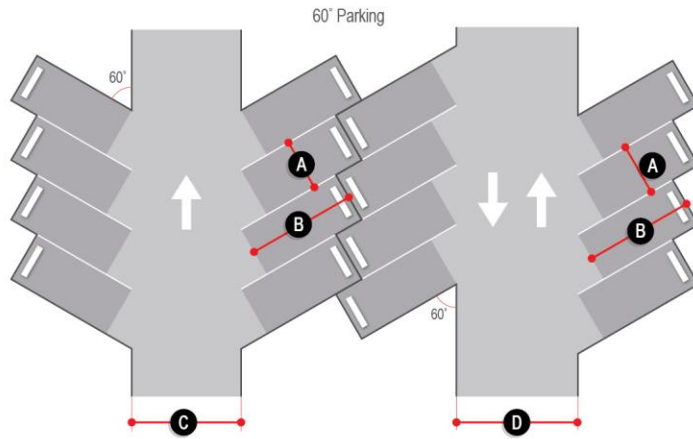
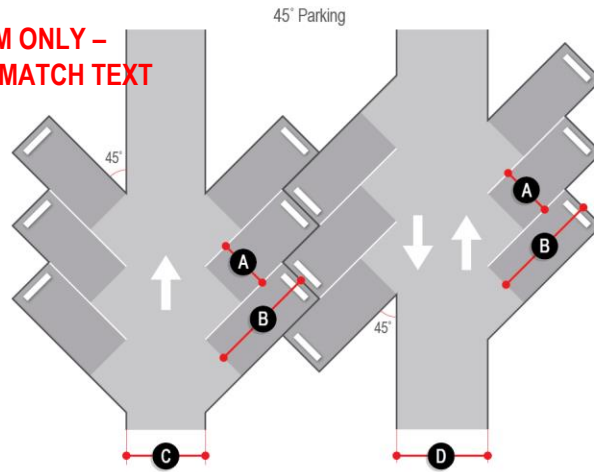
- a. **Access.** Adequate access to a public street shall be provided for each off-street parking lot. Each required off-street parking space shall open directly onto an aisle meeting the requirements specified in **Table ##-###**.
- b. **Cross Access.** To facilitate vehicular access between adjoining developments and to minimize off-street parking area access points along streets and alleys, all development other than single-family residential development located on a lot fronting on a collector or arterial roadway shall comply with the following standards:
 - i. Internal vehicular circulation systems shall be designed to allow for vehicular cross-access between the development's off-street parking areas and off-street parking areas in an adjoining non-single-family development, or to the boundary of an adjoining vacant parcel.

- II. Required vehicular cross access between adjoining off-street parking areas shall be provided through the use of a single two-way maneuvering lane or two one-way maneuvering lanes that comply with the requirements of **Table 15-5-01** are sufficiently wide to accommodate traffic by automobiles, service vehicles, loading vehicles, and emergency vehicles.
 - III. Vehicular cross access between off-street parking areas on adjoining lots shall cross the lot line at right angles or as close to right angles as possible to provide site access.
 - IV. The Zoning Administrator or their designee may waive or modify the requirement for vehicular cross access on determining that such cross access is impractical or undesirable because it would require crossing a significant physical barrier or environmentally sensitive area, would create unsafe conditions, or if the Zoning Administrator determines there exists an inability to connect to the adjacent property due to a site constraint.
 - V. Easements allowing cross access to and from properties served by a vehicular cross-access, along with agreements defining maintenance responsibilities of property owners, shall be recorded with the Milwaukee County Register of Deeds before issuance of a building permit for the development.
 - VI. **Zoning Administrator Waiver.** The Zoning Administrator or their designee may waive the cross access requirement in any instance in which site conditions, including lot configuration, topography, or size, would prohibit the connection's establishment when the waiver does not obviate state or county requirements.
2. **Standards For Parking Spaces, Aisles, and Parking Bays.** Minimum parking space and aisle dimensions shall be in accordance with the standards specified in **Table ##-#-##**.

Table 15-5-01(C): Parking Stall and Aisle Dimensional Requirements						
Parking Angle (Degrees)	(A)	(B)	(C)	(D)	Depth of Interlocking Spaces	Overhang
	Space Width	Space Depth	Aisle Width (1-Way)	Aisle Width (2-Way)		
0	10'	22'	12'	18'	n/a	n/a
45	10'	17'	12'	18'	28.25'	1.5'
60	10'	18'	16'	18'	32'	1.5'
90	10'	18'	24'	24'	36'	n/a



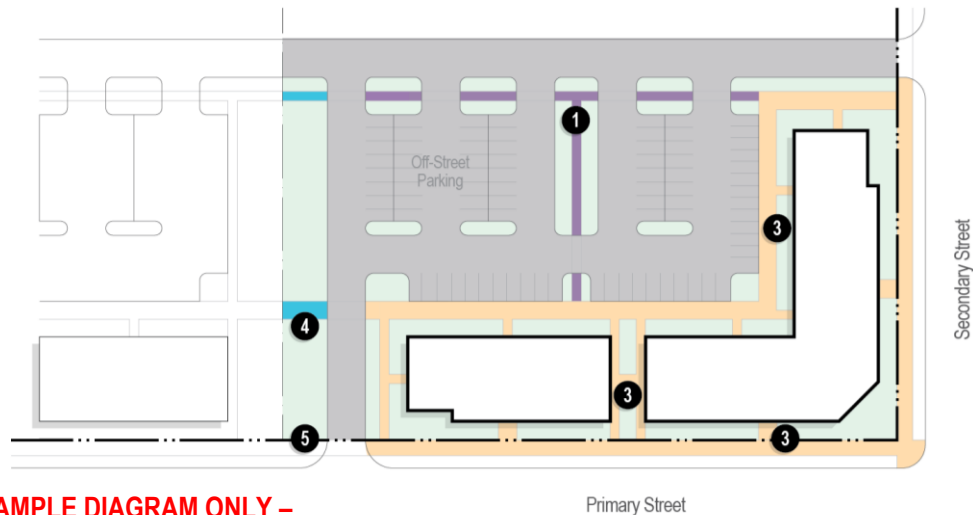
**EXAMPLE DIAGRAM ONLY –
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3. **Location on Lot.** Any off-street parking provided shall be located on the same lot as the use being served, or within the limits of a common parking lot serving one or more buildings.
4. **Setback Required.** Off-street parking spaces and aisles shall be set back from front, street side, interior side, and rear property lines as follows.
 - a. **In Residential Districts.** Off-street parking shall be set back at least six (6) feet from lot lines.
 - b. **In Nonresidential Districts.** Off-street parking shall be set back at least ten (10) feet from lot lines, except when a larger setback is explicitly required by this section.
5. **Minimum Distance of Truck Parking from Any Residential Zoning District.** No designated truck parking shall be allowed within one hundred fifty (150) feet of any residential district.
6. **Permanent Off-Street Parking Area Surfacing.** All permanent open, off-street loading and parking spaces shall be improved with a dust-free, all-weather paving system and stormwater management measures as approved by the City Engineer.
7. **Temporary and Event Off-Street Parking Area Surfacing.** All off-street parking serving a temporary use or event may be surfaced with grass or gravel subject to the approval of a temporary use permit as specified in [Section #-#-##](#).
8. **Edging and Stormwater Management.**
 - a. **Approved Edging and Stormwater Management Required.** Concrete curb and gutter, wheel stops, or an equivalent barrier sufficient to prevent cars from driving into or on any landscaped area shall be installed at the perimeter of all new off-street parking areas, and around all interior landscape areas. A barrier of a minimum of 4" in height generally shall be provided except where required to allow for stormwater inflows as part of an approved stormwater management plan. Curb and gutter shall not be required for additions to existing parking areas where curb and gutter is not present, is not installed on the adjacent street right-of-way, or is not anticipated to be constructed on the street right-of-way in a future street.
 - b. **Minimum Distance of Required Concrete Curbing from Property Lines.** Perimeter edging for off-street parking areas shall be installed a minimum of ten (10) feet from a property line as measured from the back of curb to prevent the parked vehicles from extending over any lot lines.
9. **Off-Street Parking Stalls.** Off-street parking stalls shall be marked by painted lines or other approved material and shall be maintained to be legible at all times.
10. **Parking of Trucks and Equipment.** The parking of trucks or other vehicular equipment of a commercial or industrial nature shall be allowed subject to the following regulations.
 - a. Agricultural equipment shall be allowed in the R-C - Conservation Residence, R-SE - Suburban/Estate Residence, A - Agricultural, or A-P - Agricultural Prime District.
 - b. The parking of any passenger automobiles, panel trucks, vans, or pick-up trucks, each individually exceeding eight thousand (8,000) pounds manufactured Gross Vehicle Weight in a residential district, P Park and Open Space, or I - Institutional District, FW - Floodway, GFP - General Floodplain, or FF - Floodfringe District shall require a Temporary Use Permit as specified in [Section #-#-##](#).
 - c. Any vehicle over eight thousand (8,000) pounds rated Gross Vehicle Weight may be parked in districts not previously mentioned in the normal course of business in conjunction with a commercial or industrial use of the subject property. Any overnight parking shall be allowed only with a Conditional Use.

11. Pedestrian Circulation Standards.

- a. Off-street parking areas serving multifamily, mixed-use, and nonresidential development and consisting of twenty (20) or more off-street parking spaces shall incorporate on-site circulation systems exclusively for the use of pedestrians and other non-motorists to navigate the site. Pedestrian circulation systems are encouraged in off-street parking areas with fewer than twenty (20) spaces but are not required.
- a. The on-site pedestrian circulation system shall comply with all ADA standards.
- b. The on-site pedestrian circulation system shall be marked, shall connect all buildings on the site to one another, and shall provide connections to required parking spaces.
- c. The on-site pedestrian circulation system must connect building entrances to adjacent public rights-of-way when public sidewalks are either existing or planned. The on-site pedestrian circulation system shall form a direct route between the building entrance and adjacent public right-of-way that does not require significant out-of-direction travel unless approved as follows.
 - i. For pedestrian circulations system with a significant out-of-direction travel, the applicant must submit sufficient evidence of the special conditions to support such alternative design. Special conditions may include, but not limited to, presence of natural resources, steep slopes, street grades, landscape features and building orientation or similar.
- d. The on-site pedestrian circulation system shall provide at least one (1) connection to all adjacent properties along a shared street frontage. Connections must provide access to existing walkways on adjacent properties, or to the likely future location of walkways on those properties. The Zoning Administrator may waive this requirement upon determining that no walkway exists, a future walkway is unlikely to exist, or such connection would create a safety hazard.



**EXAMPLE DIAGRAM ONLY –
REFERENCES DO NOT MATCH TEXT**

D. Snow Storage Requirements For Off-Street Parking and Loading Areas.

1. **Snow Storage Prohibited in Required Off-Street Parking, Drive, and Loading Areas.** The storage of snow for more than forty-eight (48) hours is hereby prohibited in provided off-street parking, driveway, and loading areas.
2. **On-Site Snow Storage Standards for Parking and Loading Areas.** If an off-site snow repository is not used, adequate on-site snow storage shall be provided using the following standards:
 - a. A minimum site area representing ten (10) percent of the total required off-street parking or loading area, inclusive of access drives, shall be provided as the snow storage area.
 - b. The required snow storage area may be paved or unpaved. In either case, provision for adequate drainage of the snow storage area shall be provided to accommodate snowmelt, and no snowmelt shall drain onto abutting properties.
3. **Use of Setbacks, Yards, Bufferyards, and Stormwater Management Facilities for Snow Storage.** Required setbacks, yards, and bufferyards may be used to accommodate the required snow storage area. However, landscaped areas specified in **Section ##-#-##** shall not be used as snow storage areas. Stormwater management facilities shall not be used as snow storage areas unless specifically approved by the City Engineer as part of a stormwater management plan per **Section 15-18.0600 of the Franklin Municipal code.**

E. Off-Street Bicycle Parking.

1. **Location.**
 - a. Required bicycle parking shall be provided on the same lot as the use it is intended to serve.
 - b. Bicycle parking spaces shall be adequately lit and located such that they are highly visible from the street and/or building entrance(s) from points where bicyclists approach the site.
 - c. The location of bicycle parking shall not conflict with pedestrian and/or vehicle circulation.
 - d. Bicycle parking shall be sited within fifty (50) feet of a building's main entrance. If provided indoors, bicycle parking shall be located within a common area designated for secure bicycle storage.
 - e. Bicycle parking adjacent to a pedestrian walkway shall be sited to ensure that a minimum five (5) foot walkway clearance is maintained.
2. **Design Criteria.** All bicycle parking facilities shall be designed in accordance with standards established by the National Association of City Transportation Officials.
3. **Dimensional Standards.**
 - a. Each bicycle parking space shall be a minimum of six (6) feet in length.
 - b. Bicycle racks shall be located at least three (3) feet in all directions from any obstruction, including but not limited to other bicycle racks, walls, doors, posts, columns, or landscaping.
 - c. A minimum vertical clearance of seven (7) feet shall be maintained above all bicycle parking facilities.
4. **Off-Street Bicycle Parking Required.**
 - a. Bicycle parking as specified in this subsection shall be required for all multifamily residential, mixed-use, and nonresidential development. Vehicle-related uses as defined in this UDO shall be exempt from the requirement.
 - b. The number of required bicycle parking spaces shall be equal to five (5) percent of the off-street vehicle parking spaces provided, up to ten (10) required bicycle parking spaces.

- c. When the required amount of bicycle parking is less than two (2) spaces, the use shall provide a minimum of two (2) spaces in a bicycle parking area.
- d. Off-street bicycle parking spaces provided on vertical racks mounted on a building wall shall not count toward the minimum quantity required.

F. **Electric Vehicle Charging Stations.**

1. **OPTION 1 - REQUIREMENT**

- a. **Applicability.** The requirements for electric vehicle charging stations shall apply to new parking lots or parking lots undergoing substantial improvement as defined in this UDO.
- b. Any parking structure or parking area in the R-M - Multiple-Family Residence District shall install the infrastructure required to accommodate a minimum of one (1) electric vehicle charging station for every twenty-five (25) off-street parking spaces.
- c. Any parking structure or parking area in a commercial or mixed-use district shall install the infrastructure required to accommodate a minimum of one (1) electric vehicle charging station for every fifty (50) off-street parking spaces.
- d. Required electric vehicle charging stations shall comply with the use-specific standards for electric vehicle charging stations in **Section ##-#-##**.

2. **OPTION 2 - INCENTIVE**

- a. **Applicability.** All parking lots may utilize the Electric Vehicle Charging Station incentive.
- b. For any applicant providing ten (10) or more electric vehicle charging stations on-site, twenty (20) percent of the applicable permit fee required per the City of Franklin fee schedule may be waived by the Zoning Administrator.
- c. Electric vehicle charging stations shall comply with the use-specific standards for electric vehicle charging stations in **Section ##-#-##**.

G. **Off-Street Loading.**

1. **Purpose.** The purpose of this Section is to prevent congestion of public rights-of-way and private lots to promote the safety and general welfare of the public by establishing minimum requirements for the provision of loading facilities on various sites.
2. **Location.** All required loading spaces shall be located on the same lot as the use served. No permitted loading space shall be located within forty (40) feet of the nearest point of intersection of any two streets. No loading space shall be located in a required side yard abutting a parcel in a residential zoning district, a parcel with an existing residential use, or in a required front yard.
3. **Access.** Each required off-street loading space shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. Loading spaces on lots located adjacent to public ways shall be so situated as to enable the vehicles to back into the loading dock from areas other than public ways unless as otherwise approved by the Plan Commission. The blocking of loading spaces by other loading spaces, permanent or moveable structures of any type, including trash receptacles or compactors, shall be prohibited.
4. **Surfacing.** All open, off-street loading and parking spaces shall be improved with asphalt, concrete, or a permeable paving system approved by the City Engineer, and with stormwater management facilities as approved by the City Engineer.
5. **Repair and Service.** No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any residential or nonresidential zoning districts.

6. **Maneuvering Space Required to Service Outdoor Loading Areas.** Adequate off-street truck maneuvering area shall be provided on-site and shall not interfere with internal site circulation, ingress or egress to the site, access to or use of required off-street parking areas and pedestrian circulation areas. Maneuvering areas shall not be provided within any public street right-of-way or other public lands except as may be allowed by the Plan Commission for properties in the B-P - Business Park and LI - Limited Industrial Districts where permanently dead-ended streets and cul-de-sacs may serve as off-street truck maneuvering. The Plan Commission shall consider the number of proposed loading docks, the proposed use and frequency of loading and unloading and the number of businesses located on the dead-end street or cul-de-sac and determine that the adjacent businesses will not be adversely impacted or affected.
7. **Interference With Fire Exit or Emergency Access Prohibited.** Off-street loading facilities shall be designed so as not to interfere with any fire exits or emergency access facilities to either a building or site.
8. **Required Loading Spaces.** The number of loading spaces provided shall be determined by the developer and shall provide for adequate space for standing, turning, loading, and unloading services in a manner that does not interfere with vehicle or bicycle parking, drive aisles, pedestrian walkways, or landscaped areas.

15-5-02. Driveways

- A. **Driveways on Controlled Access Arterials and Highways Prohibited.** No direct private access shall be permitted to the existing or proposed rights-of-way of expressways or to any controlled access arterial street without permission of the highway agency with access control jurisdiction.
- B. **Right Angles Required.** Driveways shall cross the lot line at right angles or as close to right angles as possible to provide site access.
- C. **Arterial Street and Highway Access and Street Intersections.** No new direct public or private access shall be permitted to an arterial street or highway within one-hundred and fifteen (115) feet of the intersection of the right-of-way lines of another arterial street or highway unless approved by the Plan Commission.
- D. **Single-Family and Duplex Driveway Standards.** A single slab or ribbon driveway from the property line to legal, on-site parking shall be provided and shall be in conformance with the following criteria.
 1. **Limit of One.** One (1) single slab or ribbon driveway and one (1) curb cut shall be permitted per seventy-five (75) feet of lot frontage.
 2. **Single-Slab Driveway Design Standards.**
 - a. Single-slab driveways shall not exceed twenty (20) feet in width at the property line.
 - b. **Surfacing.**
 - I. Single-slab driveways shall be surfaced with an all-weather, dustless concrete material which may include decorative concrete, patterned concrete, exposed aggregate concrete, concrete pavers, permeable paver blocks, or similar materials approved by the City Engineer.

Asphalt Surfacing Option 1 - Allowance for Driveways Constructed Prior to UDO Adoption

- II. Single-slab driveways surfaced with asphalt and constructed prior to the adoption date of this UDO **MM/DD/YYYY** shall be allowed to continue or be reconstructed in kind.

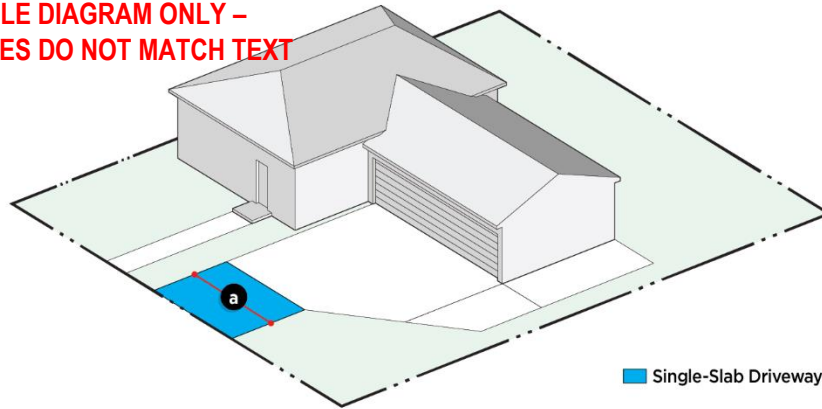
Asphalt Surfacing Option 2 - Allowance for Driveways Over a Set Length

- III. Driveways longer than fifty (50) feet may be surfaced with asphalt.

Asphalt Surfacing Option 3 - Allowance for Driveways in Low-Density Residential Districts.

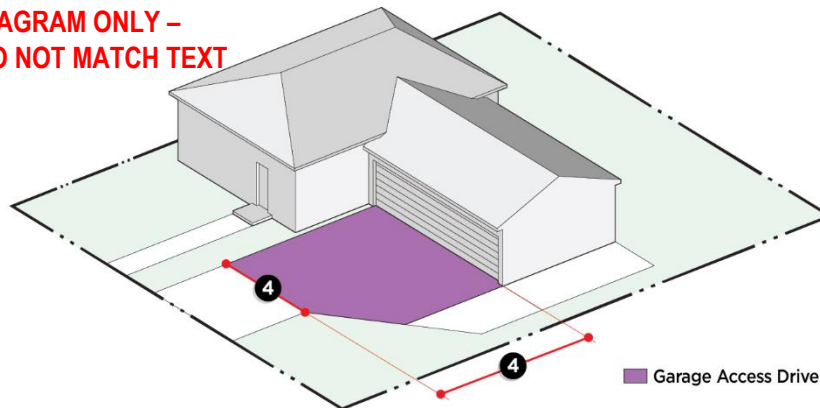
- IV. Driveways on lots in the R-C - Conservation Residence District and R-SE Suburban/Estate Residence District may be surfaced with asphalt.

EXAMPLE DIAGRAM ONLY –
REFERENCES DO NOT MATCH TEXT



3. **Garage Access Drive.** A garage access drive is permitted and shall meet the standards below.
 - a. **Width.** The maximum width of a garage access drive shall be the width of the garage, as measured from the garage door(s) plus an additional three (3) feet on either side of the garage door(s).
 - b. **Length.** The maximum length of a garage access drive shall be sixteen (16) feet from the garage doors.
 - c. **Taper.** The garage access drive shall taper, within ten (10) feet, back to the maximum driveway width.
 - d. **Surfacing.** Garage access drives shall adhere to the surfacing requirements for single-slab driveways in **Section ###-##-###**.

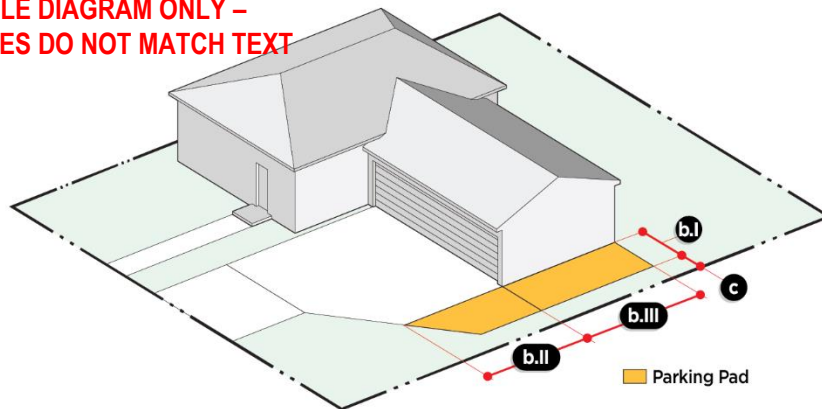
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4. **Parking Pad.**

- a. **Limit of One.** A garage access drive may be extended to include one (1) parking pad.
- b. **Configuration.**
 - I. A parking pad shall be a minimum of nine (9) feet and a maximum of ten (10) feet in width.
 - II. The portion of the parking pad adjacent to the garage access drive shall have a maximum length of twenty (20) feet, as measured from the front façade line of the garage. A minimum seven (7) foot taper shall be included in the twenty (20) foot maximum.
 - III. The portion of the parking pad adjacent to the garage shall have a maximum length equal to the depth of the garage, as measured from the front façade line of the garage.
- c. **Location.** The parking pad shall be set back a minimum of five (5) feet from any side property line.
- d. **Screening.** A fully opaque fence with a minimum height of six (6) feet shall be constructed in the side yard abutting the parking pad.
- e. **Surfacing.** A parking pad may be surfaced with asphalt, concrete, grass, gravel, or a permeable paving system. The first half (1/2) inch of runoff over the entire surface shall be treated with green infrastructure if the parking pad is surfaced with asphalt or concrete.

**EXAMPLE DIAGRAM ONLY –
REFERENCES DO NOT MATCH TEXT**



E. **Townhouse, Multifamily, and Nonresidential Driveway Standards.**

1. **Location.**

- a. Where an off-street parking area of a corner lot abuts an alley or a corner side street, access to the off-street parking area shall be obtained from a driveway off the alley or corner side street.
- b. No lot other shall have multiple driveways for purposes of vehicular ingress and egress without a minimum three hundred (300) foot separation between such curb cuts along a street, unless otherwise approved by the City Engineer.

GRAPHIC IN DEVELOPMENT

2. **Townhouse Driveway Design Standards.**

- a. One-way driveways for townhouse uses shall be a minimum of ten (10) feet wide and a maximum of twenty (20) feet wide at the property line.
- b. Two-way driveways for townhouse uses shall be a minimum of twenty (20) feet and a maximum of thirty-three (33) feet in width at the property line.
- c. Driveways for townhouse uses shall comply with the surfacing standards for single-slab driveways as specified in [Section ##-#-##](#).

GRAPHIC IN DEVELOPMENT

3. **Multifamily and Nonresidential Driveway Standards**

- a. One-way driveways for multifamily and nonresidential uses shall be a minimum of ten (10) feet wide and a maximum of thirty-three (33) feet wide at the property line.
- b. Two-way driveways for multifamily and nonresidential uses shall be a minimum of twenty (20) feet wide and a maximum of thirty-six (36) feet wide at the property line.
- c. Driveways for multifamily uses shall comply with the surfacing requirements for single-slab driveways in [Section ##-#-##](#) above. Asphalt shall be prohibited for driveways serving lots with a nonresidential use.
- d. Islands between the vehicle lanes in opposing directions shall be provided at driveway openings with a minimum width of twelve (12) feet and located six (6) feet from all lot lines.
- e. **Setbacks Required.**
 - I. **Pedestrian Entrance.** Driveways for all retail, service, eating and drinking, vehicle-related, and industrial uses shall be at least two hundred (200) feet from any pedestrian entrance to any institutional or place of assembly use.
 - II. **Property Line.** No driveway shall be located closer than ten (10) feet to any front, street side, side, or rear property line except as follows.
 - i. Where a shared driveway between neighboring lots or parcels is provided to serve as access to a State or County Highway for the purposes of highway safety as approved by either the Wisconsin Department of Transportation or Milwaukee County Highway Department, any minimum driveway setback as required by this Section may be waived, provided that such waiver of setback is for the shared driveway that is constructed over or abutting property lines of lots or parcels that benefit from the shared driveway.

- ii. Approved access points to public streets or cross access between neighboring properties as required in **Section ##-#-###** may be allowed to cross the required setbacks at or as close to right angles as possible to provide site access.

GRAPHIC IN DEVELOPMENT

- f. **Edge Barrier Required.** Concrete curb and gutter, or an equivalent barrier of a minimum of four (4) inches in height, shall be installed along the length of all new driveways serving multifamily, mixed-use, or nonresidential development.
 - I. The edge barrier may be interrupted where necessary to provide for stormwater outflows.
 - II. This provision may be waived by the Plan Commission for additions to existing structures located in areas without a predominance of curb and gutter when curb and gutter is not installed on the adjacent street right-of-way or is not anticipated to be constructed on the street right-of-way in a future street reconstruction in a reasonable period of time.

15-5-03. Required Landscaping

- A. **Landscaping Required.** Landscaping is required in the form of on-lot landscaping, street bufferyards, peripheral bufferyards, and in off-street parking areas and in areas where vegetative mitigation (see **Section 15-4.0103** of this Ordinance) is required. The area and/or length of each, as required herein must be measured in order to determine the amount of landscaping required.
- B. **Exemptions and Modifications.** All developments shall meet the provisions of this Division except as specifically exempted below:
 - 1. Residential Development on Existing Lots of Record in the A - Agricultural, A-P - Prime Agricultural, and Residential Districts.
 - 2. Additions to Existing Buildings where the Total Floor Area is not Increased More than Ten (10) Percent. Additions to existing buildings where the total floor area is not increased more than ten (10) percent of the existing total floor area.
 - 3. Additions to Buildings Which Increase Overall Building Area from Ten (10) to Fifty (50) Percent. Additions to buildings which increase their overall building area from ten (10) to fifty (50) percent shall conform to the landscaping standards set forth in this Division reduced by up to thirty (30) percent.
 - 4. Floodplain and Wetland Areas. Areas located within the FW - Floodway and FF - Floodfringe Districts are exempt from the landscaping requirements set forth in this Section except where mitigation or restoration is required by this UDO.
- C. **Bufferyards to Ameliorate Nuisances Between Certain Adjacent Zoning Districts.** A bufferyard is a combination of a setback and a visual buffer or barrier and is a yard or area together with the planting and/or landscape structure required thereon. The amount of land, the type of planting, and the amount of planting specified for each bufferyard requirement of this UDO are designed to ameliorate nuisances between certain adjacent zoning districts. Bufferyards are also designed to ensure a desired character along public streets and roads.
- D. **Bufferyards Required to Separate Different Zoning Districts.** 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.
- E. **Integration with Stormwater Management.** Vegetated features designed and installed to provide stormwater infiltration or treatment, including but not limited to bioretention areas or rain gardens, vegetated swales, or deep-rooted plantings with amended soils, may be incorporated into landscaped areas and bufferyards required under this Section. The plant selection requirements of this Section may be varied in order to accommodate planting plans specific to a vegetated stormwater

infiltration or treatment area, provided the overall landscaping and/or screening plan installed is equivalent or greater to the amount required under this Division.

15-5-04. Minimum Landscape Standards.

A. **Standard Plant Units.** This Section defines the standard plant unit and its definitions of this Section. The following **Table 15-5.0302** specifies the plant unit requirements. Tree requirements shall refer to the diameter measured six (6) inches above root flare. For purposes of this Section, bioretention plantings shall be equivalent to small flowering shrubs or native grasses/forbs at a rate of 9 SF of plantings per large deciduous shrub, small flowering shrub, or native grass/forb.

Planting Type	Planting size		Land Use Type		
	Minimum Diameter/Size	Minimum Height	Multi-Family	Retail, Service, Institutional, Place of Assembly, Vehicle-Related, and Similar	Industrial
Canopy/Shade Tree	3" diameter at 6" above root flare	--	1.5/ dwelling unit	1/5 parking spaces	1/10 parking spaces
Evergreen Tree OR Ornamental Tree	-- 3" diameter at 6" above root flare	6' --	1/dwelling unit	1/5 parking spaces	1/10 parking spaces
Evergreen Shrub OR Large Deciduous Shrub	18" wide --	-- 3'			
Small Flowering Shrubs OR Native Grasses/Forbs OR Bioretention Plantings	-- 1 gallon pot 3" - 4" pot (or as specified by Landscape Architect)	18" --	3/dwelling unit	1/5 parking spaces	1/10 parking spaces
			Per storm water management plan; Max Spacing 18" on center; 9 SF = one 18" small flowering shrub or 1 gallon pot of native grasses/forbs		

B. **Definition and Conditions.** The following definitions and conditions shall apply to the application of **Table 15-5.0302**.

1. **Trees.**

- a. Canopy/Shade trees are deciduous trees providing over-hanging canopy at maturity.
- b. Evergreen Trees refers to coniferous trees, tamarack trees, and upright-growing arborvitae; bush-type arborvitae may be used as an Evergreen Shrub.
- c. Ornamental Trees are flowering and/or fruit bearing trees, normally growing to full growth shorter than a shade tree.

GRAPHIC IN DEVELOPMENT

- 2. The number of plantings required per parking space shall be rounded to the next highest range. For example, fifty-two (52) spaces in a commercial development shall require eleven (11) shade trees, not ten (10).
- 3. The minimum number of plantings shall be five (5) per property for each type.
- 4. The minimum amount of landscaping shall be twenty (20) canopy/shade trees per acre, twenty (20) evergreen trees per acre, ten (10) ornamental trees per acre, and thirty (30) small shrubs per acre. Each acre shall be divisible, rounded to the next number of plantings (i.e., 1.68 acres = 34 shade trees).

5. In the event ornamental trees and/or shrubs are not appropriate for a development, then those types may be replaced by the following schedule:
 - a. One (1) canopy/shade tree for every one (1) required ornamental tree.
 - b. One (1) canopy/shade tree or evergreen tree for every two (2) required large deciduous or evergreen shrubs.
 6. In the event evergreen trees are not appropriate for a non-multi-family development, then each required evergreen tree may be replaced by a canopy/shade tree.
 7. Tree requirements are stated in terms of the required diameter measured six (6) inches above root flare.
- C. **Bufferyard.** When development abuts or is across a street from a residential zoning district or existing residential use, or an existing, less intensive use as determined by the Zoning Administrator the following bufferyard requirements shall apply:
1. Additional planting density shall be required; for the site as a whole, the minimum density of plantings required in **Table 15-5.0302** shall be increased by twenty (20) percent.
 2. Emphasis shall be on placing the increased amount of plantings within the bufferyard, except where preservation of existing plant material does not allow additional plantings, or where a combination of fencing and landscaping is provided to accommodate vegetated stormwater management areas.
 3. A combination of evergreen trees (which may include arborvitae), other deciduous vegetation, and fencing are recommended within the buffer yard. The minimum planting height of evergreens and fencing at installation shall be six (6) feet.
 4. On-site pedestrian circulation systems provided on-site, whether required in **Section 15-5-##** or not, may traverse a bufferyard required in this subsection subject to Zoning Administrator approval.

- D. **Credit For Preserved Existing Plant Materials.** The preservation of healthy, existing plant materials is strongly encouraged. [REF TO NATURAL RESOURCE STANDARDS – removal of invasives] Where plant materials and trees are to be preserved on the site, the following shall apply:
1. In a non-bufferyard landscape area, preservation of existing canopy/shade trees, evergreen trees, and ornamental trees over six (6) feet in height with a minimum diameter of three inches (3") measured six inches (6") above root flare shall replace one (1) equivalent type of required planting.
 2. In a bufferyard landscape area, existing canopy/shade trees, evergreen trees, and ornamental trees over six (6) feet in height shall replace one-half (1/2) an equivalent type of required planting.
 3. In either a non-buffer or bufferyard, existing large deciduous or evergreen shrubs over five (5) feet in height shall replace one (1) required large shrub planting.
 4. Plantings to be preserved including exact location, size, and type shall be shown on the submitted landscape plan and in any required maintenance and replacement schedules. The City Forester may be consulted to determine the likelihood of survival of canopy/shade, evergreen, and ornamental trees through construction, and may specify required measures for construction-phase protection as a condition of approval of the landscape plan.
- E. **Alternative Minimum Landscape Surface Ratio.** Use of the Alternative Minimum Landscape Surface Ratio shall require a minimum diameter measured six (6) inches above root flare of three (3) inches for canopy/shade trees and two (2) inches for ornamental trees, and a minimum height of six (6) feet for evergreen trees, along with an increase by twenty (20) percent of the minimum quantity of plantings required by Table 15-5.0302. If a bufferyard is present, then the required quantity of plantings increases to thirty (30) percent.
- F. **Ground Cover.** All areas not covered by buildings or paving shall be covered with landscaping. The specific type(s) of groundcover to be used shall be shown on the landscape plan.
1. Open areas not covered by formal landscape plantings shall be planted with deep-rooted plantings (which may include native short-stature grasses or forbs), low growing ground cover, or other living landscape materials, except where existing natural vegetation of the site makes such plantings impossible.
 2. The use of conventional sod or turf grass as ground cover should be limited to those areas planned for active or passive recreation use, or other areas where substantial use of the area is anticipated.
 3. The use of low-growing ground cover on slopes to provide stabilization and where appropriate, pollinator habitat, is encouraged.
 4. The use of salt-tolerant species is recommended in all parking lot landscaped islands and perimeter areas.
 5. Low-growing ground cover such as Barren Strawberry (*Waldesteinia*) is preferred to grass. The use of stone, wood chips, artificial or plastic mulches, or other non-living material to cover more than twenty-five (25) percent of any parking lot landscaped island shall be prohibited.
- G. **Placement.** Generally, placement of all types of plantings shall be dispersed across the entire site at discretion of developer, with the following minimum guidelines:
1. Species of plantings best suited for high traffic areas shall be placed in the highest vehicular and pedestrian traffic areas.
 2. Native species of canopy/shade trees should be placed away from the highest vehicular and traffic areas.
 3. Plantings shall be located so as not to obscure vehicle sight lines.
 4. Plantings shall be located so future growth is not over a sidewalk or parking/ drive area.
 5. Plantings shall be located to soften tall and long building walls.

6. Plantings within buffer yards, in combination with any fencing provided, shall provide visual opacity within two (2) years of planting.
7. Any fruit, nut, or seed-bearing trees shall be located away from parking/drive areas and pedestrian walkways.
8. Canopy/shade trees and evergreen trees shall be separated from one another to ensure the health and longevity of the trees. In no instance shall canopy/shade or evergreen trees be located closer than five (5) feet from one another.

G. Landscape Plan Contents.

1. Landscape Plans shall be prepared by a professional Landscape Architect or Landscape Designer. Each Landscape Plan shall include:
 - a. Preparer's name and date of preparation.
 - b. A base site plan that matches the site plan submitted for approval, showing planting locations and existing plantings to be preserved, and the Landscape Surface Ratio percentage.
 - c. A planting schedule of common names, botanical names, and planting sizes and quantities of all planting materials and ground cover.
 - d. Calculations showing how the plan meets or exceeds the minimum quantity of plant materials required, including calculations of preserved plant materials, landscape area plantings, and bufferyard plantings.
 - e. A diagram or plan showing the integration of drainage patterns and stormwater management measures with landscape areas.
2. Landscape Plans shall be submitted with the initial application subject to the following procedures.
 - a. An applicant must at a minimum file a preliminary landscape plan generally depicting the landscaping for the site at the time of initial application filing.
 - b. Landscape Plans must be approved by the Zoning Administrator and, where integrated with a Stormwater Management Plan, the City Engineer.

15-5-05. General Landscaping Requirements

- A. **Physical Containment of Landscaped Areas.** All landscaped areas located within or adjacent to a parking area, or adjacent to a public street or sidewalk, shall be designed to contain landscape materials and to prevent vehicular encroachment through the use of concrete curbing, headers of a minimum four (4) inches in height, or wheel stops.
- B. **Artificial Landscape Materials.** Artificial trees, shrubs, turf, or plants shall not be permitted as landscaping.
- C. **Groundcover.** The use of landscape fabrics or mulches under all areas landscaped with non-living materials, except as required per an approved stormwater management plan, is recommended to prevent weed growth.
- D. **Irrigation.** Appropriate on-site, outdoor water supply (e.g., underground or drip irrigation, hose bibs, etc.) that provides complete coverage to all new living landscaped areas sufficient to provide for plant establishment and ongoing maintenance is required. Watering systems shall be designed to water landscaped areas efficiently and avoid irrigation of adjacent parking areas and access drives, sidewalks, buildings, and public streets. If hose bibs are used, they must be located within one hundred (100) feet of any landscaped area. Temporary or permanent irrigation of bioretention areas or other vegetative stormwater management areas shall be implemented per an approved Stormwater Management Plan, or as specified by a Landscape Architect or landscape designer on the approved landscape plan.
- E. **Location.** New vegetation shall be selected, planted, and maintained so that at maturity it will not interfere with utility lines, snow storage areas, vehicular parking, pedestrian circulation, traffic sight visibility at driveways and street intersections, and will not cause damage or upheaval of sidewalks and pavement.
- F. **Installation.**
1. **Timing of Installation.** Landscaping and irrigation shall be installed in accordance with the approved landscape plan prior to issuance of a Zoning Compliance Permit or commencement of operations. The City will have the right to refuse approval of any project not meeting the provisions of this Section.
 2. **Surety to Include the Cost of Ground Cover.** The cost of vegetative ground cover shall be reflected in the financial surety held in accordance with this Division.
 3. **Return of Financial Surety.** When it is determined that the landscaping and watering systems have been installed in accordance with the approved plans, the City shall return the surety to the applicant.
- G. **Maintenance.**
1. **Responsibility for Maintenance.**
 - a. Maintenance of all landscaping shall be the responsibility of the owner, lessee, heirs, assigns, agents, homeowners' association, or other liable entity of the property and shall consist of regular watering, pruning, mowing, fertilizing, removal and replacement of irrigation systems, and architectural features.
 - b. The owner or liable entity in control of any private premises shall at all times maintain the premises free of litter and weeds.
 - c. Landscape maintenance shall be coordinated, where applicable, with maintenance provisions in an approved Stormwater Management Plan.
 2. **Landscape Phasing.** Future building pads within a phased development shall be maintained in a dust-free condition vegetated with groundcover.
- H. **Preservation of Existing Trees During Grading.** During grading operations, those existing trees to be preserved and retained as a part of the subdivision, certified survey map, or condominium approval (See [§ 15-8.0204](#) of this Ordinance) shall be protected through the following measures:

1. All trees to be retained shall be identified on site by flagging tape. Trees selected for transplanting shall be flagged with a separate distinguishing color.
 2. Construction limit fencing shall be erected at the perimeter drip line of all trees to be retained and all protected areas as identified in a Natural Resource Protection Plan. Tree protection devices shall be installed where required over tree roots, branches and/or tree trunks, as identified in the Natural Resource Protection Plan.
 3. Fences and tree protection devices installed shall be maintained and all construction materials, supplies and equipment shall be kept outside of the protected areas throughout construction.
- I. **Plant Replacement.** Any plant materials included in an approved landscaping plan that do not survive a plant establishment period of two (2) years after installation shall be replaced with plant material(s) of the same or like species of equal size within the next planting season, but in any event, within six (6) months of the plant's demise. Said replacement shall be made by the property owner or, in the case of landscape plant materials located within a landscape easement under the control of a homeowners' association, the homeowners' association shall be responsible for said replacement.
- J. **Plant Material Species Mixture.**
1. All landscape plant materials selected shall be adequately mixed so that no singular species exceeds forty (40) percent of the total planting requirements. Where four (4) or more canopy/shade trees are to be installed, at least two (2) species of canopy/shade tree must be installed that include one or more species suitable to the region, such as but not limited to Sugar Maple, Red Maple, Red Oak, Tilia Americana and improved cultivars, or Hybrid Elm.
 2. For every ten (10) trees a minimum of three (3) different species are recommended.
 3. Trees shall be selected from a tree species list as recommended by the City Forester.
- K. **Invasive Species Prohibited.** Plant species listed in **WI Ch. NR 40** invasive species plant list shall not be used in any landscape areas.

15-5-06. Minimum Landscaping Standards for Off-Street Parking Areas and Lots

- A. **Minimum Landscaping Requirements for Residential, Mixed-Use, and Nonresidential Off-Street Parking Areas and Lots.** Each residential, mixed-use, and nonresidential off-street parking lot shall contain landscaping within the parking lots, along the perimeter of parking lots, and along adjoining entrance drives and circulation drives.
1. A minimum of ten (10) percent of the interior area of the parking lot shall be landscaped, with a minimum total interior planting area of three hundred (300) square feet.
 2. The minimum dimension of any planting area shall be nine (9) feet by eighteen (18) feet, with a minimum planting depth of three (3) feet.
 3. A minimum of two (2) cubic feet of soil volume per one (1) square foot of projected tree canopy at maturity shall be provided per canopy/shade or ornamental tree planted in an interior parking lot island.
 4. In general, larger, contiguous planting areas are preferred over smaller planting areas in order to promote healthy plant growth.

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- B. **Existing Vegetation May Count Toward the Provision of Minimum Off-Street Parking Landscape Requirements.** Existing trees that can, in the opinion of the City Forester, be preserved in a healthy condition after construction, shall count toward the minimum off street parking landscape requirements. The City Forester shall find that conditions during and after construction:
1. Shall not cut off the tree from a reasonable supply of water,

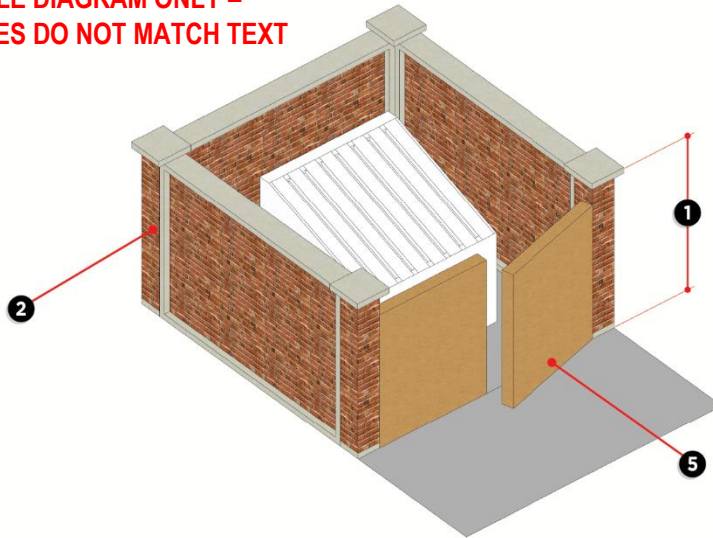
2. Shall incorporate sufficient soil volume (i.e. 2 cubic feet of soil per 1 square foot of projected canopy area at maturity) and protected from compaction, with the area under the canopy remaining undisturbed; and
 3. Plantings that are preserved within parking lot islands shall be located within islands with a minimum of three hundred (300) square feet in area.
- C. **Barriers Required to Contain Landscape Areas.** The barrier around landscape areas may incorporate wheel-stops, provided the area of vehicle overhang does not exceed two (2) feet and does not damage or interfere with the landscaping. Where vehicle overhangs abut required landscape areas, a minimum five (5) foot wide planting area is required for a single vehicle overhang, and an eight (8) foot wide planter for a double vehicle overhang is required. Vehicle overhang into the public right-of-way is not permitted.
- D. **Uses Not Permitted in Required Landscaped Areas.** Parking (except where vehicle overhang is permitted), buildings, and display of equipment or vehicles are not permitted in required landscaped areas. Required landscaped areas shall not be used for snow storage.
- E. **Required Landscape Materials Not to Constitute a Driving Hazard.** To ensure that landscape materials do not constitute a driving hazard, trees used to landscape parking islands shall have a clear trunk height of six (6) feet; mature shrubs, groundcover, or other landscaping material shall not exceed three (3) feet in height. The landscaped area within these planters may be used to satisfy, to the extent provided, the landscaping requirements.

15-5-07. Screening

- A. **Grease Traps, Trash, and Recycling Receptacles.** The following regulations shall apply to all nonresidential, mixed use, and multifamily development.
1. **Visibility From Public Right-of-Way Prohibited.** Grease traps, trash, and recycling receptacles shall be located to be completely concealed from visibility from any public right-of-way. The Zoning Administrator may provide an exemption from these requirements when the Zoning Administrator determines that the site's conditions require the exemption.
 2. **Screening Required.**
 - a. Grease traps, trash, and recycling receptacles shall be screened on three (3) sides with a solid, opaque material with a minimum height of six (6) feet and a maximum height of eight (8) feet.
 - b. Materials used for screening shall complement the exterior building cladding materials of the primary building.
 - c. Materials and elevations for enclosures that are attached to buildings shall be designed to be integrated into the primary building.
 - d. If enclosures are to be attached to buildings, they shall comply with applicable fire and building codes.
 - e. Shrubs, native grasses, or other vegetation shall be installed along the exterior of the enclosure, except for the enclosure openings, to provide a softening effect.
 - f. Enclosure openings shall be gated with an opaque material.
 - g. Enclosure openings shall be kept closed at all times except for when the receptacle is being accessed.
 - h. Property owners shall be responsible for ensuring that grease traps, trash, and recycling receptacles be placed in the enclosure at all times other than when it is being accessed.
 - i. Access drives shall be constructed of materials and to a thickness which accommodates truck loading. Year-round access to the enclosure area for service trucks shall be maintained by the property owner or tenant.
 - j. Enclosures shall be of an adequate size to accommodate expected containers. The enclosure shall be designed to be expandable to accommodate future additional containers.

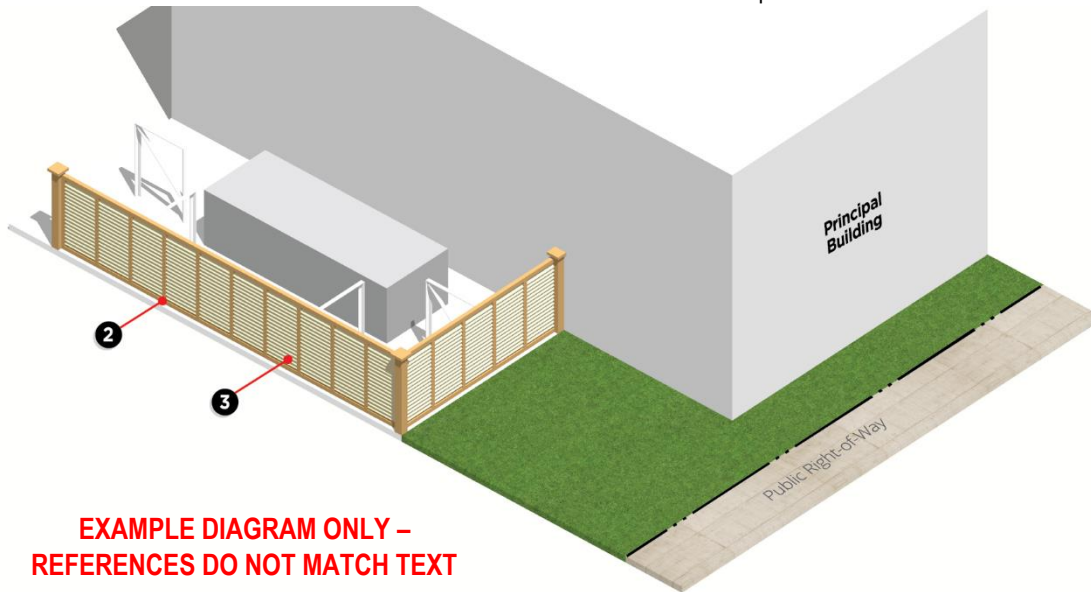
- k. All enclosures shall be curbed, graded and drained in a manner that prevents the discharge of contaminated runoff to surface waters or storm drainage facilities.
- l. Enclosure structures shall be designed to protect the walls from damage by containers. Such protection may be provided by the use of barrier curbing, reinforced masonry walls, or other similar means.
- m. Grease traps, trash, and recycling receptacle enclosures shall not occupy areas used for required parking spaces.

**EXAMPLE DIAGRAM ONLY –
REFERENCES DO NOT MATCH TEXT**



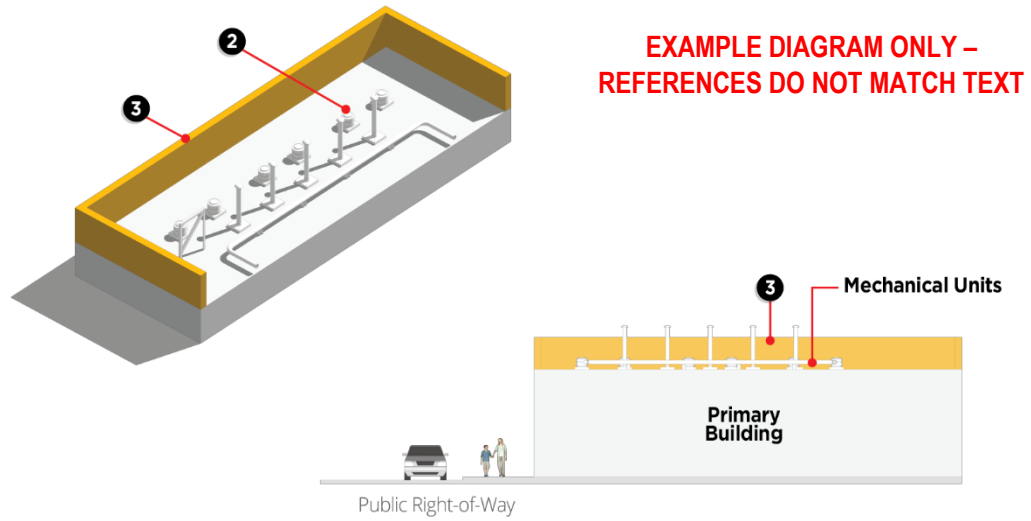
- B. **Ground/Wall Mounted Mechanical Units.** The following regulations shall apply to all ground/wall-mounted mechanical units, including but not limited to generators, air-conditioning condensers, heat pumps, ventilation units, computer cooling equipment, etc., and any related utility structures and equipment. Tanks and / or silos accessory to a brewery, winery, and/or distillery or microbrewery, microwinery, or microdistillery are exempt from these requirements.
1. Locating mechanical units within the primary building is strongly encouraged to minimize exterior visual impacts. Ground-mounted mechanical units are prohibited within the front yard, regardless of whether screening is provided.
 2. Ground/wall mounted mechanical units that are visible from any public right-of-way or adjacent residential property shall be screened from public view.
 3. Materials used for screening shall be designed and established so that the area or element being screened is no more than twenty (20) percent visible through the screen. Evergreen hedges or non-transparent walls such as stone masonry shall be allowed.

- Chain-link fence or slats in chain-link fence shall not be used to meet this requirement.

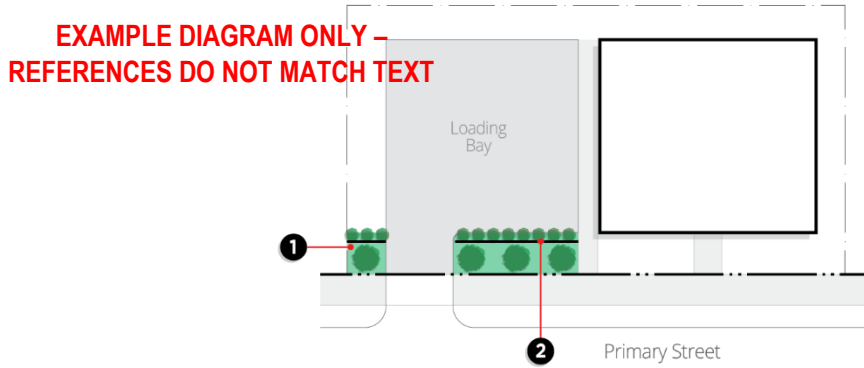


**EXAMPLE DIAGRAM ONLY –
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- C. Roof Mounted Mechanical Units.** The following regulations shall apply to all roof mounted mechanical units, including but not limited to air-conditioning condensers, heat pumps, ventilation units, computer cooling equipment, etc., and any related utility structures and equipment which service multifamily, non-residential, or mixed-use developments.
 - Locating mechanical units within the primary building is strongly encouraged to minimize exterior visual impacts.
 - Roof mounted mechanical units that are visible from the closest right-of-way line or adjacent residential property shall be completely screened from public view from those locations.
 - Materials used for screening shall be architecturally integrated with the building and shall be continuous and permanent.
 - Screening shall be required when new equipment is installed and shall be provided around both new and existing roof mounted mechanical units in order to provide visual continuity. Normal maintenance of roof mounted mechanical units shall not mandate the screening requirements.
 - Additional screening may be required due to topographic differences in the adjoining properties.



- D. **Off-Street Loading Areas.** Off-Street loading areas that are visible from any property in a residential district shall be completely screened from view with a bufferyard as specified in [Section ###-#-##](#).



15-5-08. Fencing

A. General Provisions.

1. **Maintenance Required.** All fences shall be maintained in good repair and in structurally sound condition. All fences shall be constructed and maintained in a good aesthetic condition and of such materials and colors so as not to adversely affect the value, visual character, and visual appeal of adjoining property or property in the immediate neighborhood. All fences shall be constructed and maintained straight, plumb, and of an even height along its length, except for such deviations as required by grade.
2. **Building Permit Required.** No fence shall be constructed in the City without first obtaining a Building Permit as specified in **Section ##-#-##**.
3. **Material Storage Prohibited.** No materials shall be stored between a fence located adjacent to a lot line and the lot line. No materials shall be stored against the fence on its interior side.
4. **Snow Fencing Allowed.** Snow fencing will only be allowed between November 15th and April 15th of each year. No Building Permits for the installation of said snow fencing shall be required.
5. **Utilities.** An applicant seeking to construct a fence shall call Diggers Hotline or similar service to obtain information on the location of underground utilities located on-site.
6. **Finished Side Facing Adjacent Property.** Fencing shall be constructed with the finished or decorative side facing the adjacent or abutting property or street.

- B. **Height.** Fence height shall be the vertical distance measured from the mean elevation of the natural lot grade along the fence to the highest point on the fence, excluding fence posts and supports. Fence posts and supports may protrude an additional six (6) inches above the highest point on the fence.

C. Location.

All fences allowed in this Section shall be located:

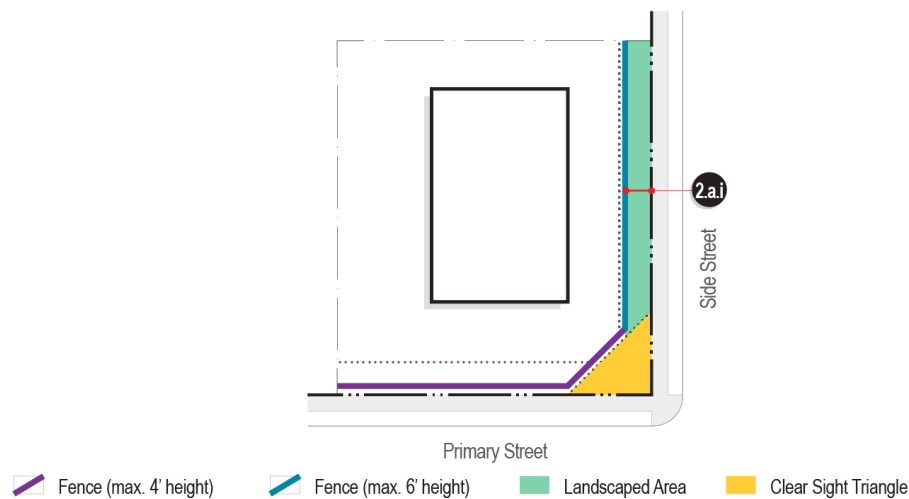
1. Wholly within property lines; no part of the fence, post hole, or fence material may encroach or cross a property line
2. A minimum of one (1) foot from any property line abutting a right-of-way,
3. A minimum of one (1) foot from any City easements unless otherwise approved by Common Council
4. Outside of a vision clearance area as detailed in **Section ##-#-##**,
5. In a manner which does not block access to underground utility access structures or fire hydrants, and

D. Material Standards.

1. **Materials Permitted.** Permitted fence materials shall be only those materials which are designed and intended for use in fence installations and shall be limited to:
 - a. Masonry
 - b. Vegetation (including but not limited to “green wall” systems),
 - c. Wood, chemically treated or naturally resistant to decay,
 - d. Wood Composites,
 - e. Aluminum,
 - f. Vinyl/PVC,

- g. Wrought Iron,
 - h. Trellises composed of materials allowed in this subsection, and
 - i. As approved by the Zoning Administrator or their designee.
2. **Chain Link Fences.** Chain link fences shall be allowed in the interior side or rear yard on a lot with any single-family or duplex use.
 3. **Masonry Fences.** Masonry fences shall be prohibited in the Floodplain Districts. The Zoning Administrator may forward applications for masonry fences to the City Engineer for further review on sites outside the Floodplain Districts on which drainage and flooding concerns are present. Adverse impact of drainage and flooding shall constitute the ground for denial of the application.
- E. **Fences on Lots with Single-Family and Duplex Uses.** Fences on lots with single-family and duplex uses shall meet the requirements established below. Barbed wire, razor wire, agricultural fencing, or unconventional materials such as plywood or tarps or others as determined by the Zoning Administrator shall be prohibited on lots with single-family and duplex uses. All fences shall be erected so that the posts and all other supporting members face inward toward the owner’s property.
1. **Fences in Front and/or Street Side Yards.**
 - a. **Height.** Fences in front and/or street side yards shall not exceed four (4) feet in height except fences in street side yards which may have a maximum height of six (6) feet if located at least five (5) feet from the property line.
 - b. **Materials.** Fences in front yards and/or street side yards shall be of non-sight barrier construction and have a maximum opacity of fifty (50) percent except for fences in street side yards, which may be one hundred (100) percent opaque if located a minimum of seven (7) feet from the street side lot line.

**EXAMPLE DIAGRAM ONLY –
REFERENCES DO NOT MATCH TEXT**



2. **Fences in Interior Side and Rear Yards.**

- a. **Height.** The maximum height of a fence in interior side yards and rear yards shall be six (6) feet. A height of up to eight (8) feet shall be allowed for fences in rear yards abutting an arterial road.
- b. **Materials.** Fence materials utilized in interior side yards and rear yards shall complement fence materials utilized in other yards. Fences in interior side and rear yards may be one hundred (100) percent opaque.

F. **Fences on Lots with Townhome, Multifamily, Mixed-Use, and Nonresidential Uses.**

1. **Height.** The maximum height of fences on a lot with townhome, multifamily, mixed-use, and nonresidential uses shall not exceed six (6) feet.
 - a. **Rear Lots Abutting An Arterial Road.** A height of up to eight (8) feet shall be allowed for fences in rear yards abutting an arterial road.
 - b. **Plan Commission Exception.** The Plan Commission may approve a height above six (6) feet for a fence located in any lot where the proposed increase provides a functional or aesthetic benefit for the proposed use.
2. **Location.** Fences on lots with townhome, multifamily, mixed-use, and nonresidential uses shall be located in rear and interior side yards only, with the exception of fences on lots in the LI - Limited Industrial District which may be located in street side, interior side, and rear yards only. Fences located in the street side yard in the LI - Limited Industrial District shall be buffered from the sidewalk by a landscaped area as specified in **Section #-#-##**.
3. **Barbed Wire.** In the LI - Limited Industrial District, barbed wire may be utilized in interior side and rear yard fences and shall be limited to a maximum height of one (1) foot, and a maximum of three (3) strands of wire. The barbed wire shall not be included in the determination of fence height.

15-5-09. Retaining Walls

- A. **Applicability.** The standards of this Section shall apply to retaining walls constructed in any zoning district.
- B. **Location.**
1. **General Location Standards.** All retaining walls shall be located as follows:
 - a. **Setbacks and Location.**
 - I. Retaining walls shall be wholly within property lines; no part of the retaining wall or material may encroach or cross a lot line.
 - II. The setback from any lot line for retaining walls shall be at least five (5) feet;
 - III. The setback and location standards specified in **Section ##-#-####** above shall be exempted for retaining walls maintained by a homeowners association that span multiple lots so long as the retaining wall features are documented in an approved subdivision agreement.
 - b. **General Location Standards.** Retaining walls shall be a minimum of:
 - I. Five (5) feet from any property line abutting a right-of-way,
 - II. One (1) foot from any City easements unless otherwise approved by Common Council
 - III. In a manner which does not block access to underground utility access structures or fire hydrants, and
 - IV. A minimum horizontal distance of four (4) feet is required between walls installed in a tiered installation. The area between the tiers shall be graded with no more slope than needed to facilitate shedding of surface waters and must be landscaped with natural material and be properly maintained.
- C. **Design.**
1. Retaining walls shall not exceed four (4) feet in height above the natural lot grade at the wall's location.
 2. Retaining walls shall not exceed the height of the grade that is supported.
 3. The exterior of all retaining walls shall be natural materials, decorative wall blocks, textured concrete, or other similar materials as approved by the Zoning Administrator. The use of standard concrete block or untreated landscape ties are prohibited.
 4. Any wall more than three (3) feet in height above the natural lot grade shall be stamped and signed by a professional engineer and submitted to the City Engineer for approval.
 5. A safety guard rail or fence shall be installed along any portion of a retaining wall exceeding three (3) feet in height.
- D. **Maintenance and Installation.**
1. The long-term durability and maintenance of retaining walls shall be the sole responsibility of the property owner.
 2. Retaining walls shall not interfere with the surface water drainage pattern and shall not be constructed in drainage swales.

15-5-10. General Townhouse, Multifamily, Mixed-Use, and Nonresidential Design Standards

- A. **Applicability.** The standards of this section shall apply to all townhome, multifamily, mixed-use, and nonresidential development.

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- B. **Exterior Building Cladding Materials.** Allowable exterior building cladding materials shall be as detailed in **Table ##-###** below. Glazing shall not be included in the façade material calculations. When part of a common development, buildings shall utilize materials that are consistent with or complement surrounding development.

Table 15-5-10(B): Exterior Building Cladding Materials						
District	Building Façade Elevation	Masonry (1)	Lap Siding, Stucco (2)	EIFS, Concrete	Architectural Metal Siding (3)	Vinyl Siding, Unfinished Concrete Block
<i>R-M - Multi-Unit Residential, Commercial and Mixed-Use, I - Institutional, and B-P - Business Park Districts</i>	<i>Front, Street Side</i>	Min. 50%	Max. 50%	Max. 15%	Max. 15%	Not permitted
	<i>Interior Side</i>	Min. 25%	Max. 75%	Max. 25%	Max. 25%	Not permitted
	<i>Rear</i>	Any % allowed	Any % allowed	Max. 25%	Max. 25%	Max. 25%
<i>LI - Limited Industrial District</i>	<i>Front, Street Side</i>	Min. 30%	Max 60%	Max. 30%	Max. 30%	Not permitted
	<i>Interior Side</i>	Any % allowed	Max. 80%	Max 40%	Max 40%	Not permitted
	<i>Rear</i>	Any % allowed	Any % allowed	Max. 40%	Max. 40%	Max. 40%
<i>Notes</i>						
(1) Masonry shall include brick, stacked stone, stone, stone masonry units, and architectural concrete masonry units.						
(2) Lap siding shall include cementitious fiber board.						
(3) Architectural metal siding shall not be corrugated.						

GRAPHIC IN DEVELOPMENT

- C. **Façade Articulation.** Articulation involves the horizontal and vertical variation of the façade so that walls are subdivided into bays or sections that are vertically proportioned. The following provisions for façade articulation shall apply to any building elevations facing a public right of way or property in a residential district.
1. The frontage of the building shall be divided into architecturally distinct sections or bays with each section taller than it is wide.
 2. Sections or bays shall be visually established by architectural features such as columns, ribs, pilasters, piers, recesses, projections, windows, awnings, arcades, or an equivalent element that visually subdivides the wall with a roof or cap features that provides a rational terminus and integrates with the overall design of the façade.
 3. The required dividing elements shall have a minimum width of one (1) foot and minimum projection to width ratio of 1:4.

GRAPHIC IN DEVELOPMENT

D. **Roofline Modulation.** The width of any continuous flat roofline should not extend more than one-hundred (100) feet without modulation. Modulation shall consist of either one or a combination of the following treatments:

1. For flat roofs or facades with a horizontal eave, fascia, or parapet, the minimum vertical dimension of roofline modulation is the greater of two feet or ten (10) percent of the wall height.
2. For gable, hipped, or gambrel roofs a minimum slope of three (3) feet vertical to twelve (12) feet horizontal.

E. **Glazing.**

1. **Transparency Zone.** Glazing that is transparent under all lighting conditions shall extend from a base of contrasting material (not exceeding four (4) feet in height above the adjacent grade) to at least the height of the door head. **Table ##-###** details the minimum required percentage of square footage in the transparency zone that must have a glazing treatment.

District	Elevation Facing Yard	
	Front	Street Side
<i>B-SM</i>	50%	40%
<i>B-MU</i>	40%	30%
<i>B-N</i>	40%	30%
<i>B-G</i>	30%	20%
<i>B-R</i>	30%	20%
<i>LI</i>	30%	20%
<i>I</i>	30%	20%

2. **Upper Story Glazing.** A minimum of twenty (20) percent of the square footage of upper stories of buildings in the B-SM - Saint Martin's Road Historic Village Business and B-MU - South 27th Street Mixed-Use Districts shall include glazing.
3. **Glazing to be Dispersed.** Required glazing shall not be aggregated into a single, undivided area of glazing treatment. Individual glazing areas shall not span more than fifteen (15) linear feet.
4. **Entrance Orientation.** Main entrances to buildings shall be oriented toward the primary street adjoining the subject property. Secondary entrances are encouraged along secondary streets or along building frontages not adjoining a street.

15-5-11. Outdoor Lighting

A. **Fixture Classification.** All outdoor lighting fixtures, with the exception of wall-mounted accent lighting, shall either have a fixture cutoff classification of “Full Cutoff” or be fully shielded, unless otherwise expressly permitted in this UDO.

B. **LED Fixtures.** All outdoor lighting utilizing a light-emitting diode (LED) fixture shall meet the following standards:

1. **Color Rendering.** Outdoor LED fixtures shall be rated a minimum Color Rendering Index (CRI) value of seventy (70) or higher.
2. **Color Temperature.** Outdoor LED fixtures shall have a correlated color temperature between four thousand (4,000) and five thousand (5,000) degrees Kelvin.

C. **Pole Mounted Outdoor Lighting.**

1. **Pole Placement.** Pole-mounted outdoor lighting shall be located outside of utility easements, designed in coordination with required landscape zones.
2. **Maximum Lighting Height.** Pole-mounted fixtures shall be mounted at heights as specified in **Table 15-#-##**.

Table 15-5-11(C)(2): Maximum Lighting Height	
District	Maximum Permitted Luminaire Height
<i>A, A-P, R-C, R-SE, R-SR</i>	10
<i>R-M, R-V, B-SM</i>	15
<i>B-N, B-MU</i>	20
<i>All Other Districts</i>	25
<i>Notes</i>	
A post height of 60 feet shall be allowed for outdoor place of assembly uses including ball diamond, playing fields, golf driving ranges, tennis courts and similar outdoor recreational facilities.	

D. **Wall Mounted Accent Lighting.** Wall mounted accent lighting shall be integrated with the architectural character of the building and shall use low-luminosity lamps, with two thousand (2,000) source lumens or less. The illumination on any vertical surface shall not exceed one-half (0.5) maintained foot candle and shall not spill over roof lines or building edges.

E. **Outline Lighting, Flickering, and Flashing Prohibited.** Outline lighting shall be prohibited from signs, buildings, and structures. No flickering or flashing lights shall be permitted.

F. **State Requirements For Street Lighting.** Street lighting shall conform to the standards set forth by the State of Wisconsin for State Trunk Highways, Milwaukee County for County Trunk Highways, and the City for City streets and highways.

G. **Maximum Light Level at Property Line.**

1. On lots adjacent to lots in a Nonresidential District, all outdoor lighting fixtures shall be designed and located so that the maximum light level shall be one-half (0.5) maintained foot candles at any property line.
2. On lots adjacent to lots in a Residential District, all outdoor lighting fixtures shall be designed and located so that the maximum light level shall be zero (0) maintained foot candles at any property line.
3. The Zoning Administrator may approve light level in excess of the limits of this section at a front property line for lighting fixtures that meet the City’s specifications for streetlighting as specified in **Section 15-##-##(F)**.

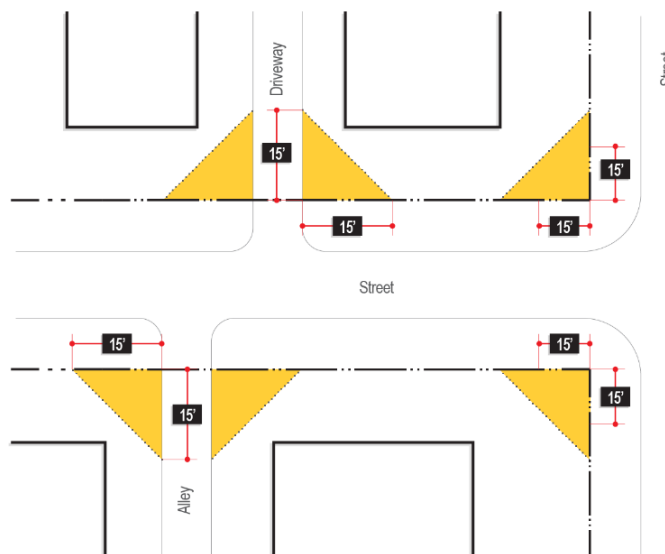
H. **Light Level Measurement.**

1. **Location.** Light level measurements shall be made at the property line of the property upon which the light to be measured is being generated. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the property of the complainant or at any other location on the property of the complainant. Measurements shall be made at finished grade (ground level), with the sensor in the horizontal position and not mounted more than six (6) inches above ground level, and with the light-registering portion of the meter held parallel to the ground and pointing upward.
2. **Light Meter Specifications.** Light levels shall be measured in foot candles with a direct-reading portable light meter. The meter shall have:
 - a. Cosine and color correction,
 - b. An accuracy tolerance of no greater than plus or minus five (5) percent, and
 - c. Been calibrated within the last two (2) years.

15-5-12. Vision Clearance Areas

- A. No visual obstructions, such as structures, parking, or vegetation, taller than three (3) feet above grade shall be permitted in any district in the triangular area of the lot measured as a set distance from the center of the intersection of a driveway and a street or from the center of the intersection of two (2) or more streets. This area shall be referred to as a clear sight triangle and shall be determined as follows:
 1. In the case of an arterial or collector street intersecting with another arterial or collector street, the clear sight triangle shall be sixty (60) feet from the center of the intersection of the two (2) streets.
 2. In the case of the intersection of any two (2) other street types or between a street and a driveway, the clear sight triangle shall be thirty (30) feet from the center of the intersection of the two (2) streets or between the street and the driveway.

**EXAMPLE DIAGRAM ONLY –
REFERENCES DO NOT MATCH TEXT**



Article 6. Sign Standards

15-6-01. Intent, Purpose, and Applicability	1
15-6-02. Limit on Sign Area	1
15-6-03. Sign Measurement	2
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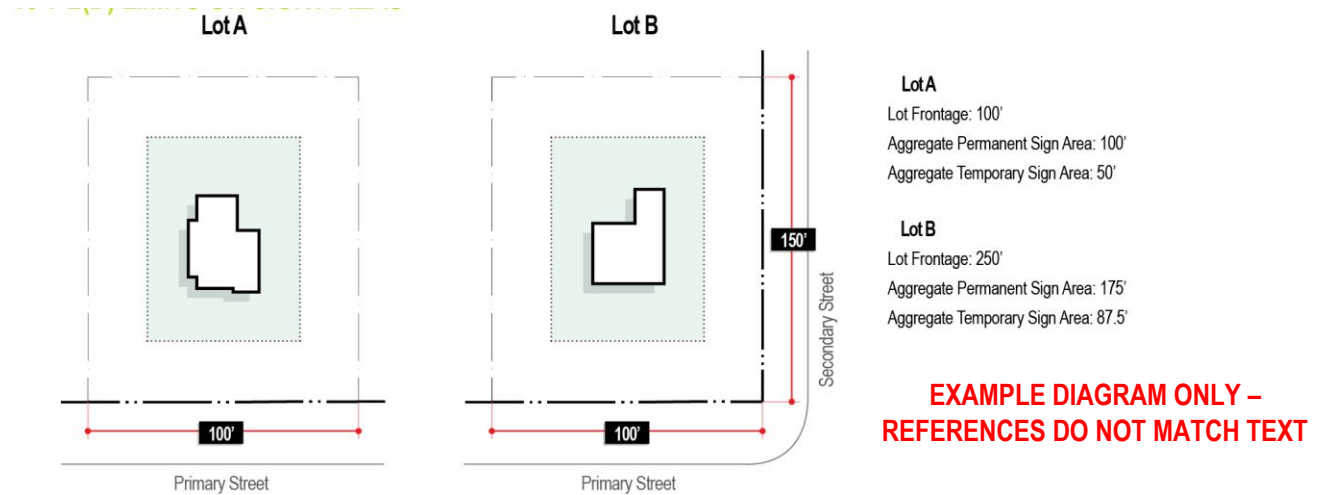
15-6-01. Intent, Purpose, and Applicability

- A. **Purpose and Intent.** The purpose of this Article is to preserve and protect the public health, safety, and welfare by regulating signs of all types. It is intended to:
1. Enhance the physical appearance of the City,
 2. Make Franklin a more enjoyable and pleasing community and create an attractive economic and business climate,
 3. Reduce sign distractions which may increase traffic accidents,
 4. Eliminate hazards caused by unsafe signs,
 5. Relieve pedestrian and traffic congestion, and
 6. Avoid the canceling out effect of adjacent signs.
- B. **Applicability.** Except as otherwise regulated herein, the regulations of this Article shall govern all outdoor signs, advertising structures or devices with respect to location, safety, size, construction, erection, attachment, support, anchorage and maintenance.

15-6-02. Limit on Sign Area

- A. **Permanent Sign Area Limit.** Each lot shall be allowed aggregate permanent sign area equal to two (2) square feet of sign area per linear foot of lot frontage.
- B. **Temporary Sign Area Limit.** Each lot shall be allowed aggregate temporary sign area equal to one (1) square foot of sign area per linear foot of lot frontage.
- C. **Premises Having Frontage on More Than One Dedicated Street.** Premises having frontage on more than one (1) dedicated street will be allowed an additional one (1) square foot of aggregate sign area for each lineal foot of the secondary lot frontage; however additional sign area shall only be displayed on the secondary frontage.

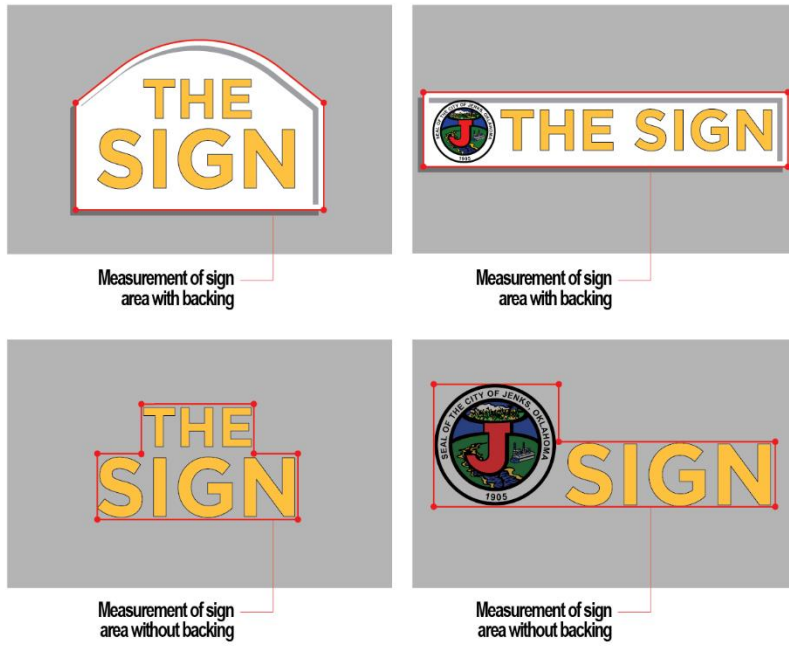
- D. **Irregularly Shaped Lots.** Irregularly shaped lots with minimal lot frontage, relative to more typically shaped lots in the district, may petition for additional aggregate sign area through the Comprehensive Sign Plan process as detailed in **Section ###-##-###**.



15-6-03. Sign Measurement

- A. **Sign Height.** Sign height shall be measured by the total distance between the highest point on the sign to the average elevation of the ground upon which the sign supports are placed, except when:
1. The sign supports rest upon a berm or other area elevated above the surrounding ground, or
 2. The sign supports rest upon a ditch or other area lower than the surrounding ground.
- B. In the cases detailed in **Section ###-##-###** above, the elevation of the centerline of the adjacent roadway shall be considered as the ground level.
- C. **Sign Area.**
1. Unless otherwise defined, sign area is determined by the total area enclosed by a continuous perimeter along the edges of a sign, including any frame or border.
 2. The area of a sign composed of individually-affixed letters is determined by the total area of the smallest geometric shape enclosing the copy.
 3. A maximum of two (2) geometric shapes may be utilized in sign area calculation.

4. The calculation for a double-faced sign shall be the area of one (1) face only.



**EXAMPLE DIAGRAM ONLY –
REFERENCES DO NOT MATCH TEXT**

15-6-04. Permitted and Allowed Sign Types by District

- A. The following key is to be used in the interpretation of **Table ##-##-## Permitted and Allowed Sign Types by Residential District** and **Table ##-##-## Permitted and Allowed Sign Types by Nonresidential and Mixed-Use Districts**.
1. **Sign Types Requiring a Permit.** Sign types marked as “●” in the tables shall be permitted subject to all applicable regulations of this Ordinance and only after the issuance of a Sign Permit as detailed in **Section ##-##-##**.
 2. **Sign Types not Requiring a Permit.** Sign types marked as “○” in the tables shall be allowed subject to all applicable regulations of this UDO without the issuance of a Sign Permit.
 3. **Prohibited Sign Types.** A blank space in the table indicates that a sign type is prohibited in the respective district.
 4. **Interpretation of Similar Sign Type.** If a proposed sign is not listed in the table, the **Zoning Administrator** shall determine if the sign is substantially similar to a sign listed in the table. If it is, the standards applied to the proposed sign shall be the standards applicable to the similar sign. If not, the sign shall be regarded as prohibited.
- B. **Permitted and Allowed Sign Types by Residential District.**

Table 15-6-04(B): Permitted and Allowed Sign Types by Residential District					
Sign Type	District				
	R-C	R-SE	R-SR	R-M	R-V
<i>Permanent Signs</i>					
Wall Sign					
Single-Tenant Monument Sign	●(1)	●(1)	●(1)	●(1)(2)	
Multi-Tenant Monument Sign					
Awning/Canopy Sign					
Projecting Sign					
Window Sign, Permanent					
On-Site Traffic Directional Sign				○(2)	
<i>Temporary Signs</i>					
Wall Mounted Banner Sign					
Ground Mounted Banner Sign					
Window Sign, Temporary					
A-Frame/Sandwich Board Sign					
Post Sign	○	○	○	○	○
Yard Sign	○	○	○	○	○
<i>Notes:</i>					
(1) Sign shall be permitted at entryways or gateways to subdivisions or neighborhoods only.					
(2) Sign shall be permitted for multifamily developments only.					

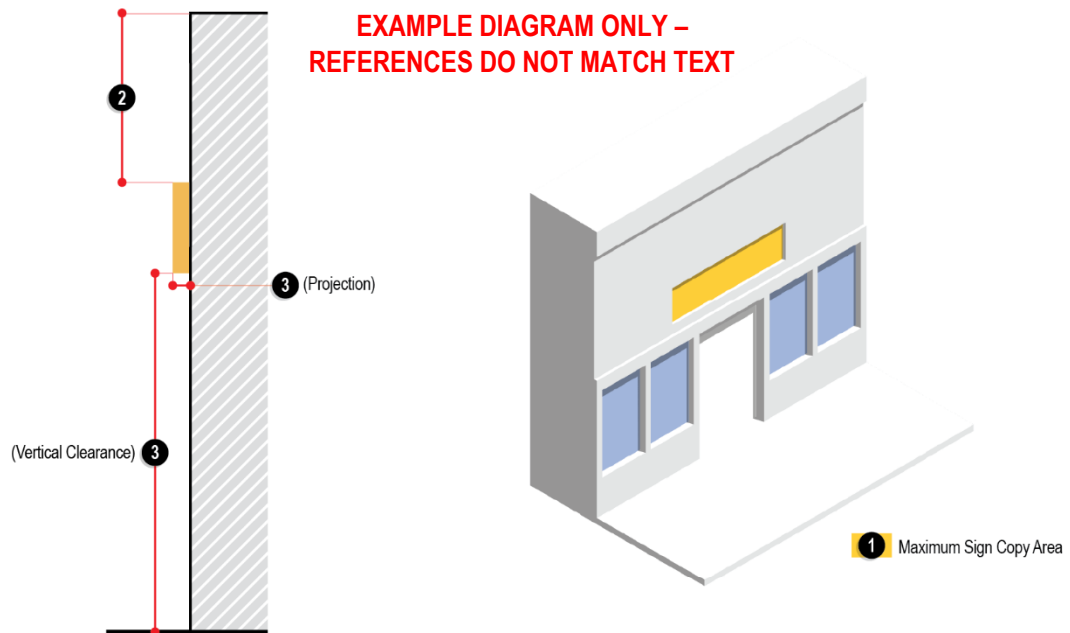
C. Permitted and Allowed Sign Types by Nonresidential and Mixed-Use District.

Table 15-6-04(C): Permitted and Allowed Sign Types by Nontresidential and Mixed-Use District													
Sign Type	District												
	B-N	B-G	B-R	B-MU	B-SM	B-P	LI	A	A-P	I	P	L	FW
<i>Permanent Signs</i>													
Wall Sign	●	●	●	●	●	●	●	●	●	●	●		●
Single-Tenant Monument Sign	●	●	●	●		●	●	●	●	●	●	●	●
Multi-Tenant Monument Sign	●	●	●	●		●	●			●	●	●	●
Awning/Canopy Sign	●	●	●	●	●	●	●	●	●	●	●		●
Projecting Sign	●	●	●	●	●								
Window Sign, Permanent	●	●	●	●	●								●
On-Site Traffic Directional Sign	○	○	○	○	○	○	○	○	○	○	○	○	○
<i>Temporary Signs</i>													
Wall Mounted Banner Sign	●	●	●	●	●	●	●	●	●	●	●	●	●
Ground Mounted Banner Sign	●	●	●	●	●	●	●	●	●	●	●	●	●
Window Sign, Temporary	●	●	●	●	●	●	●			●	●	●	●
A-Frame/Sandwich Board Sign	○	○	○	○	○	○	○			○	○		●
Post Sign								○	○	○	○		
Yard Sign								○	○	○	○		

15-6-05. Standards For Permanent Signs

A. Wall Signs.

1. **Sign Area.** The maximum sign area of wall signs shall be ten (10) percent of the total area of the face of the wall to which the sign is to be affixed.
2. **Sign Height.** No wall sign shall protrude above the sill of a second-story window or windows of the building or structure to which such sign is to be attached.
3. **Projection.**
 - a. No part of any wall sign, except lighting reflectors, shall extend more than twelve (12) inches from the face of the wall to which such sign is attached.
 - b. No wall sign shall be erected or maintained to extend beyond the end of the wall facing a street to which such sign is attached.



4. Number of Signs.

a. Primary Wall Signs.

- I. Single tenant buildings shall be permitted a total of three (3) primary wall signs; however only one (1) wall sign shall be displayed on any single building façade.
- II. Multi-tenant buildings shall be permitted one (1) primary wall sign per unit.

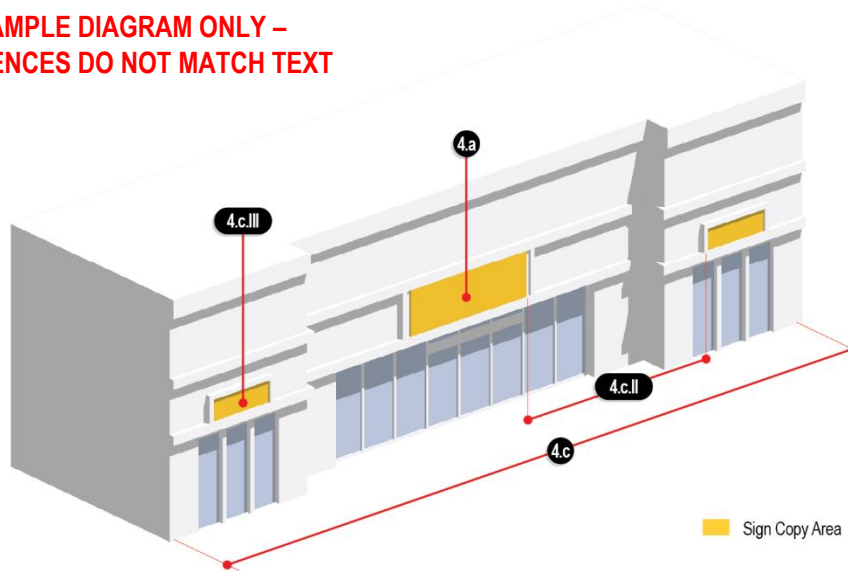
b. Secondary Wall Signs.

A maximum of two (2) secondary wall signs may be authorized for buildings with lineal frontage in excess of seventy-five (75) feet by the Zoning Administrator provided such additional signage is:

- I. In keeping with the overall design and architecture of the building,
- II. A minimum of twenty (20) feet from the primary wall sign and other secondary wall signs,

- III. A maximum of fifty (50) percent of the size of the primary wall sign,
- IV. Less visually prominent on the site than the building's primary wall sign, and
- V. The total area of all primary and secondary wall signs does not exceed the maximum wall sign area as established in **Section ##-#-##**.

**EXAMPLE DIAGRAM ONLY –
REFERENCES DO NOT MATCH TEXT**



5. Sign Copy.

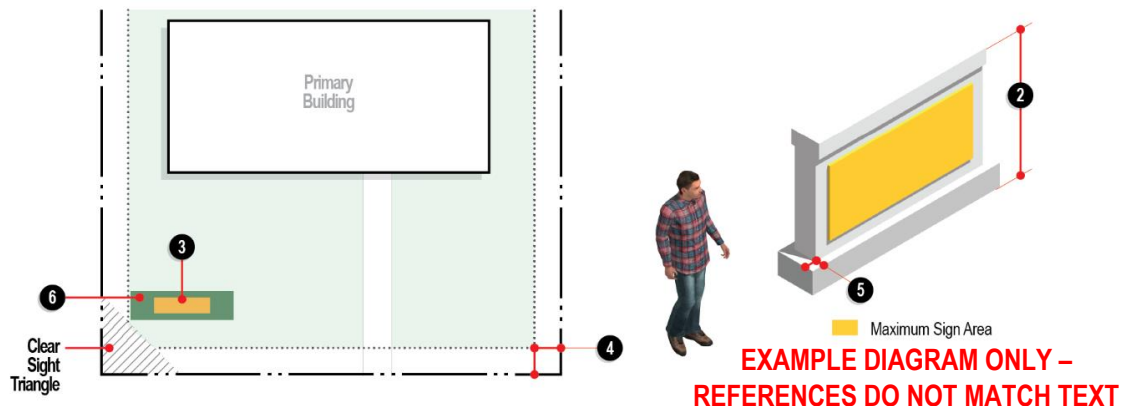
- a. If the sign copy is individually affixed letters, the Zoning Administrator may approve an increase in sign area up to an additional five (5) percent of the total area of the face of the wall to which the sign is to be affixed.
- b. Box/cabinet wall signs shall be prohibited.

6. Other Provisions.

- a. No wall sign shall cover any architectural features (architectural features shall include but not be limited to, pediment, cornice, belt course, pier, windows, pilaster, roof, decorative stone or inlay, kick plate/bulkhead, raised or colored brick pattern, and corbel) of the building to which it is affixed.
- b. No wall sign shall be affixed to HVAC screening, elevator overrun, or other structures protruding from the roof of the principal building, excluding architectural features that are an integral part of the principal building.

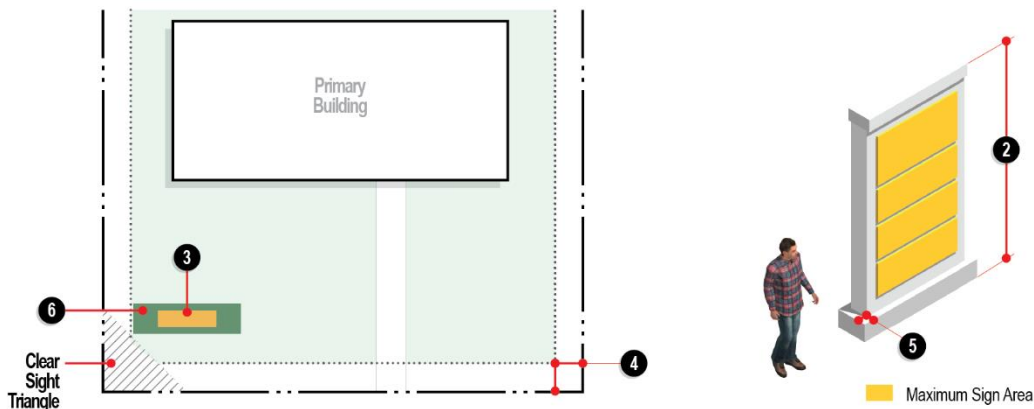
B. Single-Tenant Monument Signs.

1. **Sign Area.** The maximum sign area of a single-tenant monument sign shall be one-hundred-twenty (120) square feet.
2. **Sign Height.** The maximum sign height of a single-tenant monument sign shall be fourteen (14) feet.
3. **Number of Signs.** A maximum of one (1) single-tenant monument sign shall be permitted per lot frontage except with approval from the Plan Commission.
4. **Location.**
 - a. A single-tenant monument signs shall not be closer than five-hundred (500) feet to another single-tenant or multi-tenant monument sign, except where necessary to ensure that each business may have one (1) monument sign.
 - b. No part of any single-tenant monument sign may be closer than fourteen (14) feet to a lot line.
5. **Sign Base.**
 - a. The base of a single-tenant monument sign, including all structural components, shall extend horizontally from the sign face a minimum of ten (10) percent and a maximum of twenty-five (25) percent of the width of the sign face.
 - b. The base of single-tenant monument signs shall be constructed from masonry, stone, or similar high-quality materials in keeping with the materials and design of the principal building of the lot.
6. **Landscape Requirement.**
 - a. All single-tenant monument signs shall be required to plant and maintain a landscape area at the base of the sign.
 - b. The minimum area of the landscape area shall be equal to half of the square footage of the sign area of the associated sign.
 - c. Landscape areas shall be planted with one (1) shrub or native grass per every three (3) square feet of required landscape area.
7. **Other Provisions.**
 - a. The address of the building(s) to which the single-tenant monument sign is associated shall be displayed on the single-tenant monument sign but shall not count towards maximum sign area.
 - b. The color scheme of a single-tenant monument sign must be consistent with the color scheme of the principal building unless an alternate color scheme is required by an approved comprehensive sign plan.
 - c. All signs shall be designed to comply with the applicable provisions of the Wisconsin Commercial Building Code.



C. **Multi-Tenant Monument Signs.**

1. **Sign Area.** The maximum sign area of a multi-tenant monument sign shall be one-hundred-twenty (120) square feet.
2. **Sign Height.** The maximum sign height of a multi-tenant monument sign shall be sixteen (16) feet.
3. **Number of Signs.** Number of Signs. A maximum of one (1) single-tenant monument sign shall be permitted per lot frontage except with approval from the Plan Commission.
4. **Location.**
 - a. A multi-tenant monument sign shall not be closer than five hundred (500) feet to another single-tenant or multi-tenant monument sign, where necessary to ensure that each business may have one (1) monument sign.
 - b. No part of any multi-tenant monument sign may be closer than sixteen (16) feet to a lot line.
5. **Sign Base.**
 - a. The base of a multi-tenant monument sign, including all structural components, shall extend horizontally from the sign face a minimum of ten (10) percent and a maximum of twenty-five (25) percent of the width of the sign face.
 - b. The base of multi-tenant monument signs shall be constructed from masonry, stone, or similar high-quality materials in keeping with the materials and design of the principal building of the lot.
6. **Landscape Requirement.**
 - a. All multi-tenant monument signs shall be required to plant and maintain a landscape area at the base of the sign.
 - b. The minimum area of the landscape area shall be equal to half of the square footage of the sign area of the associated sign.
 - c. Landscape areas shall be planted with one (1) shrub or native grass per every three (3) square feet of required landscape area.
7. **Other Provisions.**
 - a. The address of the building(s) to which the multi-tenant monument sign is associated shall be displayed on the multi-tenant monument sign but shall not count towards maximum sign area.
 - b. The color scheme of a multi-tenant monument sign must be consistent with the color scheme of the principal building unless an alternate color scheme is required by an approved comprehensive sign plan.



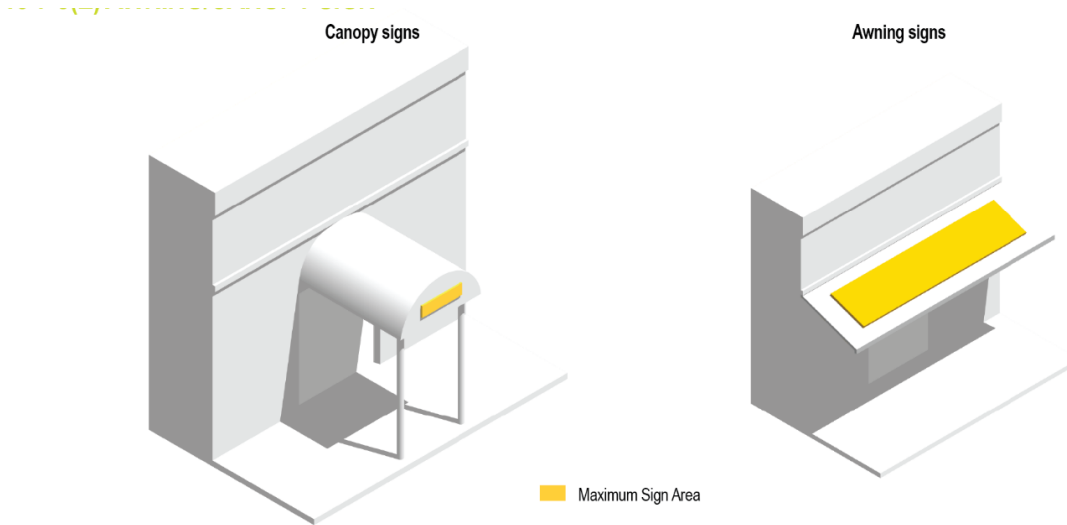
**EXAMPLE DIAGRAM ONLY –
REFERENCES DO NOT MATCH TEXT**

D. **Awning/Canopy Signs.**

1. **Sign Area.**

- a. The maximum sign area of awning/canopy signs shall be forty (40) percent of the face of the awning/canopy upon which the sign shall be printed or affixed.
- b. The area of the awning/canopy sign shall count towards the maximum amount of sign area permitted for wall signs as detailed in **Section ##-#-##**.

2. **Other Provisions.** Awning/canopy signs shall only be permitted on awnings/canopies extending above ground floor entrances or windows.



**EXAMPLE DIAGRAM ONLY –
REFERENCES DO NOT MATCH TEXT**

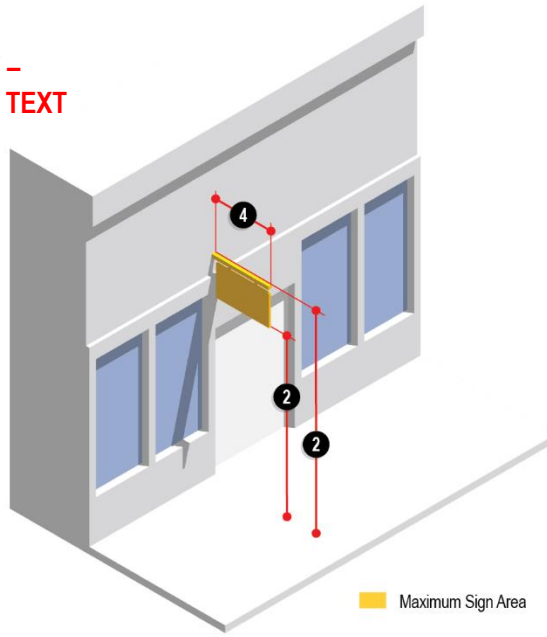
E. **Projecting Signs.**

- 1. **Sign Area.** The maximum permitted sign area of projecting signs shall be four (4) square feet.
- 2. **Sign Height.**
 - a. Projecting signs shall not extend above the roofline of the building to which it is attached, or a maximum of twelve (12) feet, whichever is less.
 - b. Projecting signs shall maintain a minimum vertical clearance of ten (10) feet.
- 3. **Number of Signs.**
 - a. A maximum of one (1) projecting sign shall be permitted per ground floor tenant space.
 - b. A projecting sign shall not be displayed on the same building frontage as an awning/canopy sign.
- 4. **Projection.**
 - a. Projecting signs shall horizontally project a maximum of four (4) feet from the building to which it is attached.
 - b. Projecting signs erected over marquees shall be set back not less than two (2) feet from the outer edge of such marquee.
 - c. No projecting sign shall at the lowest point be less than ten (10) feet above the established grade immediately below

5. **Other Provisions.**

- a. Projecting signs shall not be internally illuminated.
- b. Projecting signs may encroach upon, extend, or project over a public right-of-way or easement. The property owner may be required to provide a release or hold harmless to the City prior to issuing permits for any such signs.

**EXAMPLE DIAGRAM ONLY –
REFERENCES DO NOT MATCH TEXT**

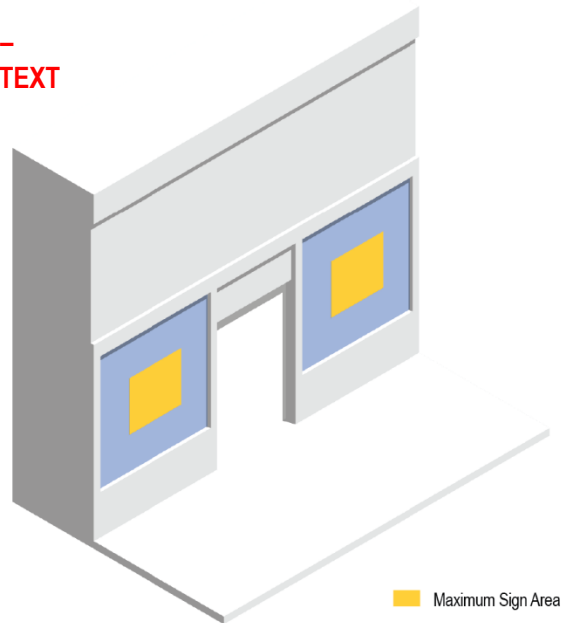


F. **Window Signs, Permanent.**

1. **Sign Area.**

- a. The maximum permitted aggregate sign area of a permanent window sign shall be twenty-five (25) percent of the square footage of the individual window on which the sign shall be located.
- b. The aggregate area of the permanent window sign(s) shall count towards the maximum amount of sign area permitted for wall signs as detailed in [Section ###-#-###](#).

**EXAMPLE DIAGRAM ONLY –
REFERENCES DO NOT MATCH TEXT**



G. **On-Site Traffic Directional Signs.**

1. **Sign Area.**

- a. The maximum sign area of an on-site traffic directional sign shall be four (4) square feet.
- b. Permitted on-site traffic directional sign area shall not count towards the maximum allowed aggregate sign area as detailed in **Section #-#-##**.

2. **Sign Height.** The maximum height of an on-site traffic directional sign shall be four (4) feet.

3. **Number of Signs.** The permitted number of on-site traffic directional signs shall be determined by the Zoning Administrator or their designee as necessary to assist in the safe movement of vehicular, bicycle, and pedestrian traffic on a property and between properties with vehicular cross access.

**EXAMPLE DIAGRAM ONLY –
REFERENCES DO NOT MATCH TEXT**



1 Maximum Sign Area

15-6-06. Standards For Temporary Signs

A. General Standards Temporary Signs.

1. Temporary Signs Requiring a Permit.

- a. **Single-Tenant Building.** A maximum of two (2) permitted temporary signs, as permitted per district in **Table #-#-##**, may be displayed concurrently on a lot with a single-tenant building.
- b. **Multi-Tenant Building.**
 - I. A maximum of one (1) permitted temporary sign, as permitted per district in **Table #-#-##**, may be displayed per unit on a lot with a multi-tenant building concurrently.
 - II. In no instance shall more than two (2) freestanding temporary signs be displayed concurrently.

2. Display Period.

- a. The permitted display period of a permitted temporary shall be a maximum of thirty (30) days.
- b. A total of three (3) nonconcurrent display periods shall be permitted per single-tenant building or unit of a multi-tenant building per calendar year.
- c. Display periods shall be separated by a minimum of thirty (30) days.

3. Temporary Freestanding Signs.

Temporary freestanding signs shall include ground mounted banner, feather, post, and yard signs.

- a. Temporary freestanding signs shall be securely anchored into the ground or secured in a portable base designed for such function.
- b. Temporary freestanding signs shall be maintained in good condition and shall not sag, lie on the ground, be torn, or otherwise kept in a disorderly state.

B. Wall Mounted Banner Sign.

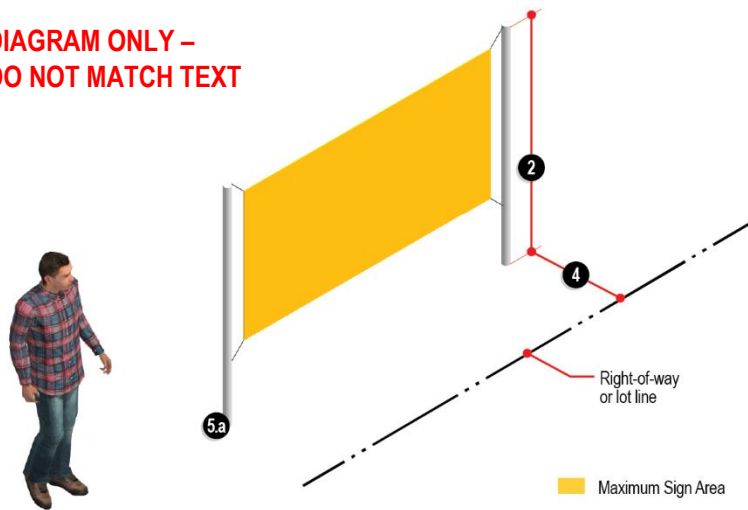
1. **Sign Area.** The maximum area of a wall mounted banner sign shall be five (5) percent of the total area of the face of the wall to which the sign is to be affixed.
2. **Sign Height.** No wall mounted banner sign shall protrude above the highest roofline or the top of the parapet wall or mansard roof.
3. **Location.** Wall mounted banner signs shall be affixed to a building only.
4. **Projection.** Wall mounted banner signs shall be affixed flat against the building to which they are mounted.



C. Ground Mounted Banner Sign.

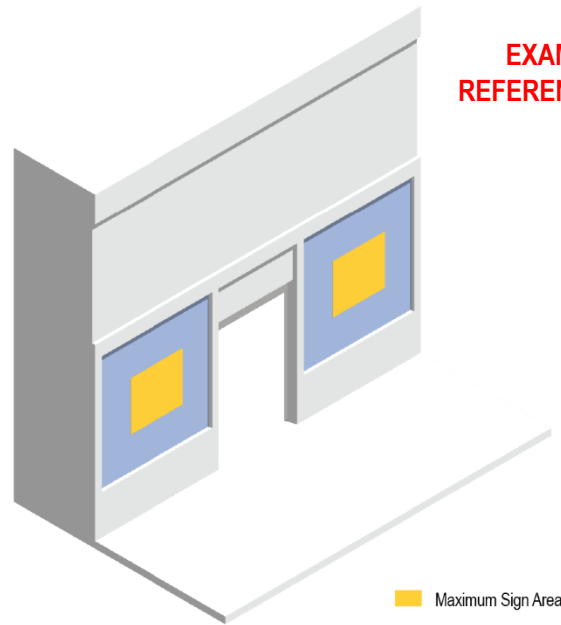
1. **Sign Area.** The maximum sign area of a ground mounted banner sign shall be twenty (20) square feet.
2. **Sign Height.** The maximum sign height of a ground mounted banner sign shall be five (5) feet.

EXAMPLE DIAGRAM ONLY – REFERENCES DO NOT MATCH TEXT



D. **Window Signs, Temporary.**

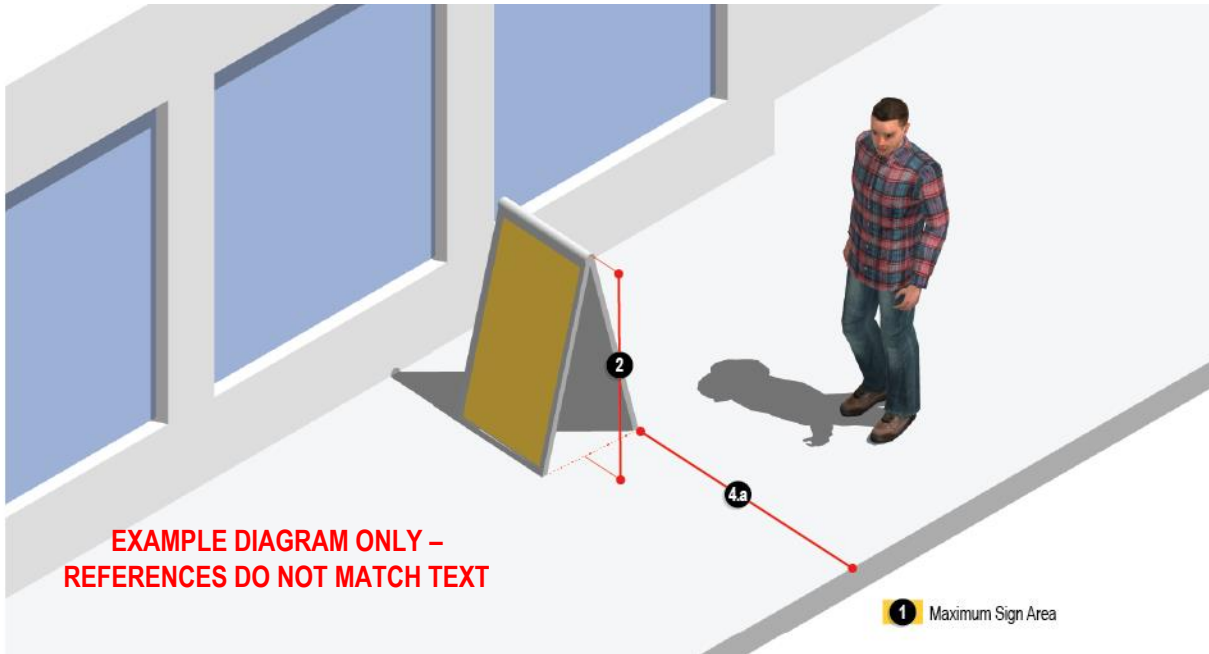
1. **Sign Area.** The aggregate maximum sign area of a temporary window sign shall be twenty-five (25) percent of the individual window on the sign shall be affixed.



E. **A-Frame/Sandwich Board Signs.**

1. **Sign Area.** The maximum sign area of an a-frame/sandwich board sign shall be six (6) square feet.
2. **Sign Height.** The maximum sign height of an a-frame/sandwich board sign shall be four (4) feet.
3. **Number of Signs.** One (1) a-frame/sandwich board sign shall be permitted per single-tenant building or unit of a multi-tenant building.
4. **Sign Separation.** Each a-frame/sandwich board sign shall be separated from another a-frame/sandwich board sign by at least twenty-five (25) feet.
5. **Location.**
 - a. A-frame/sandwich board signs shall be placed in a manner to preserve a continuous sidewalk width of a minimum of five (5) feet.
 - b. No part of any a-frame/sandwich board sign shall block points of ingress or egress.
 - c. A-frame/sandwich board signs shall be placed no more than one (1) foot from the wall of the building or unit of a building to which the sign is associated.
 - d. A-frame/sandwich board signs shall be placed no less than three (3) feet and no more than six (6) feet from the building entrance of the building or unit of a building to which the sign is associated.

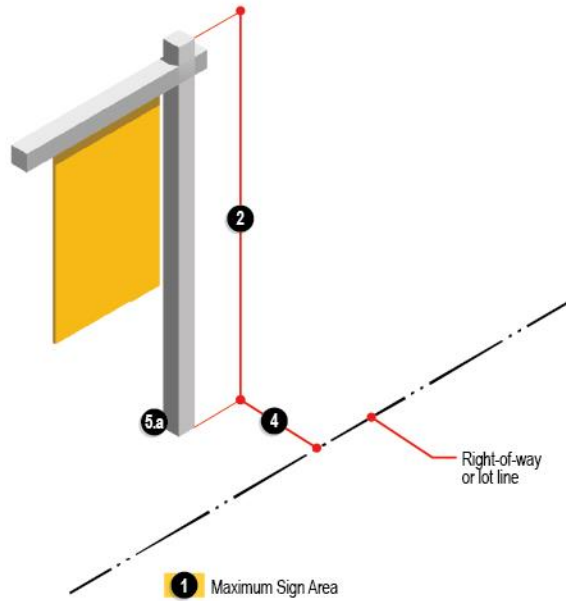
- Other Provisions.** The display of a-frame/sandwich board signs shall only be permitted during the operating hours of the use to which the sign is associated.



F. Post Signs.

1. **Sign Area.** The maximum sign area of a post sign shall be six (6) square feet.
2. **Sign Height.** The maximum sign height of a post sign shall be six (6) feet.
3. **Number of Signs.** A maximum of one (1) post sign shall be allowed per lot frontage.

EXAMPLE DIAGRAM ONLY –
REFERENCES DO NOT MATCH TEXT

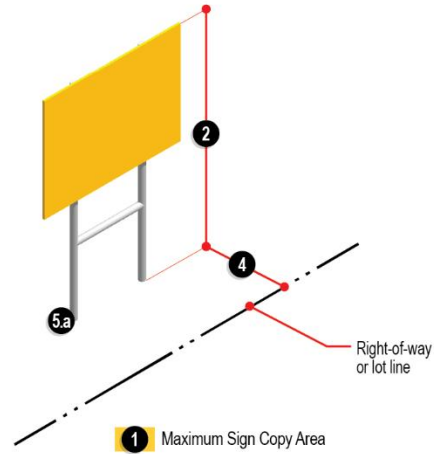


G. Yard Signs.

1. **Sign Area.** The maximum sign area of a yard sign shall be four (4) square feet.
2. **Sign Height.** The maximum sign height of a yard sign shall be three (3) feet.
3. **Number of Signs.** A maximum of two (2) yard signs may be displayed concurrently with the exception of thirty (30) days before and fifteen (15) days after a local, state, or federal election in which case a maximum of six (6) yard signs may be displayed.
4. **Other Provisions.** Yard signs in residential districts displayed for a period of forty-eight (48) hours or less shall be exempt from the requirements of this Section.



**EXAMPLE DIAGRAM ONLY –
REFERENCES DO NOT MATCH TEXT**



15-6-07. General Sign Standards

- A. **Location of Freestanding Signs.** Free standing signs shall include single-tenant monument signs, multi-tenant monument signs, on-site traffic directional signs, ground mounted banner signs, feather signs, post signs, and yard signs.
1. Be located a minimum of five (5) feet from all property lines, rights-of-way, and utility easements;
 2. Not block points of ingress or egress;
 3. Not be placed in any sidewalk or pedestrian circulation system, and
 4. Not be located in a clear sight triangle as detailed in **Section ##-#-##**.
- B. **Illumination.**
1. **Location and Design of Light Source.** Whenever an external artificial light source is used for a sign, such source shall be located, shielded, and directed so as not to be directly visible from any public right-of-way or residential property. No receptacle or device housing a permitted light source for a sign shall protrude more than twelve (12) inches from the face of the sign or building to which it is attached except if such light source is ground mounted, locked in place, and cannot be redirected.
 2. **Level of Illumination.** In no event shall the illumination of any sign, resulting from any internal or external artificial light source, exceed the outdoor lighting standards established in **Section ##-#-##**. All artificial illumination shall be so designed, located, shielded, and directed as to prevent the casting of glare or direct light upon adjacent property or streets.
- C. **Wind Pressure, Allowable Stresses and Materials.**
1. All signs shall be constructed, erected, and maintained to safely withstand a wind pressure of at least thirty (30) pounds per square foot.
 2. The allowable stresses in chains, wire ropes, and steel guy rods and their fastenings shall not exceed one-quarter (1/4) of their ultimate strength.
 3. All ferrous chains, wire ropes, guy rods and their fastenings and anchor bolts shall be galvanized or be of other approved equivalent protection. All other ferrous parts of signs subject to corrosion shall be protected and maintained free from corrosion by approved corrosion-resistant coating.
- D. **Identification.** All signs hereafter erected shall bear the manufacturer's name, and the name trademark or other approval mark or symbol of the person erecting such sign.
- E. **Combustible Materials.** All signs shall be constructed of noncombustible materials, provided however, that the letters, decorations, and facings may be made of combustible plastics approved by the Zoning Administrator and Director of Inspection Services.
- F. **Electronic Message Boards.** Single-tenant and multi-tenant monument signs may incorporate electronic message boards in accordance with the following:
1. One-third (1/3) of the sign area must be permanent copy.
 2. The area of the sign devoted to an electronic message board shall be part of, not in addition to, the maximum sign area allowed.
 3. The electronic message format shall conform to the following requirements:
 - a. The message will contain a static message or image only and not have movement, or the appearance of movement, during the static display period.

- b. The transition to change from one message or image to another shall be instant and not dissolve, fade, scroll, travel, or have similar transitions.
- c. The message shall not change more frequently than once every ten (10) seconds.
4. Electronic message boards must be equipped with a default mechanism that will stop the messaging or freeze the image in one position when a malfunction in electronic programming occurs.
5. Electronic message boards shall be equipped with a sensor or other device that automatically determines the ambient illumination and is programmed to automatically dim according to light conditions.
6. Illumination of electronic message signs shall not exceed 0.3 foot-candles over the ambient lighting conditions when measured at a distance equal to the square footage of the sign area.
7. Applications shall be reviewed by the Zoning Administrator to determine that the sign placement does not interfere with traffic control devices within three hundred (300) feet of the sign or traffic circulation upon roadways. If deemed necessary by the Zoning Administrator a report from a traffic engineer certifying that the proposed sign does not interfere with the design characteristics of the traffic circulation and traffic control devices may be required.

15-6-08. Prohibited Signs and Content

- A. The following signs are specifically prohibited:
 1. Billboards;
 2. Off-premises signs;
 3. Pole/pylon signs;
 4. Flashing signs;
 5. Roof signs;
 6. Marquee signs;
 7. Feather signs;
 8. Signs attached to a utility pole, a tree, a fence, a standpipe, gutter, drain or fire escape;
 9. Signs erected so as to impair access to a roof;
 10. Signs located, erected or maintained upon, over or project into any public right-of-way or easement unless otherwise allowing by this Article;
 11. Pennants, streamers, and portable signs not specifically permitted or allowed by this Article;
 12. Signs, not specifically permitted or allowed by this Article, which move or have moving parts, which movement is caused either by the wind or mechanically;
 13. Signs in conflict with traffic signals, vehicular or pedestrian travel, access to fire hydrants and fire lanes and exits, and other signs which reasonably impede or impair the public health, safety and welfare;
 14. Signs on vehicles, boats, or trailers parked so as to be visible from a public right-of-way;
 15. Attention getting devices;
 16. Signs hung across any street or alley;

17. Signs employing exposed neon lights not completely covered by other acceptable sign materials;
18. Signs painted on or otherwise affixed to fences;

B. Prohibited Content.

1. The following content is prohibited without reference to the viewpoint of the individual speaker:
 - a. Text or graphics of an indecent or immoral nature and harmful to minors,
 - b. Text or graphics that advertise unlawful activity,
 - c. Text or graphics that are obscene, fighting words, defamation, incitement to imminent lawless action, or true threats, or
 - d. Text or graphics that present a clear and present danger due to their potential confusion with traffic control signs or signs that provide public safety information (for example, signs that use the words "Stop," "Yield," "Caution," or "Danger," or comparable words, phrases, symbols, or characters in such a manner as to imply a safety hazard that does not exist).
2. The narrow classifications of content that are prohibited by this subsection are either not protected by the United States or Wisconsin Constitutions or are offered limited protection that is outweighed by the substantial governmental interests in protecting the public safety and welfare. It is the intent of the Common Council that each paragraph of this Subsection be individually severable in the event that a court of competent jurisdiction were to hold one or more of them to be inconsistent with the United States or Wisconsin Constitutions.

15-6-09. Safety, Maintenance, and Abandonment

- A. Every sign and all parts thereof, including base, copy, framework, supports, anchors, and wiring systems shall:
 1. Be constructed and maintained in compliance with the applicable codes of the City.
 2. Be kept in proper repair.
 3. When not galvanized or constructed of approved corrosion resistive, noncombustible materials, be painted, when necessary, to prevent corrosion, rust, peeling paint, and excessive fading.
- B. Failure of owners to keep signs maintained in good mechanical and visual repair shall be deemed a violation of this Ordinance and shall be subject to a penalty as provided in **Section ##-#-##**.
- C. It shall be the duty and responsibility of the owner of every sign to maintain the immediate premises occupied by the sign in a clean condition, free of rubbish. Any landscaping surrounding the sign shall be kept trimmed and in good repair. If the landscaping installed at the time of sign approval dies, said landscaping shall be replaced immediately or as soon as weather permits.
- D. Every existing sign shall be subject to an inspection whenever the Zoning Administrator deems it necessary. In the event an inspection demonstrates that repairs, and/or maintenance is necessary, the sign owner shall be notified and required to complete said repairs and/or maintenance within thirty (30) days of notification. The Zoning Administrator is authorized to grant one (1) thirty (30) day extension, if, upon written request, it is deemed necessary due to extenuating circumstances.
- E. If the Zoning Administrator shall find that any sign is unsafe or unsecure, or is a threat to the public safety, or was, after the adoption of this UDO constructed, erected, or maintained in violation of the provisions of this UDO, they shall give written notice to the sign owner. Such notice shall specify the manner in which the sign is unsafe or in violation of this UDO.
- F. Sign copy shall be removed and in the case of a wall sign, the building façade shall be repaired, by the sign owner when the use which the sign is associated is no longer conducted on the premises. The sign copy shall be removed within thirty (30)

days of when the use ceases to operate. If the owner fails to remove the sign copy, the Zoning Administrator or their designee shall give the owner thirty (30) days written notice to remove it. Failure to comply with the notice shall be deemed a violation of this UDO.

15-6-10. Comprehensive Sign Plan

- A. **Intent.** The intent of the comprehensive sign plan is to provide an alternative procedure under which signs can be designed, constructed, and erected with innovation, imagination, and creative architecture. The objective of the comprehensive sign plan is to encourage a higher level of design and amenity than is possible to achieve under otherwise applicable sign regulations.
- B. **Applicability.** Any building or development may elect to submit a comprehensive sign plan. After the approval of a comprehensive sign plan, no permanent sign shall be erected, placed, or maintained except in conformance with the Comprehensive Sign Plan.
- C. **Conditions.** The Zoning Administrator may attach conditions, requirements, or standards necessary to assure that the signs covered by the Comprehensive Sign Plan will not be materially detrimental to persons or property in the vicinity. In making its determination, the Zoning Administrator shall not base any condition on the content of a sign.
- D. **Evaluation Criteria.**
1. **Placement.** All signs shall be placed where they are visible and legible. Factors to be considered include the location of a sign relative to traffic movement and access points, site features, other structures, and orientation relative to viewing distances and viewing angles. Wall Signs may be approved on building walls other than the wall of a unit of a multi-tenant building in which some units have little or no visibility from the street.
 2. **Quantity.** The number of signs that may be approved within any development shall be sufficient to provide necessary facilitation of internal circulation of vehicular and pedestrian traffic and wayfinding for safety of the occupants of vehicles and pedestrians. Factors to be considered shall be those that impact safety considerations such as the size of the development and the number of development sub-areas.
 3. **Area and Height.** All signs shall comply with the sign area and height requirements established for the sign type as established in [Section 15-6-05](#) and [Section 15-6-05](#).
- E. **Application.** A comprehensive sign plan shall be submitted on a form established by the Zoning Administrator. The application shall contain the following information as well as all other information required by the Zoning Administrator to ensure compliance with the comprehensive sign plan evaluation criteria.
1. Name, address, and telephone number of the applicant.
 2. Location of building, structure, or lot to which or upon which the comprehensive sign plan shall apply.
 3. Name of person, firm, corporation, or association developing the comprehensive sign plan.
 4. Written consent of the owner or lessee of the building, structure, or land to which the proposed comprehensive sign plan is applicable.
 5. Scale drawing of all signs included in the comprehensive sign plan indicating the dimensions, the materials to be used, the type of illumination, if any, and the method of construction and attachment. Said drawings shall be drawn at a scale no smaller than one-eighth (1/8) inch equals one (1) foot and shall be prepared, signed, and sealed by a registered professional engineer when required by the Zoning Administrator.
 6. A scaled drawing indicating the location and position of all signs included in the comprehensive sign plan in relation to nearby buildings or structures. Said drawing shall be at a scale no smaller than one (1) inch equals fifty (50) feet.

- F. **Review and Action.** The Plan Commission shall review the comprehensive sign plan application and approve, approve with conditions, or deny the application based on the evaluation criteria. A written decision including the findings on the evaluation criteria shall be rendered to the applicant.

- G. **Appeals.** Any applicant who receives a notice of denial from the Plan Commission may, within thirty (30) days after receipt of such decision, appeal such decision to the Board of Zoning and Building Appeals by filing a written notice of appeal with the Zoning Administrator with an explanation as to why said decision was not warranted according to the applicant.



Reorganized & Amended Natural Resource Protection Standards

CURRENT SECTIONS of the UDO incorporated into the draft of Article 7

- 15-3.0500 – 3.0502 Calculation of the Area of Natural Resources to Be Protected
- 15-4.0101 Natural Resource Protection Standards
- 15-4.0102 Natural Resource Features Determination
- 15-4.0103 Natural Resource Features Mitigation & Mitigation Calculation Worksheet
- 15-7.0201 Natural Resource Protection Plan Requirements
- 15-7.0506 Natural Resource Protection Plan Required
- 15-9.0100 Applications for a Special Exception to stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback provisions, and for improvements or enhancements to a natural resource feature
- 15-10.0208 Special Exceptions to Stream, Shore Buffer, Navigable Water-Related, Wetland, Wetland Buffer and Wetland Setback Provisions, and Improvements or Enhancements to a Natural Resource Feature

ADDITIONAL GUIDANCE and STANDARDS:

NEW Stand Alone Shoreland Wetland Ordinance

NEW City of Franklin Natural Resource Mitigation Guidance (including mitigation worksheet)

'RELOCATED' City of Franklin Site Intensity Calculation Worksheet (will be within UDO)

In the draft, items that refer to sections of the UDO are shown in **[bracket highlight]**. Final references will be inserted once the full UDO draft has been reviewed by the City.



Article 7. Natural Resource Protection Standards

15-07.01 Natural Resource Protection Standards Established

A) Establishment

The Natural Resource Protection Standards set forth in this Article, and requirements for preparation and approval of a Natural Resource Protection Plan, are established herein. Guidance documents including but not limited to application forms and checklists are incorporated into this Article 7 by reference.

B) Purpose and Intent

- 1) **Protection of Natural Resource Features.** It is the purpose of this Article to ensure the protection and enhancement of specific **Natural Resource Features**, as defined in this Ordinance, within the City of Franklin as the City develops. This Article further recognizes that landforms, parcel size and shape, and natural resource features vary from site to site and that development regulations must take into account these variations.
- 2) **Natural Resource Protection Plan.** It is the further purpose of this Article to set forth requirements and standards for preparation of a Natural Resource Protection Plan by any applicant for development on a parcel within the City of Franklin containing **Natural Resource Features**, as defined herein.
- 3) **Surface Water Protection Standards.** It is the further purpose of this Article to provide for the protection and improvement of surface waters and wetlands in the City of Franklin. It is the intent of this Article to lead to the protection, establishment and maintenance of natural areas, topography and vegetation along the City's surface waters in order to reduce hazards from flooding, prevent erosion, and maintain the natural functions of surface waters and wetlands. It is the further intent of these standards to limit the extent of land disturbance and creation of new impervious surfaces within or adjacent to surface waters and wetlands, and to minimize, as feasible, the impact of existing culverts, driveways and roads, drainage features, and impervious surfaces thereon.
- 4) **Mitigation.** The City of Franklin recognizes that, under certain circumstances, the orderly development of the City and the provision of essential services may necessitate limited impacts on protected Natural Resource Features as defined in this Ordinance. The intent of this Article is not to provide for or allow mitigation under all circumstances, but rather to set specific standards to be applied only under certain circumstances when the extent of or the nature of the Natural Resource Features on a site, when balanced against the benefit of the proposed development to the



community, considering practicable alternatives available for the development, render strict application of these standards impractical or counter-productive, to allow for mitigation approach, so that the functions and values of Natural Resource Features in the City will be preserved or enhanced.

C) Applicability

Except as specifically provided in this Subsection, all development in the City of Franklin occurring on a parcel or parcels where Natural Resource Features are present shall comply with the standards set forth in this Article.

- 1) **Disturbance of Protected Areas Prohibited.** Except where provided in this Article, any area containing Natural Resource Features required to be protected under this Article (hereinafter a “Protected Area”) shall remain undisturbed and in a natural state except where impact, modification, or mitigation is specifically allowed or approved.
- 2) **Tree and vegetation cutting, clearing, and removal.**
 - (a) The clearing, cutting, or removal of trees or vegetation within a Protected Area as defined in this Article is subject to these natural resource protection standards and to the City’s [TREE STANDARDS REF]. Application for cutting, clearing, or removal of vegetation and trees in an area of protected features shall require authorization under the procedures this Article to ensure that required protection levels are met.
 - (b) Removal of dead, diseased, or invasive species from a woodland or forest. Notwithstanding any provision of this Article, the clearing and removal of dead or diseased trees, and the removal of invasive species listed as “prohibited,” “prohibited/restricted,” or “restricted” by the Wisconsin Department of Natural Resources, pursuant to NR 40, shall be permitted within any woodland or forest area only upon issuance of a Zoning Permit from the City of Franklin.
 - (c) The City Forester may be consulted in the issuance of any such permits.
 - (d) The City Forester may condition or limit the removal of dead or diseased trees and the removal of invasive species in accordance with best practices for forest and invasive species management.
- 3) **Construction of Public Streets, Sidewalks, and Trails.** Impacts to Natural Resource Features from the construction of public streets, sidewalks, or trails shall be permitted subject to the following limitations and conditions:
 - (a) The City Forester has inspected the plan and the site, including review of trees or wooded areas to be cut or disturbed, and has made a positive recommendation



- as to the plan's compatibility with the continued health of forest resources and trees within the City of Franklin.
- (b) Crossings of wetlands, surface waters, and associated buffer areas are designed to minimize the distance and extent of disturbance, with crossings designed as close to a ninety-degree (90°) angle as is practicable for the particular site and segment.
 - (c) The City Engineer has inspected the plan and has made a positive recommendation as to the plan's compatibility with City engineering standards for surface water crossings.
 - (d) Prior to commencement of construction, all other required governmental permits and approvals related to surface waters and wetlands have been issued, including but not limited to those required by the Wisconsin Department of Natural Resources and United States Army Corps of Engineers.
 - (e) Any areas of construction-related disturbance within a Protected Area shall be restored pursuant to Section [RESTORATION] of this Article 7 immediately following construction.
- 4) **Single- and two-family residential development on existing lots exempted.** The provisions of this Article shall not apply to the construction of single-family and two-family residential development located on non-divisible existing lots of record within existing platted Subdivisions (with an approved Final Plat), Certified Survey Maps, and Condominiums existing as of August 1, 1998, or for which a Natural Resource Protection Plan was filed on or before August 1, 1998.
- 5) **Applicability to Floodplain/Floodway Lands.** Floodplains and floodways as defined and regulated in Division 15-8 of this Ordinance shall not constitute a separate category of Natural Resource Features for purposes of determining required mitigation under this Article.
- 6) **Essential Services and Associated Easements Exempted.** The standards in this Article shall not be applicable to essential services and easements associated therewith, as defined in [former § 15-11.0103] of this Ordinance. However, any areas of construction-related disturbance within a Protected Area shall be restored to the restoration standards of [RESTORATION] of this Article immediately following the construction of the essential service(s).
- 7) **Exceptions for Accessory Uses and Site Modifications.**



- (a) The modification of approved buildings, sites, or structures, and the addition of new accessory structures, shall not require review for Natural Resource Protection impacts provided all of the following conditions are met:
 - (i) The total impervious surface area on the parcel is not increased by more than 50% or 2,500 square feet, whichever is smaller.
 - (ii) Any new or modified impervious surface area is located at least one hundred feet (100') at its closest point from the boundary of any Protected Area as defined in the applicable Natural Resource Protection Plan.
- (b) Notwithstanding the provisions of (a), where the Plan Commission or City Engineer (as applicable) determines that the modification or addition is likely to result in impacts to the Protected Area or will be inconsistent with the conditions of the Natural Resource Protection Plan, a new or modified Natural Resource Protection Plan may be required to be prepared. Any such determination may be appealed under the provisions of [Appeals procedure] of this Ordinance.

NOTE: Sections 8 and 9 are legacy requirements that applied to past survey maps, which (presumably) contain the language that would trigger a requirement for an NRPP if the underlying site is modified. **Request City Attorney to consider whether these sections are necessary or could be addressed with a footnote to the UDO.

- 8) Institutional Properties Divided by Public Street or Utility Extensions.
 - (a) A Natural Resource Protection Plan shall not be required with an application for certified survey map approval where a single property zoned I-1 Institutional District is divided as a result of a public work of improvement for street extension purposes, with related public sanitary sewer and water work for which special assessment was made, into two or more parcels through the property fee acquisition by the City for the extension of the public street. The foregoing exclusions from Natural Resource Protection Plan submission requirements for certified survey map applications shall only be available upon the conditions that:
 - (i) in lieu of the Plan submission requirement, the certified survey map application shall be accompanied by the "best available information" as to the existence of any natural resource features, such as existing topographical maps, wetland inventories, and other such inventories as may be available; and
 - (ii) that a Natural Resource Protection Plan must be submitted upon any further development of any portion of the mapped property.
 - (b) A Natural Resource Protection Plan shall also not be required with an application for certified survey map approval where lots are being created from a larger



surrounding parcel, with the larger in area in relation to the lots created remnant parcel being vacant, or already having being developed by the existence of a principal structure and not being the subject of current further development application, and with the only natural resources within the map area being upon the remnant parcel and being more than 500 feet away from the lots being created. The foregoing exclusion from Natural Resource Protection Plan submission requirement for certified survey map applications shall only be available upon the conditions that

- (i) in lieu of the Natural Resource Protection Plan submission requirement, the Certified Survey Map application shall show upon its face the existence of any natural resource features, as identified in § 15-4.0102, located on the parcels of the Certified Survey Map based upon the "best available" information;
- (ii) that a Natural Resource Protection Plan must be submitted upon any further development of the "remnant" parcel; and
- (iii) the following note shall be placed upon the face of such Certified Survey Map: "The Natural Resource Features identified herein are not based upon field surveys. In the event of further land division or development of a parcel herein with any such Natural Resource Feature, a complete NRPP with field surveys is required for said parcel" For the purposes of this section, the Zoning Administrator shall not require that the "best available" information be a "first source" of information, as identified in § 15-4.0102A., B., C., D.

- 9) Lands Adjoining Tax Incremental Districts. A Natural Resource Protection Plan (and related requirements, such as the submission of conservation easements, etc.) shall not be required with an application for certified survey map approval for the purpose of providing additional land to an adjoining tax incremental district mixed-use development including industrial and commercial uses, where lots are being created from a parcel or parcels, upon which there exists an established residential dwelling building use, such established use parcel or parcels not being the subject of current further development application, for such remaining established residential dwelling building use parcel or parcels only, provided with regard to such remaining established residential dwelling building use parcel or parcels that:
- (a) in lieu of the Natural Resource Protection Plan submission requirement, the Certified Survey Map application shall show upon its face the existence of any natural resource features, as identified in § 15-4.0102, located on the parcels of the Certified Survey Map based upon the "best available" information;
 - (b) that a Natural Resource Protection Plan must be submitted upon any further development of the "remaining established residential dwelling building use parcel or parcels"; and



- (c) the following note shall be placed upon the face of such Certified Survey Map:
"The Natural Resource Features identified herein upon lot[s] [number[s]] are not based upon field surveys. In the event of further land division or development of lot[s] [number[s]] with any such Natural Resource Feature, a complete NRPP with field surveys is required for said parcel."

D) Enforcement.

Any person or entity violating any provision of this Article 7 and any property owner upon whose property there exists or occurs a violation of this Article 7, shall be subject to the penalty and remedy provisions of [penalty and remedy] of this Ordinance. In addition, the provisions of this Article 7 may be enforced by the City by way of all other legal and equitable remedies and the undertaking by the City to cure any violations or complete any plans, work or measures in furtherance thereof, with the costs of such undertaking to be assessed against the property owner and entered upon the tax roll pursuant to the procedures for a special charge under § 66.0627, Wis. Stats. Any violation of this Article 7 is hereby declared to be a public nuisance.

15-07.02 **Natural Resource Features** Determination

- A) Protected **Natural Resource Features**. The following natural resources are protected under the provisions of this Article 7.
- 1) ~~Steep Slopes~~. ~~Steep slopes shall be as defined in Division [DEFINITIONS] of this Ordinance.~~
 - 2) **Woodlands**. Woodlands shall be as defined in [DEFINITIONS] of this Ordinance.
 - 3) **Surface Waters**. Surface waters shall include lakes, ponds, and streams. Lakes and ponds are to be determined through the use of the definitions of "Lake" and "Pond" as set forth in Division 15-11.0100 of this Ordinance. **Streams** shall be as defined in [DEFINITIONS] of this Ordinance or as determined by a field survey.
 - 4) **Surface Water and Wetland Buffers**.
 - (a) Surface water and wetland buffers, as defined in [DEFINITIONS] of this Ordinance, shall be established or maintained as demarcated, vegetated, and minimally disturbed land areas within the area extending horizontally from the ordinary high water mark of lakes and ponds, from the centerline of streams, or from the boundary of wetlands as determined under subsection (5) below, with the following widths: **NOTE: These widths are proposed & open to policy direction**



ZONING DISTRICT	BUFFER WIDTH
Residential Districts: RC-1, R-1, R-2	50 feet
Residential Districts: R-MF, V-R	30 feet
Non-Residential Districts	30 feet
Area of parcel at time of application:	
<1 acre	10 feet
1 acre – 2 acres	20 feet
2 acres – 3 acres	25 feet
More than 3 acres	30 feet

- (b) Land Combination. In an application for land combination or certified survey map, the proposed total area of all parcels to be combined shall determine the required width of the buffer.
 - (c) Notwithstanding subsection (a) above, surface water and wetland buffers shall be applied to the area of land adjacent to any stream segment that is fully and permanently enclosed within a drainage structure, such as a pipe or culvert, as of the Effective Date of this Ordinance.
- 5) **Wetlands and Shoreland Wetlands.** Wetlands and shoreland wetlands as defined in [NEW SHORELAND WETLAND] of the Franklin Municipal Code.
 - 6) **Primary and Secondary Environmental Corridors and Isolated Natural Resource Areas Defined by SEWRPC.** Those areas on the [CITY OF FRANKLIN MAP] of areas designated by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) as Primary Environmental Corridors, Secondary Environmental Corridors, or Isolated Natural Resource Areas shall be Protected Areas for purposes of this Article. The City of Franklin Map, as most recently amended, shall be used to determine the extent of such areas to be protected under the standards of this Article 7.
- B) Measurement of Natural Resource Features and Protected Area.
- 1) The area containing one or more Natural Resource Features shall be delineated and its total area calculated in acres and square feet to establish the area and location of the Protected Area. Any Protected Area containing two or more Natural Resource Features shall indicate which resources are present within the Protected Area
 - 2) All land area within a proposed development, Certified Survey Map, Subdivision Plat, or Condominium consisting of the natural resource features defined in this Ordinance shall be accurately measured using the following sources, scales, and approaches.



- 3) Measurement of Specific Natural Resource Features
- ~~(a) **Steep slopes.** Steep slopes are to be determined through the use of the following sources and/or methods in the order indicated below. If the first source is considered inaccurate or inappropriate, as determined by the Zoning Administrator, the second source shall be used:~~
- ~~(i) Topographic survey prepared by and certified by a Wisconsin registered land surveyor at a contour interval of not less than two feet.~~
 - ~~(ii) Large scale one inch equals 100 feet City of Franklin topographic maps.~~

NOTE: The definition of “woodland” includes but is not limited to “forests” as defined in Wisconsin law. A definition of “woodland” for protection needs to be finalized with the City Forester, staff, and task force.

- (b) **Woodland.** The determination of woodland boundaries shall be based on the sources in the order indicated below. If the first source is considered inaccurate or inappropriate, as determined by the Zoning Administrator, the succeeding source shall be used:
- (i) For all woodland areas within 100 linear feet of an area to be disturbed on a site, and for all trees (other than diseased, dead, or invasive species) greater than eight inches diameter at breast height lying outside a natural resource area, a field survey of trees compiled by a registered land surveyor based on identification by a landscape architect, forester, arborist, ecologist, or botanist.
 - (ii) For all areas planned to be left undisturbed on a site during construction and upon completion, which are more than 100 linear feet from an area of disturbance, the boundary of the woodland or forested area.
 - (iii) One inch equals 400 feet aerial photographs prepared by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) and available from SEWRPC (most recent date only).
- (c) **Lakes, Ponds, and Streams.** The ordinary high water mark of lakes and ponds, and the centerline of streams, shall be determined through the use of the definitions of "Lake," "Pond," and "Stream" as set forth in [DEFINITIONS] of this Ordinance and the sources in the order indicated below. If the first source is considered inaccurate or inappropriate, as determined by the Zoning Administrator, the succeeding source shall be used:
- (i) Topographic survey prepared by and certified by a Wisconsin registered land surveyor at a contour interval of not less than two feet.
 - (ii) Large scale one inch equals 100 feet City of Franklin topographic maps.



(iii) U.S.G.S. 7.5-minute topographic quadrangle maps.

(d) Wetlands, Shoreland Wetlands, and Wetland Buffers. Wetlands shall be delineated in accordance with Chapter NR 103, Wis. Adm. Code; Chapter NR352, Wis. Adm. Code; and the 1987 US Army Corps of Engineers Wetland Delineation Manual.

(i) The area of wetlands, shoreland wetlands, and wetland buffers (in square feet and acres) shall be measured and graphically delineated on the "Natural Resource Protection Plan based on a delineation prepared in accordance with the Wisconsin DNR 2019 Wetland Screening and Delineation Procedures (https://dnr.wisconsin.gov/sites/default/files/topic/Wetlands/2019_Wetland_Screening_and_Delineation_Procedures.pdf)

(ii) Wetland and wetland buffer delineation shall be prepared by a consultant certified as a Wisconsin DNR Assured Delineator (<https://dnr.wisconsin.gov/topic/Wetlands/assurance.html#s1>). Submittal of a certification consistent with Wisconsin DNR standards shall be required with the submittal.

(iii) Duration of delineation.

(i) No delineation shall be valid for any purpose required under this Article after the expiration of five years from the date the delineation was performed.

(ii) While delineations performed within the five years preceding the submission may be submitted for purposes of this Article, a current re-delineation may be required where there exists extrinsic evidence of or cause to reasonably believe that such original delineation is incorrect or that the wetland boundary has changed substantially, considering the size and quality of the wetland and the circumstances of any proposed development impact upon the wetland, since the original delineation.

(iii) Notwithstanding the foregoing, surface water buffers shall not be required to be designated or protected for artificial or degraded wetlands as defined under subsections (D)(1) and (D)(2) below.

(e) Surface Water Buffers.

(i) Surface water buffers shall be measured at a consistent horizontal distance following the ordinary high water mark of a lake or pond, or the center line of a stream.

(f) Primary and Secondary Environmental Corridors and Isolated Natural Resource Areas Defined by SEWRPC shall be based on the most current City of Franklin Map thereof, or as determined by SEWRPC pursuant to 15-07.02(A)(6).



C) Relationship to Floodplain and Flood Hazard Area Impacts

- 1) Floodplain, floodway, and flood hazard areas shall not constitute a separate category of natural resources for purpose of this Article.
- 2) Any areas defined as a floodplain, floodway, or flood hazard area pursuant to Article 8 of this Ordinance shall require review and approval under the provisions of Article 8.
- 3) Notwithstanding the foregoing, any impacts to a Natural Resource Feature as defined in this Article shall be subject to the provisions of this Article, regardless of location within a floodplain, floodway, or flood hazard area.

D) Exemptions

- 1) **Exemption of Artificial Wetlands.** The following artificial wetlands are exempt from the wetland provisions of this Article unless the Wisconsin Department of Natural Resources determines, under the provisions set forth under NR 103.06(4) of the Wisconsin Administrative Code, that the artificial wetland has significant functional values or uses under NR 103.03 (1)(e), (f) or (g) of the Wisconsin Administrative Code:
 - (a) Sedimentation and stormwater detention basins and associated conveyance features operated and maintained only for sediment detention and flood storage purposes.
 - (b) Active sewage lagoons, cooling ponds, waste disposal pits, fish rearing ponds and landscape ponds.
 - (c) Actively maintained farm drainage and roadside ditches.
 - (d) Artificial wetlands within active nonmetallic mining operations.

2) Exemption of Degraded Wetlands; Mitigation Required

- (a) In the event a wetland delineation prepared pursuant to this Article demonstrates conclusively that wetland resources on the site are degraded, as defined under Subsection (c) below, the degraded wetland areas shall not require protection under the provisions of this Article, unless located within a SEWRPC Primary or Secondary Environmental Corridor or Isolated Natural Area as defined under Subsection (B)(7) above.
 - (i) Where a degraded wetland is located within the boundaries of a SEWRPC Isolated Natural Resource Area, exemption of the degraded wetland shall require a written determination from SEWRPC that loss of the degraded wetland shall not contribute to a loss of protected natural resource functions.
 - (ii) In the absence of such a determination from SEWRPC, the requirements of this Article related to wetlands and wetland buffers shall apply.



- (b) No Special Exception approval, waiver, or demonstration of avoidance shall be required to permit disturbance or land development within a degraded wetland.
- (c) Notwithstanding subsection (b), this provision shall not relieve any applicant of the obligation to secure all applicable state and federal wetland permits as apply to a site or development.
- (d) Any applicant proposing to impact a degraded wetland shall complete on- or off-site mitigation at the ratio specified in Table [MITIGATION] by completing one of the following site improvements in conjunction with the impact:
 - (i) The inclusion of green stormwater management features, as defined in the [STORMWATER ORDINANCE], providing capture of the first one inch of runoff over all new or expanded impervious areas on the site; or
 - (ii) The use of deep-rooted vegetation native to Southeastern Wisconsin in the landscape plan, in an area equal or greater in size to the degraded wetland, with fencing or other barriers to prevent routine mowing or abuse of the plantings; or
 - (iii) Supplemental tree planting in excess of the requirements of [LANDSCAPE 15.XXX] or any mitigation required by Section [mitigation] of this Article, with a projected tree canopy area at maturity equivalent or greater to the total area of the degraded wetland; or
 - (iv) Any combination of (ii) and (iii) above equivalent to [1.5 TIMES] the area of the degraded wetland. **NOTE:** 1.5 times is suggested; needs City direction
- (e) Demonstration of Degraded Condition. An applicant seeking exemption under this Section shall demonstrate through a site-specific analysis prepared by a qualified wetland delineator that:
 - (i) Site conditions exhibit impacts to topography, soils, native vegetation or hydrology that have degraded a wetland and are not likely to be reversible.
 - (ii) The project, including its landscaping plan, does not involve the planned introduction of non-native or invasive wetland plants.
 - (iii) In the opinion of the City Engineer, removal or filling of the degraded wetland will not result in the creation of adverse drainage or flooding impacts on City streets or adjacent properties.
 - (iv) Removal or filling of the wetland will not:
 - (1) involve any activities in navigable waters with prior history as a stream
 - (2) cause significant adverse impacts to a cold water community, as defined in s. NR 102.04 (3)(a).
 - (3) cause significant obstruction of fish passage to existing spawning areas.
 - (4) cause significant adverse impacts to state threatened or endangered resources.
 - (5) cause significant adverse impacts to historical or cultural resources and will comply with s. 44.40, Stats.



- (f) Positive finding required; remedy. In the event an applicant fails to demonstrate to the **satisfaction of the Plan Commission** that the area meets all of the standards for exemption and mitigation under this Section, the wetland shall be regulated as a Natural Resource Feature under (B)(5) above.
- E) **Surface Water and Wetland Buffer Standards.** Within a Wetland and Stream Buffer, as defined in this Article:
- 1) Unless authorized under Section 15-07.04(F)(8) of this Ordinance, no new or expanded impervious surface or building area shall be established or expanded within a Wetland and Stream Buffer.
 - 2) The expansion of pre-existing structures within Wetland and Stream Buffers shall be permitted only in accordance with the approval standards for **non-conforming structures in Section 15-XXX** of this Ordinance.
 - 3) No part of any new residential lot shall be established within a Surface Water and Wetland Buffer after the effective date of this Ordinance.
 - 4) Any approvals issued for land disturbance or land development on a site containing a Surface Water and Wetland Buffer, other than for modification of a single-family or two-family dwelling on a non-divisible lot existing as of the effective date of this Ordinance, shall include provisions to demarcate, with sturdy plantings, fencing, or a combination thereof, a boundary line along the edge of the Surface Water and Wetland Buffer on the site. Guidance from the City of Franklin Natural Resource Mitigation Guide shall be used to determine the sufficiency of proposed measures.
 - 5) All lands within a Surface Water and Wetland Buffer shall be left in an undisturbed, naturally vegetated condition. Supplemental planting and landscaping shall be permitted but may not include turf, sod, or other lawn grass; nor any invasive plant species on the Wisconsin Chapter 40 NR Invasive Species List.
 - 6) The clearing of trees that are not dead, diseased, or invasive, and the clearing of any other vegetation other than invasive species on the Wisconsin Chapter 40 NR Invasive Species List, is permitted only upon application to and **approval of the Zoning Administrator under Section 15-XXX**.
 - 7) All Surface Water and Wetland Buffers established in conjunction with approvals under this Article shall be protected through a deed restriction and a conservation easement.

15-07.03 Natural Resources Protection and Mitigation Plans

- A) Natural Resource Protection Plan Required



If any Natural Resource Feature as defined and described in [15-07.02] of this Article is present on the property for which a Site Plan review, Certified Survey Map (except as otherwise provided for by the exclusions as identified in § 15-3.0501C.), Subdivision Plat, or Condominium is requested, a Natural Resource Protection Plan drawn to the same scale as the Site Plan, Certified Survey Map, Preliminary Plat, or Condominium submission shall be prepared in accordance with the measurement methods and sources outlined in Subsection (B) below. The Natural Resource Protection Plan shall show the following:

- 1) Sheet 1 – Existing Conditions
 - (a) Proposed Name. The proposed name of the development, project, Certified Survey Map, Subdivision Plat, or Condominium.
 - (b) Location. The location of the proposed development, project, Certified Survey Map, Subdivision Plat, or Condominium.
 - (c) Contact Information. The names, addresses, telephone numbers, and email addresses of the Owners, Subdividers, Lessee and/or Developer.
 - (d) Date. Date of the "Natural Resource Plan" submittal and all applicable revision dates.
 - (e) Scale, North Arrow, and Contours, at a maximum two-foot contour interval.
 - (f) Site Boundary. The boundary line of the site with dimensions and bearings, indicated by a solid line.
 - (g) Site Acreage. The total area of the site.
 - (h) Lot Lines, Right-of-Way Lines, and Easements. The location of all proposed lot lines, right-of-way lines, and easements.
 - (i) Existing Features. The location, ownership, widths, and names (if available) of all existing and previously platted streets, rights-of-way, parks, and other public or open spaces located within or adjacent to the subject property.
 - (j) Easements and Neighboring Property Boundaries. The location and dimensions of all permanent easements on the subject property boundary lines and adjacent to the site.
 - (k) Tree species and locations. The plan shall indicate the location and species of all trees (other than invasive plant species on the Wisconsin Chapter 40 NR Invasive Species List) greater than eight inches (8") diameter at breast height that are located outside a Protected Area as defined in this Article.
 - (l) Degraded or artificial wetlands. The location and area of all degraded or artificial wetlands, as defined under Section (X) above.
 - (m) Existing Natural Resource Features. The location, extent, and area in square feet and acres of all existing Natural Resource Features, as defined and described in Section 15-6.02(A), shall be indicated, including the following:
 - (i) Areas of steep slopes, indicating the location of slopes of 10% to 19%, 20% to 30%, and greater than 30%.



- (ii) The boundaries of all existing woodland or forest areas
 - (iii) The Ordinary High Watermark of all lakes and ponds
 - (iv) The top of bank and centerline of all streams
 - (v) The location and approximate width of any portion of a stream that is fully enclosed within a culvert or pipe
 - (vi) The extent of floodplain, floodway, and flood hazard areas.
 - (vii) The boundary of all delineated wetlands or shoreland wetlands
 - (viii) The boundary of all SEWRPC Primary and Secondary Environmental Corridors and Isolated Natural Resource Areas
 - (ix) For all areas not within the boundaries of a Natural Resource Area, the types and extents of existing land cover and vegetation.
 - (x) Shading or other means of indicating where natural resource boundaries overlap or coincide.
- 2) Sheet 2 – Proposed Construction Disturbance
- (a) The perimeter of the area of all Natural Resource Features as enumerated in Subsection (1)(l, k, and m) above.
 - (b) Scale, North Arrow, and Contours, at a maximum two-foot contour interval.
 - (c) The location of all trees to be preserved and removed (other than diseased, dead, or invasive trees, in accordance with 15.0601(C)(3)) located outside of natural resource protection areas.
 - (d) The proposed limits of construction disturbance, including but not limited to all areas for stockpiling, equipment storage, temporary or permanent stormwater management features, cutting, and grading, clearly indicating where any such disturbance will take place within a natural resource area, with the area of the disturbance indicated in square feet.
 - (e) Clear indication of all areas of proposed disturbance. A table shall be included on the sheet indicating the area of disturbance of each Natural Resource Feature, and the area and extent of any overlapping Natural Resource Features to be affected.
 - (f) Indication of any disturbance proposed to support Essential Services, as defined in this Ordinance, or public roads, paths, and trails, as described in 15.0601(C)(4).
 - (g) Indication of all areas where post-construction mitigation is proposed.
- 3) Sheet 3 – Proposed Final Conditions
- (a) The proposed location and area of all buildings and site improvements, including all building footprints, impervious surfaces, utilities, easements, and rights-of-way
 - (b) Scale, North Arrow, and Contours, at a maximum two-foot contour interval.
 - (c) The boundaries of all proposed residential lots, where applicable



- (d) The proposed boundaries of all Protected Areas, indicating the type of Natural Resource Feature or Features within each area.
 - (e) The location and horizontal width of all proposed surface water buffers
 - (f) The type and location of landscaping, fencing, or other means of permanent demarcation of surface water buffers in accordance with the standards in [REF] below.
 - (g) Proposed stormwater management features, including all vegetated stormwater management measures, ponds, and swales or other conveyances.
 - (h) The landscaping plan, including the location of all trees to be planted or preserved and the types of vegetative cover proposed outside natural resource protection areas.
- 4) Sheet 4 – Mitigation Plan (where applicable). A mitigation plan for all Natural Resource Features proposed to be affected and mitigated, utilizing the City of Franklin Natural Resource Mitigation Guide, including the following:
- (a) Locations and dimensions of the site(s) where mitigation will be implemented.
 - (b) Where applicable, a signed attestation from the owner(s) of any other sites where mitigation is proposed to be implemented, indicating the owner’s concurrence with the proposed plan and willingness to accept a permanent deed restriction and conservation easement for the area where mitigation will occur
 - (c) Planting plans, soil specifications, and depths and dimensions of planting areas
 - (d) Other information as required to determine conformance with the standards of this Article.
- 5) Supporting Information
- (a) Memoranda, surveys, illustrations, or studies regarding woodlands, surface waters, and wetlands
 - (b) Where applicable, a wetland delineation report, including as applicable documentation of degraded wetlands.
 - (c) Tables and worksheets demonstrating the extent of natural resource areas present on site, extent of natural resource areas to be impacted and mitigated during construction, the final extent of mitigation required, and how conformance with the required mitigation ratios is achieved.
 - (d) Sample documents indicating the form of easements, covenants, or other legal mechanism proposed for the protection of natural resources.
 - (e) Other information as needed to demonstrate compliance with the standards in this Article.
- B) Calculation of Impact and Required Mitigation



- 1) Table 15-XX shall be used to determine the required mitigation area for each Natural Resource Feature approved to be mitigated.
- 2) Areas where Natural Resource Features coincide shall be clearly noted, measured, and indicated in Table 15-XX.
- 3) All areas of proposed temporary (i.e., construction-phase) disturbance and permanent (i.e., post-construction) disturbance of each Natural Resource Feature shall be measured and clearly indicated in Table 15-XX.
- 4) The acreage of each natural resource feature shall be multiplied by its respective natural resource protection standard to determine the amount of mitigation required, if any.
- 5) Overlapping areas.
 - (a) Where the boundary of a Protected Area includes more than one Natural Resource Feature, the highest mitigation factor of all of the resources found within the area shall be utilized to determine the required area of mitigation.
 - (b) Notwithstanding (a) above, if a Protected Area contains a Surface Water and Wetland Buffer that is not proposed to be disturbed in construction or post-construction phases, the next highest mitigation factor may be utilized.



TABLE 15-X: City of Franklin Natural Resources Mitigation Ratios

	A	B	C	D	E	F = (D + (.5*E))*A
	Mitigation Factor	Total Area on Site (SF)	Proposed Area of Construction Disturbance (SF)	Permanent Impact Area (SF)	Proposed Area of Post-Construction Mitigation (SF)	Mitigation Required (SF)
SEWRPC Primary Environmental Corridor	1.0	10,000	2,000	500	1,500	[(500)+ (1,500*.5)] * 1.0 =1,250 x 1 = 1,250 SF
SEWRPC Secondary Environmental Corridor	.75	2,000	1,000	750	250	[(750) + (250 * .5)] * .75 = 875 SF
SEWRPC Isolated Natural Resource	1.0					
Steep Slopes, 10-19%	.25	Per discussion and direction from the City Engineer at the 8/3/2023 hearing, it is recommended that steep slopes NOT be mitigated.				
Steep Slopes, 20-30%	.75					
Steep Slopes, >30%	1.0					
*Surface Water Buffers	1.25					
Woodland	.75					
Degraded Wetland	1.5					
*Wetland	1.5					
**OVERLAPPING AREAS	Use highest Mitigation Factor of all resources present within the area					
*Lakes and Ponds	1.0					
Total Mitigation Required						

*Direct impacts to Surface Water and Wetland Buffers, Wetlands, Lakes, and Ponds allowed only with special exception under Section [X].

**Where Natural Resource Features other than delineated wetlands and surface waters overlap, use the highest mitigation factor of the resources found within the protection area.

***If Surface Water and Wetland Buffers are present but undisturbed during construction and post-construction phases, mitigation is not required and the highest mitigation factor of any other impacted/affected resource shall apply.



15-07.04 Standards for Natural Resource Feature Mitigation

- A) **Mitigation Guidance Incorporated by Reference.** The City of Franklin Natural Resource Mitigation Guide, as amended, shall guide the design and review of any proposed mitigation.
- B) **Surety Required.** Staff may recommend, and the Plan Commission or Common Council may require, a Letter of Credit or another surety, as approved by the City Attorney, to ensure the completion and establishment of Natural Resource Feature mitigation and any conditions imposed pursuant to this Article 7.
- C) For all mitigated Natural Resource Features, deed restrictions, conservation easements, and landowner agreements permanently conserving the land shall be required in a form acceptable to the City Attorney.
- D) All conserved or mitigated areas, whether on or off site, shall be demarcated with a combination of fencing, planting, and signs to prevent mowing, snow storage, or other abuse of the area.
- E) **Off Site Mitigation**
- 1) Off-site mitigation may be permitted by the Plan Commission provided:
 - (a) The Plan Commission determines that off-site mitigation is a desirable alternative to mitigation on-site and will achieve greater overall benefit to the City of Franklin and the Natural Resource Features to be mitigated.
 - (b) All off-site mitigation shall occur within the City of Franklin.
 - 2) All off-site mitigation shall require the recording of deed restrictions and conservation easements for the area of the property on which mitigation occurs, in a form acceptable to the City Attorney.
- F) **Mitigation of Specific Natural Resources.** In its review and approval of a Natural Resource Protection Plan and any mitigation measures, the Plan Commission shall be guided by the following:
- ~~1) **Steep slopes.** Impacts to steep slopes shall be mitigated with any combination of:
 - (a) Supplemental on or off site tree planting in excess of the requirements of [15-xx LANDSCAPE] and subsections (2) and (3) below.
 - (b) Enhancement or establishment of Surface Water or Wetland buffers in accordance with subsection (8) below.~~



~~(c) Mitigation of wetlands or shoreland wetlands in accordance with subsections (5) and (7) below.~~

2) Woodland.

- (a) Mitigation plans for woodlands shall follow the City of Franklin Natural Resource Mitigation Guidelines.
- (b) Species of trees and plants used in the mitigation of woodland and forests shall be subject to review by the City Forester to ensure that species selected for mitigation are likely to be successful within the area of the City where proposed, and represent an equal or greater value in promoting the health and integrity of the City's forest resources relative to the resources impacted by the project.
- (c) Surety or other financial instrument sufficient to replace the required plantings shall be retained by the City for a period of two (2) years after planting to ensure establishment and plant growth.
 - (i) The surety may be released after 2 years provided the City Forester has inspected the site and determined that plant establishment has occurred.
 - (ii) If the City Forester has determined that remedial planting is required, the surety shall be extended for another 2 years after the date of remedial planting.
- (d) No tree cutting or removal, subsequent to the adoption of this Ordinance, shall reduce the woodland/forest natural resource features protection requirements of this Ordinance, other than removal of invasive plant species on the Wisconsin Chapter 40 NR Invasive Species List.

3) Trees outside natural resource areas

- (a) Existing trees with a caliper of 8 inches or greater diameter at breast height (other than removal of invasive plant species on the Wisconsin Chapter 40 NR Invasive Species List) that are removed shall be replaced one-for-one on the site, in addition to any woodland area mitigation required.
- (b) In the event the City Forester determines that replanting is not advisable on the site, the applicant shall pay the City a fee in lieu per tree based on the City's established fee schedule at the time a [WHAT KIND OF] permit is obtained.
- (c) Cutting of or damage to trees planted as mitigation shall constitute a violation of this Article and shall be subject to enforcement under [SECTION].

NOTE: Need policy direction on when and at what step fees should be paid

4) SEWRPC Primary and Secondary Resource Corridors and Isolated Natural Areas

- (a) Mitigation of impacts to SEWRPC Primary and Secondary Resource Corridors and Isolated Natural Areas shall be based on the nature of the Natural Resource



Features in the affected area, as documented in the Natural Resource Protection Plan. Mitigation may include, but not be limited to:

- (i) Tree planting in accordance with the standards in (XX) above
 - (ii) Stream and Wetland Buffer restoration or establishment along surface waters or wetlands with inadequate or no buffering, in accordance with Subsection
 - (iii) Restoration of eroded or impacted stream channels
 - (iv) Wetland restoration or enhancement, where consistent with Wisconsin DNR standards.
- (b) The land upon which the mitigation is to take place shall be protected with a deed restriction and a conservation easement.
- (c) Off-site mitigation
- (i) At the discretion of the Plan Commission, applicants may provide for the permanent protection of an equivalent area of any combination of SEWRPC Primary or Secondary Resource Corridor, or Isolated Natural Area, within the City of Franklin, so long as the total area conserved is of sufficient size to meet the required mitigation area pursuant to this Article.

5) Shoreland Wetlands.

- (a) Impacts to shoreland wetlands shall be governed by approvals issued pursuant to [new section of municipal code] and shall be contingent upon receipt by the City of permits from the Wisconsin Department of Natural Resources and United States Army Corps of Engineers, as applicable
- (b) Mitigation shall occur at the ratio for wetlands in Table 15-07.X in strict accordance with the most recent [Guidelines for Wetland Compensatory Mitigation in Wisconsin](#).
- (c) All conserved shoreland wetlands and any associated mitigation shall be protected with a deed restriction and a conservation easement.

6) Lakes and Ponds.

- (a) Direct impacts to Lakes and Ponds may be mitigated at the ratio in Table 15-07.X only if the impact and mitigation is part of an approved stormwater management plan that meets, at a minimum, all of the following criteria:
 - (i) The time of concentration of stormwater flows remains unchanged or is lengthened.
 - (ii) Stormwater storage capacity is maintained or increased.
 - (iii) No flooding or adverse drainage conditions on adjoining properties will be created.
- (b) Approvals shall be contingent upon receipt by the City of permits from the Wisconsin Department of Natural Resources and United States Army Corps of Engineers, as applicable.



7) **Wetlands.**

- (a) Impacts to wetlands, other than degraded or artificial wetlands as defined in this Article, shall be approved for mitigation at the ratio in **Table 15-07.X.**
- (b) Permits shall be contingent upon receipt by the City of permits from the Wisconsin Department of Natural Resources and United States Army Corps of Engineers, as applicable.
- (c) Wetland restoration shall follow the principles set forth in the most recent [Guidelines for Wetland Compensatory Mitigation in Wisconsin.](#)
- (d) **[need a statement on off-site mitigation/purchase of banking]**

8) **Surface Water or Wetland Buffers.**

- (a) The Plan Commission may approve construction-phase (i.e., temporary) or post-construction (i.e., permanent) impacts within an existing or proposed Surface Water or Wetland Buffer only upon finding that:
 - (i) The authorized reduction in the width or area of the buffer is the minimum necessary to allow the proposed use to function efficiently on the project site
 - (ii) The reduced buffer, and its associated planting plan, will be sufficient to protect the associated surface water or wetland so as to prevent loss of function or flooding.
 - (iii) Sufficient planting, fencing, or other demarcation will be provided during construction to protect the buffer from activities and damage such as mowing, storage, parking, or snow storage
- (b) Impacts within Surface Water or Wetland Buffers shall include without limitation the following:
 - (i) Construction-phase disturbance, including clearing, grubbing, and disturbance of the surface grade.
 - (ii) The construction of new or expanded structures or impervious surface area
 - (iii) Clearing or mowing, or the establishment of actively maintained vegetation such as turfgrass, planted islands, or landscaped strips.
 - (iv) Permanent or temporary stormwater ponds.
- (c) If a new Surface Water or Wetland Buffer is established at a width less than required in this Article, the difference in surface area between the required and proposed Wetland or Surface Water Buffer shall be mitigated at the required ratio in **Table 15-07.X.**
- (d) **Specific Standards for Surface Water and Wetland Buffer Mitigation.** Where mitigation is approved, in addition to the standards in the City of Franklin Mitigation Guidance, the following specific standards shall be met:



- (i) The perimeter of any existing Surface Water or Wetland Buffer impacted by an approved development, and the perimeter of all new or restored buffers provided as mitigation, shall be established or re-established with plantings, fencing, or a combination thereof.
- (ii) The Plan Commission may approve the restoration or establishment of a new surface water or wetland buffer on an existing developed site within the City of Franklin as mitigation for impacts on a Natural Resource Feature under this Article. The Plan Commission may deviate from the strict numeric requirements of the mitigation ratio where the following conditions apply:
 - (1) The proposed buffer has a minimum width of five feet (5') at its narrowest point and a minimum total area of one hundred fifty square feet (150 SF).
 - (2) In the opinion of the City Engineer, the proposed buffer would provide a material benefit to water quality, flooding, and storm water management.
 - (3) The combination of impervious surface area removed (if any), the amount of impervious surface area draining to the new or restored buffer, the degree of planting provided, and the width and size of the buffer represent, in the opinion of the City Engineer, sufficient benefit to water quality, flood prevention, and stormwater management to offset the development impact.

15-07.05 ADMINISTRATION; SPECIAL EXCEPTION

A) Natural Resource Protection Plan Review Procedures

- 1) Staff shall make a recommendation to the Plan Commission as to the completeness of a Natural Resource Protection Plan and the sufficiency of proposed mitigation, based on the standards and procedures set forth in section 15-07.04 above.
- 2) The Natural Resource Protection Plan and mitigation plan, if applicable, shall be incorporated into the findings of fact and decision for the project and shall be binding on all future approvals, subject to any amendments approved under the provisions of this Article.
- 3) Technical Review.
 - (a) Where the Plan Commission determines that there is a material dispute as to the nature, location, extent, or quality of one or more natural resources present, or on the viability or approach to mitigation proposed, the Plan Commission may contract for review of the Natural Resource Protection Plan by a qualified



professional. [note: under the City's current provisions for a special exception applicants are charged for these costs; see 15-07.05(B)(2)(e)(3) below]

(b) The objective of any such review shall be to establish a factual basis for determining whether a Natural Resource Protection Plan and any proposed mitigation meets the objective standards and ratios in this Article and the City of Franklin Mitigation Guidance.

(c) Where applicable the written report from any such review and the Plan Commission's findings shall be transmitted to the Common Council for use in its review. [IF NEEDED]

B) Special Exception

1) A Special Exception to the provisions of this Article shall be required for:

- (a) Any construction or permanent impacts to shoreland wetlands, wetlands, lakes, ponds, or streams;
- (b) Any permanent, unmitigated impacts to any surface water or wetland buffers not meeting the standards in 15-07.04(F)(8);
- (c) Any reduction in the required mitigation ratios in Table [15-XX REF];
- (d) Any modification of the financial surety requirements in Section [X-X]; and
- (e) Any appeal of a Plan Commission's final determination of a natural resource feature pursuant to 15-07.02.

2) **Common Council Review.** Upon recommendation by the Plan Commission, the Common Council may grant a Special Exception to the provisions of this Article in accordance with the procedures in this Section.

- (a) Burden of Proof. The applicant shall have the burden of proof to present evidence sufficient to support the findings required under sub. 2 below.
- (b) A minimum of one (1) Class II Public Hearing shall be required. The Class II Public Hearing may be conducted by the Plan Commission, with a recommendation made to the Common Council. The Common Council may, at its discretion, warn an additional Class II Public Hearing prior to its action on the Special Exception.
- (c) Criteria for Approval. A Special Exception to the stream, shore buffer, navigable water-related, wetland, wetland buffer and wetland setback regulations of this Ordinance and for improvements or enhancements to a natural resource feature may be granted only upon a finding by the Plan Commission and concurrence by the Common Council:



- (i) That the condition(s) giving rise to the request for a Special Exception were not self-imposed by the applicant (this subsection (i) does not apply to an application to improve or enhance a natural resource feature); and
- (ii) Compliance with the strict provisions of this Article will:
 - (1) be unreasonably burdensome to the applicant and that there are no reasonable practicable alternatives; or,
 - (2) unreasonably and negatively impact upon the applicant's use of the property and that there are no reasonable practicable alternatives; and
 - (3) the Special Exception, including any conditions imposed under this Section will:
 - a. Be consistent with the existing character of the neighborhood; and
 - b. Not effectively undermine the ability to apply or enforce the requirement with respect to other properties; and
 - c. Be in harmony with the general purpose and intent of the provisions of this Article; and
 - d. Preserve or enhance the quality of the natural resource affected.
- (d) In making its recommendation, the Common Council shall consider factors such as:
 - (1) The impact on physical characteristics of the property, including but not limited to, relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks;
 - (2) Any exceptional, extraordinary, or unusual circumstance or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district;
 - (3) The proposed degree of noncompliance with the requirement of this Article to be allowed by the Special Exception;
 - (4) The project's proximity to and character of surrounding property;
 - (5) Purpose of the zoning district of the area in which property is located and neighboring area; and
 - (6) Any potential for negative effects upon adjoining property from the Special Exception if authorized.
- (e) Conditions of Special Exception. Any Special Exception granted under the authority of this Section shall be conditioned upon the applicant first obtaining all other necessary approval(s) from all other applicable governmental agencies and shall also set forth conditions that the Common Council deems necessary, including, but not limited to, conditions that:



- (1) Prescribe the duration of the Special Exception (i.e., permanent, a specified length of time; or a time period during which the property is owned or occupied by a particular person);
- (2) Require additional mitigation beyond measured proposed in the Natural Resource Protection Plan and Mitigation Plan, provided such measures are related to and roughly proportional with the degree of impact authorized;
- (3) Require payment or reimbursement by the applicant to the City of any costs, expenses, professional fees (including the fees of a person recognized with knowledge and experience in natural systems) or legal fees reasonably incurred by the City in reviewing or processing the application for Special Exception. The Common Council may also require the posting of a bond or letter of credit to cover the costs of such expenses and fees. An applicant may obtain the review of the amounts imposed under this Subsection pursuant to Division 15-9-10 of this Ordinance.

DRAFT

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 that is 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 City of Franklin Comprehensive Master 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. 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.
- F. **Sites Not Served by Sewer.** 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.
- G. **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.
- H. **Corner Lots.** Corner lots shall a minimum depth not less than ninety (90) percent of the minimum required lot width.
- I. **Plats Abutting a Lake or Stream.** All land subject to a subdivision plat shall be fully incorporated into a lot, outlot, or public dedication of land, including but not limited to all land lying between a meander line and the center line of a stream or river, and all land lying between the meander line and the ordinary high water mark of a lake or pond.
- J. **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.
- K. **Large Lots.** Where lots are created of a size larger than the minimum lot size required by the underlying district, the Plan Commission may require that lots be twice the minimum area and width required to allow for the future resubdivision of such lots into sizes compliant with the underlying district.
- L. **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.
 - 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, by action 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, Plan Commission, and Common Council.

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 five-hundred (500) feet in length.
2. **Adequate Turn-Around Required.** Cul-de-sac streets shall terminate in a circular paved area allowing for vehicular turn around and having a minimum radius of
 - a. Sixty (60) feet 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 paved area of adequate width to allow for vehicles to turn-around.
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 Zoning Administrator and City Engineer, to serve a subdivision shall be prohibited.

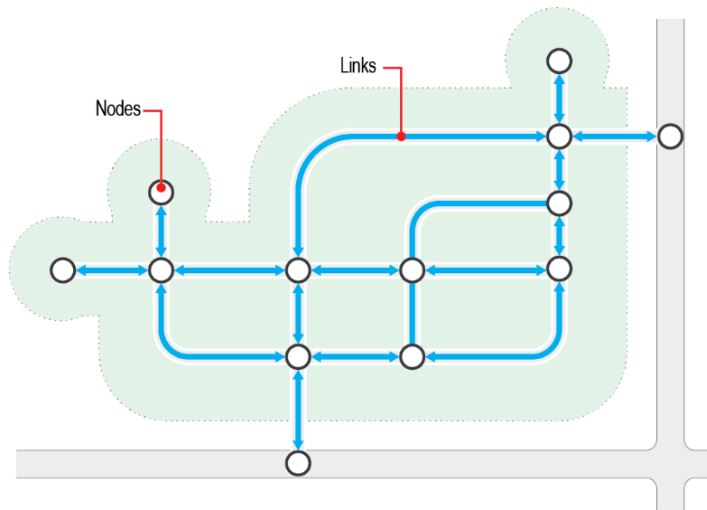
H. **Traffic Calming Devices.** The use of traffic calming devices such as landscaping bulb-outs and traffic circles are encouraged as alternatives to conventional traffic control measures.

I. **Mid-Block Crossings.** In the event that a longer block is approved through a variance than is allowed in **Section ##-##-##**, the developer shall compensate for the longer block by providing a crosswalk at the middle of the block. The mid-block crossing shall be protected with bulb-outs to ensure pedestrian safety.

J. 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).



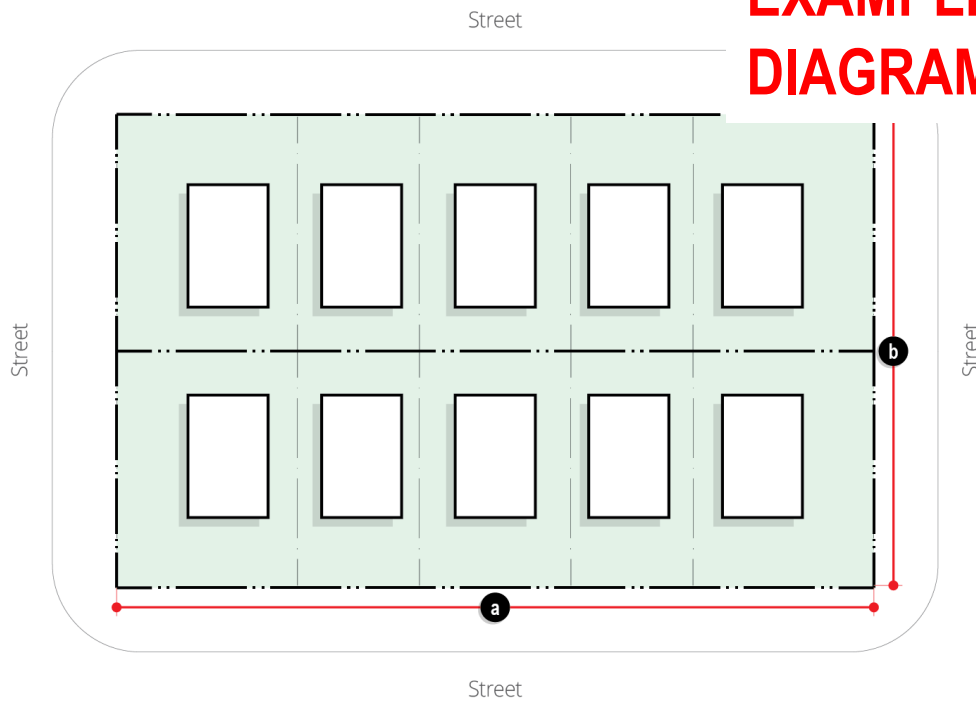
Connectivity Index Calculation

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

**EXAMPLE
 DIAGRAM ONLY**

- K. **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 UDO are required as a condition of approval of a subdivision.
 - b. The required improvements described in this UDO shall be installed, furnished, and financed at the sole expense of the developer.
 - c. A contract, or "Development Agreement," with the developer as specified under **§ 15-2.0303** of this UDO 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" and the standards in **Chapter 222-1 of the Municipal Code**. Where the City has no prescribed standards and specifications, the improvements shall be made in accordance with best engineering practices, approved prior to the commencement of construction by the City Engineer.
 - b. **As set forth in 222-1 of the Municipal Code**, 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.
 - 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 **§ 222-1 of the Municipal Code**.
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 or as may be required by the City Engineer.
4. **Grading and Surfacing of Subdivision Roads.**
 - 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.
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. The completion of the base and binder courses of street paving shall take place 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. **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 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.

9. **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>Arterial (Four-Lane Urban)</i>	36 - Dual	130
<i>Arterial (Four-Lane Rural)</i>	24 - Dual	130
<i>Arterial (Two-Lane Urban)</i>	24 - Dual	130
<i>Arterial (Two-Lane Rural)</i>	24 - Dual	130
<i>Collector Street</i>	34	80
<i>Minor Street (Multifamily)</i>	34	66
<i>Minor Street (Typical)</i>	28	60
<i>Minor Street (Low Volume)</i>	28	58
<i>Minor Street (Difficult Terrain)</i>	28	50

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. The width of each required street design element in [Table ##-#-##](#) shall be as specified in [Table ##-#-##](#) below.
- a. A “●” indicates an element that is required on both sides of a given street.
 - b. A “■” indicates an element that is optional.
 - c. 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	Curb Lawn	Shoulder	On-Street Parking	Bicycle Lane	Median/Turn Lane
<i>Freeway or Expressway</i>	As required by the WisDOT						
<i>Arterial (Four-Lane Urban)</i>		●	●				▲
<i>Arterial (Four-Lane Rural)</i>	●			●			▲
<i>Arterial (Two-Lane Urban)</i>		●	●			●	▲
<i>Arterial (Two-Lane Rural)</i>	●			●			▲
<i>Collector Street</i>		●	●		■	●	
<i>Minor Street (Multifamily)</i>		●	●		■	●	
<i>Minor Street (Typical)</i>		●	●		■		
<i>Minor Street (Low-Volume)</i>		●	●				
<i>Terrain)</i>			●				

3. **Required Design Element Width.** The width of each required street design element in [Table ##-#-##](#) shall be as specified in [Table ##-#-##](#) below.

Table 15-8-04(J)3 Required Street Design Elements Dimesions							
Type of Street	Required Street Design Element Minimum Width (feet)						
	Ditch	Sidewalk (each side)	Curb Lawn	Shoulder	On-Street Parking	Bicycle Lane	Median/Turn Lane
<i>Freeway or Expressway</i>	As required by the WisDOT						
<i>Arterial (Four-Lane Urban)</i>		5	10				26
<i>Arterial (Four-Lane Rural)</i>	16			10			18
<i>Arterial (Two-Lane Urban)</i>		5	17			4	24
<i>Arterial (Two-Lane Rural)</i>	23			6			16
<i>Collector Street</i>		5	16		8	4	
<i>Minor Street (Multifamily)</i>		5	9		8	4	
<i>Minor Street (Typical)</i>		5	10		8		
<i>Minor Street (Low-Volume)</i>		5	10				
<i>Terrain)</i>			15				

- 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 (in accordance with an approved Natural Resources Protection Plan pursuant to **Division XX-XXXX** of this Ordinance), 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. **Required Installation of Lateral Sewer Lines.** Sewer laterals shall be installed to the front lot line of each lot served.
 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 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.

1. **Detailed Site-Specific Stormwater Management Plan Required.** A detailed stormwater management plan consistent with the requirements of [§222-3.0109](#), 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.** The 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 front 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, Sediment Control, and Clearing

- A. **Protective and Rehabilitation Measures Required.** The Plan Commission shall require the Subdivider or Condominium Developer to provide or install certain protection and rehabilitation measures to prevent soil erosion and sedimentation in conformance with [Section 222-1](#) of this Ordinance and the City Engineer's "Standards and Specifications for Development."
- B. **Tree Cutting and Shrubbery Clearing Limitations.** Tree cutting and vegetation clearing shall be conducted in strict accordance with the requirements set forth in this Ordinance for the specified zoning district, the limitations set forth in this Ordinance for natural resource features protection, the approved Erosion and Sedimentation Control Plan prepared under [Section 222-2](#) of the Municipal Code, and where applicable, the approved "Natural Resource Features Protection Plan" for the property as described in [Division 15-4.0100](#) of this UDO.
- C. **Maximum Width of Paths and Trails in Wooded and Wetland Areas.** Paths and trails in wooded and wetland areas shall not exceed ten (10) feet in width unless otherwise approved by the Plan Commission and shall be so designed and constructed as to result in the least removal and disruption of trees and shrubs and the minimum impairment of natural beauty. Any easements for such paths and/or trails shall meet those minimum requirements as set forth in [Table 15-5.0103](#) of this Ordinance.
- D. **Earth Moving.** Earth moving, such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channel clearing, ditching, drain tile laying, dredging, and lagooning, shall be so conducted as to prevent soil erosion and sedimentation and to least disturb the natural fauna, flora, water course, water regimen, and topography (also see [Divisions 15-8.0300](#) and [15-8.0400](#) of this Ordinance).
- E. **Review of the Conduct of Cutting, Clearing, and Earth Moving.** Review of the conduct of cutting, clearing, and earth moving may be requested of the County Soil and Water Conservation District, the State District Fish and Game Managers, and the State District Forester by the Zoning Administrator or the Plan Commission as they deem appropriate.

15-8-08. Construction

- A. **Commencement.** No construction or installation of improvements shall commence in a proposed Preliminary Plat, Certified Survey Map, or Condominium until said Preliminary Plat, Certified Survey Map, or Condominium has been approved by the Common Council and the City Engineer has given written authorization to commence work and a pre-construction meeting has been held. Inspection fees shall be required as specified in [Division 15-9.0400](#) of this Ordinance. All construction standards in 220-1 of the Municipal Code shall apply.
- B. **Existing Trees and Vegetation.** The Landscape Plan and Natural Resource Protection Plan shall detail all measures to retain and protect existing trees, vegetation, paths and trails, and drainageways. No Subdivision Plan shall be approved unless the Plan Commission has approved a Landscape Plan, Erosion and Sedimentation Control Plan, and/or Natural Resource Protection Plan pursuant to the standards in [15-X.XXXX](#) of this Ordinance.
- C. **Review of Plans and Specifications by City Engineer; Authorization and Inspection.**
1. As set forth in [222-1 of the Municipal Code](#), the City Engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this Ordinance and other pertinent City ordinances and design standards approved by the City Engineer. If the City Engineer rejects the plans and specifications, the City Engineer shall notify the Subdivider or Condominium Developer who shall cause the modification of the plans or specifications or both accordingly. When the plans and specifications are corrected, the City Engineer shall approve the plans and specifications.
 2. No work covered by the approved plans and specifications may commence or proceed except in accordance with the standards and requirements of [222-1.XXXX](#) of the Municipal Code. ,

3. **Completion of the Construction of Required Improvements.** The construction of all improvements required by this Ordinance shall be completed within two years from the date of the Common Council approval of the Preliminary Plat, Certified Survey Map, or Condominium.

D. Financial Sureties Required.

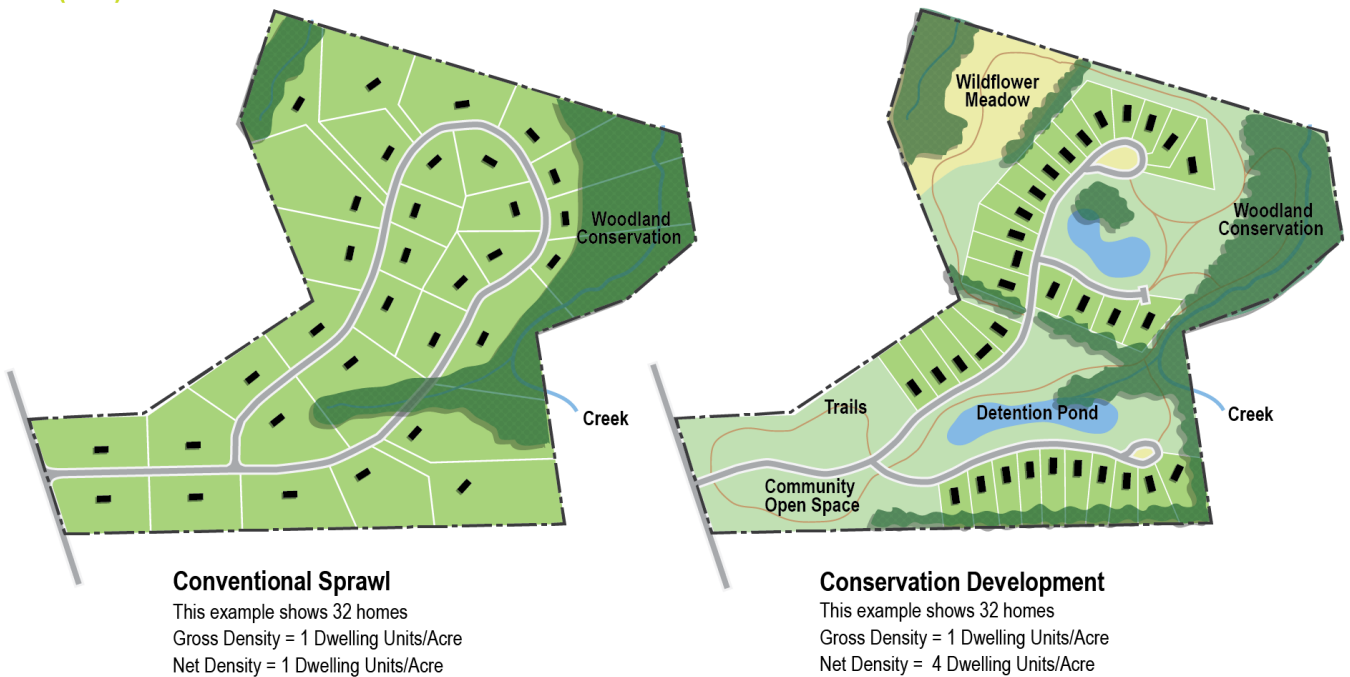
2. **Form of Financial Sureties.** Financial sureties furnished to the City Attorney by Subdividers or Condominium Developers (as applicable) to ensure performance of obligations and guarantees under the terms of this Ordinance shall only be in a form which the City deems secure, and may include certified checks, irrevocable letters of credit in a form approved by the City Attorney.
 - a. **Determination of Financial Surety Amount.** The amount of financial surety shall be one-hundred ten (110) percent of the City Engineer's estimated full amount of the obligation being ensured (including the costs of inspection), nor for less a period than the work is scheduled to be completed, however, the City shall allow reductions in the amount of the financial surety in proportion to the amounts of the obligations as they are fulfilled.
 - b. **Disputes Over the Amount of Financial Sureties.** In a dispute over the amount of a surety, the estimate prepared by the City Engineer shall be given the greater weight.
3. **Criteria for Determining Subdivider's or Condominium Developer's Delinquency in Meeting Requirements.** The City Engineer shall give notice by registered mail to the Subdivider or Condominium Developer and the Subdivider's or Condominium Developer's surety, of such delinquency, said notice to specify the corrective measures required if the Subdivider or Condominium Developer:
 - a. Fails to perform the work with sufficient workmen and equipment or with sufficient materials to ensure the completion of said work within the specified time; or
 - b. Performs the work unsuitably, as determined by the City Engineer; or
 - c. Neglects or refuses to supply materials or to perform anew such work as shall be rejected as defective and unsuitable; or
 - d. Discontinues the execution of the work; or
 - e. For any other cause whatsoever does not carry on the work in an approved manner.
4. **Guarantee of Improvements.** The Subdivider or Condominium Developer shall guarantee all improvements for a period of one year from the date of the acceptance of improvements by the City. To assure such improvement guarantee, the Subdivider or Condominium Developer shall provide an amount of financial surety (performance bond or letter of credit) not to exceed ten (10) percent of the construction value of said improvements.
5. **Common Council Action.** After said notice, the Common Council shall call upon the performance guarantee to have the work completed in accordance with the terms of the performance guarantee.

15-8-09. 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 15-8-09(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 recommended by the Plan Commission and approved by the Common Council.



**EXAMPLE
 DIAGRAM ONLY**

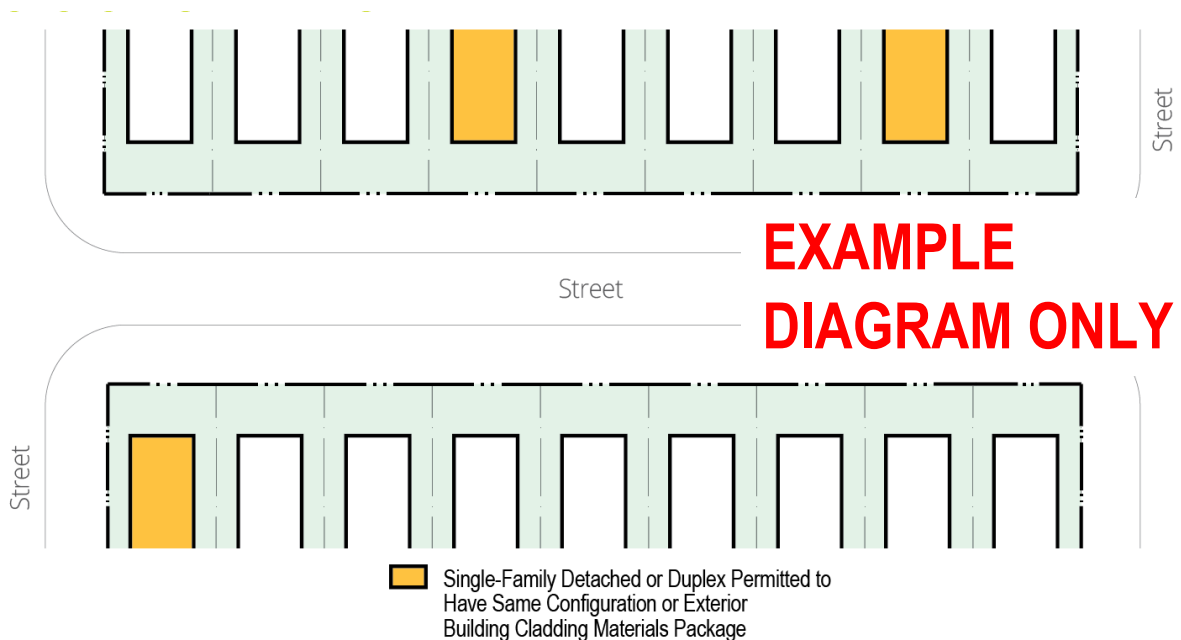
15-8-10. Anti-Monotony Standards

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 as determined by the Plan Commission and Common Council:

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.



15-8-11. Park and Recreation Land and School Site Dedication

- A. **Park and Recreation Land Dedication.** In order to ensure that sites for public open spaces and parks, playgrounds and other recreational and municipal facilities may be properly located and preserved as the City of Franklin develops, and in order that the cost of providing public park and recreation sites and facilities necessary to serve the additional families brought into the City by Certified Survey Map, Subdivision, Condominium, any residential Planned Development, and residential uses in a mixed-use Planned Development, or multiple-family development may be most equitably apportioned on the basis of the additional need created by the individual Certified Survey Map, Subdivision, Condominium, residential Planned Development, and residential uses in a mixed Planned Development, or multiple-family development, and pursuant to § 236.45(1) and 62.23(7) of the Wisconsin Statutes, the following provisions are established:
- B. **Parks, Playgrounds, and Other Recreational and Municipal Facilities.**
1. **Reservation and/or Dedication of Suitable Sites of Adequate Area for Parks and Playgrounds.** In the design of a Subdivision Plat, Certified Survey Map, Condominium, any residential Planned Development, and residential uses in a or mixed-use Planned Development, due consideration shall be given to the reservation and/or dedication of suitable sites of adequate area for parks and playgrounds.
 - a. If designated on the County development plan or element thereof, City of Franklin Comprehensive Master Plan, plan component, official map, Comprehensive Outdoor Recreation Plan or planning district plan or neighborhood or subarea development plan, such parks shall be made a part of the Certified Survey Map, Subdivision Plat, Condominium, residential Planned Development, or mixed-use Planned Development.
 - b. If not so designated, consideration shall be given in the location of such sites to the preservation of scenic and historic sites, young or mature woodlands, wetlands, lakes and ponds, watercourses, watersheds, drainageways, steep slopes, and ravines.
 2. **Selection of Options.** The Plan Commission shall, at the time of reviewing the Certified Survey Map, Preliminary Plat, Condominium, residential Planned Development, mixed-use Planned Development, recommend to the Common Council one of the actions detailed in this Section. The Common Council, at the time of reviewing the development and after reviewing the recommendation of the Plan Commission, shall select one of the following options and incorporate same into any approval granted:
 - a. Dedicate open space lands designated on the County development plan or component thereof, City of Franklin Comprehensive Master Plan or plan component, or City of Franklin Comprehensive Outdoor Recreation Plan; or
 - b. Reserve such open space lands and require a Park, Playground and Other Recreational Facility development fee payment pursuant to Division ##-#-###, or
 - c. Where no open space lands are directly involved, require a Park, Playground and Other Recreational Facility development fee payment pursuant to Division ##-#-###.
 3. **Exemptions.**
 - a. Subject to the requirements and provisions of, Division ##-#-###, where a lot, parcel or dwelling unit for which dedication or fee in lieu of dedication has once been paid is further divided or additional dwelling units created dedication or payment in lieu of dedication shall be required only for the additional lots, parcels, or dwelling units created.
 - b. No lot or dwelling unit which is fully developed for residential purposes at the time of the creation of the Subdivision, Certified Survey Map, Condominium, residential Planned Development, and residential uses in a mixed-use Planned Development shall be required to pay a Park, Playground and Other Recreational Facility development fee.

- c. Lots or parcels designated as outlots, as defined by this UDO, shall not be counted as lots or parcels for which a land dedication is required or to provide a fee in lieu of dedication. Lots or parcels designated as outlots may, however, be dedicated or reserved as public sites as long as their intended public use is so designated on the face of the Subdivision Plat, Certified Survey Map, Condominium, any residential Planned Development, and residential uses in a mixed-use Planned Development.

4. **Dedication/Reservation of Site Option.**

- a. **Determination of the Amount of Land to be Dedicated.** Whenever a proposed playground, park, or other public recreational or open space land designated on the County's development plan or element thereof, City of Franklin Comprehensive Master Plan, Comprehensive Outdoor Recreation Plan, or neighborhood development or subarea plan, or other comprehensive plan component is encompassed, all or in part, within a tract of land to be divided the publicly designated lands shall be made a part of the Certified Survey Map, Preliminary Plat, Condominium, any residential Conditional Use, any residential PDD Planned Development District, and residential uses in a mixed PDD Planned Development District, or multiple-family dwelling development and shall be dedicated to the public by the Developer.
- b. **Dedication of Land.**
 - i. Where land has been required by the Plan Commission to be reserved or when the Developer owns other land that has been determined by the Plan Commission to be acceptable for park open space and recreation purposes, the Developer may be required to dedicate such land.
 - ii. The representative cash value of the land to be dedicated shall be determined by the City on the basis of full and fair market value of the land to be dedicated. If such determination is not made prior to the time required for the payment of fees, such fees shall be paid as required for other development facilities per the City of Franklin fee schedule;
 - iii. The determination as to the feasibility of dedication shall be made by the Plan Commission.
- c. **Maximum Period of Land Reservation.** Any such proposed lands in excess of the rate established herein shall be reserved for a period not to exceed five (5) years, unless extended by mutual agreement, for purchase by the public agency having jurisdiction at undeveloped land prices. If the lands in excess of the established rate are not acquired within the five-year period as set forth herein, the land will be released from reservation to the property owner. If the parties are unable to agree on an acquisition price for said reserved lands, 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-year time period.
- d. **Stormwater Detention/Retention Areas or Basins, Wetlands, Shoreland Wetlands, and/or Floodplains Not Qualified for Meeting Land Area Requirements.** Areas used or required for stormwater detention or retention areas or basins, wetlands, shoreland wetlands, and/or floodplains shall not qualify for meeting the land area requirements set forth herein for the dedication of suitable public outdoor recreation lands. If such sites are dedicated for public use, they shall be in addition to suitable land area that meets the land area dedication requirements set forth herein.

- 5. **Fire Protection, Law Enforcement, Library and Emergency Medical.** In order to ensure that sites for fire protection, law enforcement, library and emergency medical are properly located as the community develops, and to ensure that the cost of providing fire protection, law enforcement, library and emergency medical and park, playground and other recreational facilities, necessary to serve the additional residents brought to the community by subdivision development, residential and mixed-use Planned Developments, may be most equitably apportioned on the basis of the additional need created by such development, and pursuant to **§ 236.45(1)** and **§ 62.23(7), WI Stats.**, the following provisions are established:

- a. **Reservation of Potential Future Sites.** In the design of the plat, consideration shall be given to the adequate provision of, and correlation with fire protection, law enforcement, library and emergency medical sites and facilities.
 - b. **Reservation Timeframe.** When it is determined by the Plan Commission that a portion of the plat is required by such future fire protection, law enforcement, library and emergency medical sites and facilities, the developer may be required to reserve such area for not more than five (5) years, during which 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-year time period.
 - c. **Fire Protection, Law Enforcement, Library and Emergency Medical and Park, Playground and Other Recreational Sites and Facilities Development Fee Obligation.** Within the jurisdiction as set forth in **Division 15.2.0102** of this UDO, the developer shall pay a fee to the City to provide for land and facilities to meet the fire protection, law enforcement, library and emergency medical and park, playground and other recreational needs of the development except as provided in **Divisions 15-5.0110C** and **(D)(2)(b)** as they pertain to Park, Playground and Other Recreational Sites and Facilities and **Division 15-5.0110(F)(4)(a)**.
 - d. The amount of the fee to be paid shall be as established in the City of Franklin fee schedule.
 - e. The fee shall be imposed as a condition of approval of any final plat or certified survey map and development occurring residential Planned Development, and the payment thereof shall be made to the City prior to the issuance of building permits.
 - f. When a lot or parcel for which payment has once been made is further divided, payment shall be required only for the additional lot(s) or parcel(s) created.
 - g. No payment shall be required on any outlot or lot which supports a residential structure existing prior to the approval of the final plat or certified survey map.
6. **Suitability.**
- a. The location and suitability of all land to be dedicated is subject to review and final acceptance by City of Franklin or the municipality or town in which the lands are located.
 - b. Lands unsuitable for residential development or conventional construction methods may be dedicated to fulfill required obligations only upon written approval by the City of Franklin Common Council.
7. **Public Pedestrian Access.**
- a. In addition to those requirements set forth under Division 15-2.0301(E) of this Ordinance, where a Certified Survey Map, Preliminary Plat, Condominium, any residential special use, any residential PDD Planned Development District, and residential uses in a mixed-use Planned Development District, abuts a public use area such as a park, lake, stream, hunting grounds, or any similar type of public recreational area, the Developer, at the discretion of the City of Franklin shall provide a pedestrian access easement at least twenty (20) feet wide at approved distance intervals connecting such public area with a public street.
 - b. If it is deemed to be in the public interest by City of Franklin to reserve additional area for proper development of the public access thoroughfare, the Developer shall reserve for acquisition by the City of Franklin or the municipality in which the land is located, a tract of land adjacent to the thoroughfare which, in the judgment of the City of Franklin, will adequately serve the public interest. Such tract shall be reserved for a period of five (5) years from the date of recordation and if not acquired within that time, it shall be released to the owner.
 - c. The dedication of land for public purposes, such as parkways or recreational corridors, parks, playgrounds, open space sites, rights-of-way, or easements, becomes effective at the time of approval and/or recording of Certified

Survey Map, Preliminary Plat, Condominium, any residential Planned Development, and residential uses in a mixed-use Planned Development.

- d. On lands reserved for eventual public acquisition, no building or development is permitted during the period of reservation.
 - i. The reservation period shall not be longer than five (5) years unless arranged otherwise with the Subdivider.
 - ii. Land so reserved must be clearly delineated and dimensioned on the Final Plat, Certified Survey Map, Condominium, residential Planned Development, or mixed-use Planned Development.

C. **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, Whitnall School District, and Oak Creek-Franklin Joint School District as applicable. When it is determined by the School Board 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 may be required to reserve such area for not more than five (5) years, during which time the school district 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 owns other land that has been determined by the Plan Commission and school district to be acceptable for school site purposes, the subdivider or condominium developer 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 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 at his own expense, and a third selected by the other two (2) 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.

The following NEW sections would consolidate general standards for construction (currently under Subdivision, 15-8.0201 et seq.) into **Chapter 220 – Standards for Construction; Chapter 223 -Construction Erosion Control; and Chapter 224 - Stormwater Management.** These standards apply broadly to land development in Franklin. They are not limited to subdivision approvals. From an administrative standpoint, these provisions are best enforced as municipal code, chiefly by Engineering, rather than under the UDO as zoning violations.

CHAPTER 220 STANDARDS for CONSTRUCTION

220-1 Commencement. No construction or installation of improvements shall commence in a proposed Preliminary Plat, Certified Survey Map, or Condominium until said Preliminary Plat, Certified Survey Map, or Condominium has been approved by the Common Council and the City Engineer has given written authorization to commence work and a pre-construction meeting has been held. Inspection fees shall be required as specified in **Division 15-9.0400** of this Ordinance.

220-2 Form of Financial Sureties. Financial sureties furnished to the City Attorney by Subdividers or Condominium Developers (as applicable) to ensure performance of obligations and guarantees under the terms of this Ordinance shall only be in a form which the City deems secure, and may include certified checks, irrevocable letters of credit in a form approved by the City Attorney. All financial sureties shall be subject to the requirements and standards of **Division 15-X.XXXX of the UDO.**

220-3 Building Permits. No Building and Zoning Compliance Permits shall be issued for erection of a structure on any lot not of record until all the requirements of this Ordinance and the Subdivision Development Agreement or Development Agreement have been met, including the construction of required streets and sidewalks except as may be provided for under **§ 15-3.0804** of the UDO for a model home, model dwelling units and pre-construction sales office, and temporary sales structure.

220-4 Improvements Extended to Limits of Parcel.

1. Any and all improvements or utility services required by the UDO, or by a municipality's ordinance concerning areas within that municipality's extraterritorial plat jurisdiction, for a Subdivision, Certified Survey Map or Condominium, shall be extended to the farthest limits of the parcel or lot upon which a building permit is requested unless the owner is exempted from meeting such requirement by the Plan Commission.
2. **Financial Sureties for Extension of Improvements Required.** 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 UDO if improvements are not made.

220-5 Plans and Specifications. The following plans and accompanying construction specifications, in conformance with the City Engineer's "Standards and Specifications for Development," shall be required by the City before authorization of construction or installation of improvements:

- A. **Street Plans and Profiles.** Street plans and profiles showing existing and proposed grades, elevations and typical cross-section(s) of required improvements.
- B. **Existing and Proposed Contours.** Existing and proposed contours at vertical intervals of not more than two feet. Elevations shall be marked on such contours based on National Geodetic Vertical Datum of 1929 (mean sea level);
- C. **Sanitary Sewer Plans and Profiles.** Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations, and materials of required facilities.
- D. **Storm Sewer Plans and Profiles.** Storm sewer plans and profiles showing the locations, grades, sizes, cross-sections, elevations, and materials of required facilities. Also, a stormwater management plan shall be required as set forth in **§ 222-3** of this UDO.
- E. **Water Main Plans and Profiles.** Water main plans and profiles showing the locations, sizes, elevations, and materials of required facilities.
- F. **Gas, Electrical Power, Telephone, and Cable Television Plans.** Plans showing the location and size, where applicable, of all gas, electrical power, telephone, and cable television service.

- G. **Landscape and Planting Plans.** Landscape and planting plans (see **Division 15-7.0300** of this UDO) showing the locations, age, caliper, and species of any required grasses, vines, shrubs, and trees.
- H. **Erosion and Sedimentation Control Plans.** Erosion and sedimentation control plans that generally follow the guidelines and standards set forth in Chapter 223 of the Municipal Code, the publications U.S.D.A. Conservation Technical Guide, prepared by the U.S. Department of Agriculture, and the Storm Water Construction Technical Standards prepared by the Wisconsin Department of Natural Resources, as amended, showing at a minimum:
 - 1. Those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation;
 - 2. The time span that soil will be exposed; and
 - 3. Plans to protect existing vegetation (fences, tree wells, etc.), which shall be consistent with the Natural Resource Protection Plan and Landscape and Planting Plan. Tree protection shall be consistent with the standards in **Section X-X.XXX** of the Natural Resource Protection Standards.
 - 4. A report on how the control will be handled - answering the questions: who, when, and how often?
- I. **Additional Plans.** Additional special plans or information as required by the City Engineer.

220-6 Grading. All erosion control practices and procedures shall be carried out in conformance with Section 223 of the Municipal Code. In addition:

- 1. **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.
- 2. **Protection Against Erosion, Siltation, Sedimentation, and Washing Required.** All grading, excavations, open cuts, side slopes, and other land surface disturbances shall be mulched, seeded, sodded, or otherwise protected to prevent erosion, siltation, sedimentation, and washing, in accordance with the plans and specifications, including the City's "Standards and Specifications for Development," approved by the City and consistent with Chapter 223 of the Municipal Code. In addition:
 - a. Sod shall be laid in strips at those intervals necessary to prevent erosion and at right angles to the direction of drainage.
 - b. Temporary vegetation and mulching shall be used to protect critical areas, and permanent vegetation shall be installed as soon as practical.
 - c. Construction at any given time shall be confined to the smallest practical area and for the shortest practical period of time.
 - d. Sediment basins shall be installed and maintained at all drainageways to trap, remove, and prevent sediment and debris from being washed outside the area being developed.
- 3. **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.

220-7 City Engineer to Review for Conformance. The City Engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this Ordinance and other pertinent City ordinances and design standards approved by the City Engineer. If the City Engineer rejects the plans and specifications, the City Engineer shall notify the Subdivider or Condominium Developer who shall cause the modification of the plans or specifications or both accordingly. When the plans and specifications are corrected, the City Engineer shall approve the plans and specifications.

220-8 Authorization and Inspection.

- A. **Authorization to Start Construction.** Prior to starting the work covered by the approved plans and specifications, a pre-construction meeting shall be held with the City Engineer before work begins and written authorization to start said work shall be obtained from the City Engineer upon receipt of all necessary and required permits and in accordance with the construction methods prescribed by this Ordinance and Subdivision Development Agreement. Building Permits shall not be issued until all improvements required by this Ordinance and Subdivision Development Agreement are satisfactorily completed.
- B. **Inspection.** The Subdivider or Condominium Developer, prior to commencing any work within the Subdivision, Certified Survey Map, or Condominium shall make arrangements with the City to provide for adequate inspection. The City Engineer and/or other City inspectors shall inspect or cause to be inspected and approved all completed work prior to approval of the Final Plat or release of the required financial sureties. During the course of construction, the City Engineer shall make such inspections as deemed necessary to ensure compliance with the approved plans and specifications. The Subdivider or Condominium Developer shall pay the costs incurred by the City for such inspections.

220-9 Record "As-Built" Plans. After completion of all public improvements and prior to final acceptance of said improvements, the Subdivider or Condominium Developer shall make or cause to be made three complete sets of record "as-built" plans for each of the plans required as set forth in this Section of this Ordinance and showing the actual location of all improvements made as the required by the City Engineer. These plans shall be prepared as specified by the City Engineer and shall bear the signature and seal of a professional engineer registered in Wisconsin. The presentation of the record "as built" plans shall be a condition of final acceptance of the improvements and release of the financial surety assuring their completion. These plans shall be submitted to the City Engineer for permanent filing in the Engineering Department at the City of Franklin Municipal Building. Completed storm water management practices must pass a final inspection by the City of Franklin or its designee to determine if they are in accordance with the approved storm water management plan and ordinance. The City of Franklin or its designee shall notify the responsible party in writing of any changes required in such practices to bring them into compliance with the conditions of this permit.

CHAPTER 223 CONSTRUCTION EROSION CONTROL

223-1 Purpose and Intent. The City of Franklin finds that runoff from construction sites carries a significant amount of sediment and other pollutants to the waters of the State and of the City of Franklin, including from sites where the only development activity is grading, filling, and/or excavating, independent of or prior to building construction. It is the purpose of this Division to help preserve the natural resources; to protect the quality of the waters of the State and of the City; and to protect and promote the health, safety and welfare of the people, to the extent practicable, by minimizing the amount of sediment and other pollutants carried by runoff or discharged from construction sites to lakes, streams, nature conservancy areas and wetlands, by minimizing the amount of airborne dust and by preventing the destruction of natural resources intended to be preserved by this ordinance, through the administration and enforcement of the permit, plan, control measure and maintenance requirements of this Division.

223-2 Authority.

- A. This ordinance is adopted under the authority granted by § 62.234, Wis. Stats. This ordinance supersedes all provisions of an ordinance previously enacted under § 62.23, Wis. Stats., that relate to construction site erosion control. Except as otherwise specified in § 62.234, Wis. Stats., § 62.23, Stats., applies to this ordinance and to any amendments to this ordinance. [Amended 6-7-2016 by Ord. No. 2016-2218]
- B. The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the City of Franklin Common Council.
- C. The City of Franklin Common Council hereby designates the City Engineer or designee to administer and enforce the provisions of this ordinance.
- D. The requirements of this ordinance do not preempt more stringent erosion and sediment control requirements that may be imposed by any of the following:

1. Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under §§ 281.16 and 283.33, Stats.
 2. Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under s. NR 151.004, Wis. Adm. Code.
- E. This Division is additionally intended to further the purposes of and is made pursuant to the authority granted under §§ 62.23(7), 62.234 and 236.45, Stats.

223-3 Applicability and Jurisdiction

- A. **Applicability.** This Section applies to the following sites of land disturbing construction activities, except as provided under Sub. B.:
1. Construction site (1/4 or more acres; 25 or more cubic yards). A construction site, which has one-quarter or more acres of land disturbing construction activity or upon which 25 or more cubic yards of dirt, sand or other excavation or fill material is excavated or filled by the land disturbing construction activity.
 2. **Subdivision Plats.** Those requiring a Subdivision Plat approval or the construction of residential or commercial, industrial or institutional buildings on lots of approved Subdivision Plats.
 3. **Certified Survey Map.** Those requiring a Certified Survey Map approval or the construction of residential or commercial, industrial or institutional buildings on lots of an approved Certified Survey Map.
 4. **Street, Highway, Road, or Bridge Construction, Enlargement, Relocation or Reconstruction.** Those involving street, highway, road, or bridge construction, enlargement, relocation or reconstruction.
 5. **Laying, Repairing, Replacing or Enlarging of an Underground Pipe or Facility.** Those involving the laying, repairing, replacing or enlarging of an underground pipe or facility for a distance of 300 feet or more.
 6. **Supporting or Adjoining Natural Resource Features.** Those areas which are within 100 feet of any natural resource feature listed in [Table 4.0100](#) of the Natural Resource Protection Standards
 7. Adverse Drainage Impacting. Notwithstanding Subs. 1. through 6. above, this ordinance applies to construction sites of any size that, in the opinion of the City Engineer or designee, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation particulate matter or that endangers property or public safety.
- B. **Non-applicability.** This ordinance does not apply to the following:
1. Land disturbing construction activity that includes the construction of a building and is otherwise regulated by the Wisconsin Department of Commerce under s. Comm 21.125 or 50.115, Wis. Adm. Code.
 2. A construction project that is exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under chapter 40, Code of Federal Regulations, part 122, for land disturbing construction activity.
 3. Nonpoint discharges from agricultural facilities and practices.

4. Nonpoint discharges from silviculture activities.
 5. Routine maintenance for project sites under five acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.
- C. **Jurisdiction.** This Division of this Ordinance applies to land disturbing and land development activities on lands within the boundaries and jurisdiction of the City of Franklin and the public and private lands subject to extraterritorial review under Chapter 236 of the Wisconsin Statutes. This Division 15-8.0300 is not applicable to activities conducted by a state agency, as defined under s. 227.01 (1), Stats., but also including the office of district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under s. 281.33 (2), Stats.

223-4 Definitions

- A. ADMINISTERING AUTHORITY — The City of Franklin City Engineer or designee, under § 62.234, Wis. Stats., that is hereby designated by the Common Council to administer this ordinance.
- B. AGRICULTURAL FACILITIES AND PRACTICE — Has the meaning in § 281.16(1), Stats.
- C. AVERAGE ANNUAL RAINFALL — A calendar year of precipitation, excluding snow, which is considered typical.
- D. BEST MANAGEMENT PRACTICE or BMP — Structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.
- E. BUSINESS DAY — A day the office of the Franklin City Engineer or other office designated by the Common Council is routinely and customarily open for business.
- F. CEASE AND DESIST ORDER — A court-issued order to halt land disturbing construction activity that is being conducted without the required permit.
- G. CONSTRUCTION SITE — An area upon which one or more land disturbing construction activities occur, including, but not limited to areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan.
- H. DIVISION OF LAND — Where the title or part thereof of land is transferred by the execution of a land contract, an option-to-purchase, an offer-to-purchase and acceptance, a deed, a Subdivision Plat, or a Certified Survey Map.
- I. EROSION — The detachment and movement of soil, sediment or rock fragments by water, wind, ice, or gravity.
- J. EROSION AND SEDIMENT CONTROL PLAN — A comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.
- K. EXTRATERRITORIAL — The unincorporated area within three miles of the City of Franklin.
- L. FILL — Earth, clay, soil, ground, or any mixture or combination of the foregoing. Stones, rocks or broken concrete, not exceeding 18 inches in diameter, need not be removed from fill, if not constituting more than 5% of the individual load. At no time shall stones, rocks, or broken concrete be used in any degree of concentration as fill, except as aforesaid. No asphalt/bituminous products are allowed as fill material. Unusable topsoil from grubbing operation(s) cannot be used for fill.
- M. FINAL STABILIZATION — That all land disturbing construction activities at the construction site have been completed and

that a uniform perennial vegetative cover has been established, with a density of at least 70 percent of the cover, for the unpaved areas and areas not covered by permanent structures, or that employ equivalent permanent stabilization measures.

- N. GOVERNING BODY — The City of Franklin Common Council, or as to any other governmental agency, the town board of supervisors, county board of supervisors, city council, village board of trustees or village council.
- O. LAND DISTURBING CONSTRUCTION ACTIVITY — Any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling, and grading activities.
- P. LANDOWNER — Any person holding fee title, an easement, or other interest in property, which allows the person to undertake cropping, livestock management, land disturbing construction activity, or maintenance of storm water BMPs on the property.
- Q. MEP or MAXIMUM EXTENT PRACTICABLE — A level of implementing best management practices in order to achieve a performance standard specified in this Division, which takes into account the best available technology, cost-effectiveness, and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties, and geographic features. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.
- R. PERFORMANCE STANDARD — A narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
- S. PERMIT — A written authorization made by the City of Franklin to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.
- T. POLLUTANT — Has the meaning given in s. 283.01 (13), Wis. Stats.
- U. POLLUTION — Has the meaning given in s. 281.01 (10), Wis. Stats.
- V. RESPONSIBLE PARTY — Any person or entity holding fee title to the property or performing services to meet the performance standards of this ordinance through a contract or other agreement.
- W. RUNOFF — Storm water or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.
- X. SEDIMENT — Settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.
- Y. SEPARATE STORM SEWER — A conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:
 - 1. Is designed or used for collecting water or conveying runoff.
 - 2. Is not part of a combined sewer system.
 - 3. Is not draining to a storm water treatment device or system.

- 4. Discharges directly or indirectly to waters of the state.
- Z. SILVICULTURE ACTIVITY — Activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and grubbing of an area of a construction site is not a silviculture activity.
- AA. SITE — The entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application.
- BB. STOP WORK ORDER — An order issued by the City of Franklin, which requires that all construction activity on the site be stopped.
- CC. TECHNICAL STANDARD — A document that specifies design, predicted performance, and operation and maintenance specifications for a material, device, or method.
- DD. TRANSPORTATION FACILITY — A highway, a railroad, a public mass transit facility, a public-use airport, a public trail, or any other public work for transportation purposes such as harbor improvements under s. 85.095(1)(b), Wis. Stats. "Transportation facility" does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Department pursuant to s. 281.33, Wis. Stats.
- EE. WATERS OF THE STATE — Has the meaning given in s. 281.01(18), Wis. Stats.

223 Applicability of Maximum Extent Practicable.

- A. Maximum extent practicable applies when a person who is subject to a performance standard of this ordinance demonstrates to the City Engineer's satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the responsible party shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

223-6 Technical Standards

[Amended 6-7-2016 by Ord. No. 2016-2218]

- A. **Design Criteria, Standards, and Specifications.** All BMPs required to comply with this ordinance shall meet the design criteria, standards, and specifications based on any of the following:
 - 1. Design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under subchapter V of chapter NR 151, Wis. Adm. Code.
 - 2. Soil loss prediction tools (such as the Universal Soil Loss Equation (USLE)) when using an appropriate rainfall or runoff factor (also referred to as the R factor) or an appropriate design storm and precipitation distribution, and when considering the geographic location of the site and the period of disturbance.

Note: The USLE and its successors RUSLE and RUSLE2, utilize an R factor which has been developed to estimate annual soil erosion, averaged over extended time periods. The R factor can be modified to estimate monthly and single-storm erosion.

- B. **Other Standards.** Other technical standards not identified or developed in Sub. A. immediately above, may be used provided that the methods have been approved by the City Engineer or designee.

223-7 Performance Standards

- A. **Responsible Party.** The responsible party shall implement an erosion and sediment control plan, developed in accordance with Section 15-8.0307, that incorporates the requirements of this Section.

- B. **Plan.** A written plan shall be developed in accordance with Section 15-8.0307 and implemented for each construction site.

Note: The written plan may be that specified within s. NR 216.46, the erosion control portion of a construction plan or other plan.

- C. **Erosion and Other Pollutant Control Requirements.** The plan required under Sub. B. immediately above, shall include the following:

- 1. **For Construction Sites Under One Acre.** Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:

- a. The deposition of soil from being tracked onto streets by vehicles.
- b. The discharge of sediment from disturbed areas into on-site storm water inlets.
- c. The discharge of sediment from disturbed areas into adjacent waters of the state.
- d. The discharge of sediment from drainage ways that flow off the site.
- e. The discharge of sediment by dewatering activities.
- f. The discharge of sediment eroding from soil stockpiles existing for more than seven days.
- g. The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision.

- 2. **For Construction Sites of One Acre or More:**

- a. **Erosion and Sediment Control Practices.** Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:

- i. The deposition of soil from being tracked onto streets by vehicles.
- ii. The discharge of sediment from disturbed areas into on-site storm water inlets.
- iii. The discharge of sediment from disturbed areas into adjacent waters of the state.
- iv. The discharge of sediment from drainage ways that flow off the site.

- v. The discharge of sediment by dewatering activities.
 - vi. The discharge of sediment eroding from soil stockpiles existing for more than seven days.
 - vii. The discharge of sediment from erosive flows at outlets and in downstream channels.
 - viii. The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision.
 - ix. The transport by runoff into waters of the state of untreated wash water from vehicle and wheel washing.
- b. **Sediment Performance Standards.** In addition to the erosion and sediment control practices under subd. a, the following erosion and sediment control practices shall be employed:
- i. BMPs that, by design, discharge no more than five tons per acre per year, or to the maximum extent practicable, of the sediment load carried in runoff from initial grading to final stabilization.
 - ii. No person shall be required to employ more BMPs than are needed to meet a performance standard in order to comply with maximum extent practicable. Erosion and sediment control BMPs may be combined to meet the requirements of this paragraph. Credit may be given toward meeting the sediment performance standard of this paragraph for limiting the duration or area, or both, of land disturbing construction activity, or for other appropriate mechanisms.
 - iii. Notwithstanding subd. i, if BMPs cannot be designed and implemented to meet the sediment performance standard, the erosion and sediment control plan shall include a written, site-specific explanation of why the sediment performance standard cannot be met and how the sediment load will be reduced to the maximum extent practicable.
- c. **Preventive Measures.** The erosion and sediment control plan shall incorporate all of the following:
- i. Maintenance of existing vegetation, especially adjacent to surface waters whenever possible.
 - ii. Minimization of soil compaction and preservation of topsoil.
 - iii. Minimization of land disturbing construction activity on slopes of 20% or more.
 - iv. Development of spill prevention and response procedures.
3. **Natural Resource Protection Standards.** All natural resource features shall be preserved and protected at all times, pursuant to the requirements of **Part 4 of this Unified Development Ordinance**, which is specifically applied to land disturbance, whether such land disturbance is independent of, prior to, or associated with any other development, including, but not limited to, those setting forth any buffer or setback requirements. Every application for a Construction Site Erosion Control Permit shall contain a statement that the proposed land disturbance area is not within 100 feet of a natural resource feature. if true, which shall be confirmed by the City Engineer or designee by inspection. Every application for such permit

for a land disturbance within 100 feet of a natural resource feature shall include the submission by the applicant of a Natural Resource Protection Plan pursuant to Division 15-7.0200 of this Unified Development Ordinance or such permit shall not be granted. All defined Protected Natural Resources will be protected with a double row of silt fence and a single line of four-foot orange construction fence.

D. **Location.** The BMPs used to comply with this section shall be located prior to runoff entering waters of the state.

Note: While regional treatment facilities are appropriate for control of post-construction pollutants, they should not be used for construction site sediment removal.

E. **Implementation.** The BMPs used to comply with this section shall be implemented as follows:

1. Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin.
2. Erosion and sediment control practices shall be maintained until final stabilization.
3. Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.
4. Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.
5. BMPs that are no longer necessary for erosion and sediment control, including but not limited to silt fence, shall be removed and the site restored by the responsible party.

F. **Alternate Requirements.** The City of Franklin may establish storm water management requirements more stringent than those set forth in this Section if the City Engineer or designee determines that an added level of protection is needed for sensitive resources.

223-8 Construction Site Erosion Control Permit Required and Application

A. **Permit Required.** No responsible party, landowner, occupant, land user, person, or entity may commence, continue, and no responsible party, landowner, or occupant may suffer or allow to continue, a land disturbing construction activity subject to this Division, without receiving prior approval of a control plan for the site and a Construction Site Erosion Control Permit, from the City Engineer or designee, excepting when the disturbance or activity is made under a single family home building permit or other development approval which provides the control measures required under this Division, i.e., Subdivision Development Agreement, Special Use Resolution, and the like. Any person or entity desiring to undertake a land disturbing construction activity subject to this Division shall obtain the submission of an application for a Construction Site Erosion Control Permit, together with a control plan, and pay an application fee. Notwithstanding the foregoing, land disturbing activities may be permitted under a Construction Site Erosion Control Permit without the prior approval of a control plan, for an Adverse Drainage Impacting land disturbing construction activity for which an erosion and sediment control plan statement is required in lieu thereof, under Section 15-8.0307B. of this Division, and for a Class 1 (as described below) application; in lieu of a control plan, a Class 1 applicant may submit a plat of survey depicting the area and describing any volume of and the nature of the land disturbing construction activity, and the restoration to be performed, if any, together with such other information as reasonably required by the City Engineer or designee to further the purposes and intent of this Division.

Note: The application fee shall be included in the fee for building permits and other applicable development approvals, where constituting the exception set forth above.

B. **Permit Application and Fees.** An application for a Construction Site Erosion Control Permit shall be signed by the owner of the land involved, as a responsible party, together with the person applying for the permit, if other than the owner, who shall also be

a responsible party by reason of such application. The applicant shall also pay an application fee at the time of filing the application. There shall be three classes of applications for the setting of application fees and in part, for applying the control plan requirements. A Class 1 application is an application involving land disturbing construction activities upon a construction site of 1/4 acre up to 1/2 acre or supporting 25 cubic yards up to 100 cubic yards of fill or excavation activities, for which the application fee is \$50.00. A Class 2 application is an application involving land disturbing construction activities upon a construction site of 1/2 acre up to two acres or supporting 100 cubic yards up to 500 cubic yards of fill or excavation activities, any land disturbing construction activity Supporting or Adjoining Natural Resource Features, and any Adverse Drainage Impacting land disturbing construction activity, for which the application fee is \$100.00. A Class 3 application is an application involving land disturbing construction activities upon a construction site of two or more acres or supporting 500 or more cubic yards of fill or excavation activities, for which the application fee is \$250.00, plus an additional \$50.00 for each 500 cubic yards or portion thereof in addition to the base 500 cubic yards. The application shall accurately describe the construction site area and the type of land disturbing construction activity applied for, shall provide the tax key number(s) and available address(es) of property upon which the site is located, and the volume by cubic yards of any filling or excavation activities. In all other respects, the application shall provide for and contain such information as may be reasonably required by the City Engineer or designee, to further the purpose and intent of this Division. An application fee for land disturbing construction activity commenced prior to the issuance of a permit and applicable approval of a control plan shall be doubled. By submitting an application, the applicant is authorizing the City Engineer or designee to enter the site to obtain information required for the review of the erosion and sediment control plan.

- C. **Review and Approval of Permit Application.** The City Engineer or designee shall review any permit application that is submitted with an erosion and sediment control plan and the required fee. The following approval procedure shall be used:
1. If the permit application and plan are approved, the City Engineer or designee shall issue the permit.
 2. If the permit application or plan is disapproved, the City Engineer or designee shall state in writing the reasons for disapproval.
 3. The City Engineer or designee may request additional information from the applicant.
- D. **Surety Bond.** As a condition of approval and issuance of the permit, the City Engineer or designee may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved erosion control plan and any permit conditions.
- E. **Permit Requirements.** All permits shall require the responsible party to:
1. Notify the City Engineer or designee within 48 hours of commencing any land disturbing activity.
 2. Notify the City Engineer or designee of the completion of installation of any control measures within three days after their installation.
 3. Obtain permission in writing from the City Engineer or designee prior to modifying the control plan.
 4. Install all control measures as identified in the approved control plan.
 5. Maintain all road drainage systems, storm water drainage systems, control measures, and other facilities identified in the control plan and document repairs in a site erosion control log.
 6. Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land developing or disturbing activities and document repairs in a site erosion control log.

7. Inspect the construction control measures after each rain of 0.5 inches or more and at least once each week and make needed repairs and undertake such other or additional inspecting and activities as recommended in the Storm Water Construction Technical Standards prepared by the Wisconsin Department of Natural Resources.
 8. Conduct any filling activity so that at the end of each day the surface shall be graded to drain and be free from broken concrete and relatively free from gravel, and that the upper four inches thereof shall be of soil suitable for growing grass. The surface of said filling shall be kept free from dust at all times during the filling activity and thereafter.
 9. Allow the City Engineer and/or designee and/or City representatives to enter the site for the purpose of inspecting compliance with the control plan or for performing any work necessary to bring the site into compliance with the control plan.
 10. Keep a copy of the control plan on the site.
- F. **Permit Conditions.** Permits issued under this Section may include conditions established by the City Engineer or designee, in addition to the requirements set forth in Sub. E. above, where reasonably necessary to assure compliance with the performance standards in Section 15-8.0305.
- G. **Permit Duration.** Permits shall be valid for a period of one year unless otherwise shown on the permit, or the length of the building permit or other construction authorizations, whichever are longer, from the date of issuance. The City Engineer or designee may extend the period one or more times for up to an additional 180 days. The City Engineer or designee may require additional control measures as a condition of the extension if they are necessary to meet the requirements of this Division.
- H. **Maintenance.** All sedimentation basins and all other control measures required by this Division shall be maintained by the land owner, land occupant, and all persons and entities performing development activities upon or adjacent or near the property upon which the control measures are installed in a manner to ensure their intended performance and to prevent nuisance conditions, during the period of land disturbance and land development of the site, and thereafter for control measures intended to perform thereafter for an extended period of time or permanently.
- I. **Erosion and Sediment Control Plan, Statement, and Amendments.**
1. An erosion and sediment control plan shall be prepared and submitted to the City Engineer or designee.
 2. The erosion and sediment control plan shall be designed to meet the performance standards in Section 15-8.0305 and other requirements of this ordinance.
 3. The erosion and sediment control plan shall address pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site. The erosion and sediment control plan shall include, at a minimum, the following items:
 - a. The name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact at such firm. The application shall also include start and end dates for construction.
 - b. Description of the site and the nature of the construction activity, including representation of the limits of land disturbance on a United States Geological Service 7.5 minute series topographic map.

- c. A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
 - d. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by construction activities.
 - e. Estimates, including calculations, if any, of the runoff coefficient of the site before and after construction activities are completed.
 - f. Calculations to show the expected percent reduction in the average annual sediment load carried in runoff as compared to no sediment or erosion controls.
 - g. Existing data describing the surface soil as well as sub soils.
 - h. Depth to groundwater, as indicated by Natural Resources Conservation Service soil information where available.
 - i. Name of the immediate named receiving water from the United States Geological Service 7.5 minute series topographic maps.
 - j. Calculations to show compliance with the performance standard in Section 15-8.0305.
4. **The erosion and sediment control plan shall include a site map.** The site map shall include the following items and shall be at a scale not greater than 100 feet per inch and at a contour interval not to exceed two feet.
- a. Existing topography, vegetative cover, natural and engineered drainage systems, roads and surface waters. Lakes, ponds, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site shall be shown. Any identified 100- year flood plains, flood fringes and floodways shall also be shown.
 - b. Boundaries of the construction site.
 - c. Drainage patterns and approximate slopes anticipated after major grading activities.
 - d. Areas of soil disturbance.
 - e. Locations and dimensions of all temporary soil or dirt stockpiles and areas where construction equipment will be stored on site.
 - f. Location of major structural and non-structural controls identified in the plan.
 - g. Location of areas where stabilization practices will be employed.
 - h. Areas which will be vegetated following construction.
 - i. Areal extent of wetland acreage on the site and locations where storm water is discharged to a surface water or

wetland.

- j. Locations of all surface waters and wetlands within one mile of the construction site.
 - k. An alphanumeric or equivalent grid overlying the entire construction site map.
5. Each erosion and sediment control plan shall include a description of appropriate controls and measures that will be performed at the site to prevent pollutants from reaching waters of the state. The plan shall clearly describe the appropriate control measures for each major activity and the timing during the construction process that the measures will be implemented. The description of erosion controls shall include, when appropriate, the following minimum requirements:
- a. Description of interim and permanent stabilization practices, including a practice implementation schedule. Site plans shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized.
 - b. Description of structural practices to divert flow away from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from the site. Unless otherwise specifically approved in writing by the City Engineer or designee, structural measures shall be installed on upland soils.
 - c. Management of overland flow at all sites, unless otherwise controlled by outfall controls.
 - d. Trapping of sediment in channelized flow.
 - e. Staging construction to limit bare areas subject to erosion.
 - f. Protection of down slope drainage inlets where they occur.
 - g. Minimization of tracking at all sites.
 - h. Clean up of off-site sediment deposits.
 - i. Proper disposal of building and waste materials at all sites.
 - j. Stabilization of drainage ways.
 - k. Control of soil erosion from dirt stockpiles.
 - l. Installation of permanent stabilization practices as soon as possible after final grading.
 - m. Minimization of dust to the maximum extent practicable.
6. The erosion and sediment control plan shall require that velocity dissipation devices be placed at discharge locations and along the length of any outfall channel, as necessary, to provide a non-erosive flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.

Note: The plan requirements of this subsection will meet the erosion control plan requirements of s. NR 216.46, Wis. Adm. Code, when prepared in accordance with good engineering practices and the design criteria, standards, and specifications outlined in the Storm Water Construction Technical Standards prepared by the Wisconsin Department of Natural Resources.

- J. **Erosion and Sediment Control Plan Statement.** For each construction site identified under Section 15-8.0302(A)(7), an erosion and sediment control plan statement shall be prepared. This statement shall be submitted to the City Engineer or designee. The control plan statement shall briefly describe the site, including a site map. Further, it shall also include the best management practices that will be used to meet the requirements of the ordinance, including the site development schedule.
- K. **Amendments.** The applicant shall amend the plan if any of the following occur:
1. There is a change in design, construction, operation, or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the state and which has not otherwise been addressed in the plan.
 2. The actions required by the plan fail to reduce the impacts of pollutants carried by construction site runoff.
 3. The City Engineer or designee notifies the applicant of changes needed in the plan.
- L. **Tree Preservation and Replacement Provisions.**
1. Where a tree preservation plan has been prepared as part of a Subdivision, Condominium, or Site Plan pursuant to the Unified Development Ordinance, or where a Natural Resource Protection Plan has been prepared in conjunction with the above, the plan shall be incorporated into the Erosion and Sediment Control Plan pursuant to Section 222-2-X.XXXX above. Where such a plan has been approved, the following additional provisions shall apply:
 - a. **Snow Fence Required at Periphery of Drip Line. The Plan shall identify the drip line of all trees to be protected and preserved.** During grading and construction, a snow fence shall be installed at the periphery of the tree's drip line.
 - b. **Limitation on Encroachment of Grading and Construction Equipment.** All grading and construction equipment shall be forbidden from encroaching within the tree's drip line.
 - c. **Material Dumping Prohibited Within Tree Drip Line.** Materials detrimental to the tree shall not be dumped or placed within a tree's drip line, nor at any higher elevation than the base of the tree where drainage toward the tree could adversely affect the health of the tree. Such materials shall include, but not necessarily be limited to, excess soil, stone or rock, additional fill, equipment, liquids, or construction debris.
 2. **Attachments to Trees Prohibited.** No attachments or wires, other than those of a protective or nondamaging nature, shall be attached to any trees to be preserved during construction.
 3. **Tree Destruction and Replacement.** In the event that a tree designated for preservation should be destroyed or razed during the construction process, the Subdivider or Condominium Developer (as applicable) shall replace the tree of with species approved by the City Forester, and having a diameter at breast height of not less than the tree so destroyed or razed. No one replacement, however, shall exceed six inches in diameter as measured at 12 inches above the ground level. At the discretion of the City Forester, several smaller diameter trees having a combined diameter equal to the tree razed or destroyed shall be planted for trees larger than six inches at the ratios set forth in Table X. Said replacement trees shall be placed in the approximate location of the tree, or trees, so destroyed. Such replacement trees shall not be counted toward any supplemental measures which may be required of the Subdivider or Condominium Developer (as applicable) as specified elsewhere in the Unified Development Ordinance.

Table X

DRAFT FOR REVIEW ONLY

Minimum Tree Replacement Requirements		
Size of Tree Destroyed or Razed (in DBH)	Replacement Tree Requirements	
	Number of Trees Required (in Caliper)	Minimum Size of Each Tree Required (in Caliper)
8 to 10 inches	1	3 inches
11 to 16 inches	2	3 inches
17 to 24 inches	3	3 inches
25 to 30 inches	4	3 inches
31 to 36 inches	5	3 inches
37 inches or greater	6	3 inches

223-9 Fee Schedule

The fees referred to in other sections of this Division shall be established by the Common Council and may from time to time be modified by resolution. A schedule of the fees established by the Common Council shall be available for review in the office of the City Clerk.

223-10 Inspection and Enforcement

- A. Inspection. The City Engineer or designee and such City representatives as may be designated by the Common Council may inspect land disturbing construction activity sites as often as necessary to ensure compliance with the control plan. If land disturbing or land development activities are being carried out without a permit, the City Engineer or designee shall enter the land by permission of the landowner or pursuant to the provisions of § 66.0119(1), (2) and (3), Wis. Stats.

- B. Enforcement. Enforcement of this Division shall be accomplished as follows:
 - 1. The City Engineer or designee may post a stop-work order on all building, construction, land disturbing, or land development activities if:
 - a. Any land disturbing activity regulated under this Division is being undertaken without a permit; or
 - b. The control plan is not being implemented in a good faith manner; or
 - c. The conditions of the permit are not being met.
 - 2. If the responsible party or any other person or entity performing or suffering the activity does not cease the activity or comply with the control plan or permit conditions forthwith, the City Engineer or designee may revoke the permit.
 - 3. If the landowner or land user or any other person or entity performing or suffering the activity, where no permit has been issued, does not cease the activity forthwith, the City Engineer or designee may request the City Attorney to obtain a cease and desist order.
 - 4. In addition to the foregoing provisions of this Subsection, this Division may be enforced by way of injunction, the imposition of forfeitures and other available relief pursuant to Division 9.0500 of this Ordinance and the undertaking by the City to cure any defects or complete any plans or measures, with the costs thereof to be assessed against the property owner and entered upon the tax roll pursuant to the procedures for a special charge under § 66.0627, Stats. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings. Any violation of this Division is hereby declared to be a public nuisance.

223-11 Appeals.

- A. Board of ~~Zoning and Building~~ **Public Works**. The Board of **Public Works** ~~Zoning and Building Appeals~~:

1. Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the City Engineer or designee in administering this ordinance except for cease and desist orders obtained.
 2. Upon appeal, may authorize variances from the provisions of this ordinance which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship; and
 3. Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.
- B. **WHO MAY APPEAL.** Appeals to the Board of **Public Works Zoning and Building Appeals** may be taken by any aggrieved person or by any office, department, board, or bureau of the City of Franklin affected by any decision of the City Engineer or designee.

223-12 Penalty

Violations of this Chapter shall be subject to the Penalty provisions of Chapter 1-19 of the City of Franklin Municipal Code.

Chapter 224 STORMWATER MANAGEMENT

224-1 Authority. This ordinance is adopted by the Common Council under the authority granted by s. 62.234 Wis. Stats. This ordinance supersedes all provisions of an ordinance previously enacted under s. 62.23 Wis. Stats., that relate to storm water management regulations.

224-2 Findings of Fact.

The Common Council finds that uncontrolled, runoff has a significant impact upon water resources and the health, safety and general welfare of the community and diminishes the public enjoyment and use of natural resources. Specifically, uncontrolled post-construction runoff can:

- A. Degrade physical stream habitat by increasing stream bank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperature;
- B. Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loading of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens and other urban pollutants;
- C. Alter wetland communities by changing wetland hydrology and by increasing pollutant loads;
- D. Reduce the quality of groundwater by increasing pollutant loading;
- E. Threaten public health, safety, property and general welfare by overtaxing storm sewers, drainage ways, and other drainage facilities;
- F. Threaten public health, safety, property and general welfare by increasing major flood peaks and volumes;
- G. Undermine floodplain management efforts by increasing the incidence and levels of flooding; and
- H. Aggravate excessive infiltration and inflow of water into sanitary sewer connections during peak storm events causing the conveyance system to surcharge, overflow or backup into basements.

224-3 Purpose.

[Amended 6-7-2016 by Ord. No. 2016-2218]

It is the purpose of this Division to establish long-term, post-construction runoff management requirements that will diminish the threats to public health, safety, welfare, and the aquatic environment by integrating local, state, and federal storm water quantity and quality standards. This Division implements the Milwaukee Metropolitan Sewerage District (MMSD) rules on release rates for development creating more than a de minimis amount of new impervious surface to reduce the probability of increased regional floods as the metropolitan area approaches full build-out forecast for 2050. It also incorporates Wisconsin Department of Natural Resources quantity and quality requirements as found in NR 151, Wis. Adm. Code.

224-4 Storm Water Quality and Quantity Management Applicability.

[Amended 6-7-2016 by Ord. No. 2016-2218]

- A. The water quality management duties apply to property development disturbing one or more acres and the water quantity management duties apply to development disturbing one or more acres or increasing impervious surface by one-half acre or more, unless the site is exempt under paragraph (2) or (3).

Note: The one acre land disturbance threshold is consistent with state and federal laws regarding applicability of construction site erosion control permits. The half-acre or more of new impervious surface is the MMSD criteria.

- B. A site meeting any one of the following criteria is exempt from storm water quality requirements:

1. A redevelopment post-construction site with no increase in exposed parking lots or roads.
2. A post-construction site with less than 10% connected imperviousness based on complete development of the post-construction site, provided the cumulative area of all parking lots and rooftops is less than one acre.
3. Nonpoint discharges from agricultural facilities and practices.
4. Nonpoint discharges from silviculture activities.
5. Routine maintenance for project sites under five acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.
6. Underground utility construction such as water, sewer, and fiberoptic lines. This exemption does not apply to the construction of any above-ground structures associated with utility construction.

- C. Water quantity management duties do not apply for:

1. Residential infill where the lot is five acres or less, the development is exclusively residential, the net increase in the area of impervious surface is less than 10% of the area of the site, and each boundary of the site is contiguous to: sites that contain earlier development served by sanitary sewers, streets, or public water supply when the governmental unit receives the plans for the new development or parkland; or other public land, a utility right-of-way, or a watercourse; or,
2. Sites where the area of impervious surface after development will be 5% or less of the total area of the site;
3. Recreational trails if the trail is less than or equal to 10 feet in width and has a continuous pervious buffer at least 5 feet wide on each side, disregarding interruption by streets, driveways, or other impervious surfaces crossing the trail. [; or]
4. Notwithstanding the applicability requirements in paragraph (1), this ordinance applies to post-construction sites of any size that, in the opinion of the City Engineer or designee, is likely to result in runoff that exceeds the capacity of the existing drainage facilities or the level of flooding protection in a watercourse that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter, or that endangers property or public safety.

- D. **Comity.** State agencies should design and incorporate best management practices for surface water quality and storm water quantity management for new impervious surfaces. The runoff management techniques should be the same as flood abatement plans and techniques utilized by local governments in the watershed. The lead agency preparing an environmental assessment for a federal or

state project should identify the mitigating runoff management techniques to prevent increases in peak flood flows from new impervious areas.

Note: See Trans 400 (Environmental Assessment) and Trans 401 (2003 revisions to conform with NR 151 standards). Wisconsin Department of Transportation (WisDOT) and Wis. DNR have a jurisdictional memorandum of understanding per § 281.33 (2), Wis. Stats., limited to management of pollutants in storm water. Trans 401 is narrowly tailed to BMPs for pollution abatement and design criteria for transportation projects. Neither DNR nor DOT rules address post-construction peak runoff and flooding in fully urbanized areas, but each agency's environmental assessment should consider the impacts of new impervious surfaces and the technical and economically feasible alternatives to mitigate the adverse impacts. More stringent local storm water management requirements for peak runoff do not conflict with the state policy on controlling pollutants discharged from storm water point sources. The state rules address different adverse impacts of storm water runoff based on different probabilities and storm intensity. Finally, Trans 401 allows a de minimis exemption from water quality BMPs for highway improvements of less than 1.5 miles and widening of a roadbed by less than 100 feet. Chapter 13 of MMSD Rules and this local ordinance do not treat impervious highways any different than other impervious surfaces. The same threshold of one-half acre or more of new impervious surface for purposes of water quantity BMPs applies.

224-5 Definitions.

[Amended 6-7-2016 by Ord. No. 2016-2218]

- A. ADEQUATE SOD, OR SELF-SUSTAINING VEGETATIVE COVER — Maintenance of sufficient vegetation types and densities such that the physical integrity of the streambank or lakeshore is preserved. Self-sustaining vegetative cover includes grasses, forbs, sedges and duff layers of fallen leaves and woody debris
- B. ADMINISTERING AUTHORITY — A governmental employee under s. 62.234, Wis. Stats., designated by the Common Council to administer this ordinance.
- C. AGRICULTURAL FACILITIES AND PRACTICES — Has the meaning given in s. 281.16, Wis. Stats.
- D. ATLAS 14 — The National Oceanic and Atmospheric Administration (NOAA) Atlas 14 Precipitation-Frequency Atlas of the United States, Volume 8 (Midwestern States), published in 2013.
- E. AVERAGE ANNUAL RAINFALL — A calendar year of precipitation, excluding snow, which is considered typical.
- F. BEST MANAGEMENT PRACTICE or BMP — Structural or non-structural measures, practices, techniques or devices employed to:
 - 1. Avoid or minimize sediment or pollutants carried in runoff to waters of the state or
 - 2. Manage the rate or volume of runoff.
- G. BUSINESS DAY — A day the office of the City Engineer is routinely and customarily open for business
- H. CEASE AND DESIST ORDER — A court-issued order to halt land disturbing construction activity that is being conducted without the required permit
- I. COMBINED SEWER SYSTEM — A system for conveying both sanitary sewage and storm water runoff.
- J. CONNECTED IMPERVIOUSNESS — An impervious surface that is directly connected to a separate storm sewer or water of the state via an impervious flow path.
- K. CRITICAL TIME — The period starting at the time of peak rainfall intensity with a duration equal to the time of concentration of the watershed.
- L. DESIGN STORM — A hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total depth of rainfall.
- M. DEVELOPMENT — Residential, commercial, industrial, or institutional land uses and associated roads.

- N. DIRECT CONDUITS TO GROUNDWATER — Wells, sinkholes, swallets, fractured bedrock at the surface, mine shafts, non-metallic mines, tile inlets discharging to groundwater, quarries, or depressional groundwater recharge areas over shallow fractured bedrock.
- O. DIVISION OF LAND — Where the title or part thereof of land is transferred by the execution of a land contract, an option-to-purchase, an offer-to-purchase and acceptance, a deed, a Subdivision Plat, or a Certified Survey Map.
- P. EFFECTIVE INFILTRATION AREA — The area of the infiltration system that is used to infiltrate runoff and does not include the area used for site access, berms, or pretreatment.
- Q. EROSION — The detachment and movement of soil, sediment or rock fragments by water, wind, ice, or gravity.
- R. EXCEPTIONAL RESOURCE WATERS — Waters listed in s. NR 102.11, Wis. Adm. Code.
- S. FILTERING LAYER — Soil that has at least a three-foot deep layer with at least 20 percent fines; or at least a five-foot deep layer with at least 10 percent fines; or an engineered soil with an equivalent level of protection as determined by the regulatory authority for the site.
- T. FINAL STABILIZATION — That all land disturbing construction activities at the construction site have been completed and that a uniform, perennial, vegetative cover has been established, with a density of at least 70% of the cover, for the unpaved areas and areas not covered by permanent structures, or employment of equivalent permanent stabilization measures.
- U. FINANCIAL GUARANTEE — A performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the City Attorney by the responsible party to assure that requirements of the ordinance are carried out in compliance with the storm water management plan.
- V. GOVERNING BODY — Common Council.
- W. IMPERVIOUS SURFACE — An area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, gravel or paved parking lots and streets are examples of areas that typically are impervious.
- X. IN-FILL AREA — An undeveloped area of land located within existing development.
- Y. INFILTRATION — The entry of precipitation or runoff into or through the soil.
- Z. INFILTRATION SYSTEM — A device or practice such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or minimal infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.
- AA. KARST FEATURE — An area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps, or swallets.
- BB. LAND DISTURBING CONSTRUCTION ACTIVITY — Any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling, and grading activities.
- CC. LANDOWNER — Any person holding fee title, an easement, or other interest in property, which allows the person to undertake cropping, livestock management, land disturbing construction activity, or maintenance of storm water BMPs on the property.
- DD. MAINTENANCE AGREEMENT — A legal document that provides for long-term maintenance of storm water management practices.

- EE. MEP or MAXIMUM EXTENT PRACTICABLE — A level of implementing best management practices in order to achieve a performance standard specified in this ordinance which takes into account the best available technology, cost effectiveness, and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties, and geographic features. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.
- FF. NEW DEVELOPMENT — Development resulting from the conversion of previously undeveloped land or agricultural land uses.
- GG. NRCS MSE3 or MSE4 DISTRIBUTION — A specific precipitation distribution developed by the United States Department of Agriculture, Natural Resources Conservation Service, using precipitation data from Atlas 14.
- HH. OFF-SITE — Located outside the property boundary described in the permit application.
- II. ON-SITE — Located within the property boundary described in the permit application.
- JJ. ORDINARY HIGH-WATER MARK — Has the meaning given in s. NR 115.03(6), Wis. Adm. Code.
- KK. OUTSTANDING RESOURCE WATERS — Waters listed in s. NR 102.10, Wis. Adm. Code.
- LL. PERCENT FINES — The percentage of a given sample of soil which passes through a #200 sieve.

Note: Percent fines can be determined using the "American Society for Testing and Materials," volume 04.02, "Test Method C117-95 Standard Test Method for Materials Finer than 75-um (No. 200) Sieve in Material Aggregates by Washing." Copies can be obtained by contacting the American Society for Testing and Materials, 100 Barr Harbor Drive, Conshohocken, PA 19428-2959, or phone 610-832-9585, or on line at: <http://www.astm.org>.

- MM. PERFORMANCE STANDARD — A narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
- NN. PERMIT — A written authorization made by the City Engineer to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.
- OO. PERMIT ADMINISTRATION FEE — A sum of money paid to the City Engineer by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.
- PP. PERVIOUS SURFACE — An area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests or other similar vegetated areas are examples of surfaces that typically are pervious.
- QQ. POLLUTANT — Has the meaning given in s. 283.01(13), Wis. Stats.
- RR. POLLUTION — Has the meaning given in s. 281.01(10), Wis. Stats.
- SS. POST-CONSTRUCTION SITE — A construction site following the completion of land disturbing construction activity and final site stabilization.
- TT. PRE-DEVELOPMENT CONDITION — The extent and distribution of land cover types present before the initiation of land disturbing construction activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner.
- UU. PREVENTIVE ACTION LIMIT — Has the meaning given in s. NR 140.05(17), Wis. Adm. Code.
- VV. PROTECTIVE AREA — An area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the greatest of the following widths, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface.
- WW. RECREATIONAL TRAIL — A path that is:
 - 1. Distinctly set apart from a roadway, street, or sidewalk;

2. Designed for activities such as jogging, walking, hiking, bird-watching, bicycle riding, roller skating, or similar recreational activities not involving the use of motorized vehicles; and
 3. Not a sidewalk according to sec. 340.01(58), Wis. Stats
- XX. REDEVELOPMENT – New construction, modification, or replacement of older development
- YY. RESPONSIBLE PARTY — Any entity holding fee title to the property or other person contracted or obligated by other agreement to implement and maintain post-construction storm water BMPs.
- ZZ. SEPARATE STORM SEWER — A conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels, or storm drains, which meets all of the following criteria:
1. Is designed or used for collecting water or conveying runoff;
 2. Is not part of a combined sewer system;
 3. Is not draining to a storm water treatment device or system; and
 4. Discharges directly or indirectly to waters of the state.
- AAA. SHORE BUFFER — All of that land area located within 75 feet landward of the ordinary high water mark of all ponds, streams, lakes, and navigable waters (as determined by the Wisconsin Department of Natural Resources) and parallel to that ordinary high water mark, which is to remain undisturbed as a Natural Resource Feature (including undisturbed natural vegetation). Shore buffers do not include any area of land adjacent to any stream enclosed within a drainage structure, such as a pipe or culvert. The area of shore buffers (in square feet and acres) shall be measured and graphically delineated on the "Natural Resource Protection Plan." A shore buffer is also a setback.
- BBB. SILVICULTURE ACTIVITY — Activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and grubbing of an area of a construction site is not a silviculture activity.
- CCC. SITE — The entire area included in the legal description of the land on which the land disturbing construction activity occurred.
- DDD. STOP WORK ORDER — An order issued by the City Engineer or Building Inspector which requires that all construction activity on the site be stopped.
- EEE. STORM WATER MANAGEMENT PLAN — A comprehensive plan designed to reduce the discharge of pollutants from storm water after the site has under gone final stabilization following completion of the construction activity.
- FFF. STORM WATER MANAGEMENT SYSTEM PLAN — A comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.
- GGG. TECHNICAL STANDARD — A document that specifies design, predicted performance, and operation and maintenance specifications for a material, device, or method.
- HHH. TIME OF CONCENTRATION — Time required for a drop of water to travel from the most hydrologically remote point in the watershed to the point of collection.
- III. TOP OF THE CHANNEL — An edge, or point on the landscape, landward from the ordinary high water mark of a surface water of the state, where the slope of the land begins to be less than 12% continually for at least 50 feet. If the slope of the land is 12% or less continually for the initial 50 feet, landward from the ordinary high water mark, the top of the channel is the ordinary high water mark.
- JJJ. TOTAL MAXIMUM DAILY LOAD or TMDL — The amount of pollutants specified as a function of one or more water quality parameters, that can be discharged per day into a water quality limited segment and still ensure attainment of the applicable water quality standard.

- KKK. TP-40 — Technical Paper No. 40, Rainfall Frequency Atlas of the United States, published in 1961.
- LLL. TR-55 — The United States Department of Agriculture, Natural Resources Conservation Service (previously Soil Conservation Service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986.
- MMM. TRANSPORTATION FACILITY — A highway, a railroad, a public mass transit facility, a public-use airport, a public trail, or any other public work for transportation purposes such as harbor improvements under s. 85.095(1)(b), Wis. Stats. "Transportation facility" does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Department pursuant to s. 281.33, Wis. Stats.
- NNN. TSS — Total suspended solids.
- OOO. TYPE II DISTRIBUTION — A rainfall type curve as established in the "United States Department of Agriculture, Soil Conservation Service, Technical Paper 149," published 1973. The Type II curve is applicable to all of Wisconsin and represents the most intense storm pattern.
- PPP. WATER QUALITY MANAGEMENT — The storm water standards and duties established under the Clean Water Act, 33 U.S.C. 1251 et seq., parallel state law regulating the discharge of pollutants, and implementing regulations.
- QQQ. WATER QUANTITY MANAGEMENT — Storm water duties and practices to abate peaks flood flows during regional storm events pursuant to Chapter 13 of the Milwaukee Metropolitan Sewerage District rules as implemented and enforced by this municipality.
- RRR. WATERS OF THE STATE — Has the meaning given in s. 283.01(20), Wis. Stats.

224-6 Applicability of Maximum Extent Practicable.

[Added 6-7-2016 by Ord. No. 2016-2218]

Maximum extent practicable applies when a person who is subject to a performance standard of this ordinance demonstrates to the City Engineer's satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the responsible party shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

224-7 Technical Standards.

The following methods shall be used in designing the water quality; peak flow shaving and infiltration components of storm water practices needed to meet the requirements of this Ordinance:

- A. Technical standards identified, developed or disseminated by the Wisconsin Department of Natural Resources under subchapter V of chapter NR 151, Wis. Adm. Code.
- B. Where technical standards have not been identified or developed by the Wisconsin Department of Natural Resources, other technical standards may be used provided that the methods have been approved by the City Engineer.

Editor's Note: Former Subsection (3), which stated that the most recent rainfall data available from the Southeastern Wisconsin Regional Planning Commission or more protective data shall be the basis for the analyses required by this Ordinance, and which immediately followed this subsection, was repealed 6-7-2016 by Ord. No. 2016-2218.

224-8 Performance Standards.

[Amended 6-7-2016 by Ord. No. 2016-2218; 6-6-2017 by Ord. No. 2017-2274]

- A. **Responsible Party.** The responsible party shall implement a post-construction storm water management plan that incorporates the requirements of this section.

- B. **Plan.** A written storm water quality and quantity management plan in accordance with Section 15-8.0609 shall be developed and implemented for each post-construction site.
- C. **Maintenance of Effort.** For redevelopment sites where the redevelopment will be replacing older development that was subject to post-construction performance standards of NR 151 in effect on or after October 1, 2004, the responsible party shall meet the total suspended solids reduction, peak flow control, infiltration, and protective areas standards applicable to the older development or meet the redevelopment standards of this ordinance, whichever is more stringent.
- D. **Requirements.** The water quality and quantity plan required under subd. (2) shall include the following:
- E. **Total Suspended Solids.** BMPs shall be designed, installed, and maintained to control total suspended solids carried in runoff from the post-construction site as follows:
1. For new and in-fill developments, by design, reduce to the maximum extent practicable, the total suspended solids load by 80%, based on the average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed an 80% total suspended solids reduction to meet the requirements of this subdivision.
 2. For redevelopment, by design, reduce to the maximum extent practicable, the total suspended solids load from parking areas and roads by 40%, based on the average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed a 40% total suspended solids reduction to meet the requirements of this subdivision.
 3. **Maximum Extent Practicable.** If the design cannot meet a total suspended solids reduction performance standard of subs. 1. to 2, the storm water management plan shall include a written, site-specific explanation of why the total suspended solids reduction performance standard cannot be met and why the total suspended solids load will be reduced only to the maximum extent practicable.

Note: Pollutant loading models such as DETPOND, WinSLAMM, P8, or equivalent methodology may be used to evaluate the efficiency of the design in reducing total suspended solids. Use the most recent version of the model and the rainfall files and other parameter files identified for Wisconsin users unless directed otherwise.
 4. **Off-Site Drainage.** When designing BMPs, runoff draining to the BMP from offsite shall be taken into account in determining the treatment efficiency of the practice. Any impact on the efficiency shall be compensated for by increasing the size of the BMP accordingly.
- F. **Water Quantity and Management of Peak Runoff.**
1. BMPs shall manage the volume, timing, and peak flow rate of runoff to prevent increases in the regional flood and stream bank erosion rates.
 2. These BMPs may be implemented on either a watershed basis or an individual site basis.
 3. When implemented on a watershed basis, the BMPs implemented at a particular site shall comply with the findings of the relevant local or regional storm water management plan, rather than subs. 6 and 7.
 4. By design, BMPs shall be employed to maintain or reduce the 1-year, 24-hour post-construction peak runoff discharge rate to the 1-year, 24-hour pre-development peak runoff discharge rate, or to the maximum extent practicable.
 5. By design, BMPs shall be employed to meet both of the following for the 2-year, 24-hour storm:
 - a. Maintain or reduce the 2-year, 24-hour post-construction peak runoff discharge rate to the 2-year, twenty-four-hour pre-development peak runoff discharge rate, or to the maximum extent practicable (per City of Franklin), and
 - b. Achieve a maximum runoff release rate of 0.15 cubic feet per second per acre or utilize the volumetric design procedure to limit post-development runoff volumes to existing condition runoff volumes during the critical time period (per MMSD).

6. By design, BMPs shall be employed to maintain or reduce the 10-year, 24-hour post-construction peak runoff discharge rate to the 10-year, 24-hour pre-development peak runoff discharge rate, or to the maximum extent practicable.
7. By design, BMPs shall be employed to meet the both of the following for the 100-year, 24-hour storm:
 - a. Maintain or reduce the 100-year, 24-hour post-construction peak runoff discharge rate to the 100-year, 24 hour pre-development peak runoff discharge rate, or to the maximum extent practicable (per City of Franklin), and
 - b. The stricter of the following (per MMSD):
 - i. Achieve a maximum runoff release rate of 0.5 cubic feet per second per acre or utilize the volumetric design procedure to limit post- development runoff volumes to existing condition runoff volumes during the critical time period, or
 - ii. A rate determined for the individual site that distributes runoff over the critical time sufficient to comply with sub. 1.

Note: § 13.11(3)(b)(2), MMSD Rules, permits an individual site exemption from the 0.5 cfs release rate if an analysis shows that the runoff will be distributed over the critical time (a defined term) so as not to reduce the level of protection downstream.

8. The runoff curve numbers in Table 1 shall be used to represent the actual pre- development conditions. Peak discharges shall be calculated using TR-55 runoff curve number methodology, Atlas 14 precipitation depths, and the appropriate NRCS Wisconsin MSE3 or MSE4 precipitation distribution. On a case-by-case basis, the City Engineer may allow the use of TP-40 precipitation depths and the Type II distribution.

Note: The Natural Resources Conservation Service (NRCS) — Wisconsin has calculated county-specific Atlas 14 precipitation depths and they are to be used in combination with the appropriate NRCS MSE3 or MSE4 precipitation distribution. The NRCS calculated county-specific Atlas 14 precipitation depths and MSE3 and MSE4 precipitation distributions are available at:

http://www.nrcs.usda.gov/wps/portal/nrcs/detail/wi/technical/engineering/ci d=nrcs142p2_025417.

Table 1. Maximum Pre-Development Runoff Curve Numbers

Table 1. Maximum Pre-Development Runoff Curve Numbers				
Ruoff Curve Number	Hydrologic Soil Group			
	A	B	C	D
Woodland	30	55	70	77
Grassland	39	61	71	78
Cropland	55	69	78	83

Note: Where the pre-development condition is a combination of woodland, grassland, or cropland, the runoff curve number should be pro-rated by area.

9. All storm sewers shall at a minimum be designed to carry the peak flows from a 10-year, 24-hour design storm using planned land use for the entire contributing watershed. All storm sewers shall be designed in accordance with applicable City standards and specifications. The City Engineer may require conveyance of a larger recurrence interval storm for heavily traveled roadways and areas where the City Engineer determines that an added level of protection is needed.
10. This subsection of the ordinance does not apply to any of the following:
 - a. A post-construction site where the discharge is directly into a lake over 5,000 acres or a stream or river segment draining more than 500 square miles.
 - b. An in-fill development area less than five acres.

224-9 Permitting Requirements, Procedures and Fees.

[Amended 6-7-2016 by Ord. No. 2016-2218]

- A. **Permit Required.** No responsible party may undertake a land disturbing construction activity without receiving a post-construction runoff permit from the City Engineer prior to commencing the proposed activity and that all provisions of Division 15-4.0100 are complied with.
- B. **Prior to Permit Application.** All Storm Water Management Plans shall be submitted at the time of site plan review or as a condition of approval as required under Section 15-8.0112, and as applicable under Sections 15-7.0103 (P) and 15-7.0501 (J), and shall receive complete review with written letter of approval from the City Engineer and all pertaining State, Federal, and Local approving authorities to assure that all proposed design standards meet the requirements of the City Storm Water Management Plan, and further that as-built will be in compliance of Sections 15-4.0100. Any Plats or CSM's receiving contingent Storm Water Management Plan approval shall submit said letters of written approval with the Permit Application before a permit may be granted.
- C. **Permit Application and Fees.** Any responsible party desiring a permit shall submit to the City Engineer a permit application made on a form provided by the City Engineer for that purpose.
1. Unless specifically excepted, a permit application must be accompanied by a storm water management plan, a maintenance agreement, and a non-refundable permit administration fee.
 2. The storm water management plan shall be prepared to meet the requirements of Sections 15-8.0607 and 15-8.0609, the maintenance agreement shall be prepared to meet the requirements of Section 15-8.0610, the financial guarantee shall meet the requirements of Section 15-8.0611, and fees shall be those established by the Common Council as set forth in Section 15-8.0612.
- D. **Review and Approval of Permit Application.** The City Engineer shall review any permit application that is submitted with a storm water management plan, maintenance agreement, and the required fee, as follows:
1. Within 20 business days of the receipt of a complete permit application, including all items as required by subd. (2), the City Engineer shall inform the applicant whether the application, plan, and maintenance agreement are approved or disapproved based on the requirements of this ordinance.
 2. If the storm water permit application, plan, and maintenance agreement are approved, or if an agreed upon payment of fees in lieu of storm water management practices is made, the City Engineer shall issue the permit.
 3. If the storm water permit application, plan, or maintenance agreement is disapproved, the City Engineer shall detail in writing the reasons for disapproval.
 4. The City Engineer may request additional information from the applicant. If additional information is submitted, the City Engineer shall have 10 business days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either approved or disapproved.
 5. Permit Requirements. All permits issued under this ordinance shall be subject to the following conditions, and holders of permits issued under this ordinance shall be deemed to have accepted these conditions. The City Engineer may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action by the City Engineer to suspend or revoke this permit may be appealed in accordance with Section 15-8.0614.
 - a. The responsible party shall design and install all structural or identify non-structural storm water management measures, or both, in accordance with the approved storm water management plan and this permit.
 - b. The responsible party shall notify the City Engineer at least two business days before commencing any work in conjunction with the storm water management plan, and within five business days upon completion of the storm water management practices. If required as a special condition under subd. (5), the responsible party shall make additional notification according to a schedule set forth by the City Engineer so that practice installations can be inspected during construction.
 - c. Practice installations required as part of this ordinance shall be certified "as-built" or "record" drawings by a licensed professional engineer. All depth and size requirements shall be considered a minimum. Completed storm water management practices must pass a final inspection by the City Engineer or its designee to determine if they are in accordance with the approved storm water management plan and ordinance. The City Engineer or its designee shall

notify the responsible party in writing of any changes required in such practices to bring them into compliance with the conditions of this permit.

- d. The responsible party shall maintain all storm water management practices until the responsibility is transferred to the City of Franklin, or subsequent private owners as specified in the approved maintenance agreement.
- e. The responsible party authorizes the City Engineer to perform, to delegate, or to take any work or operations necessary to bring storm water management measures into conformance with the approved storm water management plan, and consents to a special assessment or charge against the property as authorized under subch. VII of ch. 66, Wis. Stats., or to charging such costs against the financial guarantee posted under 15-8.0611.
- f. If so directed by the City Engineer, the responsible party shall repair at the responsible party's own expense all damage to adjoining municipal facilities, private property, drainage ways, and natural resources caused by runoff, where such damage is caused by activities that are not in compliance with the approved storm water management plan.
- g. The responsible party shall permit property access to the City Engineer or its designee for the purpose of inspecting the property for compliance with the approved storm water management plan and this permit.
- h. Where site development or redevelopment involves changes in direction or increases in the peak rate or the total volume of runoff, the City Engineer may require the responsible party to make appropriate legal arrangements with affected property owners concerning the prevention of endangerment to property or public safety.
- i. Permit Conditions. Permits issued under this subsection may include reasonable and necessary conditions established by the City Engineer in addition to the requirements needed to meet the performance standards in 15-8.0607 or a financial guarantee as provided for in 15-8.0611.

Note: "Reasonable and necessary" is the § 283.63(1), Wis. Stats., standard for permit conditions and duties in Clean Water Act permits.

E. **Permit Duration.** Permits issued under this section shall be valid from the date of issuance through the date the City Engineer notifies the responsible party that all storm water management practices have passed the final inspection required under subd. (5)(c) not to exceed one year in duration.

224-10 Storm Water Management Plan.

[Amended 6-7-2016 by Ord. No. 2016-2218]

- A. **Plan Requirements.** In addition to the requirements of 15-8.0112 the following items are required. The storm water management plan required under 15-8.0607(2) shall contain at a minimum the following information:
- 1. Name, address, and telephone number for the following or their designees: landowner; developer; project engineer for practice design and certification; person(s) responsible for installation of storm water management practices; and person(s) responsible for maintenance of storm water management practices prior to the transfer, if any, of maintenance responsibility to another party
 - 2. A proper legal description of the property proposed to be developed, referenced to the U.S. Public Land Survey system or to block and lot numbers within a recorded land subdivision plat.
 - 3. **Pre-Development Site Conditions.** A description of the existing conditions of the site, including:
 - a. A topographic and cadastral map of the site at a scale of one inch equals 100 feet or larger,
 - b. The hydrologic and hydraulic characteristics of the site including drainage flow paths and directions of flow onto, through, and out of the site; related drainage basin boundaries, including off-site tributary areas; times of concentration,
 - c. The location of areas where storm water may collect or percolate into the ground,

- d. Locations where runoff enters the site from adjacent tributary areas together with the size of those areas, expressed in acres,
 - e. Locations where runoff leaves the site and the contributing watersheds to each of these locations, expressed in acres,
 - f. One-year (per Wisconsin Department of Natural Resources), two-year (per WDNR and MMSD), and 100-year (per MMSD) pre-development runoff rates at each location where runoff leaves the site, expressed in cubic feet per second,
 - g. Ground water elevations,
 - h. Soils by hydrologic group,
 - i. Cover type and condition,
 - j. Location and extent of impervious surfaces, including cover type (genus and species name) and condition of the surfaces,
 - k. Locations and outlines of all buildings or other structures,
 - l. Location of all natural resource features as identified in Table 15-4.0100,
 - m. Information regarding current water quality objectives and current water quality conditions in any intermittent and perennial watercourses located on or within 100 feet of the site,
 - n. Locations, sizes, and elevations of all existing storm sewers, channels, ditches, detention or retention ponds, or other engineered drainage facilities on or within 100 feet of the site, and,
 - o. Locations of any existing water supply wells and wellhead protection areas.
4. Post-Development Site Conditions, describing the alterations proposed at to the site and the resulting proposed post-development conditions, including:
- a. Explanation of the provisions to preserve and use natural topography and land cover features to minimize changes in peak flow runoff rates and volumes to surface waters,
 - b. Explanation of any restrictions on storm water management measures in the development area imposed by wellhead protection plans and ordinances,
 - c. Proposed changes in the planimetry of the site, and in the topography of the site by contours having the same contour interval and referred to the same datum as used to present the topography of the existing site conditions,
 - d. The location and outline of all proposed buildings or other structures,
 - e. Changes in the location, extent and type of impervious surfaces,
 - f. The location, type, and extent of areas where vegetation is to be disturbed or planted,
 - g. Impacts on existing natural storage or infiltration areas,
 - h. Changes in the drainage flow paths into, through, and out of the site, and related changes in drainage basin boundaries,
 - i. The location, elevations, and sizes of all proposed minor and major storm water management facilities; the former including all storm sewers and inlets, the latter including curbed roadways, roadway ditches, culverts, interconnected flow paths, storage facilities, water retention and detention structures, infiltration/biofiltration basins, and other green infrastructure.
 - j. One-year (per Wisconsin Department of Natural Resources), two-year (per WDNR and MMSD), and 100-year (per MMSD) post-development runoff rates at each location where runoff leaves the site, expressed in cubic feet per second,

- k. Any changes to lakes, streams, watercourses, or wetlands on or within 100 feet of the site, and,
 - l. The location and widths of required public rights-of-way or easements needed to accommodate the recommended Storm Water management facilities.
5. **Proposed Storm Water Management Facilities and Measures.** A definitive description of the proposed storm water management facilities and measures for the control of the quantity and quality of the anticipated storm water runoff from the proposed development, redevelopment, or land division. The description of the proposed management facilities shall include:
- a. For storm water quantity and quality control facilities: locations, areas, depths, volumes, inlet and outlet configurations (and elevation of the bottoms), and of key inlet and outlet control structures;
 - b. In the design of the storm water quantity and quality control facilities, consideration shall be given to access for maintenance purposes. If possible the facilities should be located adjacent to public property. If it is not possible to locate the facilities adjacent to public property an access easement shall be granted with explicit language such that the abutting property owners shall be aware that the easement is for access to the facilities for maintenance purposes;
 - c. For conveyance facilities: locations of inlets and manholes and associated rim and invert elevations, and pipe sizes, slope, and materials; locations, elevations, and cross sections of ditches, swales, and channels; and culvert sizes and inlet and outlet configurations and elevations;
 - d. Design computations and all applicable assumptions for the storm water conveyance (open channel, closed pipe, etc.) system;
 - e. Detailed drawings including cross-sections and profiles of all permanent storm water conveyance and treatment practices;
 - f. Design computations/models and all applicable assumptions for storm water quantity and quality facilities and practices;
 - g. Measures to abate any potential pollution of surface and ground waters;
 - h. A schedule for the construction of the required storm water management facilities and estimates of attendant capital and operation and maintenance costs;
 - i. A maintenance plan developed for the life of each storm water management practice, including the designated and reserved maintenance access route(s), required maintenance activities, and maintenance schedule;
 - j. A landscaping plan in accordance with [Chapter 15-X.XXX of the UDO](#) or "The City of Franklin Unified Development Ordinance — Pond Landscaping Guidelines as defined in Appendix "F" of the City of Franklin Storm Water Management update — December 2002"; and
 - k. Other information as needed by the City to determine compliance of the proposed storm water management measures with the provision of this Section.
 - l. A description and installation schedule for the storm water management practices needed to meet the performance standards in [Section 224-8](#) 15-8-0607.
 - m. A maintenance plan developed for the life of each storm water management practice including the required maintenance activities and maintenance activity schedule.
 - n. Cost estimates for the construction, operation, and maintenance of each storm water management practice.
 - o. Other information requested in writing by the City Engineer to determine compliance of the proposed storm water management measures with the provisions of this ordinance.
 - p. All site investigations, plans, designs, computations, and drawings shall be certified by a licensed professional engineer and be prepared in accordance with accepted engineering practice and requirements of this ordinance.

6. Alternate Requirements. The City Engineer may prescribe alternative submittal requirements for applicants seeking an exemption to on-site storm water management performance standards under 15-8.0607(6)(e).[1]

[1] *Editor's Note: Said subsection was superseded 6-6-2017 by Ord. No. 2017-2274.*

224-11 Maintenance Agreement.

[Amended 6-7-2016 by Ord. No. 2016-2218]

- A. **Maintenance Agreement Required.** The maintenance agreement required under 15-8.0608(3) for storm water management practices shall be an agreement between the Common Council and the responsible party to provide for maintenance of storm water practices beyond the duration period of this permit. The maintenance agreement shall be filed with the County Register of Deeds as a property deed restriction so that it is binding upon all subsequent owners of the land served by the storm water management practices. The development agreement may serve as the maintenance agreement.
- B. **Agreement Provisions.** The maintenance agreement shall contain the following information and provisions and be consistent with the maintenance plan required by 15-8.0609(1)(g):
 1. Identification of the storm water facilities and designation of the drainage area served by the facilities.
 2. A schedule for regular maintenance of each aspect of the storm water management system consistent with the storm water management plan required under 15-8.0608(3). The schedule and required maintenance activities shall conform to the requirements as given in the Storm Water Post-Construction Technical Standards prepared by the Wisconsin Department of Natural Resources, as amended. At a minimum, all storm water quantity and quality control facilities shall be inspected once per year by the responsible party and the inspection report submitted to the City Engineer.
 3. Identification of the responsible party(ies), organization or city, county, town, or village responsible for long-term maintenance of the storm water management practices identified in the storm water management plan required under 15-8.0608(3).
 4. Requirement that the responsible part(ies), organization, or city shall maintain storm water management practices in accordance with the schedule included in subd. (b).
 5. Authorization for the City Engineer, its designee, and the Milwaukee Metropolitan Sewerage District to access the property to conduct inspections of storm water management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.
 6. Agreement that the party designated under subd. (c), as responsible for long term maintenance of the storm water management practices, shall be notified by the City Engineer of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable time frame as set by the City Engineer.
 7. Authorization of the City Engineer to perform the corrected actions identified in the inspection report if the responsible party designated under subd. (c) does not make the required corrections in the specified time period. The City Engineer shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to subch. VII of ch. 66, Wis. Stats.
- C. **Pond Maintenance Guidelines.**
 1. **Trees and Brush.** Trees and brush may be permitted on slope surfaces or berms.
 2. **Stump Removal and Sprout Prevention.**
 - a. Stumps of trees should be removed so vegetation can be established and the surface mowed. Stumps can either be removed by pulling or with machines that grind them down. All woody material should be removed to about 6 inches below the ground surface. The cavity should be filled with well-compacted soil and grass vegetation established
 - b. Stumps of trees in riprap areas that cannot usually be easily pulled or ground down can be chemically treated so they will not continually form new sprouts. Certain herbicides are effective for this purpose and can even be used near water supply reservoirs if applied by licensed personnel. These products should be painted, not sprayed, on the

stumps. Other instructions found on the label should be strictly followed when handling and applying these materials. Only a few commercially available chemicals can be used along shorelines or near water.

3. Landscaping.

- a. Vegetation shall be examined regularly, at least twice a year during the first two growing seasons. Stunted growth of pond vegetation or growth and excessive invasive species indicate that increased maintenance and intervention will be necessary.
- b. Native landscaping prairie area shall be managed by hand removal for invasives during the first 2-3 years of the growing season in order to become well established. Burning, cutting, or selective herbicide for management of invasives and woody species should take place as needed on a two-year cycle after the third growing season. Emergent and submergent vegetation around the perimeter of the pond areas shall be inspected annually and any non-native and invasive species be removed. Herbicides should not be used near open water areas.

4. Structural Inspection and Maintenance.

- a. After construction and site grading are complete, the pond should be checked by the City Engineer for correct design depth and volume. If sediment has deposited during construction or site grading, the pond shall be re-excavated.
- b. The annual inspection by the City Engineer and/or maintenance of the following items shall include inspection of:
 - i. Pond inlets and outlets for structural integrity and blockage,
 - ii. Riprap at pipe and culvert outlets for placement, integrity, and effectiveness,
 - iii. Inspection of berms for cracks, excessive settlement, or seepage.
- c. Sediment Removal (Dredging). This component includes monitoring of the levels of the sediment on an annual basis. When the sediment in the forebay (or the main basin) reaches a depth of two feet, the material shall be removed so that the original volume of the permanent pool is maintained. In general, pond dredging is expected to occur once every 10 to 15 years. The following practices help ensure dredging is not warranted prematurely:
 - i. Construction site erosion control,
 - ii. As-built survey of the pond at time of completion,
 - iii. Successful re-vegetation and/or restoration of pond surroundings.
- d. Nuisance Waterfowl Control. Nuisance waterfowl control is generally achieved through the use of upland or shoreland buffers consisting of un-mowed tall vegetation. The buffer zone can be mowed in the early summer of the second full growing season. Refer to Appendix "F" of the City of Franklin Storm Water Management Plan Update dated December 2002 by Bonestroo, Rosene, Anderlik and Associates.

D. Constructed Wetlands. The following guidance is provided for the maintenance of constructed wetlands.

- 1. In some situations, a sedimentation basin followed by a natural wetland buffer (to act as a pre-filter to a natural wetland), a restored wetland, or a constructed wetland "can" be an effective means of removing some suspended solids, nutrients, and other potential pollutants from storm water runoff. The primary function of the sedimentation basin is, as already noted, to remove buoyant debris and suspended solids and the related potential pollutants. Storm water then passes into the restored or constructed wetland where physical (e.g., settling) and biological (e.g., nutrient uptake by vegetation) processes remove additional potential pollutants. The restored or constructed wetland offers opportunities to develop wildlife habitat, education (e.g., self-guided tours), and aesthetic benefits.
- 2. In addition to regular maintenance activities, several design features can be incorporated to ease the maintenance of restored or constructed wetlands. One potential maintenance concern in restored or constructed wetlands is clogging of the outlet. Restored or constructed wetlands should be designed with a non-clogging outlet such as a reverse-slope pipe, or a

weir outlet with a trash rack. A reverse-slope pipe draws from below the micropool extending in a reverse angle up to the riser and establishes the water elevation of the micropool. Because these outlets draw water from below the level of the micropool, they are less likely to be clogged by floating debris.

3. Restored or constructed wetlands should incorporate design features that make sediment cleanouts of both the forebay and the shallow pool easier. Restored or constructed wetlands should have direct maintenance access to the forebay to allow this relatively routine (five to seven year) sediment cleanouts. In addition, the shallow pool should generally have a drain to draw down the restored or constructed wetland for the more infrequent dredging of the main cell of the restored or constructed wetland.
4. In general, the introduction of natural features in constructed wet detention basins will not only increase pollutant removal capacity, but also result in a new water body that can potentially come to offer wildlife habitat values. In order to help this process, the wet detention ponds must be specially designed to have the appropriate geometry, location, size, and vegetation. Such facilities are called constructed wetlands and have been shown to be effective, successful, and reliable in the long run.
5. Because of their natural appearance, water quality benefits, and need for minimum maintenance, constructed wetlands are preferred and should be encouraged whenever appropriate and/or possible. However, it should be noted that storm water wetlands are designed specifically for the purpose of treating storm water runoff, and typically have less biodiversity than natural wetlands both in terms of plant and animal life.

E. Bioretention Facilities. The following guidance is provided for the maintenance of bioretention facilities

1. Bioretention areas are landscaping features adapted to treat storm water runoff on the development site. They are commonly located in parking lot islands or within small pockets in residential land uses. Surface runoff is directed into shallow, landscaped depressions. These depressions are designed to incorporate many of the pollutant removal mechanisms that operate in forested ecosystems. Runoff from larger storms is generally diverted past the facility to the storm drain system or another BMP. The remaining runoff filters through a prepared or amended soil mixture which acts as a pollutant removal system. When underlying soils are not conducive to infiltration the filtered runoff is collected in a perforated underdrain and sent to the storm drain system.
2. Bioretention systems can be applied to a wide range of development. Bioretention can be applied in many climate and geologic situations, with some minor design modifications. In cold climates, bioretention areas can be used as a snow storage area. When used for this purpose, or if used to treat parking lot runoff, the bioretention area should be planted with salt-tolerant and non-woody plant species, and the composition of the soil mixture should be designed specifically to accommodate this purpose. Wisconsin Department of Natural Resources Storm Water Post-Construction Technical Standard No. 1004, Bioretention for Infiltration, may be used as a reference for design, operation and maintenance of these facilities.

F. Forebays (Pre-Settlement Basins).

1. Pre-settlement basins or forebays consist of additional storage space located near a storm water practice inlet that serves to trap incoming coarse sediments before they accumulate in the main treatment area. In general, the surface area of the forebay is typically about 10% of the volume of the main pool.
2. The forebay is designed to settle out coarse sediment particles before they reach the main pool. By trapping these sediments in the forebay, it is possible to greatly reduce the maintenance burden of the pond. Coarse sediments are trapped in the forebay, and these sediments are removed from the smaller pool on a five to seven year cycle.
3. It is recommended that wet detention ponds or constructed wetlands with a total main pool area of greater than 0.5 acres should have a forebay area to create an additional level of sediment removal and maintenance reduction.

G. Miscellaneous Maintenance.

1. **Debris and Obstructions.** It is important to regularly remove any accumulation of debris, which may act to block the primary outlet, the trash rack leading into the outlet pipe, or the outlet pipe itself. If any of these items become obstructed, a rise in the

pond level could occur, creating undue stress and endangering the slopes and berms. In addition, debris can promote deterioration of the slopes through abrasive actions.

2. **Animal Burrows.** Animal burrows provide a seepage path for water through the berms. Concentrated seepage can result in slope failure. All burrows should be filled in with soil or grout, topped, and seeded for erosion protection and live trapped and removed if necessary.
3. **Riprap.** Maintenance of riprap areas should be relatively minor.
 - a. Any displaced riprap should be replaced. This may be occurring near the water surface, when ice accumulation can move riprap.
 - b. Riprap is placed over geotextile fabric. Roots from vegetation may act to compromise this fabric, thereby reducing its effectiveness. Therefore, all vegetation in riprap areas should be removed using methods described in subd. (XXX).

224-12 Financial Guarantee.

- A. **Establishment of the Guarantee.** The Common Council may require the submittal of a financial guarantee; the form and type of which shall be acceptable to the City Attorney. The financial guarantee shall be in an amount determined by the City Engineer to be the estimated cost of construction and the estimated cost of maintenance of the storm water management practices during the period which the designated party in the maintenance agreement has maintenance responsibility. The financial guarantee shall give the City Engineer, upon approval by the Common Council, the authorization to use the funds to complete the storm water management practices if the responsible party defaults or does not properly implement the approved storm water management plan, upon written notice to the responsible party by the administering authority that the requirements of this ordinance have not been met.
- B. **Conditions for Release.** Conditions for the release of the financial guarantee are as follows:
 1. The Common Council shall release the portion of the financial guarantee established under this section, less any costs incurred by the City Engineer to complete installation of practices, upon submission of "as built plans" by a licensed professional engineer. The City Engineer may make provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages.
 2. The Common Council shall release the portion of the financial guarantee established under this section to assure maintenance of storm water practices, less any costs incurred by the City Engineer, at such time that the responsibility for practice maintenance is passed on to another entity via an approved maintenance agreement.

224-13 Fee Schedule.

The fees referred to in other sections of this ordinance shall be established by the Common Council and may from time to time be modified by resolution. A schedule of the fees established by the Common Council shall be available for review in Office of the City Clerk.

224-14 Enforcement.

- A. Any land disturbing construction activity or post-construction runoff initiated after the effective date of this ordinance by any person subject to the ordinance provisions shall be deemed a violation unless conducted in accordance with the requirements of this ordinance.
- B. The City Engineer shall notify the responsible party of any non-complying land disturbing construction activity or post-construction runoff. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, or additional enforcement action which may be taken. Any technique that effectively provides actual and verifiable notice may be used.
- C. If the violations are likely to result in damage to properties, public facilities, or waters of the state, the City Engineer may enter the land and take corrective actions necessary to prevent such damage. The costs incurred by the City Engineer plus interest and legal costs shall be paid by the responsible party.

- D. If the City Engineer determines that any person is in violation of this ordinance or a Storm Water permit, the City Engineer or Building Inspector may issue a notice of violation, a stop work order, a cease and desist order, or revoke the permit, or refer the noncompliance to the City Attorney] for civil enforcement, penalties, injunctive orders or other appropriate relief.
- E. Every violation of this ordinance is a public nuisance. Any person who violates this ordinance shall be subject to a forfeiture of not less than \$100 or more than \$2,500 per offense, together with the costs of prosecution. Each day each violation continues shall constitute a separate offense.

Note: Injunctive orders are authorized pursuant to § 62.23, Wis. Stats.

[Amended 6-7-2016 by Ord. No. 2016-2218]

- F. When the City Engineer determines that the holder of a permit issued pursuant to this ordinance has failed to follow practices, or has failed to comply with schedules in a storm water management plan, the City Engineer or a party designated by the City Engineer may enter upon the land and take required action to see the work is performed as necessary to bring the condition of said lands into conformance with requirements of the approved plan. The City Engineer shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any financial security posted pursuant to ~~§ 15-8.0611~~ **224-12** of this Ordinance. Where such a security has not been established, or where such a security is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon for the year in which the work is completed.

224-15 Appeals.

[Amended 6-7-2016 by Ord. No. 2016-2218]

- A. **Appeals.** ~~The Board of Zoning and Building Appeals, authorized by § 62.23 (7)(e), Wis. Stats., shall hear and decide appeals where it is alleged that there is error in any order, decision, or determination made by the City Engineer under or in the administration of the regulations set forth in this Division. The Board of Zoning and Building Appeals may affirm, reverse or modify any such order, decision or determination upon written appeal to it, and its reasonable application of the terms and provisions of this Division and any applicable terms and provisions of the Municipal Code and Unified Development Ordinance to the facts of such appeal. Any appeal from any order, decision, or determination made by the Board of Zoning and Building Appeals under or in the administration of the regulations set forth in this Division shall be by way of certiorari to the Milwaukee County Circuit Court. Any appeal aforesaid shall be made within 30 days of the date of the making of the order, decision or determination appealed from. The Board of Zoning and Building Appeals may authorize variances that are not contrary to the public interest, and where owing to special conditions unique to the property, a literal enforcement would be an unnecessary hardship, and only where the literal enforcement of the terms of this Division would result in no reasonable use of the property. Any uncertainty by Staff as to which process should be followed (appeal or variance) upon an application shall be determined by the City Attorney.~~ **Board of Public Works**, created pursuant to section ~~15-10.0200~~ of the City of Franklin Uniform Development Ordinance and authorized by ~~§ 62.23 (7)(e), Wis. Stats.~~, shall hear and decide appeals where it is alleged that there is error in any order, decision, or determination made by the City Engineer under or in the administration of the regulations set forth in this Division. The **Board of Public Works Zoning and Building Appeals** may affirm, reverse or modify any such order, decision or determination upon written appeal to it, and its reasonable application of the terms and provisions of this Division and any applicable terms and provisions of the Municipal Code and Unified Development Ordinance to the facts of such appeal. Any appeal from any order, decision, or determination made by the **Board of Public Works Zoning and Building Appeals** under or in the administration of the regulations set forth in this Division shall be by way of certiorari to the Milwaukee County Circuit Court. Any appeal aforesaid shall be made within 30 days of the date of the making of the order, decision or determination appealed from. The **Board of Zoning and Building Appeals Public Works** may authorize variances that are not contrary to the public interest, and where owing to special conditions unique to the property, a literal enforcement would be an unnecessary hardship, and only where the literal enforcement of the terms of this Division would result in no reasonable use of the property. Any uncertainty by Staff as to which process should be followed (appeal or variance) upon an application shall be determined by the City Attorney.
- B. **Who May Appeal.** Appeals as set forth under Sub, (1) above may be taken by any aggrieved person or by an officer, department or board of the City of Franklin affected by any decision of the City Engineer or the **Board of Public Works Zoning and Building Appeals**.

224-16 Stormwater Management Plan.

The City of Franklin Storm Water Management Plan, as amended, shall be incorporated into this Ordinance by reference.

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 either as printed forms available at City Hall or available online on the City's website.
3. The application shall be filed in such number as the instructions provide.
4. All plans shall be at a scale sufficient to permit a clear and precise understanding of the proposal.
5. 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. Responsibility for Zoning Procedures

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 ensure 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 Common Council for matters initiated in Circuit Court and without authorization of the Common 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 variances 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 variances pursuant to the provisions of § 62.23(3) of the Wisconsin Statutes as amended and to hear and grant applications for minor variances pursuant to this Division of this Ordinance. Use variances 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 issuance of the 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. **Official 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.

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 to a use allowed by-right in the governing zoning district and 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 staff and 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 a clear notation of 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 the Director 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. Site Intensity and Capacity Calculations.

A. Site Intensity Calculations.

- 1. **Recognition of Distinctive Site Features.** This Ordinance recognizes that landforms, parcel size and shape, and natural resource features vary from site to site and that development regulations must take into account these variations. The maximum density or intensity of use allowed in any zoning district is controlled by the various district standards set forth for each of the various zoning districts of this Ordinance.
- 2. **Applicability.**
 - a. Except as set forth under (2)(b) below, the site intensity and capacity calculations set forth in this Division and the Natural Resource Protection Standards set forth in Article 15-07 shall apply for each parcel of land to be used or built upon in the City of Franklin including all new Certified Survey Maps, Preliminary Plats, condominiums, multiple-family residential developments, all mixed-use or nonresidential development, and as may be required elsewhere in this Ordinance.
 - b. Natural resource protection shall not be required and the site intensity and capacity calculations set forth in this Division shall not be required for the construction of single-family and duplex residential development located on non-divisible existing lots of record within existing platted Subdivisions (with an approved Final Plat), Certified Survey Maps, and Condominiums existing on August 1, 1998, the effective date of this Ordinance or for which a natural resource protection plan and site intensity capacity calculations were filed at the time of division after August 1, 1998.
- 3. **Exclusions (When Natural Resource Protection and Site Intensity and Capacity Calculations Are Not Required).**
 - a. Natural resource protection shall not be required and the site intensity and capacity calculations set forth in this Division shall not be required for the construction of single-family and two-family residential development located

on non-divisible existing lots of record within existing platted Subdivisions (with an approved Final Plat), Certified Survey Maps, and Condominiums existing on August 1, 1998, the effective date of this Ordinance or for which a natural resource protection plan and site intensity capacity calculations were filed at the time of division after August 1, 1998

- b. Notwithstanding any other provision of this Ordinance, natural resource protection and any such related Natural Resource Protection Plan, shall not be required and the site intensity and capacity calculations set forth in this Division shall not be required for any accessory use structure or accessory use development or for an addition or modification to an existing principal structure development which does not increase the existing developed structure and impervious surface area upon the parcel by more than 50% or 2,500 square feet, whichever is smaller, where natural resource feature(s) are not within 100 feet of the area to be disturbed by the new development, upon a parcel supporting an existing principal structure with an existing principal use; determination as to whether natural resource features are within 100 feet of the area to be disturbed, the boundaries of which shall be clearly identified within application materials, shall be made by the City Engineer or designee; however, if any resources identified by the Southeastern Wisconsin Regional Planning Commission in PR 176 or in PR 42, as may be amended from time to time, as Primary or Secondary Environmental Corridor and/or Isolated Natural Resources Area, are located on the site by the City Engineer or designee, but are outside of 100 feet of the area to be disturbed, a written plan shall be provided by the applicant detailing the protective measures that will be implemented to prevent such natural resource feature(s) adverse impacts, which shall be subject to approval by the Plan Commission and shall be installed as may be provided on site as detailed within the plan as a condition of application approval.

4. Calculation of Area of Natural Resource Protection Land.

- a. All land area with those natural resource features as described in Division 15-07.02 of this Ordinance shall be measured relative to each natural resource feature present, as set forth in Division 15-07.02, Natural Resources Features Determination.
- b. The total area of Natural Resource Protection Land shall be defined as the net land surface area lying within the boundaries of one or more natural resource features, as set forth in Table 15-3-01, Calculation of Natural Resource Protection Land. Land surface area where two or more natural resource features overlap shall be counted only once for purposes of determining the area of resource protection land. A map shall be submitted indicating the boundaries of each natural resource feature, the size of each feature, and the total area of the site lying within the boundaries of at least one natural resource feature.
- c. ~~The land surface area acreage of each natural resource feature permitted to be disturbed and mitigated pursuant to Division 15-07.03 shall be used to determine the extent of mitigation required, as set forth in be multiplied by its respective natural resource protection standard to be selected from~~ **Table 15-7.X**, City of Franklin Natural Resources Mitigation Ratios.

Table ##-##-##: Calculation of Natural Resource Protection Land Area	
Resource/Feature	Total land surface area of each Natural Resource feature (acres or square feet; use throughout)
a. SEWRPC Primary Environmental Corridor	
b. SEWRPC Secondary Environmental Corridor	
c. SEWRPC Isolated Natural Resource	
d. Surface Water or Wetland Buffer	
e. Woodland or Forest	
f. Wetland	
g. Degraded Wetland	
h. Lake or Pond	
i. Gross land surface area of natural resource features	(i) = Sum of (a) through (h) above
j. Net Natural Resource Protection Land - Total area of the site lying within the boundaries of at least one Natural Resource feature (a) through (h)	Determine from map; total surface area lying within at least one Natural Resource Feature

5. **Calculation of Base Site Area.** The base site area shall be calculated as indicated in Table 15-4-01 for each parcel of land for which development approval is sought that is not exempted under Division 15-03(A)(2)(a).

Table ##-##-##: Calculation of Base Site Area For Development		
Step	Land Area to Be Determined	Area (Square feet or acres; use throughout)
a	Total gross site area (SF or acres; use throughout) determined through a boundary survey of the subject property	
b	Land in dedicated public street rights-of-way, land located within the ultimate road right-of-way of existing roads, rights-of-way of utilities, and dedicated public park or school sites	
c	Land reserved for open space as part of a previously approved development or land division	
d	Land area to be reserved for parks and schools	
e	Net Natural Resource Protection Lands, row (j) from Table 15-3-01	
f	Base Site Area for Development = (a) – {sum (b+c+d+e)}	

6. **Calculation of Site Intensity and Capacity for Residential Uses in Residential Zoning Districts.** The maximum number of dwelling units that may be permitted on a parcel of land in a residential zoning district, as defined in Division 15-2, shall be determined using the Base Site Area for Development, row (f) of Table 15-3-02, as set forth in Table 15-3-03 below:

Table ##-##-####: Calculation of Site Capacity For Residential Uses		
Land Area to Be Determined		Area (SF or acres; use throughout)
a. Base Site Area for Development, Row (f) from Table 15-##-##		a = row (f), Table 15-##-##
For multi-family units, if proposed:		
b. Number of units proposed:	c. Minimum lot area per unit (from Section 15-##-##)	d = (b) x (c) Minimum land area required:
For single-family units, if proposed:		
e. Number of units proposed:	f. Minimum lot area per unit (from Section 15-##-##)	g = (e) x (f) Minimum land area required:
Total minimum land area required shall not exceed base site area for development; check that (h) < (a)		h = (d) + (g) Total minimum land area required:

15-9-05. 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. Require written notice shall be delivered by regular mail to all owners of properties or portions of properties within five hundred (500) feet of the boundary of the property or properties involved in the application, mailed not less than ten (10) days prior to the hearing.

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	D	
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			

- 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.

15-9-06. 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. **Compliance With State Statute.** Applications for a Conditional Use shall be filed with, noticed, considered, and acted upon by the City of Franklin in compliance with Wisconsin State Statute as specified in Subchapter 60.61 (4e) of Wisconsin Statutes as amended.
- C. **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.

- D. **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.
- E. **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 boundary property or properties involved 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 conditional 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.
- F. **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.
- G. **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.
- H. **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 edge of the frontage directly opposite the subject property, 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.
- I. **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 by the Plan Commission of a Natural Resource Protection Plan for the proposed use.
- J. **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.
- K. **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.
- L. **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.

15-9-07. 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 a variance, 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 property or properties 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.

15-9-08. 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 boundary of the property or properties involved 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.

15-9-09. 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.

15-9-10. 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.

15-9-11. 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 boundary of the property or properties 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.

15-9-12. 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
 - IV. Refer the application to the Common Council for action at the Plan Commission's discretion.
 - 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 15-07** of this UDO, a Natural Resource Protection Plan, as described in **Division 15-07** 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 any other easements under the provisions of this Ordinance, the Plan Commission shall require that deed restrictions and/or conservation easements, and any other 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 Zoning Administrator 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 Recommendation.**
 - a. **Review.** 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. **Recommendation.** The Plan Commission shall make a recommendation to the Common Council to:
 - I. Approve
 - II. Conditionally approve, or
 - III. Deny the application

3. **Common Council Review and Action.** The Common Council shall consider these matters set forth under § 2 above and shall take one of the following actions with the Land Combination application:
 - a. Approve,
 - b. Conditionally approve, or
 - c. Deny the application.
4. **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 Zoning Administrator, 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 Zoning Administrator, 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 Zoning Administrator, 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, Zoning Administrator, City Engineer and Milwaukee County and of 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 Zoning Administrator, 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 Zoning Administrator 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 Zoning Administrator.** The Zoning Administrator 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 Zoning Administrator to Affected City Commissions or Departments.** The Zoning Administrator 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, Zoning Administrator, 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 a Natural Resource Protection Plan and Landscape Plan as applicable with the Zoning Administrator 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 Zoning Administrator.

 - 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 Zoning Administrator 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 Zoning Administrator.** After approval by required State Departments, the Subdivider shall file at least thirty (30) copies of the Final Plat and an application with the Zoning Administrator, 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. **Zoning Administrator Transmittal of Final Plat.** The Zoning Administrator 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 Zoning Administrator.
 - 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 Zoning Administrator 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 Zoning Administrator 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 Zoning Administrator 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 Zoning Administrator 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 Zoning Administrator 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 the city, the Subdivider shall proceed as specified in §§ 15-9.0301 through 15-9.0306 except:
1. **Transmittal Responsibility.** The Zoning Administrator 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.

15-9-13. 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**.

Article 10. Planned Development Standards and Procedures

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15-10-01. Intent and Purpose

The purpose of the regulations, standards, and criteria contained in this Article is to provide an alternative procedure under which land can be developed or redeveloped with innovation, imagination, and creative architectural design, when sufficiently justified under the provisions of this Article. The objective of the Planned Development standards is to encourage a higher level of design and amenity than is possible to achieve under otherwise applicable zoning regulations. The end result should fulfill the objectives of City plans and policies, including but not limited to the City of Franklin Comprehensive Master Plan, while departing from the strict application of the regulations of this UDO. The planned development standards are intended to permit and encourage such flexibility and to accomplish the following purposes:

- A. To stimulate creative approaches to the commercial, residential, and mixed-use development of land.
- B. To provide for more efficient use of land.
- C. To preserve natural features and provide open space areas and recreation areas in excess of that required under existing zoning regulations.
- D. To develop new approaches to the living environment through variety in type, design and layout of buildings, transportation systems, and public facilities.
- E. To unify buildings and structures through design.
- F. To promote long term planning, pursuant to the City of Franklin Comprehensive Master Plan and other relevant plans and City policies, which will allow harmonious and compatible land uses or combination of uses with surrounding areas.

15-10-02. General Provisions

- A. Any development containing uses other than single-family residential uses may be approved as a planned development.
- B. A minimum site area of three (3) acres shall be required to file a planned development application.
- C. Sign standards specified in **Article 6** shall not be approved as part of the planned development process.
- D. Each Planned Development should be presented and judged on its own merits. It shall not be sufficient to base justification for approval of a Planned Development solely upon an already existing planned development except to the extent such Planned Development has been approved as part of a development master plan.

- E. The burden of providing evidence and persuasion that any Planned Development is necessary and desirable shall rest with the applicant.

15-10-03. Planned Development Relation to Base District Standards

- A. A planned development, if approved, shall constitute an overlay district, and all base district designations shall be maintained.
- B. A planned development, if approved, may incorporate modifications to the base district standards that shall become part of the overlay district. All such modifications shall be referred to as site development allowances.
- C. Notwithstanding any limitations on waivers or modifications of standards contained elsewhere in this UDO, site development allowances may be approved provided the applicant specifically identifies each site development allowance in the planned development application and demonstrates how each site development allowance:
1. Would be compatible with surrounding development;
 2. Is necessary for development of the site in accordance with the purposes of this section; and
 3. Incorporates a minimum of one (1) of the modification standards detailed in [Section 15-10-04](#).
- D. All approved site development allowances shall be delineated in the ordinance approving the Planned Development and shall be considered the standards of the Planned Development overlay district as it applies to the subject property.

15-10-04. Modification Standards

An applicant seeking a site development allowance shall be required to justify each request through the provision of tangible benefits to the City of Franklin by meeting a minimum of one (1) of the modification standards detailed below per requested site development allowance.

- A. **Landscape Conservation and Enhancement.** The Planned Development preserves, restores, or enhances landscape elements, trees, and natural features, such as rivers, streams, ponds, groves, and landforms.
- B. **Sustainable Design.** The Planned Development is designed with demonstrable reductions in energy consumption and/or stormwater management as a result of methods of site design and building location, architectural design of individual buildings, and landscaping design.
- C. **Public Gathering Space.** The Planned Development includes public gathering space open to and available for use by the general public, the amount of which is proportional to the size of buildings or number of dwelling units. The public gathering space is activated through the use of elements or features such as moveable tables and chairs, a fountain or other water feature, a sculpture or other public art feature, benches, seat walls, raised landscape planters, or pedestrian scaled and celebratory or decorative lighting. The public gathering space is integrated into the overall design of the planned development, has a direct functional or visual relationship to the main building(s), and is not of an isolated or leftover character.
- D. **Mix of Uses.** The Planned Development is comprised of a mix of non-residential uses and/or a mix of two (2) or more housing unit types.
- E. **Placemaking.** The Planned Development has a distinctive identity and brand that is carried through design features in a manner that fosters a cohesive visual character for the public areas, incorporated in the design of features including but not limited to sign design, unique streetscape elements, architectural features, the creation of public gathering spaces, the incorporation of natural areas, parks, and trails, and other elements of site design.
- F. **Affordability.** The Planned Development includes at least fifteen (15) percent of the total residential dwellings deed restricted for households that make less than or equal to eighty (80) percent of the area median income as defined by the US Department of Housing and Urban Development.

- G. **Universal Design.** The Planned Development includes buildings and site features designed with accessible features such as level access from the street and/or zero entry thresholds.
- H. **High-Quality Building Materials.** The Planned Development uses time- and weather-tested building materials that are of a higher quality than what is otherwise required by this UDO.
- I. **Traditional Neighborhood Development.** The Planned Development includes design features described as Traditional Neighborhood Development in **Wisconsin Statutes § 66.1027 (1)(c)**, as amended. The document identified as A Model Ordinance for Traditional Neighborhood Development dated April 2001 as published by the University of Wisconsin Extension pursuant to **Wisconsin Statutes § 66.1027(2)**, serves as the guidebook to further define the various aspects and elements of the form of urban design, along with such other sources of guidance the Plan Commission and Common Council chooses to consult.

15-10-05. Standards of Review

The following standards for review shall be utilized in the review of a Planned Development application as a whole, including any requested site development allowances and the modification standards proposed to justify those requests. No application for a planned development shall be approved unless the Common Council finds that the application meets all of the following standards:

- A. **Plan and Policy Alignment.** The Planned Development is consistent with the goals, objectives, and policies set forth in the Comprehensive Master Plan and other adopted plans and policy documents of the City.
- B. **Placemaking.** The planned development has a distinctive identity and brand that is carried through the sign designs, unique streetscape features, architecture, public gathering spaces, open spaces, etc.
- C. **Integrated Design with Identifiable Centers and Edges.** The Planned Development shall be laid out and developed as a unit in accordance with an integrated overall design, in which the various land uses included function as a cohesive whole and support one another. The design shall provide identifiable centers, which form focus areas of activity in the development, and edges, which define the outer borders of the development, through the harmonious grouping of buildings, uses, facilities, public gathering spaces, and open space.
- D. **Public Welfare.** The Planned Development is designed, located, and proposed to be operated and maintained so that it will not impair an adequate supply of light and air to adjacent property, will not generate undue off-site impacts such as noise on adjacent properties, and will not substantially increase the danger of fire or otherwise endanger the public health, safety, and welfare.
- E. **Compatibility with Adjacent Land Uses.** The Planned Development includes uses which are generally compatible and consistent with the uses of adjacent parcels. If the uses are not generally compatible, all adverse impacts have been mitigated through screening, landscaping, public open space, and other buffering features that protect uses within the development and surrounding properties.
- F. **Impact on Public Facilities and Resources.** The Planned Development is designed so that adequate utilities, road access, drainage, and other necessary facilities will be provided to serve it.
- G. **Archaeological, Historical or Cultural Impact.** The Planned Development does not substantially adversely impact an archaeological, historical, or cultural resource, included on the local, state, or federal register, located on or off the parcel(s) proposed for development.
- H. **Fiscal Impact.** The Planned Development will generate revenue and require costs in terms of public services in a way that contributes to the long-term fiscal sustainability of the City of Franklin.
- I. **Drives, Parking and Circulation.** The Planned Development makes adequate provision to provide necessary parking. Principal vehicular access is from dedicated public streets, and access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. With respect to vehicular and pedestrian circulation (including walkways, interior drives, and parking), special attention has been given to the location

and number of access points to public streets, the width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, adequate provision for service by emergency vehicles, and arrangement of parking areas that are safe, convenient, and do not detract from the design of proposed buildings and structures and the neighboring properties. Access points are limited through the use of cross access connections.

15-10-06. Procedures

- A. **Pre-Filing Administrative Review Conference(s).** A prospective applicant, prior to submitting a formal application for a Planned Development, shall meet for a pre-filing conference(s) with staff. The purpose of the conference(s) is to help the applicant understand: City plans and policies; the UDO; site development allowances; the standards by which the application will be evaluated; and the application requirements.
- B. **Pre-Filing Project Introduction (Optional).** After the initial pre-filing conference, the prospective applicant may introduce their project to the Plan Commission and Common Council. The Plan Commission and Common Council may provide non-binding feedback to the applicant based on materials presented. Feedback from the Plan Commission and Common Council is intended to provide the applicant with an initial impression relative to the character, appropriateness, and intensity of the proposed development, prior to the applicant officially filing for a planned development. Any comments and feedback from the Plan Commission and Common Council at this stage is non-binding. The applicant is expected to provide a brief narrative and development concept plan sufficient to communicate the character of the proposed development.
- C. **Application Requirements Waiver Request.** After completing the pre-application conference the applicant may request a waiver of any application requirement which in the applicant's judgment should not apply to the proposed planned development. Such request shall be made in writing prior to the submission of the formal application documents. A final determination regarding the waiver shall be made by the Zoning Administrator and given to the prospective applicant following the decision. An appeal of the determination of the Zoning Administrator may be brought to the Plan Commission for consideration.
- D. **Application for a Planned Development.** Following the pre-application conference, the owner or his agent may file an application with the Zoning Administrator for a Planned Development.
- E. **Referral to Plan Commission.** The application and staff report for a Planned Development shall be referred to the Plan Commission for its review and recommendation, including any additional conditions or restrictions which it may deem necessary or appropriate.
- F. **Hearing and Recommendation by the Plan Commission.** Upon receipt of a completed application, the Zoning Administrator will schedule a public hearing at the Plan Commission. The Plan Commission, before formulating its recommendations to the Common Council, shall hold a public hearing pursuant to the provisions of [§ 15-9.0205](#). Following the public hearing, the Plan Commission shall consider the proposed planned development, the staff report, and the public comment and make a recommendation to the Common Council to make one of the following recommendations base:
1. Recommend approval of the Planned Development,
 2. Recommend approval of the Planned Development with conditions, or
 3. Recommend denial of the Planned Development based on the applicable review standards.
- G. **Action by Common Council.** The Zoning Administrator, on behalf of the Plan Commission, shall transmit a report containing the Plan Commission's recommendation to approve, approve with conditions, or deny the application to Common Council. Common Council shall consider the staff report, public comment received at the public hearing, and recommendation of the Plan Commission and shall take one of the following actions:
1. Approve the Planned Development,
 2. Approve the Planned Development with conditions,

3. Deny the Planned Development,
4. Refer the Planned Development back to the Plan Commission for further review.

15-10-07. Amendments to Planned Developments

- A. **Determination.** Upon receiving a Planned Development amendment application, including the information required by the Zoning Administrator, the Zoning Administrator shall determine whether the amendment is a major amendment, or a minor amendment based on the criteria detailed in **Section ##-#-##** (B) and (C) below.
- B. **Major Amendment.** A major amendment is any proposed change to an adopted Planned Development that results in one (1) or more of the following changes:
 1. Increase in density;
 2. A ten (10) percent increase in impervious surface or modification to the approved stormwater management plan.
 3. Reduction of open space by more than ten (10) percent;
 4. Modification of the proportion of housing types;
 5. Increase in the approved gross floor area by more than three-thousand (3,000) square feet;
 6. Alteration of the alignment of roads, utilities, or drainage;
 7. Modification of any other site feature inconsistent with any standard or condition imposed by the Common Council in approving the Planned Development, as determined by the Zoning Administrator.
- C. **Minor Amendment.** A minor amendment is any proposed change to an approved Planned Development that is consistent with the standards and conditions upon which the Planned Development application was approved and Planned Development adopted, which does not alter the concept or intent of the Planned Development and is not considered a major amendment as detailed in **Section ##-#-##**.
- D. **Approval Processes.**
 1. A major amendment to an adopted Planned Development shall follow the procedure set in **Section ##-#-##**.
 2. A minor amendment to an approved Planned Development may be approved by the Zoning Administrator.

Article 11. Nonconforming Buildings, Structures, and Uses

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15-11-02. Existing Nonconforming Structures 1

15-11-03. Existing Substandard Lots 2

15-11-04. Continuance of Use 2

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15-11-06. Repairs and Alterations 3

15-11-07. Damage and Destruction 3

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15-11-09. Changes and Substitutions 4

15-11-10. Exempted Buildings, Structures, and Uses 4

15-11-01. Existing Nonconforming Uses

- A. The lawful nonconforming use of a structure, land, or water existing at the time of the adoption or amendment of this UDO may be continued although the use does not conform with the provisions of this UDO provided that:
1. **Portion of the Land or Water in Actual Use May Be Continued.** Only that portion of the land or water in actual use may be so continued and the nonconforming use may not be extended, enlarged, substituted, or moved, except when required to do so by law or order or so as to comply with the provisions of this UDO.
 2. **Substitution of New Equipment.** Substitution of new equipment may be permitted by the Board of Zoning and Building Appeals if such equipment will reduce the incompatibility of the nonconforming use or structure with the neighboring uses.
 3. **Conforming Conditional Uses.** See **Division ##-#-##** for uses existing at the effective date of this UDO, which would be classified as Conditional Uses under the provisions of this UDO.

15-11-02. Existing Nonconforming Structures

- A. The lawful nonconforming use of a structure existing at the time of the adoption or amendment of this UDO may be continued although the structure's size or location does not conform with the established building setback line along streets or the yard, height, parking, loading, access, and lot area or lot area per dwelling unit provisions of this UDO provided that:
1. **Total Structural Repairs or Alterations.** Total structural repairs or alterations to a nonconforming structure shall not exceed fifty (50) percent of the municipality's equalized assessed value of the structure unless it is permanently changed to conform to the use provisions of this UDO.
 2. **Substitution of New Equipment.** Substitution of new equipment may be permitted by the Board of Zoning and Building Appeals if such equipment will reduce the incompatibility of the nonconforming use or structure with the neighboring uses.

3. **Repairs and Alterations.** Repairs and alterations permitted under the provisions of this Ordinance to nonconforming buildings and structures located in floodplains shall include floodproofing to those portions of the building or structure involved in such repairs or alterations. Certification of floodproofing shall be made to the Zoning Administrator and shall consist of a plan or document certified by a registered professional engineer that the flood-proofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the one-hundred-year recurrence interval flood level for the particular area.

15-11-03. Existing Substandard Lots

- A. **Residential Substandard Lots.** A lot located in a residential district which does not contain sufficient area to conform to the dimensional requirements of this UDO, but which lot is at least fifty (50) feet wide and six-thousand (6,000) square feet in area, may be used as a single building site provided that:
 1. The use is permitted in the governing district.
 2. The lot is a lot of record in the Milwaukee County Register of Deeds Office prior to the effective date of this UDO.
 3. The lot has the ability to connect to public sanitary sewer, if less than forty-thousand (40,000) square foot in size.
- B. **Nonresidential District Substandard Lots.** A lot located in a commercial and mixed-use, industrial and agricultural, or miscellaneous district which does not contain sufficient area to conform to the dimensional requirements of this UDO may be used as a building site provided that the lot is a lot of record in the Milwaukee County Register of Deeds Office prior to the effective date of this UDO.
- C. **Setback and Yard Requirements.** Substandard lots granted permits under this UDO shall be required to meet the setback and other yard requirements of this UDO. A Building Permit for the improvement of a lot with lesser dimensions and requisites than those stated in Section A. of this Section shall be issued only after a variance is granted by the Board of Appeals.
- D. **Two (2) or More Substandard Lots with Continuous Frontage Under the Same Ownership.** If two (2) or more substandard lots with continuous frontage have the same ownership as of the effective date of this UDO, the lots involved shall be considered to be an individual parcel for the purpose of this UDO.

15-11-04. Continuance of Use

- A. **Legal Nonconforming Use.** Any lawfully established use of a building or land that does not conform to the use regulations for the district in which it is located at the time of the adoption of this UDO shall be deemed to be a legal nonconforming use and may be continued, except as otherwise provided herein.
- B. **Continuation of Legal Nonconforming Uses.** Any legal nonconforming buildings or structures may be continued in use provided there is no physical changes other than necessary maintenance and repair, except as otherwise permitted herein.
- C. **Buildings and Uses for which a Zoning Compliance Permit, Conditional Use Permit, or Building Permit Has Been Granted.** Any building or use for which a Zoning Compliance Permit, Conditional Use Permit, or Building Permit has been lawfully granted may be completed in accordance with the approved plans, provided construction is started within ninety (90) days and the exterior of the building or use is completed within six (6) months of the effective date of this UDO. Such building or use shall thereafter be deemed a lawfully established building or use.

15-11-05. Discontinuance of Use

- A. **Building, Structure, or Land Occupied by a Nonconforming Use Changed to or Replaced by a Conforming Use.** Whenever any part of a building, structure, or land occupied by a nonconforming use is changed to or replaced by a conforming use, such premises shall not thereafter be used or occupied by another nonconforming use, even though the building may have been originally designed and constructed for the prior nonconforming use.

- B. **Discontinuance of Nonconforming Use.** Whenever a nonconforming use or part thereof has been discontinued for a period of twelve (12) consecutive months, or whenever there is evidence of a clear intent on the part of the owner to abandon a nonconforming use, such use shall not, after being discontinued or abandoned, be re-established, and the use of the premises thereafter shall be in conformity with the regulations of the zoning district in which the use is located.
- C. **Discontinuance of Nonconforming Use Where No Enclosed Building Is Involved.** Where no enclosed building is involved, discontinuance of a nonconforming use for a period of twelve (12) months shall constitute abandonment and shall not thereafter be used in a nonconforming manner.
- D. **Nonconforming Uses to be Discontinued.** A nonconforming use not authorized by the provisions of this UDO at the time of the adoption of this UDO shall be discontinued.

15-11-06. Repairs and Alterations

- A. **Normal Maintenance Permitted.** Normal maintenance of a building or other structure containing a nonconforming use is permitted, including necessary nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming use.
- B. **No Structural Alteration.** No structural alteration shall be made in a building or other structure containing a nonconforming use, except in the following situations:
 - 1. When the alteration is required by law.
 - 2. When the alteration will actually result in elimination of the nonconforming use.
 - 3. When a building is in a residential district containing residential nonconforming uses, said building may be altered in any way to improve livability, provided no structural alterations are made which would increase the number of dwelling units or the bulk of the building.
 - 4. When a residential building is non-conforming in terms of insufficient yard setback, the residential building may be expanded only where yard setbacks are conforming and in no situation shall the non-conformance setback be expanded.

15-11-07. Damage and Destruction

- A. **Damaged or Destroyed Building, or Other Structure Containing a Nonconforming Use.** If a non-conforming building or other structure, or a building or structure containing a nonconforming use is damaged or destroyed by any means to the extent of fifty (50) or more of its replacement value at that time, the building or other structure can be rebuilt or used thereafter only for a conforming use and in compliance with the provisions of the district in which it is located. In the event the damage or destruction is less than fifty (50) of its replacement value, based upon prevailing costs, the building may then be restored to its original condition and the occupancy or use may be continued.
- B. **Reconstruction of Buildings and Structures Located on Floodplains.** Reconstruction permitted under the provision of this Division to building and structures located on floodplains shall include floodproofing to a height two foot above the elevation of the one-hundred-year recurrence interval flood as delineated on large-scale topographic maps prepared by the City or by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) under the Root River Watershed study or as determined through the use of flood profiles and accompanying hydrologic and hydraulic engineering data, to those portions of the building or structure involved in such reconstruction. Certification of floodproofing shall be made to the Building Inspector and shall consist of a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the one-hundred-year recurrence interval flood level for the particular area.

15-11-08. Additions and Enlargements

- A. **Nonconforming Building Shall Not Be Extended.** A nonconforming building shall not be extended unless the entire building is thereafter devoted to a conforming use and said extension meets all applicable UDO requirements and is made to conform to all the regulations of the district in which it is located.
- B. **Buildings Partially Occupied by a Nonconforming Use.** No building partially occupied by a nonconforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such nonconforming use.
- C. **Limitations on the Expansion of a Nonconforming Use.** No nonconforming use may be extended in such a way as to occupy any required usable open space, or any land beyond the boundaries of the zoning lot as it existed on the effective date of this UDO, or to displace any conforming use in the same building or on the same parcel of land.
- D. **Building or Structure Nonconforming with Respect to Yard Setbacks or Any Other Element of Bulk.** A building or structure which is nonconforming with respect to yard setbacks, or any other element of bulk shall not be altered or expanded in any manner which would increase the degree or extent of its nonconformity with respect to the bulk regulations for the district in which it is located.
- E. **Additions and Enlargements Located on Floodplains.** Additions and enlargements permitted under the provisions of this Division to building and structures located on floodplains shall include floodproofing to a height two foot above the elevation of the one-hundred-year recurrence interval flood as delineated on large-scale topographic maps prepared by the City or by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) under the Root River Watershed study or as determined through the use of flood profiles and accompanying hydrologic and hydraulic engineering data, to those portions of the building or structure involved in such additions and enlargements. Certification of floodproofing shall be made to the Building Inspector and shall consist of a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the one-hundred-year recurrence interval flood level for the particular area.

15-11-09. Changes and Substitutions

- A. **Nonconforming Use Changed to Conforming Use or Substandard Structure Altered to Comply with this UDO.** Once a nonconforming use has been changed to a conforming use or a substandard structure has been altered so as to comply with this UDO, it shall not revert back to a nonconforming use or substandard structure.
- B. **Substitution of More Restrictive Nonconforming Use for Existing Nonconforming Use.** Once the Board of Zoning and Building Appeals has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the prior existing use shall lose its status as a legal nonconforming use and the substituted use shall become subject to all the conditions required by the Board of Zoning and Building Appeals.

15-11-10. Exempted Buildings, Structures, and Uses

- A. Whenever a lawfully existing building or other structure otherwise conforms to the use regulations of the district in which it is located, but is nonconforming only in the particular manner hereinafter specified, the building and use thereof shall be exempt from the requirements of **Section ##-##-##**:
 1. **Dwelling Structure Nonconforming Only as to the Number of Dwelling Units Contained.** In any residential district where a dwelling structure is nonconforming only as to the number of dwelling units it contains, provided no such building shall be altered in any way so as to increase the number of dwelling units therein.
 2. **Commercial and Mixed-Use or Industrial and Agricultural District Where the Use is Less Distant from a Residential Zoning District than Specified.** In any commercial and mixed-use or industrial and agricultural district, where the use is less distant from a residential district than that specified in the regulations for the district in which it is located.

3. **Other.** In any district where an established building, structure, or use is nonconforming with respect to the standards prescribed herein for any of the following:
 - a. Yard setbacks - front, street side, interior side, rear.
 - b. Off-street parking and loading.
 - c. Lot area or lot area per dwelling unit.
 - d. Building height.
 - e. Gross floor area.
 - f. Required landscaping.
4. **Pre-existing Lot Sizes.** Where a lot size was conforming prior to the most recent adoption of this UDO, and subsequent modification to this UDO has revised minimum lot size requirements for a particular district, the lot shall continue to be considered a conforming lot.
5. **Enlargement or Extension of a Nonconforming Use May be Allowed by the Common Council.** The enlargement or extension of a nonconforming use may be allowed by the Common Council, following a public hearing duly noticed and held by the Board of Zoning and Building Appeals, provided that the Board shall determine and set forth in writing:
 - a. Such enlargement or extension is consistent with the public interest.
 - b. Such enlargement or extension will not have an "adverse" effect on property in the surrounding neighborhood on account of visual appearance, increased traffic (pedestrian or vehicular), noise, smoke, odor, or other factors. Further, no such enlargement or extension of a nonconforming use shall be permitted unless all building height, yard, coverage, and off-street parking and loading requirements of this ordinance for the district in which such use is located are adhered to. In the event that a written protest against any enlargement or extension of a nonconforming use, signed and acknowledged by the owners of twenty (20) percent of the property immediately adjoining or across an alley therefrom, or by the owners of twenty (20) percent of the frontage directly across the street therefrom, is filed with the Board of Zoning and Building Appeals, such enlargement or extension shall not be allowed, except by a three-fourths (3/4) vote of the Common Council. No nonconforming use may be enlarged or expanded in floor area or lot area by more than fifty (50) in the aggregate, based upon its size or scope on the effective date of this amendatory ordinance, whether or not such aggregate enlargement or expansion occurs at one time or at successive times.
 - c. Enlargements or extensions permitted under the provisions of this section to building and structures located on floodplains shall include floodproofing to a height two foot above the elevation of the one-hundred-year recurrence interval flood as delineated on large-scale topographic maps prepared by the City or by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) under the Root River Watershed study or as determined through the use of flood profiles and accompanying hydrologic and hydraulic engineering data, to those portions of the building or structure involved in such enlargements or extensions. Certification of floodproofing shall be made to the Building Inspector and shall consist of a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the one-hundred-year recurrence interval flood level for the particular area.

Article 12. Definitions

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15-12-01. “A” Definitions.

- A. A ZONES. Areas of potential flooding shown on the City's "Flood Insurance Rate Maps" which would be inundated by the regional flood as defined herein. These numbers may be numbered as A0, A1 to A99, or be unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
- B. ABANDONMENT. An action to give up one's rights or interests in property.
- C. ABUTTING. Having a common border with or being separated from such common border by an alley or easement, other than publicly dedicated and approved rights-of-way.

- D. ACCESS. A means of vehicular or non-vehicular approach or entry to or exit from property, a street, or highway.
- E. ACCESS, DRYLAND. A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land which is outside the floodplain, such as a road with its surface above the regional flood elevation and wide enough to accommodate wheeled vehicles.
- F. ACCESSORY DWELLING. A small, independent residential dwelling unit located on the same lot as a principal dwelling unit. Internal accessory dwelling units are a partitioned area within the principal dwelling. Attached accessory dwelling units are defined as an accessory structure attached to a principal dwelling unit, while detached accessory dwelling units are defined as accessory structures detached from the principal building.
- G. ACCESSORY RETAIL. The use of a structure on the same lot or tract as the principal structure, used for the accessory retail sale of goods or items produced on the premises.
- H. ACCESSORY STRUCTURE. A structure which is subordinate to and serves a principal structure or use located on the same lot, is subordinate in area, extent, and purpose to the principal structure or use served, and contributes to the comfort, convenience, or necessity of occupants of the principal structure or use served.
- I. ACCESSORY USE. A use which is subordinate to and serves the principal structure or use located on the same lot, is subordinate in area, extent, and purpose to the principal structure or use served, and contributes to the comfort, convenience, or necessity of occupants of the principal structure or use served.
- J. ADJACENT. Nearby, but not necessarily touching or abutting.
- K. ADULT ESTABLISHMENT. An establishment having a significant portion of its sales or stock in trade one or more of the following; or derives a substantial portion of its interior business or advertising to the sale or rental for any form of consideration from one or more of the following:
 1. Books, magazines, periodicals, printed matter, photographs, films, motion pictures, video cassettes, slides, or other visual representations which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified anatomical activities or areas.
 2. Instruments, devices, or paraphernalia, which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of the user or others.
 3. An establishment may have other principal business purposes that do not involve the offering for sale, rental, or viewing of materials depicting or describing specified sexual activities or anatomical areas and can still be categorized as an adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is offering the sale or rental of some form of consideration the specified materials, which depict or describe specified anatomical activities or specified anatomical areas.
- L. AGENT, AUTHORIZED. A person or firm duly authorized by the property owner to submit applications on his, her, their, or its behalf.
- M. AGRICULTURE. All of the growing of crops in the open and the raising and feeding of livestock and poultry; including farming, farm buildings, and farm dwellings; truck gardens; flower gardens; apiaries; aviaries; mushroom growing; nurseries; orchards; forestry; dairying; greenhouses; and commercial vegetables. Specific agricultural uses are further defined in **§ 15-3.0603 of this Ordinance**.
- N. AIRPORT. Any area of land or water which is used, or intended for use, for the landing and take-off of aircraft; and any appurtenant areas which are used or intended for use as airport buildings or other airport structures or right-of-way, together with all airport buildings and structures located thereon.

- O. ALLEY. A public way, not more than thirty (30) feet wide, which affords only a secondary means of access to abutting property.
- P. ALTERATION, STRUCTURAL. Any change which would tend to prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams, or girders.
- Q. ANIMAL BOARDING FACILITY/KENNEL. Any structure, land, or combination thereof used, designed, or arranged for the boarding, breeding or care of animals.
- R. ANIMAL HUSBANDRY. The use of land for dairying, animal raising, and pasturage and the necessary accessory uses; provided, however, that such accessory uses shall be secondary to that of normal animal husbandry activities.
- S. APPROVING AGENCIES. The Common Council, Plan Commission, the town wherein the plat is located, and each adjoining city or village in whose extraterritorial plat approval jurisdiction of the subdivision lies and any other governmental agency with applicable approval jurisdiction pursuant to **Ch. 236, Stats.**
- T. ARTIFICIAL WETLAND. Engineered systems that use the natural functions of vegetation, soil, and organisms to provide secondary treatment to wastewater.
- U. ARTISAN MANUFACTURING. Small-scale businesses that produce artisan goods or specialty foods, primarily for direct sales to consumers, such as artisan leather, glass, wood, paper, ceramic, textile and yarn products, specialty foods and baked goods. This land use includes the design, processing, fabrication, assembly, treatment and packaging of products; as well as the incidental storage, sales and distribution of such products.
- V. ARTISAN WORKSHOP. A small-scale workshop located as an accessory use that produces artisan goods or special specialty foods, primarily for direct sales to consumers, such as artisan leather, glass, wood, paper, ceramic, textile and yarn products, specialty foods and baked goods. The land use includes the design, process, fabrication, assembly, treatment, and packaging of products as well as the incidental storage but not the sale of products.
- W. AUTOMOTIVE REPAIR, MAJOR. Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body frame or fender straightening or repair; and painting of vehicles.
- X. AUTOMOTIVE REPAIR, MINOR. Incidental repairs, replacement of parts, and motor service to automobiles but not including any operations specified under Automotive Repair, Major.
- Y. AUTO SALES/RENTAL AND SERVICE. An open area, other than a street, used for the display or sale of new or used automobiles for sale or rental, and where no minor repair work is done such as the incidental repair of automobiles to be displayed and sold on the premises.
- Z. AWNING. A root-like cover which projects from the wall of a building and overhangs the wall or building.

15-12-02. “B” Definitions.

- A. BAR/TAVERN. An establishment or part of an establishment open to the general public primarily devoted to the selling or serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages.
- B. BASEMENT. A story wholly underground; or a story of a building, the floor line of which is below lot grade and the ceiling of which is not more than one foot above lot grade; the lot grade being the front center of the garage floor elevation set at time of building permit, or the street centerline, whichever is the highest elevation.
- C. BEDROOM. Any room other than a living room, dining room, family room, kitchen, bathroom, or utility room, for the purpose of this Ordinance, shall be considered a bedroom. Dens, studies, etc. and similar areas which may be used as bedrooms shall be counted as bedrooms for the purposes of this Ordinance.
- D. BICYCLE LANE. A pathway designed specifically to satisfy the physical requirements of bicycling.

- E. BLOCK. A tract of land bounded by streets or, in lieu of a street or streets, by public parks, cemeteries, railroad rights-of-way, bulkhead lines or shorelines of waterways or corporate boundary lines of municipalities.
- F. BOARD OF ZONING AND BUILDING APPEALS. Reference to "Zoning Board of Appeals" shall refer to the Board of Zoning and Building Appeals of Franklin, Wisconsin.
- G. BREWERY/WINERY/DISTILLERY. A production-oriented establishment primarily engaged in brewing fermented malt beverages including beer, ale, malt liquors, and nonalcoholic beer (brewery), manufacturing and bottling wine on the premises (winery), or manufacturing, by distillation, intoxicating spirits on the premises (distillery) primarily for sale and not including the consumption on-premises.
- H. BREWERY/WINERY/DISTILLERY, TASTING ROOM. A brewery, microbrewery, winery, or distillery in which customers may sample, purchase and consume wine, beer or spirits on the premises.
- ~~I. BUFFER, SHORE. All of that land area located within 75 feet landward of the ordinary high water mark of all ponds, streams, lakes, and navigable waters (as determined by the Wisconsin Department of Natural Resources) and parallel to that ordinary high water mark, which is to remain undisturbed as a Natural Resource Feature (including undisturbed natural vegetation). Shore buffers do not include any area of land adjacent to any stream enclosed within a drainage structure, such as a pipe or culvert. The area of shore buffers (in square feet and acres) shall be measured and graphically delineated on the "Natural Resource Protection Plan." A shore buffer is also a setback.~~
- J. BUFFER, SURFACE WATER OR WETLAND. All of that land area located within 30 feet landward of a delineated wetland boundary and parallel to that delineated wetland boundary.
- K. BUFFERYARD or BUFFER STRIP. An area of land within the boundaries of a lot or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or using trees, shrubs, fences, and/or berms, designed to limit continuously the view and/or sound from the lot or site to adjacent lots or sites. Bufferyards are typically defined by a delineated easement graphically indicated on the face of the Site Plan, Landscape Plan, Certified Survey Map, Subdivision Plat, or Condominium Plat. Bufferyards may be required between zoning districts and/or land uses to eliminate or minimize conflicts between them as set forth in **Division 15-3.0300 of this Ordinance**.
- L. BUILDABLE AREA. The space remaining on a zoning lot after the minimum yard setback requirements of this Ordinance have been complied with.
- M. BUILDING FRONTAGE. Those building elevations that face upon a road or parking area between the building and the road.
- N. BUILDING HEIGHT. The vertical distance measured from the mean elevation of the finished lot grade along the building frontage to the highest point of the roof
- O. BUILDING, ENCLOSED. A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls, pierced only by windows and normal entrance or exit doors.
- P. BUILDING, PRINCIPAL. A non-accessory building in which the principal use of the lot on which it is located is conducted.
- Q. BULK. Term used to indicate the size, height, area, density, intensity and location of structures. (**See Part 3 of this Ordinance.**)
- R. BUSINESS. An occupation, employment, or enterprise which occupies time, attention, labor, and materials, or wherein merchandise is exhibited or sold, or where services are offered other than home occupations.

15-12-03. "C" Definitions.

- A. CAMPGROUND. An area rented to the public for transient occupancy or lodging a camping unit.
- B. CARWASH. The use of a site for automated or manual washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

- C. CEMETERY. land used or intended to be used for the burial of human or animal remains and dedicated for such purposes, including columbariums, crematoriums, and mausoleums.
- D. CERTIFIED SURVEY MAP. A plat or map prepared for a minor land division as defined in [Division 15-7.0700 of this Ordinance](#) and prepared and recorded as set forth in [§ 236.34 of the Wisconsin Statutes](#) (also see definition for "Minor Land Division").
- E. CHANNEL. A natural or artificial watercourse of perceptible extent which periodically or continuously contains moving water, or which forms a connecting link between two bodies of water. It has a definite bed and banks which confine the water.
- F. CHANNEL (as related to "FLOODPLAINS"). Those floodplains normally occupied by a stream of water under average annual high-water flow conditions while confined within generally well-established banks.
- G. CITY ATTORNEY. The City Attorney of the City of Franklin, Milwaukee County, Wisconsin.
- H. CITY CLERK. The City Clerk of the City of Franklin, Milwaukee County, Wisconsin. For application purposes, the term "City Clerk" may include the City Clerk's designee.
- I. CITY ENGINEER. The City of Franklin Engineer.
- J. CITY FORESTER. The City of Franklin Forester.
- K. CLASS 2 NOTICE. Publication of a public hearing notice under the [provisions of Chapter 985 of the Wisconsin Statutes](#) in a newspaper of circulation in the affected areas. Publication is required on two consecutive weeks, the last at least seven days prior to the public hearing.
- L. CLUSTER DEVELOPMENT. A development pattern or design technique in which lots or buildings are concentrated in specific areas on a site allowing the remaining land to be used for recreation, open space, and/or the preservation of natural resources.
- M. COMBUSTIBLE MATERIALS. Inflammable and combustible materials shall mean and include oils and oil lights, sweepings from garage floors, barrels, boxes or other containers containing oil or other similar liquids, rags, clothes, paper, shavings, paper or cardboard boxes or cartons, grease, paints, varnish, or other similar substances, any of which are likely to be readily inflammable or combustible.
- N. COMMISSION, PLAN. The Franklin City Plan Commission, to be consistent with [§ 62.23\(1\) of the Wisconsin Statutes](#) creating a City Plan Commission.
- O. COMMON COUNCIL. The Common Council of the City of Franklin, Milwaukee County, Wisconsin.
- P. COMMUNITY. A town, municipality, or a group of adjacent towns and/or municipalities having common social, economic, or physical interests.
- Q. COMMUNITY LIVING ARRANGEMENT. The following facilities licensed, operated or permitted under the authority of Wisconsin State Statutes: child welfare agencies under [§ 48.60](#), group foster homes for children under [§ 48.02\(7m\)](#), and community-based residential facilities under [§ 50.01](#); but does not include day care centers, nursing homes, general hospitals, special hospitals, [Chapter 980 Stats.](#) supervised release and crimes against children sex offender uses, prisons, and jails. The establishment of a community living arrangement shall be in conformance with [§§ 46.03\(22\), 59.97\(15\), 62.23\(7\)\(i\), and 62.23\(7a\) of the Wisconsin State Statutes](#).
- R. COMMUNITY GARDEN. A site where any kind of plant, including flowers, is grown, and several individuals or households cultivate the site. The site may be divided into individual allotments, or gardeners may work together to cultivate the entire property. The land may be publicly or privately owned. The plants are grown for personal use by the gardeners or for donation.

- S. COMPOSTING FACILITY. A facility where organic matter that is derived primarily from off-site is to be processed by composting and/or is processed for commercial purposes. Activities of a composting facility may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost.
- T. COMPREHENSIVE MASTER PLAN. A document or series of documents prepared by the City Plan Commission and duly adopted by said Commission setting forth policies for the future development or redevelopment of the City of Franklin pursuant to [Chapter 62.23 of the Wisconsin Statutes](#). The master plan shall also include neighborhood and subarea plans, proposals for future land use, open space, streets and transportation, urban redevelopment, and public facilities. Devices for the implementation of these plans, such as zoning, official map, land division and building line provisions, design guidelines, and capital improvement programs shall also be considered a part of the master plan. The master plan can also be termed the "Comprehensive Plan" and/or "Comprehensive Master Plan."
- U. COMPREHENSIVE PLAN. ([See definition of "COMPREHENSIVE MASTER PLAN"](#))
- V. CONDITIONAL USE. A use allowed only through a Conditional Use Permit in accordance with the provisions of this Ordinance.
- W. CONSTRUCTION. Any or all work or operations necessary or incidental to the erection, demolition, assembling, installing, or equipping of buildings, or any alterations and operations incidental thereto. The term "construction" shall include land clearing, grading, excavating, and filling and shall also mean the finished product of any such work or operations.
- X. CONSTRUCTION RELATED USE. Contractors' office or trailer and equipment shed(s) when accessory to a construction project, provided that no such use will contain any sleeping or cooking accommodations and is strictly limited to a period not to exceed the duration of the active construction phase of the associated project.
- Y. CONSTRUCTION, START OF. The excavation of or installation of foundation footings or grading other than for the installation of materials for road construction.
- Z. CONTIGUOUS. In contact with one or more sides.
- AA. CROP PRODUCTION. The growing of crops such as vegetables, fruit trees, and grain and the packaging or storage of the products produced on the premises.
- BB. CUL-DE-SAC. A local street with only one outlet and having an appropriate turn-around for the safe and convenient reversal of traffic movement.
- CC. CURB. A vertical or sloping edge of a roadway.

15-12-04. "D" Definitions.

- A. dBA. The A-weighting scale of sound measurement as expressed in decibels.
- B. DECK. A structure attached to or closely adjacent to any dwelling unit that is:
 - 1. Designed and intended for the support of persons;
 - 2. Has no permanent or temporary cover or canopy;
 - 3. Is constructed on piers and without continuous foundation or footings;
 - 4. Is a minimum of eight (8) inches above grade; and
 - 5. Is greater than fifty (50) square feet in area.
- C. DEDICATION. The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee simple interest or of a less than fee simple interest, including an easement.

- D. DENSITY, GROSS. The quotient of the total number of dwelling units on a site divided by the base site area of a site.
- E. DEVELOPER. The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such land.
- F. DEVELOPMENT. The carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, or the dividing of land into parcels by any person. Any man-made change to improved or unimproved real estate including, but not limited to, construction of or additions or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials.
1. The following activities or uses shall be taken for the purposes of these regulations to involve "development":
 - a. A reconstruction, alteration of, or material change in the external appearance of a structure on land or water; or
 - b. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or an increase in the floor area or number of businesses, manufacturing establishments, or offices; or
 - c. Alteration of a shore or bank of a pond, river, stream, lake, or other waterway; or
 - d. Commencement of drilling (except to obtain soil samples), mining, or excavation on a parcel of land; or
 - e. Demolition of a structure; or
 - f. Clearing of land as an adjunct of construction, including clearing or removal of vegetation, any significant disturbance of vegetation, or any soil manipulation; or
 - g. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.
 2. The following operations or uses shall not be taken for the purpose of these regulations to involve "development":
 - a. Work by a highway or road agency or railroad company for the maintenance of a road or railroad track if the work is carried out on land within the boundaries of the right-of-way; or
 - b. Work by any utility, and other persons engaged in the distribution or transmission of gas or water, for the purposes of inspecting, repairing, renewing, or constructing on established rights-of-way sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like. (Exclusive of the activities requiring a Conditional Use Permit as per the requirements of this Ordinance); or
 - c. The maintenance, renewal, or alteration of any structure, where only the interior or the color of the structure or the decoration of the exterior of the structure is affected; or
 - d. The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling; or
 - e. A change in the ownership or form of ownership of any parcel or structure; or
 - f. Work involving the landscaping of a detached dwelling; or
 - g. Work involving the maintenance of existing landscaped areas and existing rights-of-way such as setbacks and other non-natural planting areas; or
 - h. Agricultural land uses such as planting, growing, cultivating, and harvesting crops; growing and tending gardens; or harvesting trees planted and grown for commercial purposes.

- G. DEVELOPMENT AGREEMENT. An agreement by which the City and the Subdivider agree in reasonable detail as to all of those matters which the provisions of these regulations permit to be covered by the Subdivider's Agreement and which shall not come into effect unless and until an Irrevocable Letter of Credit or other appropriate surety has been issued to the City.
- H. DIAMETER AT BREAST HEIGHT (DBH). The diameter of the trunk of a tree measured in inches at a point four and one-half (4.5) feet above ground line. This point of measurement is used for established and mature trees.
- I. DIRECTOR OF INSPECTION SERVICES. The Director of Inspection Services of the City of Franklin, Milwaukee County, Wisconsin.
- J. DISTRIBUTION FACILITY. A facility located within an enclosed building primarily oriented to the storage and shipping of packaged materials or goods for a single business or a single group of businesses.
- K. DONATION DROP BOX. Any receptacle used for the purpose of collecting clothing, donated by the public, on an ongoing basis and as part of the regular activity of the operator, which is a charitable organization.
- L. DRIP LINE. The farthest distance, measured as a radius and the total area encompassed thereby, where the branches of a tree extend from its trunk indicating the extent of the canopy of a tree.
- M. DRIVE THROUGH. A commercial establishment designed or intended to enable a customer in a motor vehicle parked on or moving through the premises to transact business.
- N. DRIVEWAY. A paved area used for ingress or egress of vehicles allowing access from a street to a lot or site, use, building, or other structure or facility.
- O. DWELLING. A building or portion thereof, but not including a house trailer or mobile home, designed or used exclusively for residential occupancy, including single-family dwelling units, duplex dwelling units, and multifamily dwelling units, but not including hotels, motels, or lodging houses.
- P. DWELLING UNIT. One (1) or more rooms in a residential structure which are arranged, designed, used, or intended for permanent residence by one household and which includes complete kitchen facilities permanently installed.
- Q. DWELLING, DUPLEX. A row or structure of up to two (2) attached, single-family dwellings joined to one another at one (1) or more sides by a party wall or walls. Each dwelling has a dedicated exterior entrance.
- R. DWELLING, MULTIPLE FAMILY, COMPLEX. A planned residential development with more than two (2) multifamily dwelling buildings on a lot.
- S. DWELLING, MULTIPLE FAMILY, BUILDING. A single residential building with multiple dwelling units stacked vertically and horizontally. The building has a common external entrance and units are accessed through internal entrances.
- T. DWELLING, SINGLE-FAMILY. A detached building used as one (1) dwelling unit.
- U. DWELLING, TOWNHOME. A row or structure of three (3) or more attached, single-family, dwellings joined to one another at one (1) or more sides by a party wall or walls. Each dwelling has a dedicated exterior entrance.

15-12-05. "E" Definitions.

- A. EASEMENT. The area of land set aside or over or through which a liberty, privilege, or advantage in land, distinct from ownership of the land, is granted to the public or some particular person or part of the public.
- B. EASEMENT, CONSERVATION. A type of Protective Covenant the boundary lines of which are graphically depicted on the face of a Certified Survey Map, Preliminary Plat, Final Plat and/or Condominium Plat used to conserve and preserve a natural resource feature that is protected under the provisions of this Ordinance.

- C. EDUCATIONAL FACILITY. Public, private, parochial, charitable, or nonprofit junior college, college, or university, other than trade or business schools, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants, and other incidental facilities for students, teachers, and employees.
- D. ELECTRIC VEHICLE CHARGING STATION. The equipment for charging electric-powered vehicles and the space on a site designated for its use.
- E. EROSION. The detachment and movement of soil, sediment or rock fragments by water, wind, ice, or gravity.
- E. EQUIPMENT RENTAL, SALES, AND SERVICE. Establishments primarily engaged in the sale or rental of tools, trucks, tractors, construction equipment, agricultural implements, and similar industrial equipment, and the rental of mobile homes. Included in this use type is the incidental storage, maintenance, and servicing of such equipment.
- F. EXTRACTIVE INDUSTRY. On-site extraction of surface or subsurface mineral products or natural resources. Typical uses are quarries, borrow pits, sand and gravel operation, mining, and soil mining. Specifically excluded from this use is grading and removal of dirt associated with an approved site plan or subdivision or excavations associated with, and for the improvement of, a bona fide agricultural use.
- F. EXTRATERRITORIAL PLAT APPROVAL JURISDICTION. The unincorporated area within one and one-half (1.5) miles of a fourth-class city or a village and within three (3) miles of all other cities. Wherever such statutory extraterritorial powers overlap with those of another city or village, the jurisdiction over the overlapping area shall be divided on a line all points of which are equidistant from the boundaries of each community so that not more than one community exercises extraterritorial powers over any area.

15-12-06. "F" Definitions.

- A. FARM. An area which is used for the growing of the usual farm products such as vegetables, fruit trees, and grain, and for the packing or storage of the products produced on the premises; as well as for the raising thereon of the usual farm poultry and farm animals such as horses and cattle, as secondary to crop raising . The term shall not include the commercial feeding of garbage or offal to swine or other animals, the commercial feeding of animals on open lots where no feed is raised on the premises, or the commercial feeding of poultry broilers, or laboratory animals, such as mice, rats, rabbits, etc.
- B. FARMERS MARKET. The seasonal selling or offering for sale at retail of home-grown vegetables or produce, occurring in a pre-designated area, where the vendors are generally individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale.
- C. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA). The federal agency that administers the National Flood Insurance Program.
- D. FENCE: An artificially constructed barrier resting on or partially buried in the ground and rising above ground level, erected for the purpose of providing a boundary or as a means of protection, or to prevent uncontrolled access, or for decorative purposes or to screen from viewers in or on adjoining properties and streets the property or lot upon which the fence is erected. Invisible fences designed to contain household pets within a property shall be excluded from the definition of fences for the purposes of this UDO.
- E. FINAL PLAT. The final map, drawing or chart on which the Subdivider's plan of subdivision is presented for approval and which, if approved, will be submitted to the Milwaukee County Register of Deeds.
- F. FINANCIAL INSTITUTION. An establishment whose principal use or purpose is the provision of financial services, including, but not limited to, bank facilities for tellers, automated teller machines, credit unions, savings and loan institutions, and currency exchange establishments. This use shall not include establishments whose primary purpose is to accept applications, originate, underwrite, process or service residential or commercial loans secured by mortgage on real property.
- G. FLAG LOT. A lot not fronting or abutting a public roadway and where access to the public roadway is limited to a narrow private right-of-way.

- H. FLOOD. A temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the channel.
- I. FLOOD INSURANCE STUDY (FIS). An examination, evaluation, and determination of flood hazards, and if appropriate, corresponding water surface elevations; or an examination, evaluation, and determination of mudslide (i.e., mud flow) and/or flood-related erosion hazards. Such studies shall result in the publication of a Flood Insurance Rate Map showing the intensity of flood hazards in either numbered or unnumbered A Zones.
- J. FLOOD PROFILE. A graph showing the relationship of the floodwater surface elevation of a flood event of a specified recurrence interval to the stream bed and other significant natural and man-made features along a stream.
- K. FLOOD PROTECTION ELEVATION. A point two feet above water surface elevation of the one-hundred-year recurrence interval flood. This safety factor, also called "freeboard," is intended to compensate for the many unknown factors that contribute to flood heights greater than those computed. Such unknown factors may include ice jams, debris accumulation, wave action, and obstructions of bridge openings.
- L. FLOOD, REGIONAL. The regional flood is a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics. The flood frequency of the regional flood is once in every 100 years; this means that in any given year, there is a one-percent chance that the regional flood may occur or be exceeded. During a typical thirty-year mortgage period, the regional flood has a twenty-six-percent chance of occurrence.
- M. FLOODFRINGE. Those floodplains, outside the floodway, subject to inundation by the one-hundred-year recurrence interval flood. For the purpose of this ordinance, the floodplain fringe includes the Floodplain Conservancy District and the Floodfringe District.
- N. FLOODPROOFING. Any combination of structural provision, changes or adjustments to properties and structures, water and sanitary facilities, and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.
- O. FLOODWAY. A designated portion of the one-hundred-year flood that will safely convey the regulatory flood discharge with small, acceptable upstream and downstream stage increases, limited in Wisconsin to less than 0.01 foot unless special legal measures are provided. The floodway, which provides the channel, is that portion of the floodplain not suited for human habitation. All fill, structures, and other development that would impair floodwater conveyance by adversely increasing flood stages or velocities or would itself be subject to flood damage should be prohibited in the floodway.
- P. FLOOR AREA, GROSS. The gross floor area of structures shall be the sum of the gross horizontal areas of the floors of such structures measured from the exterior faces of exterior walls or from the centerline of party walls separating two (2) buildings. Gross floor area shall include:
 - 1. Basement space if at least half (0.5) of the basement story height is above the adjoining grade;
 - 2. Elevator shafts and stairwells at each floor;
 - 3. Floor space used for mechanical equipment where the structural headroom exceeds seven and one-half (7.5) feet; except equipment, open or enclosed, located on the roof; i.e., bulkheads, water tanks, and cooling towers;
 - 4. Attic floor space where the structural headroom exceeds seven and one-half (7.5) feet;
 - 5. Interior balconies and mezzanines;
 - 6. Enclosed porches, but not terraces and breezeways;
 - 7. Accessory structures.
- Q. FOOD TRUCK. A motorized vehicle or trailer equipped to cook, prepare, and/or sell food.

- R. FOOD TRUCK COURT. A permanently established area designed to accommodate multiple food trucks and offering food and/or beverages for sale to the public as the main use of the property and functioning as a single business.
- S. FOREST. See definition for “Woodland, Mature” and “Woodland, Young.”
- T. FREEWAY. A major highway having no intersections at grade and having fully controlled access.
- U. FRONTAGE. All the property fronting on one (1) side of a street between the nearest intersecting streets or between a street right-of-way, waterway, or other similar barrier.
- V. FUNERAL HOME. An establishment used for undertaking services such as preparing human dead for burial or cremation, display of the deceased and performing human funeral services.

15-12-07. “G” Definitions.

- A. GARAGE. An accessory structure or an accessory portion of the principal structure which is intended for and used to store the private passenger vehicles of household or households on the premises, and in which no business, service, or industry connected directly or indirectly with automobile vehicles is carried on; provided that not more than one-half (0.5) of the space may be rented for the private vehicles of persons not resident on the premises, except that all the space in a garage of one or two car capacity may be so rented. Such a garage shall not be used for more than one (1) commercial vehicle and the load capacity of such vehicle shall not exceed one-half (0.5) ton.
- B. GENERAL RETAIL. A facility offering the sale of goods, products, or materials directly to a consumer. This shall include, but not be limited to, establishments that sell appliances, books, clothing, computers, electronics, eyeglasses, floral arrangements, furniture, groceries or specialty foods, hardware, jewelry, leather goods, medical supplies, office supplies, pets, toys, and music sale. The term shall not include restaurants or personal service establishment.
- C. GENERAL SERVICE. An establishment primarily engaged in rendering services to individuals and business establishments which services cannot be categorized into one of the other defined service use categories in this Title. The services are typically provided without the retail sale of products or which such product sales are incidental to the service-driven purposes of the establishment, such as a beauty salon, day spa, medical massage establishment, or barber shop.
- D. GOVERNMENTAL USES. A facility owned, operated, or occupied by a governmental agency to provide a governmental service to the public.
- E. GRADE, STREET. The elevation of the established street in front of the building, measured at the center of such front. Where no street grade has been established, the City Engineer shall establish such street grade or its equivalent for the purpose of this UDO.
- F. GUTTER. A shallow channel usually set along a curb or the pavement edge of a road for purposes of catching and carrying off runoff water.

15-12-08. “H” Definitions.

- A. HEALTH CARE FACILITY. An establishment where patients are admitted for special study and treatment by two or more licensed physicians practicing medicine together and their professional associates.
- C. HEIGHT, FENCE. The vertical distance measured from the mean elevation of the natural lot grade along the fence to the highest point on the fence, excluding fence posts and supports. Fence posts and supports may protrude an additional six (6) inches above the highest point on the fence.
- D. HELIPORT. A helistop that also includes all necessary passenger and cargo facilities, helicopter maintenance and overhaul, fueling service, storage, tie-down areas, hangars, and other necessary buildings and open spaces. Heliports include any of the uses of helistops.

- E. HELISTOP. An area designated for the landing and taking off of helicopters for the purpose of picking up or discharging passengers or cargo, not including fueling or service facilities.
- F. HOME BASED BUSINESS. Any business or commercial activity that is conducted, or proposed to be conducted, from property that is zoned for residential use and is clearly incidental and secondary to the use of the dwelling unit for residential purposes.
- G. HOME IMPROVEMENT CENTER/LUMBERYARD. An establishment providing for the sale or rental of building supplies, construction equipment, or home decorating fixtures and accessories. This term includes a lumber yard or a contractors' building supply business and may include outdoor storage or tool and equipment sales or rental. This term does not include an establishment devoted exclusively to the retail sale of paint, wallpaper, or hardware or activities classified under vehicle/equipment sales and services, including vehicle towing services.
- H. HOSPITAL. An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care for not less than twenty-four (24) hours in any week of three (3) or more nonrelated individuals suffering from illness, disease, injury, deformity, or other abnormal physical conditions. The term "hospital" as used herein does not apply to institutions operating solely for the treatment of insane persons, drug addicts, liquor addicts, or other types of cases necessitating restraint of patients, and the term "hospital" shall not be used for convalescent, nursing, shelter, or boarding homes.
- I. HOTEL. A building containing lodging rooms for rent to transient guests and accessed from a common entrance lobby, and where lodging rooms do not have a doorway opening directly to the outdoors, except for emergencies.
- J. HOUSEHOLD. A group of individuals, whether related or not, living together within a single dwelling unit.

15-12-09. "I" Definitions.

- A. ILLUMINATION, MAXIMUM PERMITTED. The maximum illumination measured in footcandles six (6) inches above ground level.
- B. IMPERVIOUS SURFACE. An area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Examples of impervious surfaces include, but are not limited to; rooftops, sidewalks, driveways, gravel or paved parking lots, and streets. IMPROVEMENT. Any human-made immovable item which becomes part of, is placed upon, or affixed to real estate.
- C. IMPROVEMENT, PUBLIC. Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, curb and gutter, sidewalk, pedestrian way, bicycle path, stormwater detention and retention basins, planting strip, or other utility and/or facility for which the City may ultimately assume the responsibility for maintenance and operation.
- D. INDOOR AGRICULTURE. A facility used for animal production, aquaculture, chicken egg production, crop production, dairy cattle and milk production, greenhouses as a principal use, other animal production, other poultry production, poultry hatchery, turkey production.
- E. INDUSTRY, HEAVY. Manufacturing or other enterprises with significant external effects, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process.
- F. INDUSTRY, LIGHT. A use that involves the manufacturing, production, processing, fabrication, assembly, treatment, repair, or packaging of finished products, predominantly from previously prepared or refined materials (or from raw materials that do not need refining). Warehousing, wholesaling, and distribution of the finished products produced at the site is allowed as part of this use.
- G. INCREASES IN REGIONAL FLOOD ELEVATION. A calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, determined by comparing existing conditions and proposed conditions and which is directly

attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients, and discharge.

15-12-10. “K” Definitions.

RESERVE

15-12-11. “L” Definitions.

- A. LAKE. Any body of water two acres or larger in size as measured by the shoreline at its maximum condition rather than the permanent pool condition, if there is any difference.
- B. LANDFILL. A lot or part thereof used primarily for the disposal by abandonment, dumping, burial, burning, or other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or nontoxic waste material of any kind.
- C. LANDSCAPE PLAN. Shall include the information required in **Appendix ##**.
- D. LANDSCAPE SURFACE RATIO (LSR). The ratio derived by dividing the area of landscaped surface by the base site area.
- E. LANDSCAPING. Living material, such as grass, groundcover, flowers, shrubs, vines, hedges, and trees; and nonliving durable material such as rocks, pebbles, sand, mulch, wood chips or bark, walls, and fences, but not including paving.
- F. LATERAL, SEWER. Pipes installed for conducting sewage from the street to the structure on a lot or parcel.
- G. LATERAL, WATER. Pipes installed for conducting water from the street to the lot or parcel.
- H. LETTER OF MAP AMENDMENT (LOMA). An official notification from the Federal Emergency Management Agency stating that a Flood Hazard Boundary Map or Flood Insurance Rate Map has been amended. LOMA's are usually issued because a property has been inadvertently mapped as being in the floodplain, but is actually on natural high ground at or above the regional flood elevation (one-hundred-year recurrence interval flood elevation).
- I. LOADING AREAS AND PARKING AREAS AS A PRINCIPAL USE. The principal use of a property for off-street parking and loading of motor vehicles as defined in this UDO.
- J. LOADING SPACE. An open, hard-surfaced area of land other than a street or a public way, the principal use of which is for the standing, loading, and/or unloading of motor vehicles, tractors, and trailers, to avoid undue interference with public streets and alleys.
- K. LODGING HOUSE. A building with not more than five (5) guest rooms where lodging is provided for compensation, pursuant to previous arrangement, but not open on a daily, overnight, or per meal basis to transient guests.
- L. LOT. A parcel of land legally described as a distinct portion or piece of land of record.
- M. LOT AREA. The area contained within the exterior, or peripheral, boundaries or lot lines of a lot excluding street and land under navigable bodies of water.
- N. LOT COVERAGE. The area of a zoning lot occupied by the principal building or buildings, accessory structure(s) and accessory building(s).
- O. LOT DEPTH. The mean horizontal distance between the front and rear lot lines of a lot measured within the lot boundaries.
- P. LOT FRONTAGE. The front of a lot shall be that boundary of a lot along a public street.
- Q. LOT LINE. A property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends to the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way line.

- R. LOT LINE, STREET SIDE: A side lot line which abuts a street and which is not a front lot line or a rear lot line.
- S. LOT LINE, FRONT. The boundary of any lot which is along an existing or dedicated street. Where the lot abuts more than one dedicated street, the shortest of the lot lines that abut a dedicated street shall be the front lot line.
- T. LOT LINE, INTERIOR SIDE: A lot line which abuts another lot and which is not a front lot line or rear lot line.
- U. LOT LINE, REAR. The lot line or lot lines most nearly parallel to and most remote from the front lot line.
- V. LOT LINE, SIDE. A lot line other than a front or rear lot line.
- W. LOT OF RECORD. An area of land designated as a lot on a plat of subdivision or certified survey map recorded or registered pursuant to statute.
- X. LOT WIDTH. The mean horizontal distance between the side lot lines measured within the lot boundaries, or the minimum distance between the side lot lines within the buildable area of a lot.
- Y. LOT, CORNER. A lot situated at the junction of and abutting on two (2) or more intersecting streets.
- Z. LOT, DOUBLE FRONTAGE. A lot, other than a corner lot, with frontage on two parallel or approximately parallel streets, and which is not a corner lot. Double frontage lots shall normally be deemed to have two front yards, two side yards and no rear yard. On a Double Frontage Lot both street lines shall be deemed front lot lines.
- AA. LOT, FLAG. A lot, typically not meeting minimum frontage requirements and where access to a public street is by a narrow, private access easement, strip of land, or driveway.
- BB. LUMINAIRE. A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

15-12-12. "M" Definitions.

- A. MANUFACTURED HOME. A structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. The term includes, but is not limited to, the definition of "mobile home" as set forth in regulations governing the **Mobile Home Safety and Construction Standards Program. [24 C.F.R. 3282.7(a)]**. Factory-built homes on permanent foundations are considered buildings, and are governed by the **Wisconsin Uniform Dwelling Code**.
- B. MANUFACTURED HOME PARK. A parcel or contiguous parcels of land divided into two (2) or more manufactured home spaces for rent or lease.
- C. MANUFACTURING. The making of anything by any agency or process.
- D. MATERIALS, TOXIC. A substance (liquid, solid, or gaseous) which, by reason of a deleterious property, tends to destroy life or impair health.
- E. MICROBREWERY/MICROWINERY. A combination retail, wholesale, and/or small-scale artisan manufacturing business that brews, ferments, processes, packages, distributes, and serves either beer or wine for sale on- or off-site. A microbrewery shall produce no more than one-hundred fifty-five thousand (155,000) gallons of beer per year for sale on the premises for either on-premises or off-premises consumption. These facilities may include an ancillary tasting room and retail component in which guests/customers may sample and purchase the product. Off-site distribution of the beverages shall be consistent with state law.
- F. MICRODISTILLERY. A small scale artisan manufacturing business that blends, ferments, processes, packages, distributes and serves alcoholic spirits on and off the premises and produces no more than fifteen thousand (15,000) gallons per calendar year on-site. The microdistillery facility may include an ancillary tasting room and retail component in which

guests/customers may sample and purchase the product. Off-site distribution of the alcoholic beverages shall be consistent with state law.

- G. **MINOR LAND DIVISION.** Any division of land not defined as a subdivision. Minor land divisions include the division of land by the owner or Subdivider resulting in the creation of two (2) but not more than four (4) parcels or the division of a block, lot or outlot within a recorded Subdivision Plat into not more than four (4) parcels or building sites without changing the exterior boundaries of said block, lot, or outlot. Such minor land divisions shall be made by a Certified Survey Map.
- H. **MIXED-USE.** A building, structure, or site that contains two (2) or more of the following basic land use types: residential, place of assembly, recreation amusement and lodging, retail, service, eating and drinking, or industrial which are vertically integrated, and that are located over each other in whole or in part. Mixed uses may be integrated vertically within a building or structure or horizontally provided that they are physically interrelated by pedestrian areas that are uninterrupted by vehicular traffic. In horizontal integration of mixed uses, the uses may not be separated by roads or parking areas.
- I. **MOBILE HOME.** Any trailer as defined herein used for residential purposes.
- J. **MOBILE/MANUFACTURED HOME PARK.** A parcel or contiguous parcels of land divided into two (2) or more manufactured home spaces for rent or lease.
- K. **MOTEL.** A building containing lodging rooms rented temporarily to transient guests where access to each guest room is provided from the building's exterior.
- L. **MULTITENANT SHOPPING CENTER.** A group of commercial establishments which is planned, developed, owned, and managed as a unit.
- M. **MUNICIPAL CODE.** The Municipal Code of the City of Franklin, Milwaukee County, Wisconsin.
- N. **MUNICIPALITY.** An incorporated village or city or an unincorporated town.

15-12-13. "N" Definitions.

- A. **NATURAL RESOURCE PROTECTION PLAN.** (See Division 15-7.0100 of this Ordinance.)
- B. **NATURAL RESOURCE PROTECTION STANDARD.** The proportion of the natural features of a site (excluding land occupied by public street rights-of-way), which shall remain undeveloped and protected and is specifically designated for natural resource protection by deed restriction, protective covenant, zoning, or a combination thereof.
- C. **NATURAL RESOURCES.** Areas of steep slopes, woodlands and forests (mature and young), lakes, ponds, streams, shore buffer, floodplains, wetlands, shoreland wetlands, and wetland buffers as defined in this Ordinance.
- D. **NAVIGABLE LAKE.** (See definition of "Navigable Water.")
- E. **NAVIGABLE STREAM.** Any stream capable of floating any boat, skiff, or canoe of the shallowest draft used for recreational purposes. (Also see definition of "Navigable Water.")
- F. **NAVIGABLE WATER.** Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages, and other water within the territorial limits of this State, including the Wisconsin portion of boundary waters, which are navigable under the laws of this State. The Wisconsin Supreme Court has declared navigable bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. [Muench v. Public Service Commission, 261 Wis. 492 (1952) & DeGayner and Co., Inc., v. Department of Natural Resources, 70 Wis. 2d 936 (1975)]. Rivers and streams are presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this Ordinance.

- G. NONCONFORMING BUILDING. A building or structure, or portion thereof, lawfully existing at the time of the adoption of this Ordinance, which was designed, erected, or structurally altered for a use that does not conform after the passage of this Ordinance to the use regulations of the district in which it is located.
- H. NONCONFORMING USE. Any building, structure, or land lawfully occupied by a use or lawfully established at the time of the adoption of this Ordinance or amendments hereto, which does not conform after the passage of this Ordinance, or amendments hereto, with the use regulations of this Ordinance.
- I. NURSERY RETAIL. A place of business where retail and wholesale products and produce are sold to the consumer. These centers, which may include a nursery and/or greenhouses, import most of the items sold, and may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm variety tools and utensils.
- J. NURSERY WHOLESALE. The growing, storage, and sale of garden plants, shrubs, trees, or vines for resale, including incidental retail sales conducted from within a building not exceeding twenty (20) percent of the combined wholesale and retail sales volume during any year.

15-12-14. "O" Definitions.

- A. OBJECTING AGENCIES. The Wisconsin Department of Agriculture, Trade and Consumer Protection; the Wisconsin Department of Transportation; the Wisconsin Department of Natural Resources; the Wisconsin Department of Industry, Labor, and Human Relations and the county planning agency (as defined by [§ 236.02\(a\) of the Wisconsin Statutes](#)).
- B. OBSTRUCTION. An obstacle, impediment, or hindrance.
- C. OBSTRUCTION TO FLOOD FLOW. Any development which blocks the conveyance of floodwaters such that this development by itself or in connection with any future similar development will cause an increase in regional flood height.
- D. OFFICE. Business uses, with little direct contact with customers present at the office, which is engaged in the processing, manipulation or application of business information or professional expertise. This use shall include, but not be limited to, professional offices for nonprofit organizations, accounting, insurance, investment services, computer services, architecture, engineering, legal services, real estate services, and doctors' and dentists' offices, but not medical offices as defined in this UDO. An office use is not materially involved in fabricating, assembling or warehousing of physical products for the retail or wholesale market, nor is an office engaged in the repair of products or retail services.
- E. OFFICE COMPLEX/BUSINESS PARK. A development which contains a number of separate office buildings, accessory and supporting uses, and open space all de-signed, planned, constructed, and maintained on a coordinated basis.
- F. OFFICIAL MAP. That document as described by [Chapter 62.23\(6\) of the Wisconsin Statutes](#), as amended, which shows the location of streets, highways, parkways, parks, playgrounds, railroad rights-of-way, waterways, and public transit facilities in the City of Franklin.
- G. OPACITY. The degree of opaqueness, or relative sight screening value, as measured by levels of intensity of bufferyard foliage or other characteristics of the bufferyard including fencing, earthen berms, or walls.
- H. OPEN SPACE. Any site, parcel, lot, area, or outlot of land or water essentially unimproved and set aside, dedicated, designated, or reserved for the public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Land that is to be used primarily for resource protection, agriculture, recreational purposes, or otherwise left undisturbed and specifically excluding road rights-of-way and lots. Open space land shall not be occupied by nonrecreational buildings, roads, drives, public rights-of-way, or off-street parking areas for nonrecreational uses. Land located within the yards or lots of residential and/or nonresidential properties is not considered open space unless it is deed restricted for open space protection or natural resource features protection. Where lots are

above the minimum sizes required and the excess lot area is deed restricted to open space uses it may be counted as open space.

- I. **OPEN SPACE, PUBLIC.** An open space area conveyed or otherwise dedicated to a municipality, municipal agency, public school district, state or county agency, or other public body for recreational or conservational uses. Any publicly owned open area, including, but not limited to, the following: parks, playgrounds, forest preserves, beaches, waterways, and parkways but not including streets or dedicated public rights-of-way.
- J. **OUTDOOR ACTIVITY/OPERATION/STORAGE.** The subordinate use of a lot for sustained and continuous outdoor use customarily incidental to the primary use of the zoning lot.
- K. **OUTDOOR DINING.** Use of an adjacent, outside area by a food or beverage establishment with a liquor license for on-premises consumption, for the same eating and drinking activities that occur within the establishment including, without limitation, the service and consumption of alcoholic beverages.
- L. **OUTDOOR DISPLAY/SALE OF MERCHANDISE.** The display and/or sale of merchandise or equipment outside of an enclosed building by the occupant of the primary building of the lot.
- M. **OUTLOT.** A parcel of land, other than a lot or block, so designated on the plat, but not required to adhere to the lot area or width standards of the governing district, which can be either redivided into lots or combined in the future with one or more other adjacent outlots or lots in adjacent subdivisions or minor land divisions in the future for the purpose of creating buildable lots. In addition an outlot may also be any parcel of land depicted upon a plat or certified survey map which has been designated outlot as determined necessary by the Common Council to reserve such parcel for a future potential use or as necessary to further the purposes of this Ordinance and such designation as outlot shall mean that the designated parcel is unbuildable. An outlot designation may be removed by the Common Council upon its determination upon a further division that the reasons for the designation no longer exist or that the purposes of this Ordinance are further served by the removal of such designation.
- N. **OWNER.** A person, individual, firm, association, syndicate, partnership, private corporation, public or quasi-public corporation, or combination of these having sufficient proprietary interest to seek development of land. For purposes of successive division of a parcel of land by Certified Survey Maps, "owner" shall include any related person, firm, partnership or corporation, to whom conveyance has been made within two (2) years of application for approval of a Certified Survey Map. "Related" shall mean any natural person related to a transferor by blood or marriage, any person acting in an agency or trust capacity, any partnership in which the transferor is a partner and any corporation in which the transferor is a stockholder, officer or director, or in which related persons are stockholders, officers or directors.

15-12-15. "P" Definitions.

- A. **PARKING AREA.** An open, hard-surfaced area, other than a street or public way, designed, arranged, and made available for the storage of passenger automobiles and/or commercial vehicles under one and one-half (1 ½) tons capacity, of occupants of the building or buildings for which the parking area is developed and is accessory.
- B. **PARKING SPACE.** A surfaced and permanently maintained area on privately or publicly owned property, either within or outside of a building, of sufficient size to store one (1) automobile.
- C. **PARTICULATE MATTER.** For the purposes of determining air contaminations, particulate matter is any material other than water which is suspended in or discharged into the atmosphere in a finely divided form as a liquid or solid capable of being airborne or gasborne. Dust is solid particulate matter capable of being airborne or gasborne.
- D. **PERMITTED USE.** A use allowed by-right in a particular zoning district.
- E. **PERSON.** Includes any natural person, firm, corporation, or partnership.
- F. **PLACE OF ASSEMBLY, INDOOR COMMERCIAL.** An enclosed building wherein individuals or groups of people gather for an attraction or service used for commercial purposes, such as but not limited to, recreation establishment, theaters, ice

rinks, art galleries, live performance theaters, learning centers, clubs or lodges, exhibit halls and experiential retail where merchandise for sale is accessory to the principal use as a gathering place structured around an activity including but not limited to art, live music, or visual displays.

- G. PLACE OF ASSEMBLY INDOOR NON-COMMERCIAL. A building wherein individuals or groups of people gather for an attraction or service not used for commercial purposes such as but not limited to, community centers, learning centers, clubs or lodges, exhibit halls, civic organizations, lodges, libraries, museums, municipal buildings, auditoriums, or religious institutions.
- H. PLACE OF ASSEMBLY OUTDOOR COMMERCIAL. Premises wherein individuals or groups of people gather outside a building for an attraction or service used for commercial purposes, such as but not limited to, outdoor recreation establishment, miniature golf courses, and ice rinks.
- I. PLAN COMMISSION. The City of Franklin Plan Commission created by the Common Council pursuant to [§ 62.23 of the Wisconsin Statutes](#).
- J. PLAN, DEVELOPMENT. The Milwaukee County Development Plan (including components thereof including park, recreation, open space, and transportation plans) text and all accompanying maps, charts, explanatory material adopted by Milwaukee County pursuant to [§ 59.97 of the Wisconsin Statutes](#), and all amendments thereto.
- K. PLAT. The map, drawing, or chart on which the Subdivider's land division or Condominium Developer's condominium is presented to the City of Franklin for approval.
- L. POND. All bodies of water less than two acres in area as measured by the shoreline at its maximum condition rather than the permanent pool condition, if there is any difference.
- M. PORCH. A roofed-over structure projecting out from the wall or walls of a principal structure and commonly open to the weather in part.
- N. PRELIMINARY PLAT. A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration.
- O. PRINCIPAL USE. The main use of a lot or buildings as distinguished from a subordinate or accessory use.
- P. PROHIBITED USE. A use not permitted as a by-right, special use, or temporary use in the governing district.
- Q. PUBLIC WAY. Any public road, street, highway, walkway, drainageway, or part thereof.

15-12-16. "Q" Definitions.

RESERVE

15-12-17. "R" Definitions.

- A. RAILROAD USE. The occupation and use of land, buildings, and structures for purposes directly connected with rail transportation of articles, goods, and passengers, including such facilities as tracks, sidings, signal devices and structures, shops and yards for maintenance and storage of rail machinery, loading platforms, and passenger and freight terminals, but excluding freight terminals and yards, and similar facilities, which are maintained and operated by the owning railroad or by a lessee for the purposes auxiliary to rail transportation, or by a lessee for the purposes auxiliary to rail transportation; provided, however, that the operation of such facilities as a hobby or as part of an amusement business shall not be considered a railroad use.
- B. RECREATION AREA. An outdoor recreation site serving a single or several neighborhood(s) and containing open space and natural resources intended for active and passive recreation. Recreational facilities located in such areas can include, but not necessarily limited to, baseball, softball, tennis, basketball, playground or playfield (which may be associated with a middle or high school), picnicking, swimming, bicycle paths, hiking trails, and bird watching areas, etc.

- C. RECYCLING FACILITY. An establishment for the processing (separation and/or recovery) or collection of recyclable materials from solid wastes. Recycling of oil or other liquids may also occur.
- D. REGISTER OF DEEDS. Milwaukee County Register of Deeds.
- E. REPLAT. The process of changing, or the map or plat which changes, the boundaries of a recorded Subdivision Plat, Certified Survey Map, or part thereof. The division of a large block, lot or outlot within a recorded Subdivision Plat or Certified Survey Map without changing the exterior boundaries of said block, lot, or outlot is not a replat.
- F. RETAINING WALL. Any wall built or designed to retain or restrain lateral forces of soil or other materials, said materials being similar in height to the height of the wall. Other types of walls that are solely aesthetic or decorative in nature and are not intended to retain soil or other materials in place shall not qualify as a retaining wall.
- G. RESTAURANT. An establishment at which food is sold for consumption on the premises to patrons seated within an enclosed building located on the premises and including the serving of alcoholic beverages when served with and incidental to the serving of food.
- H. ROOFLINE. The top or bottom edge of a roof or building parapet, excluding any cupolas, pylons, chimneys, or other minor projections.
- I. RUNOFF. The rainfall, snowmelt, discharge pumping, or irrigation water flowing over the ground surface.

15-12-18. “S” Definitions.

- A. SALVAGE YARD. A facility or area for storing, keeping, selling, dismantling, shredding, compressing, or salvaging scrap or discarded material or equipment.
- B. SANITARY SEWER. A system for the treatment and disposal of sewage in which sewage is conveyed by interceptor to a publicly operated treatment plant and disposed of.
- C. SEASONAL SALES. Christmas tree, pumpkins and similar, temporary (typically recurring on an annual basis) sales for a period not to exceed thirty (30) days.
- D. SELF-SERVICE STORAGE FACILITY. A building or group of buildings that are used for the storage of personal property or records, where individual owners or tenants control individual storage spaces.
- E. SENIOR HOUSING. Housing/accommodations, other than a single-family dwelling, and services designed and staffed to provide housing and services along the continuum of an elderly person’s needs, such as assistance for bathing, dressing, medication, meal preparation, or other functions. In addition to housing, this type of facility may also provide convenience services, such as meals, housekeeping, transportation, and community facilities, such as central dining rooms and activity rooms.
- F. SENIOR HOUSING, ASSISTED LIVING. A combination of housing and maintenance services provided to residents on-site within the same building and in response to the individual needs of residents. Supportive services such as meals, dietary supervision, housekeeping, transportation to shopping and medical appointments, social and recreational activities, educational activities, and security and response systems on-site within the same building to meet resident needs. These services can also include on-site medication management or intermittent health care services from qualified providers located within the same building. Services are furnished in a way that promotes self-direction and participation in decisions that emphasize independence, individuality, and privacy in a residential surrounding.
- G. SENIOR HOUSING, NURSING CARE. A type of Senior Housing facility wherein for compensation, nursing care is provided for persons suffering from illness, which is not sufficient severity to require hospitalization, or persons requiring further institutional care.
- H. SENIOR HOUSING, TOTAL LIFE CARE. A type of Senior Housing facility intended for the elderly including both assisted living and nursing care services.

- I. SERVICES, ESSENTIAL. Services provided by the public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services, whether installed underground, at the surface, above ground, or overhead, include installations for gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communications; and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, inlets, manholes, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings. Essential Services include governmental emergency notification systems, including, but not limited to, outdoor warning siren systems, whether installed upon or within buildings, or upon outdoor poles or other support structures.
- J. SETBACK. The minimum required horizontal distance by which any building or structure shall be separated from a lot line, measured along a straight line and at a right angle to such lot line, and the nearest point of a building or structure; and the minimum required horizontal distance by which any building, structure, or development shall be separated from a natural resource (inclusive of any required or mitigated shore buffer or wetland buffer), measured along a straight line and at a right angle to such natural resource, and the nearest point of a building, structure, or development .
- K. SETBACK LINE. A line parallel to the lot line at a distance from it, regulated by the yard setback requirements of this Ordinance.
- L. SHORE BUFFER. (See definition of "Buffer, Shore.")
- M. SHORT-TERM RENTAL. A dwelling unit that serves as the owner or renter's primary residence but is leased or rented for a fee for a maximum of thirty (30) consecutive days, such as vacation rentals or homestays, including without limitation rentals offered via web-based home or room sharing services such as AirBNB, VRBO, and HomeAway.
- N. SIDEWALK. A paved path provided for pedestrian use and usually located at the side of a road within a public street right-of-way but physically separated by distance from the road pavement.
- O. SIGN. Any object, device, display or structure or part thereof which is used to advertise, identify, display, direct or attract the attention to an object, person, institution, organization, business, project, service, event, or location by any means including words, letters, figures, designs, symbols, fixtures, colors, motion illumination or projected images whether affixed to a building or separate from any building.
 - 1. A-FRAME/SANDWHICH BOARD SIGN: A temporary or movable sign not secured or attached to the ground or surface upon which it is located and constructed in such a manner as to form an "A" or a tentlike shape with each angular face held at an appropriate distance by a supporting member and which may or may not be hinged at the top.
 - 2. ATTENTION GETTING DEVICE. Any pennant, flag, valance, banner, propeller, spinner, streamer, searchlight, balloon and similar device or ornamentation designed for purposes of promotion or advertising or attracting attention.
 - 3. AWNING/CANOPY SIGNS. Shall include any fixed sign, as well as retractable or removable marquee, canopy and awning, respectively, projected over, suspended above or erected upon any public thoroughfare.
 - 4. BILLBOARDS. A single- or double-faced freestanding sign permanently erected on the premises, including changeable copy signs, used for the display of commercial information not associated with the conduct of a business or enterprise located on the same premises of such sign.
 - 5. ELECTRONIC MESSAGE BOARDS. A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means. A time and/or temperature sign shall not be considered an electronic graphics sign.
 - 6. FEATHER SIGNS. A portable sign that is printed on knitted polyester and used for outdoor marketing and advertising purposes.
 - 7. FREESTANDING SIGN. A sign completely or principally self-supported by a post(s) or other support(s) independent of any building or other structure and anchored in or upon the ground.

8. INTERNALLY ILLUMINATED SIGNS. A sign, all or any part of the letter or design of which is made of incandescent, neon or other types of lamps; a sign with painted, flush or raised letter lighted by an electric lamp or lamps attached thereto; a sign having a border of incandescent or fluorescent lamps thereto attached and reflecting light thereon; or a translucent sign, whether lighted by electricity or other illuminant.
 9. MARQUEE SIGNS. A sign designed to have changeable copy, either manually or electronically. Marquee signs may be a principal identification sign, a freestanding sign, or a wall sign.
 10. MONUMENT SIGNS. A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles.
 11. OFF-PREMISES SIGNS. A sign which directs attention to or advertises a use, business, commodity, service or activity not conducted, sold or offered upon the premises where the sign is located. This term also includes those signs commonly known as advertising signs, billboards and poster panels.
 12. ON-SITE TRAFFIC DIRECTIONAL SIGNS. Any on-premises sign that includes information assisting in the flow of pedestrian or vehicular traffic such as enter, exit, and one-way.
 13. PENNANTS/STREAMERS/PORTABLE SIGNS. sign, with or without a logo, made of flexible materials suspended from one or two corners, used in combination with other such signs to create the impression of a line.
 14. POLE/PYLON SIGNS. A freestanding sign that is affixed, attached, or erected on a pole that is not itself an integral part of or attached to a building or structure.
 15. POST SIGNS. A sign that consists of one or two posts on either side and is used for municipal or commercial purposes.
 16. PROJECTING SIGNS. A sign which projects more than twelve (12) inches (12") from the face of any building or wall which supports said sign. Any sign suspended under a marquee and in a place approximately perpendicular to the wall of the building supporting the marquee shall not be deemed to be a "projecting sign".
 17. ROOF SIGNS. A sign erected, constructed or maintained in whole or in part upon or over the roof of a building or structure. Roof signs shall not include those signs maintained upon the lower slope of a mansard roof which do not extend above the uppermost point of the lower slope. Such signs shall be classified as wall signs.
 18. TEMPORARY SIGNS. Any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboards, wallboard or other materials, with or without frames, for use for a limited period of time.
 19. WALL SIGNS. A sign mounted or attached to and supported by the wall of any part of a building or structure, except the roof, in a plane parallel to that of the supporting wall, consisting of individual or grouped letters and/or symbols. A wall sign may not project more than twelve (12) inches from the plane of the surface to which it is attached.
 20. WINDOW SIGNS. Any sign painted on, affixed to or placed against any window or which is placed in a display case for view from the outdoors through a window when such sign is visible from any public right-of-way.
 21. YARD SIGNS. A small advertising sign that is placed on a street-facing lawn.
- P. SITE PLAN. A site plan shall contain the requirements specified in [Appendix ##](#).
- Q. SKETCH PLAN. A site plan shall contain the requirements specified in [Appendix ##](#).
- R. SLOPE. The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.
- S. SLOPE, STEEP. Three categories of steep slopes are defined herein for use in this Ordinance. These categories are based upon the relative degree of the steepness of the slope as follows: 10% to 20%, 20% to 30%, and greater than 30%. No land area shall be considered a steep slope unless the steep slope area has at least a ten-foot vertical drop and has a minimum area of five-thousand (5,000) square feet. Steep slopes exclude man-made steep slopes.

- T. SMOKE. Small gasborne particles other than water that form a visible plume in air.
- U. SOLAR ENERGY COLLECTION SYSTEM. All equipment required to harvest solar energy to generate electricity, including storage devices, power conditioning equipment, transfer equipment, and parts related to the functioning of those items.
- V. SOLAR ENERGY COLLECTION SYSTEM, CANOPY. A solar energy collection system consisting of elevated solar panels installed above parking lots, carports and other paved areas.
- W. SOLAR ENERGY COLLECTION SYSTEM, GROUND-MOUNTED. A solar energy collection system and associated mounting hardware that is affixed to or placed upon the ground including but not limited to fixed, passive, or active tracking racking systems and located on a site.
- X. SOLAR ENERGY COLLECTION SYSTEM, ROOF-MOUNTED. A solar energy collection system that is structurally mounted to the roof of a building or other permitted structure, including limited accessory equipment associated with system which may be ground mounted. It is installed parallel to the roof with a few inches gap.
- Y. SOLAR FARM. A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal or electrical energy.
- Z. SOLID WASTE FACILITY. All contiguous land, including structures, appurtenances, and other improvements on the land, used for processing, storing, or disposing of solid waste. The phrase "solid waste facility" includes a publicly or privately owned facility consisting of one or several processing, storage, or disposal operational units such as landfills, surface impoundments, or a combination of units.
- AA. STANDARDS AND SPECIFICATIONS FOR DEVELOPMENT. The set of standards and specifications which the City uses, and has established as public policy, for the installation of improvements as set forth in this Ordinance. Said "Standards and Specifications for Development" shall be in printed form and shall consist of the City of Franklin Land Development Handbook as amended and any other additional standards, specifications, and design guidelines which the City may use.
- BB. STORAGE YARD. Any site, or portion thereof, that is used for the storage of any products or materials. vehicles, equipment, junk, or scrap outside the confines of an enclosed building.
- CC. STORY. That portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above, then the space between the floor and the ceiling above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof.
- DD. STREAM. A course of running water, either perennial or intermittent, flowing in a channel.
- EE. STREET. A public way, other than an alley, which affords a primary means of access to abutting property.
- FF. STREET GRADE. The elevation of a street in front of a property.
- GG. STREET LINE. A line separating a lot, piece, or parcel of land from a street.
- HH. STREET, ARTERIAL. A federal-, state-, or county-marked route normally having four lanes for traffic and some form of median marker. May also be a city-designated "arterial street" in the adopted City of Franklin Comprehensive Master Plan or component thereof, or on the Official Map Parking may be banned. A street used, or intended to be used, primarily for fast or heavy through traffic providing for the expeditious movement of through traffic into, out of, and within the community. Arterial streets shall include freeways and expressways as well as standard arterial streets, highways, and parkways. Arterial streets shall be located to minimize the penetration of such streets through existing and proposed residential areas. Arterial streets shall be designed to convey an average daily traffic (ADT) of three-thousand (3,000) and greater.
- II. STREET, COLLECTOR. A street used, or intended to be used, to carry traffic from minor streets to the system of arterial streets including principal entrance streets to residential developments and/or activity/employment centers. Collector streets shall be designed to convey an average daily traffic (ADT) of between five-hundred (500) and three-thousand (3,000).

- JJ. STREET, FRONTAGE. A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.
- KK. STREET, MINOR. A street used, or intended to be used, primarily for access to abutting properties. Residential minor streets that are designed as either looped or through streets shall be designed so that no section conveys an average daily traffic (ADT) greater than five-hundred (500). Residential minor land access streets that are designed as permanent cul-de-sac streets shall be designed so that no section conveys an average daily traffic (ADT) greater than two-hundred-fifty (250).
- LL. STRUCTURAL ALTERATIONS. Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, and girders.
- MM. STRUCTURE. Anything constructed or erected which requires location on the ground, including a fence or free-standing wall. A sign or other advertising medium, detached or projecting, shall be construed to be a structure.
- NN. SUBDIVIDER. Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor land division (Certified Survey Map) or replat.
- OO. SUBDIVISION. The division of a lot, parcel, or tract of land by the owners thereof, or their agents, for the purpose of transfer of ownership or building development where the act of division creates five or more parcels or building sites of 1.5 acres each or less in area; or where the act of division creates five or more parcels or building sites of 1.5 acres each or less in area by successive division within a period of five years.
- PP. SUBDIVISION PLAT. The final map and other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision.
- QQ. SUBGRADE. The natural ground lying beneath the structural portion of a road.
- RR. SURETY BOND. A bond guaranteeing performance of a contract or obligation through forfeiture of the bond if said contract or obligation is unfulfilled by the Subdivider.

15-12-19. "T" Definitions.

- A. TELECOMMUNICATIONS TOWER. A structure that acts as an antennae or to which telecommunications equipment is attached.
- B. TEMPORARY USE. A use of a structure, trailer or property for a limited period, for a specific purpose that is not the permanent use of the property. Any temporary facility or use shall be removed at the cessation of the occurrence of the property causing the temporary use.
- C. TOXIC AND NOXIOUS MATTER. Any solid, liquid, or gaseous matter, including but not limited to, gases, vapors, dusts, fumes, and mists, containing properties which by chemical means are inherently harmful and likely to destroy life or impair health, or capable of causing injury to the well-being of persons or damage to property.
- D. TRAILER. A vehicle without motor power used or adaptable for living, sleeping, hauling, business, or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirting, which does not meet building code requirements, and has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place. The term "trailer" shall include "camp car" and "house car." A permanent foundation shall not change its character unless the entire structure is erected in accordance with prevailing City codes and Ordinances.
- E. TREE. Any self-supporting, woody plant together with its root system, growing upon the earth usually with one trunk, or a multi-stemmed trunk system, supporting a definitely formed crown.
- F. TREE, CANOPY. A tree whose leaves would occupy the upper level of a forest in a natural ecological situation. These trees are often referred to as shade trees.
- G. TREE, STREET. A tree located in a public place, street, special easement, or right-of-way adjoining a street.

- H. TRUCK PARKING . Any land used or intended to be used for the storage or parking of trucks, trailers, tractors, and including commercial vehicles, while not loading or unloading, which exceed one and one-half (1 ½) tons in capacity.

15-12-20. “U” Definitions.

- A. USE. The purpose for which land or a building thereon is designed, arranged, or intended, or for which it is occupied or maintained, let or leased.
- B. USE, ACCESSORY. (See definition of "Accessory Structure or Use.")
- C. USE, NONCONFORMING. (See definition of "Nonconforming Use.")
- D. USE, PERMITTED. (See definition of "Permitted Use.")
- E. USE, PRINCIPAL. The main use of land or buildings as distinguished from a subordinate or accessory use.
- F. UTILITY, PUBLIC. Any person, firm, corporation, or municipal department duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, transportation, or water.

15-12-21. “V” Definitions.

- A. VARIANCE. Limited relief from the requirements of this UDO granted by Board of Zoning and Building Appeals to a particular property with special circumstances where strict application of those requirements will create a practical difficulty or particular hardship prohibiting the use of land in a manner otherwise allowed under this chapter. Such limited relief does not change the underlying zoning of the parcel.
- B. VEHICLE, COMMERCIAL. Any vehicle over six-thousand (6,000) pounds empty weight.
- C. VEHICLE FUEL SALES. Any lot or parcel of land or portion thereof used partly or entirely for storing or dispensing flammable liquids, combustible liquids, liquified flammable gas, or flammable gas into the fuel tanks of motor vehicles.
- D. VETERINARY SERVICES. A lot, building, structure, enclosure, or premises whereon or wherein three or more dogs, cats, or other domestic animals are kept or maintained and is operated by, or the treatment therein is under direct supervision of, a veterinarian licensed to practice by the State of Wisconsin. A facility rendering surgical and medical treatments to animals, having no limitation to overnight accommodations for such animals. Crematory facilities shall not be allowed in an animal hospital.
- E. VIBRATION. Ground transmitted oscillations. The periodic displacement or oscillation of the earth.

15-12-22. “W” Definitions.

- A. WAREHOUSE. A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment.
- B. WASTEWATER TREATMENT PONDS AND FACILITIES. A facility designed for the collection, removal, treatment, and disposal of waterborne sewage generated within a given service area.
- C. WATERBORNE TRANSPORTATION USES. Activities which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for: waterborne transportation including ports or marinas; recreation; electrical generating facilities; or water supply.
- D. WATERCOURSE. A permanent or intermittent stream channel.
- E. WATER SUPPLY LINES. The system of pipes, structures, and facilities through which a water supply is obtained, treated, and sold or distributed for human consumption or household use,

- F. **WETLAND.** An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.
- G. **WETLAND BUFFERS.** See definition for Buffer, Wetland.
- H. **WETLAND SETBACK.** All of that landward land area defined by the minimum required horizontal setback distance of fifty (50) feet from a delineated wetland boundary, and a line parallel thereto. The wetland setback is inclusive of any required wetland buffer area. (Also see § 15-4.0102J. of the Unified Development Ordinance.)
- I. **WETLAND, SHORELAND.** A wetland, as defined by this Ordinance, which is located within a shoreland area.
- J. **WIND FARM.** A group of devices, such as a wind charger or wind turbine, which converts wind to a form of usable energy.
- K. **WISCONSIN ADMINISTRATIVE CODE.** The rules of administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system as directed by **§ 35.93 and Chapter 227 of the Wisconsin Statutes**, including subsequent amendments to those rules.
- L. **WOODLAND, MATURE.** An area or stand of trees whose total combined canopy covers an area of one acre or more and at least 50% of which is composed of canopies of trees having a diameter at breast height (DBH) of at least 10 inches; or any grove consisting of eight or more individual trees having a DBH of at least 12 inches whose combined canopies cover at least 50% of the area encompassed by the grove. However, no trees planted and grown for commercial purposes should be considered a mature woodland.
- M. **WOODLAND, YOUNG.** An area or stand of trees whose total combined canopy covers an area of 0.50 acre or more and at least 50% of which is composed of canopies of trees having a diameter at breast height (DBH) of at least three inches. However, no trees planted and grown for commercial purposes shall be considered a young woodland.
- N. **WHOLESALE ESTABLISHMENT.** An establishment primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

15-12-23. “Y” Definitions.

- A. **YARD.** An open space on the same zoning lot with a principal building or group of buildings, which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted in this ordinance, and which extends along a lot line and at right angles thereto to a depth or width specified in the yard regulations for the district in which the zoning lot is located.
- B. **YARD, FRONT.** A yard extending along the full length of the front lot line between the side lot lines.
- C. **YARD, INTERIOR SIDE.** A side yard located immediately adjacent to another zoning lot or to an alley separating such side yard from another zoning lot.
- D. **YARD, REAR.** A yard extending along the full length of the rear lot line between the side lot lines. On a corner lot, the rear yard shall be that yard directly opposite the front yard.
- E. **YARD, SIDE.** A yard extending along a side lot line from the front yard to the rear yard.
- F. **YARD, STREET SIDE.** The area extending between the front yard and the rear yard or rear street yard and situated between the side street lot line and the face of the principal building which is parallel to, or most nearly parallel to, the side street lot line.

15-12-24. “Z” Definitions.

- A. **ZONING ADMINISTRATOR.** The Zoning Administrator of the City of Franklin, Milwaukee County, Wisconsin or a designee as may be authorized by the Common Council.

- B. ZONING BOARD OF APPEALS. Reference to "Zoning Board of Appeals" shall refer to the Board of Zoning and Building Appeals of Franklin, Wisconsin.
- C. ZONING COMPLIANCE PERMIT. The permit required by this Ordinance prior to the commencement of a new use allowed by-right in the governing zoning district, and which do not involve the erection, reconstruction, enlargement, or moving of any building or structure, or the construction of, addition, or alteration of an existing single-family detached or duplex use allowed by-right in the governing zoning district.
- D. ZONING DISTRICT. As defined by the City of Franklin Unified Development Ordinance and its accompanying maps as amended.
- E. ZONING LOT. A single tract of land located within a single block which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. Therefore, a zoning lot may or may not coincide with a lot of record.
- F. ZONING MAP. The map or maps incorporated into this Ordinance as a part hereof, designating and delineating boundaries of zoning districts.

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Article 1. General Provisions

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15-1-01. Title

- A. This Ordinance shall be known as, referred to, or cited as, "Unified Development Ordinance, City of Franklin, Wisconsin-" ~~or the "UDO".~~

15-1-02. Purpose, ~~Intent, Interpretation, Jurisdiction~~

- A. **Purpose.** The purpose of this UDO is to promote the health, safety, morals, prosperity, aesthetics, and general welfare of ~~the City of Franklin, Wisconsin~~ and to regulate and control the division of land within the limits of the City of Franklin, Wisconsin, ~~and its extraterritorial plat approval jurisdiction in order to promote the public health, safety, morals, prosperity, aesthetics, and general welfare of the City and its environs.~~

15-1-03. Intent

~~Intent.~~ It is the general intent of this UDO to regulate the division of land and restrict the use of all structures, lands, and waters ~~so as to achieve the following objectives.~~

- A. Regulate and ~~restrict control lot coverage and the size and location of all structures~~ development densities and formats ~~so as to prevent overcrowding and to provide adequate sunlight, air, sanitation, and drainage.;~~
- B. Regulate population density and distribution ~~so as to avoid sprawl inefficient land use and development patterns, to further the orderly layout and appropriate use of land, or undue concentration~~ and to facilitate the provision of adequate public service and utilities.;
- C. Regulate parking, loading, and access ~~so as to lessen congestion on, and~~ and promote the safety and efficiency of, ~~the streets and highways.;~~
- D. ~~Secure~~ Ensure safety from fire, flooding, pollution, contamination, panic, and other dangers.;
- E. Stabilize and protect existing and ~~potential future~~ property values.;
- F. Encourage compatibility between different land uses and protect ~~the scale and character of existing development~~ from the encroachment of incompatible development.;
- G. Further the wise use and conservation, conservation, protection, and proper development of the City's natural resources including soils, topography ~~and steep slopes,~~ water, floodplains, ~~shore buffers,~~ shorelands, drainageways, wetlands and shoreland wetlands, woodlands and forests, scenic resources, and wildlife resource ~~features and attain a proper adjustment of land division, land use and development to the supporting and sustaining natural resource base.;~~

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- ~~H. Preserve and protect the beauty of the City of Franklin, Wisconsin and environs;~~
- ~~I.G. Further the orderly layout and appropriate use of land;~~
- ~~J. Prevent and control erosion, sedimentation, and other pollution of the surface and subsurface waters;~~
- ~~K. Further the maintenance of safe and healthful water conditions;~~
- ~~L.H. Prevent flood damage to persons and property to minimize expenditures for flood relief and flood control projects.;~~
- ~~M.I. Provide for and protect a variety of suitable commercial and industrial sites.;~~
- ~~N.J. Protect the traffic-carrying and pedestrian and pedestrian capacity of existing and proposed arterial streets, highways, and collector streets.;~~
- ~~O.K. Facilitate adequate provisions for housing, transportation, pedestrian access, water supply, stormwater, wastewater, schools, parks, playgrounds, and other public facilities and services.;~~
- ~~P.L. Restrict building sites in areas covered by poor soils or in other areas poorly suited for development due to natural resource features or other characteristics.;~~
- ~~Q.M. Facilitate the further appropriate division of larger tracts into smaller parcels of land.;~~
- ~~R.N. Ensure adequate legal descriptions and proper survey monumentation of subdivided land.;~~
- ~~S. Avoid the harmful effects resulting from the premature division of land;~~
- ~~T.O. Implement ~~those the~~ municipal, County, watershed, or regional ~~comprehensive~~ plans or their components adopted by the City and ~~in general~~ facilitate the enforcement of those development standards ~~as set forth in the adopted regional, County, and municipal local comprehensive master plans, master plan, comprehensive plan, neighborhood plans, planning district plans, adopted plan components, Unified Development Ordinance, and Building Code of the City of Franklin, Wisconsin.~~~~
- ~~U.P. Provide for the administration and enforcement of this OrdinanceUDO.;~~

15-1-03. Provide penalties for the violation of this Ordinance; and

15-1-04. Discourage development in floodplains if there is any practicable alternative to locate the activity, use or structure outside of the floodplain. Interpretation

- ~~A. Minimum Standards Established. In their interpretation and application, ~~the~~ provisions of this Ordinance-UDO shall be ~~held to be interpreted as~~ minimum requirements, unless otherwise stated, and shall be ~~liberally construed in favor of the City~~ and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.~~
- ~~B. Severability. If any part, division, section, provision, or portion of this Ordinance is adjudged unconstitutional, or invalid by a court of competent jurisdiction, the remainder of this UDO shall not ~~be affected~~ thereby be affected but shall remain in full force and effect. If an application of this Ordinance-UDO to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgement shall not be applicable to any other structure, land, or water not specifically included in said judgement.~~

15-1-05. Jurisdiction

- ~~A. The jurisdiction of this Ordinance shall apply to all structures, lands, water, and air within the corporate limits of the City of Franklin.~~

15-1-06, Vested Rights:

- A. Construction and Uses Approved Prior to UDO Effective Date. All buildings, structures, and uses authorized by permit prior to the effective date of this UDO or any amendment thereto shall be subject to the applicable provisions of the UDO at the time of approval.
- B. Applicability to Pending Applications. When a complete application for a zoning action is submitted but pending action by the City on the effective date of this UDO, the provisions in effect when the application was filed shall govern the review and approval. Upon the refiling of any pending application after the effective date of this UDO, the refiled application shall such application shall be subject to the applicable provisions of this UDO at the time of submittal.
- C. Construction Allowed pursuant to Approved Plans. Nothing in this UDO shall require a change in the plans for any structure or use if a building permit or certificate of occupancy for such structure was lawfully issued prior to the effective date of this UDO or any such amendment thereto, and such building or certificate of occupancy had not by its own terms expired prior to the effective date of this UDO, and construction pursuant to such permit is commenced prior to the expiration date of such permit.
- A.D. Building Permit. Where a building permit for a building or structure has been issued prior to the effective date of this UDO and construction is commenced within ninety (90) days of the effective date of this UDO, the building or structure may be completed in accordance with the approved plans for which the building permit has been issued.
- E. Final Subdivision Plat. Any preliminary subdivision plat filed prior to the effective date of this UDO shall vest such approval rights upon the approval of the preliminary subdivision plat. Any subsequent final subdivision plat may be subsequently filed in accordance with the approved preliminary plat.

Commented [RS1]: City Comment: if application is submitted prior to effective date it should be able to be processed under existing regulations.
Commented [RS2R1]: Amended 15-1-06(B) to reflect this.

~~§ 15-1.0109 Permits Issued and Preliminary Plats Approved Prior to the Effective Date of the Unified Development Ordinance.~~

~~When New Unified Development Ordinance Shall Apply. All work, structures, and uses authorized by permits issued prior to the effective date of this Ordinance or any amendment thereto shall not be affected by this Ordinance. Except as provided in Paragraphs B., C., D., and E. below of this Section, no Zoning Compliance Permit shall or Special Use Permit shall be issued following the effective date of this Ordinance or any amendment thereto unless the work, structure, or use for which the Zoning Compliance Permit or Special Use Permit is sought is made to fully comply with the applicable provisions of this Ordinance or any such amendment thereto.~~

~~Right to Complete Construction Pursuant to Approved Plans and Permits. Nothing in this Ordinance, or any amendment thereto, shall be deemed to require any change in the plans, construction, or designated use of any structure if a Building Permit (also see Paragraph C. of this Section) and/or Certificate of Occupancy for such structure was lawfully and properly issued prior to the effective date of this Ordinance, or any such amendment thereto, and such Building Permit and/or Certificate of Occupancy had not by its own terms expired prior to such effective date of this Ordinance, and construction pursuant to such permit is commenced prior to the expiration date of such permit.~~

~~Building Permits. Where a Building Permit for a building or structure has been issued in accordance with law prior to the effective date of this Ordinance, and provided that construction is begun within 90 days of such effective date and the exterior of the building or structure is completed within one year of such effective date, said building or structure may be completed in accordance with the approved plans on the basis of which the Building Permit has been issued; and further, may, upon completion, be occupied under a Certificate of Occupancy by the use for which originally designated, subject thereafter to the provisions of Division 15-3.1000 of this Ordinance.~~

~~Right to Occupy as Nonconformity. Upon completion pursuant to Paragraph B. and C. of this Section, such building or structure may be occupied by, and a Zoning Compliance Permit and/or Certificate of Occupancy shall be issued for, the use designated on such Zoning Compliance Permit and/or Certificate of Occupancy, subject thereafter, to the extent applicable, to the provisions of Division 15-3.1000 of this Ordinance relating to nonconformities.~~

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~~Preliminary Subdivision Plats. Any preliminary subdivision plat filed prior to the effective date of this Ordinance [the Unified Development Ordinance, August 1, 1998] shall vest such approval rights as are afforded any subsequently filed final plat as authorized and allowed under § 236.11(1)(b), Stats. and § 15-9.0304D. of this Ordinance.~~

~~§15-1.0110 Pending Applications.~~

~~When Unified Development Ordinance Shall Apply. This Ordinance, and any amendment thereto, shall apply to all applications pending and not finally decided on the effective date thereof to which it would apply if such applications were filed on or after such effective date; provided, however, that nothing in this Ordinance shall be deemed to require any change in any Preliminary Subdivision Plat, Final Subdivision Plat, or Certified Survey Map that has been submitted prior to such effective date and which Preliminary Subdivision Plat, Final Subdivision Plat, or Certified Survey Map application shall be processed in accordance with the standards and requirements that were in effect on the date such application was filed.; and provided further, that this Ordinance shall not apply to any zoning variance application that was on file with the City of Franklin and complete in all material respects prior to such effective date, and which zoning variance application shall be processed in accordance with the standards and requirements that were in effect on the date such application was filed.~~

~~Zoning Administration. Within 30 days after the effective date of this Ordinance, or any amendment thereto, the Zoning Administrator shall inform each applicant to which this Ordinance applies that said application is subject to the provisions of this Ordinance (except pending applications for Preliminary Subdivision Plats, Final Subdivision Plats, or Certified Survey Maps), as amended, and will be processed in accordance therewith; that the applicant may within 30 days after the mailing of such notice refile, without additional fee, its application on the basis of this Ordinance, as amended; and that if the applicant does not refile, its application may be denied for noncompliance with the provisions of this Ordinance, as amended.~~

~~Duty of Applicant. Notwithstanding the provisions of Paragraph B. of this Section, it shall be the responsibility of each applicant having an application pending on the effective date of this Ordinance (except pending applications for Preliminary Subdivision Plats, Final Subdivision Plats, or Certified Survey Maps), or any amendment thereto, to modify such application in accordance with the terms and provisions of this Ordinance, as amended, and the failure to do so, whether or not the procedures of said Section have been followed, may result in the denial of such application for failure to comply with this Ordinance, as amended. Any modification or refile of an application pending on such effective date in order to comply with the provisions of this Ordinance, as amended, shall be permitted at any time prior to the final disposition of such application and shall be permitted without payment of any additional fee.~~

~~Processing of Pending Applications. Upon the refile of any pending application as herein provided, or upon notification from the applicant that applicant will not refile or modify the application, or upon the expiration of 60 days after the effective date of this Ordinance or any amendment thereto, whichever occurs first, such pending application shall be processed in accordance with the terms of this Ordinance, as amended; provided, however, that the application requirements, hearing requirements, and procedural requirements set forth in Part 9 of this Ordinance shall not apply to any such pending application and each application shall be processed in accordance with the application, hearing, and procedural requirements that were in effect on the date that such application was filed. Notwithstanding any other provision of this Section, the Zoning Administrator shall have the authority to request additional data, information, or documentation for pending applications when, in the Zoning Administrator's judgement, such additional data, information, or documentation is necessary or appropriate to a full and proper consideration and disposition of such pending application.~~

15-1-04. Jurisdiction.

~~**General Jurisdiction.** The jurisdiction of this Ordinance shall apply to all structures, lands, water, and air within the corporate limits of the City of Franklin.~~

- ~~1. **Application of this Ordinance to Divisions of Tracts of Land Into Less than Five Parcels.** The provisions of this Ordinance as it applies to divisions of tracts of land into less than five parcels shall not apply to:
 - ~~a. **Transfers of Interests in Land by Will or Court Order.** Transfers of interests in land by will or pursuant to court order.~~
 - ~~b. **Leases.** Leases for a term not to exceed 10 years, mortgages, or easements.~~~~

Commented [RS3]: From existing Section 15-2.0102 Jurisdiction.

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~~c. **Sale or Exchange of Parcels of Land Between Owners of Adjoining Property.** Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by the Unified Development Ordinance or other applicable laws or ordinances.~~

~~d. **Cemetery Plats.** Cemetery plats made under Wisconsin Statutes 157.07.~~

~~e. **Assessors' Plats.** Assessors' plats made under Wisconsin Statutes 70.27, but such assessors' plats shall comply with Wisconsin Statutes 236.15(1)(a) to (g) and 236.20(1) and (2)(a) to (e).~~

~~2. **City Property.** Property owned, leased, or operated by the City of Franklin or any other governmental body or agency shall be subject to the regulations of this UDO~~

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Article 2. Establishment of Districts

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15-2-01. Districts Established

A. Base Districts.

1. Residential Districts.

- a. ~~R-C-1~~ - Conservation Residence District
- ~~b. R-1 - Countryside/Estate Single Family Residence District~~
- ~~c. R-2 - Estate Single Family Residence District~~
- b. ~~R-SE-4~~ - Suburban/Estate ~~Single Family Residence~~ District
- ~~d. R-3E - Suburban/Estate Single Family Residence District~~
- ~~e. R-4 - Suburban Single Family Residence District~~
- f. ~~R-5 - Suburban Single Family Residence District~~
- c. ~~R-SR2~~ - Suburban ~~Single Family Residence~~ District
- ~~g. R-7 - Two Family Residence District~~
- d. ~~R-MF - Multiple Family Unit Residence~~ District ~~R-8 Multiple Family Residence District~~
- ~~h.e. R-V-R~~ - Village Residence District

Commented [RS1]: This is the existing R-3 plus consolidated areas from other districts as specified in the diagnostic memo. We're proposing to retitle this from R-3 to R-1 just for the purposes of keeping the numbering scheme straight.

Commented [RS2R1]: R-1 here = existing R-3

Commented [RS3]: This is the existing R-6 plus consolidated areas from other districts as specified in the diagnostic memo. We're proposing to retitle this from R-6 to R-SR just for the purposes of keeping the numbering scheme straight.

Commented [RS4R3]: Existing R-6 = R-SR here.

2. Commercial and Mixed-Use Districts.

- a. ~~B-N1~~ - Neighborhood Business District
- b. ~~B-G2~~ - General Business District
- c. ~~B-R3~~ - ~~Community Regional~~ Business District

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- d. ~~B-MU4~~ - South 27th Street Mixed-Use District
- e. ~~B-SMB-5~~ - Highway Business District
- f. ~~B-6~~ - Professional Office District
- g. ~~B-7~~ - South 27th Street Mixed Use Office District
- h. ~~OL-1~~ - Office Overlay District
- i. ~~OL-2~~ - General Business Overlay District
- j. ~~CC~~ - City Civic Center District
- k.e. ~~SMHB V-B~~ - Saint Martin's Road Historic Business District

3. Industrial and Agricultural Districts.

- a. ~~B-P~~ - Business Park District
- b. ~~M-2~~ - General Industrial
- e.b. ~~LIM-1~~ - Limited Industrial District
- c. ~~A-1~~ - Agricultural District
- d. ~~A-P~~ - Agricultural Prime District

4. Miscellaneous Districts.

- a. ~~I-1~~ - Institutional District
- a. ~~P-4~~ - Park and Open Space District
- b. ~~I~~ - Institutional District
- c. ~~L~~ - Landfill District
- b.d. ~~PDL - Planned Development Legacy District~~ ~~PDD - Planned Development Districts~~
- ~~L-1~~ - Landfill District

5. Floodplain Districts.

- a. ~~FW~~ - Floodway District
- b. ~~GFP~~ - General Floodplain District
- c. ~~FF~~ - Floodfringe District

6. Overlay Districts.

- ~~AO~~ - Airport Overlay District
- a. ~~HPO~~ - Historic Preservation Overlay District

15-2-02. Purpose and Intent of Base Districts

A. Residential Districts

Commented [RS5]: Removed per diagnostic memo recommendation.

Commented [RS6]: In this section, we've shown the intent and purpose statement of the existing district in deleted text. For example, the existing R-6 district intent and purpose statement is shown deleted in the proposed R-2 district, because the existing R-6 comprises the greatest share of proposed R-2 parcels.

1. ~~RC-4R-C - Conservation Residence District. The RC-4R-C Conservation Residence District is intended to provide space allocate land for single-family residential uses on large lots and in low-density settings. The District is further intended to preserve open space, sensitive natural features, and maintain the community's rural residential setting and scenic viewsheds where these assets exist in the southern areas of the City.~~

District Intent. The RC-1 Conservation Residence District is intended to provide for allowing a diversity of lot sizes and single and multiple family uses, housing choices and building densities, while protecting and restoring environmentally sensitive areas, in furtherance of the goals and objects of the South 27th Street Corridor Element of the Comprehensive Master Plan, and:

1. To guide the detailed analysis of the development parcel so as to locate and coordinate appropriate areas for development and conservation.
2. To preserve the rural character through the permanent preservation of meaningful open space and sensitive natural resources.
3. To preserve scenic views by minimizing views of new development from existing roads.
4. To provide commonly owned open space areas for passive and/or active recreational use by residents of the development and, where specified, the larger community.
5. To provide for a diversity of lot sizes, housing choices and building densities to accommodate a variety of age and income groups.
6. To provide buffering between residential development and non-residential uses.
7. To protect and restore environmentally sensitive areas and biological diversity, minimize disturbance to existing vegetation, and maintain environmental corridors.
8. To preserve significant archaeological sites, historic buildings and their settings.
9. To meet demand for housing in a rural setting.
10. Be served by public sanitary sewer and water supply facilities.

2. ~~R-4R-SE - Suburban/Estate Single-Family Residence District. The R-4R-SE Suburban/Estate Single-Family Residence District is intended to provide land for single-family residential housing in moderately-low densities and that is suburban or semi-rural in character. The District is further intended to preserve and protect the City's natural resources, including woodlands and open spaces.~~

2.

3. District Intent. The R-3 District is intended to:

1. Provide for the continuance of SUBURBAN/ESTATE lots as set forth in the City of Franklin Comprehensive Master Plan and components thereof.
2. Be used in order to protect the character of building bulk in established SUBURBAN/ESTATE residential neighborhoods and subdivisions.
3. Be served by public sanitary sewer and water supply facilities, (1) except those lots which were lot(s) of record existing prior to the effective date of the Unified Development Ordinance on August 1, 1998, and (2) those lot(s) of record created by minor division, which lot(s) of record created by minor division are served by public sanitary sewer and for which lot(s) the Common Council on or after August 1, 1998, has denied the extension of public water.
4. The options in this district promote open space and natural resource base protection. These requirements will result in an SUBURBAN/ESTATE community character. ~~R-2R-SR - Suburban Single-Family Residence District. The R-2R-~~

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Commented [RS7]: District titles not in tracked changes have the same titles as in the current UDO. The district description text from the current UDO is deleted in track changes and consolidated & added to in the paragraph text following the district title.

Commented [RS8]: The proposed R-SE is derived from the existing R-3 - most parcels in the proposed district are in the current R-3. I've reworked the purpose and intent of the R-3 into the proposed R-SE.

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Commented [RS9]: From existing § 15-3.0207 Suburban Single-Family Residence District. The existing R-6 comprises the largest portion of the proposed R-SR lots, so I used the existing R-6 intent and purpose as the basis for the R-SR intent and purpose statement.

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SR Suburban Single-Family Residence District is intended to provide land for single-family suburban residential housing at moderately low densities. The District is designed to preserve the community's suburban and semi-rural character and its open space and natural resources. The district is intended to allow infill in locations where moderately low-density neighborhoods exist and to allow new residential growth as the community determines is appropriate.

A. District Intent. The R-6 District is intended to:

1. Provide for the continuation of higher density SUBURBAN type single-family dwelling lots in areas of the City where such development has already occurred or where such areas are planned to develop as set forth in the City of Franklin Comprehensive Master Plan and components thereof.

2. Be used in order to protect the existing character of single-family dwelling lots in established residential neighborhoods and subdivisions.

3. Permit higher density SUBURBAN type single-family residential development in a manner that is consistent with the provision of a high-quality SUBURBAN community character.

4. Be served by public sanitary sewer and water supply facilities, (1) except those lots which were lot(s) of record existing prior to the effective date of the Unified Development Ordinance on August 1, 1998, and (2) those lot(s) of record created by minor division, which lot(s) of record created by minor division are served by public sanitary sewer and for which lot(s) the Common Council on or after August 1, 1998, has denied the extension of public water.

5. Be used as a transitional district between the less dense R-5 District and other higher density residential districts. The R-6 District is the most dense of the SUBURBAN single-family residence district types.

5.3 Areas of open space may also be provided in this district in order to maintain this character. The options in this district promote open space protection and natural resource base protection. The requirements for the various options available under the provisions of this district are intended to reinforce the open nature of the City's SUBURBAN environment.

4. R-MF - Multiple-Family Residence District. The R-MF Multiple-Family Residence District is intended to establish and preserve land for both multifamily and single-family attached residential development such as duplexes, townhomes, and rowhomes to accommodate a variety of households with different lifestyles, age ranges, and incomes. The District is intended to allow a flexible mix of scales, densities and formats throughout the community while ensuring that the single-family attached and multifamily residential uses enhance the character of Franklin's residential setting, contribute to the community's visual appeal, and ensure the adequate provision of open space.
A. District Intent. The R-7 District is intended to:

Commented [RS10]: Per diagnostic memo direction this combined the R-7 and R-8 Districts. I think it's new to the point that we write the title and intent and purpose completely in track changes.

Existing R-7 text deleted below is from § 15-3.0208 R-7 Two-Family Residence District. Existing R-8 text deleted below is from § R-8 Multiple Family Residence District.

1. Establish and preserve two-family residential districts in the City.

2. Permit higher density SUBURBAN type two-family residential development in a manner that is consistent with the provision of a high-quality SUBURBAN community character as set forth in the City of Franklin Comprehensive Master Plan and components thereof.

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3. Be served by public sanitary sewer and water supply facilities.

4. Be used as a transitional district between the less dense R-6 District and other higher density R-8 District. The R-7 District is the least dense of the multi-family residence district types.

Areas of open space may also be provided in this district in order to maintain this character. The options in this district promote open space and natural resource base protection. The requirements for the various options available under the provisions of this district are intended to reinforce the open nature of the City's SUBURBAN environment.
A. District Intent. The R-8 District is intended to:

1. Establish and preserve multi-family residential districts in the City.

2. Permit high density URBAN type multi-family residential development in a manner that is consistent with the provision of a high-quality URBAN character within a SUBURBAN community character setting as set forth in the City of Franklin Comprehensive Master Plan and components thereof. The R-8 District is the most dense of the residence district types.

3. Be served by public sanitary sewer and water supply facilities.

4. Be used as a transitional district between the less dense R-7 District and other higher intensity commercial or institutional use districts with the provision of adequate landscape bufferyards.

6.5. **VR-V - Village Residence District.** The VR-V Village Residence District is intended to preserve the single-family residential character and architectural qualities of the Saint Martin's Historic Village Area. The District is intended to allow new single-family residential infill on vacant or underused sites in the Village area, provided that such development is consistent with the historic visual character and preserves its moderate residential density.

A. District Intent. The VR District is intended to:

1. Be used exclusively in the Village of St. Martins Planning District as delineated in the City of Franklin Comprehensive Master Plan.

2. Prevent the Village of St. Martins area from becoming nonconforming as it would if placed under a different more SUBURBAN-oriented zoning district classification.

3. Provide for the minor infilling of vacant or redevelopment areas within the unincorporated Village of St. Martins consistent with the requirements of this zoning district and the established community character of the Village of St. Martins.

4. Permit future residential development and redevelopment of the Village of St. Martins area consistent with earlier approved Subdivisions and Certified Survey Maps.

5. Be served by public sanitary sewer and water supply facilities, (1) except those lots which were lot(s) of record existing prior to the effective date of the Unified Development Ordinance on August 1, 1998, and (2) those lot(s) of record created by minor division, which lot(s) of record created by minor division are served by public sanitary sewer and for which lot(s) the Common Council on or after August 1, 1998, has denied the extension of public water.

The VR Village Residence District, as used here, is not intended to be confused with incorporated "villages" as defined by the Wisconsin State Statutes. **Nonresidential Commercial and Mixed-Use Districts**

B.

1. **B-1B-N - Neighborhood Business District.** The B-N+ Neighborhood Business District is intended to provide for the day-to-day retail, commercial service, and employment needs of Franklin residents, particularly the needs of the neighborhoods adjacent to properties in the District. The District is further intended to promote a mutually supportive mix of small-scale retail establishments and to ensure safe and convenient pedestrian and vehicular circulation on-site and between adjacent sites as redevelopment of existing sites occurs.

Commented [RS11]: From existing § 15.3.0301 B-1 Neighborhood Business District.

A. District Intent. The B-1 Neighborhood Business District is intended to:

1. Provide for the convenience of persons residing in nearby residential areas and is, thus, limited in its functions to accommodating the basic day-to-day shopping and service needs of the residents living in the adjacent areas.

2. Allow for the clustering of buildings on parcels of land under individual or multiple ownership.

3. Provide for an arrangement of retail trade establishments that are compatible in function and operation.

4. Limit building height to not exceed two stories in order to assist in assuring compatibility with surrounding land uses of a lesser intensity.

While the off-street parking requirements for the B-1 District have a tendency to promote an AUTO-URBAN character, the various other requirements of the B-1 District are established to increase its compatibility with a SUBURBAN character as set forth in the City of Franklin Comprehensive Master Plan.

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- 2. **B-G2 - General Business District.** The B-G2 General Business District is intended to promote a variety of commercial service and retail uses along the City's major roadways. The District is intended to allow moderately large-scale development that serves the general population of Franklin. It is further intended to promote commercial development in visually appealing plaza formats that promote safe and convenient pedestrian travel on sites and between adjacent sites and neighborhoods.

Commented [RS12]: From existing § 15-3.0302 B-2 General Business District.

A. District Intent. The B-2 General Business District is intended to:

- 1. Provide for the orderly and attractive development and grouping, in appropriate and convenient locations, of small-lot business activities of a general nature.
- 2. Limit building height to not exceed two stories in order to assist in assuring compatibility with surrounding land uses of a lesser intensity.
- 3. Provide adequate on-site parking and loading areas to such business activities.

While the off-street parking requirements for the B-2 District have a tendency to promote an AUTO-URBAN character, the various other requirements of the B-2 District are established to increase its compatibility with a SUBURBAN character as set forth in the City of Franklin Comprehensive Master Plan.

- 3. **Community B-R3 - Regional Business District.** The B-R3 Regional Business District is intended to promote a variety of commercial service and retail uses along the City's major roadways to serve the needs of Franklin residents as well as a regional consumer market beyond the City's borders. Moderately large-scale development should be configured with groups of large-lot commercial structures with outlot commercial buildings surrounding shared parking areas and should provide safe and convenient pedestrian travel on-site, and when practicable, between other sites and neighborhoods.

A District Intent. The B-3 Community Business district is intended to:

- 2. Provide for relatively large groupings of retail sales and customer service establishments in a community-serving shopping area.
- 3. Accommodate the clustering of buildings on parcels of land under individual or multiple ownership.
- 4. Provide for an arrangement of retail trade establishments that are compatible in function and operation.
- 5. Provide on-site parking for customer automobiles combined with a pedestrian-oriented shopping environment.

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While the off-street parking requirements for the B-3 District have a tendency to promote an AUTO-URBAN character, the various other requirements of the B-3 District are established to increase its compatibility with a SUBURBAN character as set forth in the City of Franklin Comprehensive Master Plan.

- 4. **B-MU4 - South 27th Street Mixed-Use District.** The B-MU4 South 27th Street Mixed-Use District is intended to provide land for a mutually-supportive combination of retail, commercial, office, and compact residential uses in buildings' upper floors along South 27th Street. Development is configured in multi-building plaza formats and on relatively large sites. The District is intended to facilitate greater densities of retail, commercial, office, and residential uses than in the B-1 through B-3 Districts, given South 27th Street's direct access to bus transit. The development should

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further be arranged in cohesive planned plaza formats developments that facilitate convenient vehicle and pedestrian travel and enhance the corridor's appearance.

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A. District Intent. The B-4 South 27th Street Mixed Use District is intended to provide for the development of certain mixed uses, including retail, commercial, office and residential development, in furtherance of the goals and objectives of the South 27th Street Corridor Element of the Comprehensive Master Plan and:

1. Require that future land division be limited, such that no new lots are created that are smaller than two acres in size.
2. Require that no new lots of record for the development of new One-family detached dwellings or Two-family attached dwellings be created after the effective date of this ordinance.

[Amended 5-19-2015 by Ord. No. 2015-2176]

3. Require that new residential development meet the R-8 Multiple-Family Residence District Development Standards in Table 15-3.0209.

4. Require that cross-access for both pedestrian and vehicular circulation is 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.

5. Require special use approval for all new buildings greater than 40,000 square feet in area, whether single-tenant or multi-tenant spaces.

6. Single retail establishments are limited to tenant space of 80,000 square foot or less in area.

7. Be served by public sanitary sewer and water supply facilities.

8. A Special Use lawfully existing within the area of this District prior to and upon the creation of this District shall remain as such Special Use and a conforming use, with any future amendment to the Special Use Permission, to be granted only upon the consideration of all applicable standards for the review and approval of Special Uses, and the District Intent and District Standards in this Section.

5. While the off-street parking requirements for the B-4 South 27th Street Mixed Use District have a tendency to promote an AUTO-URBAN character, the various other requirements of the B-4 South 27th Street Mixed use District are established to increase its compatibility with an URBAN character as set forth in the City of Franklin 27th Street Corridor Plan. **B-SMVB - Village Business District.** The B-SMVB Village Business District is intended to promote a mix of commercial retail, and service, and upper-floor residential uses in the historic Saint Martin's Village area while maintaining the area's traditional character and built form. The District is designed to preserve historic structures while allowing infill development on underused sites that is consistent with the area's built characteristics and architectural qualities. Development should continue to be formatted in small lots and buildings should be placed relatively near front lot lines to preserve the area's walkable pedestrian-oriented character.

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A. District Intent. The B-5 Highway Business District is intended to:

1. Accommodate automobile-oriented sales and service establishments.
2. Provide for relatively small retail sales and service establishments which are dependent upon an abutting highway for business purposes. All property in the B-5 District shall abut either a U.S. or State Trunk designated highway.

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3. Be characterized by business establishments that have on-site parking for customer automobiles.

4. Provide for an arrangement of retail trade establishments that are compatible in function and operation.

6. While the off-street parking requirements for the B-5 District have a tendency to promote an AUTO-URBAN character, the various other requirements of the B-5 District are established to increase its compatibility with a SUBURBAN character as set forth in the City of Franklin Comprehensive Master Plan.

5.

C. Industrial and Agricultural Districts.

1. B-P - Business Park District. The B-P Business Park District is intended to promote a flexible mix of light industrial, research, and office uses in a campus like setting. Uses are conducted primarily indoors and do not have the potential to generate nuisances to adjoining properties. Circulation systems should be integrated into the site in a cohesive manner to ensure convenient pedestrian and vehicular travel.

A. District Intent. The BP Business Park District is intended to:

1. Be applied to those areas of the City identified for business park development by the adopted City of Franklin Comprehensive Master Plan.

2. Provide for the development of the attractive groupings of office, manufacturing, industrial, and limited ancillary service uses which serve the needs of the occupants of the BP Business Park District.

3. Foster uses of a limited intensity.

4. Provide an aesthetically pleasing environment.

5. Provide for ample off-street parking and loading areas and landscape planting and screening of adjacent land uses of a lower intensity.

6. Accommodate industrial or business parks under unified design and ownership which exceed 20 acres in area.

2. LIM-1 - Limited Manufacturing Industrial District. The LIM-1 Limited Manufacturing Industrial District is intended to provide land for manufacturing, industrial, warehousing, and similar uses of a limited scale and intensity. The district is intended to ensure that the that the manufacturing support employment opportunities in the City is offered while maintaining the community's natural resources and neighborhood character is maintained.

A. District Intent. The M-1 Limited Industrial District is intended to:

1. Provide for manufacturing, industrial, warehousing, and uses of a limited nature and size in locations where the relative proximity to other uses requires more restrictive regulation.

2. Accommodate existing scattered uses of an industrial nature so as not to make them nonconforming uses.

The M-1 District is not intended to accommodate industrial or business parks under unified design and ownership which exceed 20 acres in area. The community character of the M-1 District is SUBURBAN as set forth in the City of Franklin Comprehensive Master Plan

3. A-1 - Agricultural District. The A-1 Agricultural District is intended to preserve the City's lands in the City historically used for small farming operations engaged in crop production, the raising of livestock, the cultivation of orchards, single family housing and other small-scale agricultural activities. The district also accommodates limited single-family housing. The District is intended to preserve the large contiguous parcels of land that are characteristic of the community's rural areas.

3.

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Commented [RS13]: From existing § 15-3.0311 Business Park District.

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A. District Intent. The A-1 Agricultural District is intended to:

1. Provide for, maintain, preserve, and enhance agricultural lands historically utilized for crop production but which are not included within the A-2 Prime Agricultural District and which are generally best suited for smaller farm units, including truck farming, horse farming, hobby farming, orchards, and other similar agricultural-related activity.

2. Retain the COUNTRYSIDE and RURAL character of areas of the City of Franklin in which the A-1 District is used as set forth in the City of Franklin Comprehensive Master Plan. In addition, certain RURAL uses are permitted in the district.

4. A-P - Prime Agricultural District. The A-P Prime Agricultural District is intended to preserve and protect land in the City historically designated as prime agricultural land in the City of Franklin's Comprehensive Plan. The District is intended to preserve the natural integrity, agricultural productivity, and scenic qualities of these lands while allowing limited single-family residential development.

District Intent. The A-2 Prime Agricultural District is intended to:

1. Maintain, enhance, and preserve agricultural lands historically utilized for the production and raising of livestock.
2. Prevent the premature conversion of agricultural land to scattered URBAN and SUBURBAN uses such as residential, commercial, and industrial uses.
3. Be used and limited to those lands shown as "Prime Agricultural Land" on the City of Franklin Comprehensive Master Plan.
4. Retain the COUNTRYSIDE and RURAL character of areas of the City of Franklin in which the A-2 District is used as set forth in the City of Franklin Comprehensive Master Plan.

D. Miscellaneous Districts

1. P-1 - Park and Open Space District. The P-1 Park and Open Space District is intended to provide land for parks and recreational facilities that meet the recreational needs of the Franklin community while also preserving the City's natural resources, including rivers, woodlands, and open space.

1. District Intent. The P-1 Park District is intended to provide for areas where the recreational needs, both public and private, of the populace can be met without undue disturbance of natural resources and adjacent uses.

2. I-1 - Institutional District. The I-1 Institutional District is intended to allocate land for public or semi-public uses, municipal facilities, utilities, and noncommercial places of assembly as defined in this UDO. The district serves to accommodate existing and future public and semi-public uses and to allocate land separately from commercial and residential uses. District Intent. The I-1 Institutional District is intended to: Eliminate the ambiguity of maintaining, in unrelated use districts, areas which are under public or public-related ownership and where the use for public, or quasi-public purpose, is anticipated to be permanent.

3. Accommodate a maximum permitted building height of three stories.

4. The resulting character of this district would be SUBURBAN as set forth in the City of Franklin Comprehensive Master Plan.

3. L-1 - Landfill District. The L-1 Landfill District is intended to contain and regulate existing and former landfill uses in the City while mitigating their adverse impacts such as odor, noise, and traffic on the community's commercial and residential areas.

A. District Intent.

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Commented [RS14]: From Existing § 15-3.0314

Commented [RS15]: Added back in the prime agricultural district from Section 15-3.0315.

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Commented [RS16]: From existing § 15-3.0313 P-1 Park District.

Commented [RS17]: From existing § 15-3.0312 I-1 Institutional District.

Commented [RS18]: From existing § 15-3.0318 L-1 Landfill District.

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1. The L-1 Landfill District is intended to regulate land use at existing, as well as former landfill sites in the City of Franklin.

2. The L-1 District is not intended to accommodate new landfill sites in the City of Franklin.

The implementing zoning ordinance requirements of the L-1 District address safety issues pertaining to landfills, protection of the natural resource base, minimization of adverse impacts upon surrounding and areawide land uses, aesthetics of the landfill site and surrounding environs, landscaping, noise, and traffic impacts upon the street and highway system serving the L-1 District. Landfill restoration requirements are set forth in the implementing zoning regulations. The minimum L-1 District size shall be 160 acres.

2.4. **PDL - Planned Development Legacy District.** The PDL Planned Development Legacy District includes properties that have been previously zoned as a "planned development district" and are governed by a unique set of regulations as set forth in the specific related planned development ordinance. Properties zoned in the Legacy Planned Development District will continue to operate under their specific planned unit development ordinance. No property may be rezoned into the Legacy Planned Development District after the date of the adoption of this chapter.

E. Floodplain Districts.

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3.1. **FW - Floodway District.** The FW Floodway District, is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters, within AE Zones as shown on the FIRM, or within A Zones shown on the FIRM when determined according to s. 5.1(5). The FW Floodway District is intended to be used to protect people and property from flood damage by prohibiting the erection of structures that would impede the flow of water during periodic flooding. Permitting use of the floodway would increase damages in the broader floodplain by increasing flood stages. In delineating the FW District, the effects of development within the associated flood fringe shall be computed utilizing the single degree of encroachment principle. Flood stage increases equal to or greater than 0.01 foot in height shall not be permitted unless the applicant has made appropriate legal arrangements with all affected units of government and all property owners affected by the stage increase, and until all such affected units of government have amended their water surface profiles and floodplain zoning maps to reflect the increased flood elevations.

Commented [RS19]: From existing Section 15-3.0319 FW Floodway District.

4.2. **FC Floodplain Conservancy District/GFP - General Floodplain District.** The GFP General Floodplain District is those riverine areas that may be covered by floodwater during the regional flood in which a floodway boundary has not been delineated on the FIRM and also includes shallow flooding areas identified as AH and AO zones on the FIRM. The FC Floodplain Conservancy District is intended to preserve in essentially open space and natural uses lands which are unsuitable for intensive URBAN development purposes due to poor natural soil conditions and periodic flood inundations. The proper regulation of these areas will serve to maintain and improve water quality, prevent flood damage, protect wildlife habitat, and prohibit the location of structures on soils which are generally not suitable for such use. In delineating the FC District, consideration shall be given to maintaining flood storage capacity and preventing significant increases in the flood discharges identified in applicable floodplain studies. No increase in the regional flood elevation shall be permitted that is equal to or greater than 0.01 foot unless the applicant has made appropriate legal arrangements with all affected units of government and all property owners affected by the increase in elevation, and all such affected units of government have amended their water surface profiles and floodplain zoning maps to reflect the increased flood elevations.

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5.3. **FF - Floodplain Fringe Overlay/Floodfringe District.** The GFP General Floodplain District is those riverine areas that may be covered by floodwater during the regional flood in which a floodway boundary has not been delineated on the FIRM and also includes shallow flooding areas identified as AH and AO zones on the FIRM. The FFO Floodplain Fringe Overlay District is intended to provide for and encourage the most appropriate use of land and water in areas subject to periodic flooding and to minimize flood damage to people and property. The FFO Floodplain Fringe Overlay District is an overlay zoning district that imposes certain additional requirements on the underlying basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the more restrictive of the conflicting requirements shall apply.

Commented [RS20]: From existing Section 15-3.0321 Floodplain Fringe Overlay District.

~~15-2-03. Overlay Districts.~~

~~AO – Airport Overlay District. The AO Airport Overlay District is intended to allow for the coordination, planning and development of land uses near General Mitchell Field, to control conflicts with adjoining residential and commercial uses, and to mitigate airport-related impacts such as noise.~~

~~A. District Intent. The AO Airport Overlay District is intended to:~~

- ~~1. Allow for the coordination, planning, and development of land uses in the vicinity of General Mitchell Field, but limits uses and requires noise protection.~~
- ~~2. Control conflicts between land uses and noise generated by aircraft and to protect the public health, safety, and welfare from the adverse impacts associated with excessive noise.~~
- ~~3. Ensure that land uses in the airport noise impact area are mutually compatible with airport noise.~~
- ~~4. Provide acoustical performance standards.~~
- ~~5. Be in addition to and shall overlay all other zoning districts where it is applied so that any parcel of land or lot lying in the AO District shall also lie in one or more of the other zoning districts. The effect is to create a zoning district which has the characteristics and limitations of the underlying district, together with the characteristics and limitations of the AO District.~~
- ~~6. Provide adequate notice to land owners and prospective land owners that airport operations should be considered as possibly affecting the use of property within the AO Airport Overlay District.~~
- ~~7. Regulate land uses within designated existing or projected airport impact areas by providing height restrictions which will assure safe, unobstructed access for all aircraft which enter and exit General Mitchell Field.~~

~~15-2-04.15-2-03. Official Zoning Map~~

~~A. Official Zoning Map Established. The location and boundaries of the districts established by this ~~Ordinance~~ UDO ~~are shall be set forth established~~ in the Official Zoning Map, dated July 1, 1998, and as amended, which is incorporated herein and hereby made a part of this Ordinance. ~~The Official Zoning Map shall consist of a series of one inch equals 100-foot scale maps for each U. S. Public Land Survey quarter-section in the City of Franklin, Wisconsin. These maps, together with everything shown thereon, and all amendments thereto, shall be as much a part of this Ordinance as though fully set forth and described herein.~~~~

~~B. District Boundary Description and Interpretation.~~

- ~~1. **Zoning Boundary Determination.** The ~~zoning~~ district boundaries ~~are shall be~~ streets, alleys, railroads, lot lines, streams, floodplain boundaries, and wetland boundaries unless otherwise shown on the ~~Official~~ Zoning Map.~~
- ~~2. **Zoning Boundary Determination for Approximate Boundaries.** Where the designation of the Official Zoning Map indicates that various zoning districts are approximately bounded by a street, alley, lot line, stream, floodplain~~

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Commented [RS21]: City Comment: Airport Overlay – Delete. Noise impact area from airport study update does not include any of Franklin.

Commented [RS22]: From existing § 15-3.0316 AO Airport Overlay District.

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Commented [RS23]: From Existing Section 15-3.0103 District Boundaries.

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boundary, or wetland boundary, such lot line or the centerline of such street, alley, or railroad right-of-way, or centerline of the main channel of such stream, the floodplain boundaries, or wetland boundaries as delineated on maps prepared by the City or under the Root River Watershed study, or as determined through the use of on-site wetland delineation, flood profiles and accompanying hydrologic and hydraulic engineering data, shall be construed to be the zoning district boundary line.

~~3. Split Zoning of Newly Created Lots Not Allowed Prohibited.~~ The split zoning of any newly created lot or parcel into more than one zoning district shall not be allowed except for parcels split between a district and the AO, GFP, FW, and FC, FFO, and SW Districts, and for and upon an application for certified survey map approval for the purpose of providing additional land to an adjoining tax incremental district mixed-use development including industrial and commercial uses, where lots are being created from a parcel or parcels, upon which there exists an established residential dwelling building use, such established use parcel or parcels not being the subject of current further development application, for such remaining established residential dwelling building use parcel or parcels only.

~~3.4. Zoning of Annexed Land.~~ Any additions to the incorporated area of the City of Franklin, ~~resulting from disconnections from incorporated areas in Milwaukee County, Waukesha County, Racine County or otherwise,~~ shall be automatically classified in the A-4 Agricultural District until otherwise classified by amendment.

Commented [RS24]: From Section 15-3.0105 Zoning of Annexed Land.

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- a. **Annexations or Consolidations Containing Shorelands.** Annexations containing shorelands shall comply with § 62.231 of the Wisconsin Statutes.
- b. **Annexations or Consolidations Containing Floodplains.** Annexations or consolidations containing floodplains shall be placed in the following districts as applicable:
 - i. All floodways and unnumbered A Zones on the FEMA map shall be placed in the FW Floodway District.
 - ii. All other floodplains shall be placed in the ~~FC Floodplain Conservancy~~GFP General Floodplain District.

~~Annexations or Consolidations Containing Shoreland Wetlands.~~ Annexations or consolidations containing shoreland wetlands shall be placed in the ~~SW Shoreland Wetland Overlay District.~~

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 References to be updated

Article 3. District Specific Standards

15-3-01. Bulk and Dimensional Standards 1
 15-3-02. Calculating Dimensional Standards..... 2
 15-3-03. Exceptions to Bulk and Dimensional Standards 3
 15-3-04. Permitted, Limited, Conditional, and Temporary Uses 4
 15-3-05. B-SM - Saint Martin's Road Historic Business District Specific Standards 188
 15-3-06. FF Floodfringe District and GFP General Floodplain District. 219

15-3-01. Bulk and Dimensional Standards

A. Residential District Bulk and Dimensional Standards. Table 15-3.0100(A) establishes the bulk and dimensional requirements for development or the use of a lot in each residential district.

Table 15-3-01(A): Residential District Bulk and Dimensional Standards					
Standard	R-C	R-SE	R-SR	R-M	R-V
<i>Lot Standards (Minimum)</i>					
Lot Area (sqft)	10,000	18,000	10,000	12,000(1)	7,200
Lot Area / DU (sqft)(2)	--	--	--	4,500	--
Lot Width (ft)	60	90	80	100	60
<i>Yard Setbacks (Minimum)</i>					
Front (ft)	25	45	30	15	25
Street Side (ft)	15	35	20	10	15
Interior Side (ft)	5	10	10	5	5
Rear (ft)	25(3)	30(3)	30(3)	15(3)	25(3)
<i>Building Standards (Maximum)</i>					
Height Building (ft)	35	35	35	35	35
Impervious Surface Coverage (%)	20	40	50	60	40
<i>Notes</i>					
(1) A lot area of 6,000 square feet shall be allowed for duplex structures with a parti wall.					
(2) Lot area per dwelling unit requirements shall apply in addition to the baseline lot area requirement for each additional dwelling unit on a lot over one.					
(3) Minimum setback of 10 feet shall be allowed for garages.					

Commented [RS1]: Engineer - There are several reference throughout to the "Board of Adjustments/Appeals" assuming this is BZBA?

Commented [RS2]: Based on existing development standards in the UDO and nonconformities analysis.

Setbacks were reduced in the multifamily district per diagnostic memo recommendations.

Reduced rear setback for garages was applied to the R-SE, R-SR, R-M, and R-V Districts.

Commented [RS3]: Engineering - should we include a definition of impervious surface?

Definition of WDNR NR151 - "Impervious surface" means an area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Examples of impervious surfaces include, but are not limited to; rooftops, sidewalks, driveways, gravel or paved parking lots, and streets.

Commented [RS4R3]: We will include a definition in the definitions article.

Commented [RS5]: Building heights increased by 5 feet to adjust for new building height measurement method per discussion with staff.

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A.B. Nonresidential and Mixed-Use District Bulk and Dimensional Standards. Table 15-3.0100 (B) establishes the bulk and dimensional requirements for development or uses of a parcel in each nonresidential or mixed-use district.

Commented [RS6]: Question For Task Force Discussion. Is Milwaukee County the appropriate geography to use for the AMI figure or would the City suggest a different geography be used?

Table 15-3-01(B): Mixed-Use and Nonresidential District Bulk and Dimensional Standards											
Standard	B-N	B-G	B-R	B-MU	B-SM	B-P	LI	A	A-P	I	P
Lot Standards (Minimum)											
Lot Area (acres)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	3	35	n/a	n/a
Lot Width (ft)	50	50	50	50	50	50	50	200	300	50	50
Lot Depth (ft)	110	110	110	110	110	110	110	110	110	110	110
Yard Setbacks (Minimum)											
Front (ft)	25	25	40	30(1)	10	50	30	50	50	30	50
Street Side (ft)	25	25	40	30(1)	15	50	30	50	50	20	50
Interior Side (ft)	10	10	10	10(1)	5	20	20	25	25	10	20
Rear (ft)	20	20	20	30(1)	20	40	15	50	50	30	50
Building Standards (Maximum)											
Height Building (ft)	40	40	50	50(2)	40	95	45	35	35	45	40
Impervious Surface Coverage (%)	60	70	70	70	90	60	70	n/a	n/a	60	n/a
Notes											
(1) 40% of the required setback may be reduced when at least 15% of dwelling units on site are deed restricted to be affordable relative to 80% of the Milwaukee County Area Median Household Income. A minimum of 1 total dwelling units shall be provided on site to qualify.											
(2) An additional ten (10) feet of building height shall be allowed when at least 15% of dwelling units on site are deed restricted to be affordable relative to 80% of the Milwaukee County Area Median Household Income. A minimum of 1 total dwelling unit shall be provided on site to qualify.											

15-3-02. Calculating Dimensional Standards

A. Lot Width. Lot width shall be measured as the distance between the side lot lines of a lot at right angles to its depth along a straight line parallel to the front lot line.

B. Lot Widths for Lots that Abut a Cul-de-Sac. The lot width of all lots which abut a cul-de-sac may be reduced by a maximum of twenty (20) percent of the required lot width for the district in which it is located. The required lot width for the district shall be met at the front yard setback line.

C. Yard Setbacks.

1. A required yard setback shall be measured as the horizontal distance from the center point of the applicable lot line into the interior of the lot for the minimum distance specified in Table 15-3.0100(A) or Table 15-3.0100(B).

2. The span of a yard setback shall be measured as follows.

a. **Front Yard.** From the interior side lot line to the other interior side lot line or street side lot line as applicable.

b. **Street Side Yard.** From the front yard setback line to the rear lot line.

c. **Interior Side Yard.** From the front yard setback line to the rear yard setback line.

d. **Rear Yard.**

I. From the interior side lot line to the other interior side lot line; or

II. From the interior side lot line to the street side yard setback line.

A.D. Height. Building height shall be the vertical distance measured from the mean elevation of the finished lot grade along the building frontage to the highest elevation of the roof.

E. Impervious Surface Coverage. The portion of a lot that is not covered with soil or natural vegetation. Such surfaces include areas covered by buildings, porches, decks, patios, terraces, and swimming pools, and also include surfaces constructed of asphalt, concrete, gravel composite, brick, stone, tile or any other paving material used for parking, driveways and walkways.

15-3-03. Exceptions to Bulk and Dimensional Standards

Commented [RS7]: Question for Task Force. Are other height and yard exceptions important to include here?

A. Height Exceptions. The following structures may exceed the height limitations established in Table ## ### and ## ### as follows. ~~The district height limitations stipulated elsewhere in this Ordinance may be exceeded, but such modification shall be in accord with the following:~~

1. Architectural Projections. Architectural projections such as antennae, spires, steeples, belfries, parapet walls, cupolas, domes, flues, and chimneys ~~are exempt from the height limitations of this Ordinance~~ may exceed the height limit for the district to provide for projections usual and customary to the proposed use.
2. Special Structures. ~~Special S~~tructures such as elevator penthouses, mechanical penthouses, gas tanks, grain elevators, observation towers, and scenery lofts, manufacturing equipment and necessary appurtenances, cooling towers, fire towers, substations, and smoke stacks are exempt from the height limitations of this ~~Ordinance;UDO~~ provided the ~~special~~ structures are an integral part of and do not detract from the design of the principal structure as approved by the Plan Commission and/or Architectural Board.
3. Essential Services, Utilities, Water Towers, and Electric Power and Communication Transmission Lines. Essential services, utilities, water towers, and electric power and communication transmission lines are exempt from the height limitations of this Ordinance.
- 4.3. Communication Structures. ~~Ground-mounted earth station dish antennas shall not exceed a height of 15 feet.~~ Building-mounted earth station dish antennas shall not exceed the maximum height regulation of the district in which they are located.
- 5.4. Agricultural Structures. Agricultural structures, such as barns, silos, windmills, shall not exceed in height twice their distance from the nearest lot line.
- 6.5. Public or Semipublic Facilities. Public or semipublic facilities, such as schools, churches, hospitals, monuments, sanatoriums, libraries, and governmental offices and stations, may be erected to a height of sixty (60) feet, provided all required yard ~~setbacks~~ are increased not less than one (1) foot for each foot the structure exceeds the district's maximum height requirement.
- 7.6. Modification of Other Ordinances and Regulations Not Permitted Under this Division. Modifications permitted under this Division of this Ordinance do not modify any requirements of federal, State, or local building codes relating to the elements addressed in this Division of this Ordinance.

B. Yard Setback Exceptions. ~~The yard requirements stipulated elsewhere in this ordinance may be modified as follows: Obstructions into the yard setback requirements specified in Section ## ### and ## ### may be permitted as follows.~~

1. Uncovered Stairs, Landings, and Fire Escapes. Uncovered stairs, landings, and fire escapes may project ~~into any yard a maximum of, but not further than six (6) feet into a required yard setback~~ and shall not be closer than three (3) feet to any lot line.
2. Architectural Projections. Architectural projections ~~including, such as~~ chimneys, flues, sills, eaves, belt courses, and ornamental ~~features,~~ may project a maximum of ~~into any required yard; but such projections shall not exceed two (2) feet into a required yard setback. Bay windows may project a maximum of three (3) feet into a required yard setback. (See § 15-2.0202(E)(1)(2) of this Ordinance for exceptions.)~~

3. Accessibility Structures. ADA accessible wheelchair ramps and other features designed to promote universal access on the subject site may project into a required yard setback but shall be located at least three (3) feet from any lot line.
4. Essential Services, Utilities, and Electric Power and Communication Transmission Lines. Essential services, Utilities, and electric power and communication transmission lines are exempt from the yard setback and distance requirements of this Ordinance.
5. Terraces, Patios, Uncovered Decks. Terraces, patios, uncovered decks, and ornamental features which do not extend more than three (3) feet above or below the adjacent grade may project a maximum of ten (10) feet into any required yard setback, however any such structure shall be setback at least five (5) feet from any property line.
6. Lampposts and Flagpoles. Lampposts with a maximum height of ten (10) feet and flag poles with a maximum height of thirty five (35) feet may project into required yard setbacks, however any such structure shall be set back at least five (5) feet from any property line.
7. Air Conditioning Units. Air conditioning units may project up to five (5) feet into a required side or rear yard setback but shall not be closer than five (5) feet from any property line.
8. Below-Ground Stairways and Windows. Stairways and windows that are constructed entirely below the site's finished grade may project into any required yard setback.
9. Fences. Fences may be located in required yard setbacks as specified in Section 15-5-##.
10. Rainwater Harvesting Structures. Rainwater harvesting structures with two-hundred (200) gallons or less of storage may project into a required side or rear yard setback but shall not be closer than five (5) feet from any property line. Rainwater harvesting structures with over two-hundred (200) gallons of capacity meet the location standards for accessory structures in Section ##-#-##. In no instance shall an underground rainwater harvesting structure be within five (5) feet of an easement.
 - a. If rain water harvesting structures are to be buried they shall be considered stormwater and shall conform to the requirements of SPS 382. A plumbing permit shall be required. Rain water harvesting structures located above ground shall not require a plumbing permit and shall not be required to conform with the requirements of SPS 382.
 - a.b. All rainwater harvesting structure shall be adequately maintained and in functional condition and shall meet the applicable standards of Section 190-24 of the Franklin municipal code.
2. Landscape Bufferyards, Landscaping, Vegetation, and Areas of Natural Resource Features Mitigation Exempt from Yard and Setback Requirements. Landscape bufferyards, landscaping, vegetation, and natural resource features mitigation area are exempt from the yard and setback requirements of this Ordinance. Landscape plantings such as shrubs shall not be permitted in the street right-of-way unless approved by the Plan Commission.

Commented [RS8]: Provision for projection allowance for universal accessibility added per task force direction.

Commented [RS9]: 15-3-03 – Add a reference to the fence standards in Article 5.

Commented [RS10]: Engineering - will we allow underground rainwater harvesting structures?

Commented [RS11R10]: I don't see that it's common practice to regulate underground rainwater harvesting structures separately from above-ground structures. Underground should be captured under these provisions.

Commented [RS12R10]: Rainwater harvesting structures projection allowed per staff input.

Commented [RS13]: Engineering - Should we reference Wis. Admin. Code SPS 382 and conformance with that? That references "graywater, storm water, clear water, blackwater, and other wastewaters as approved by the department may be reused in conformance with s. SPS 382.70".

15-3-04. Permitted, Limited, Conditional, and Temporary Uses.

- A. The following key shall be used in the interpretation of Table 15-3.0400(B) and (C).
1. Permitted Uses. Uses which are marked as "P" in the table shall be allowed subject to all applicable regulations of this UDO.
 2. Conditional Uses. Uses which are marked as "C" in the table shall be allowed upon the approval of a Conditional Use Permit as detailed in Section ##-#-##.
 3. Temporary Uses. Uses which are marked "T" in the tables shall be allowed upon the approval of a Temporary Use Permit as detailed in Section ##-#-##.

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4. **Prohibited Uses.** A blank space in the tables indicates that a use type is not allowed in the respective zoning district unless it is otherwise expressly allowed by other regulations of this UDO.
5. **Uses Not Listed.** If a proposed use is not listed in the tables, the Zoning Administrator shall determine if the use is substantially similar to a use listed on the tables per Section ###-###. If it is, they shall treat the use in the same manner as the substantially similar use. If not, the use shall be regarded as prohibited.
- 4.6. **Additional Regulation.** If a use has use specific standards they are highlighted in green. Use specific standards shall apply to permitted, conditional, and temporary uses.

B. Permitted, Conditional, and Temporary Uses in Residential Districts.

Table 15-3-04(B): Permitted, Conditional, and Temporary Uses in Residential Districts					
Use	R-C	R-SE	R-SR	R-MF	R-V
<i>Residential</i>	<i>R-C</i>	<i>R-SE</i>	<i>R-SR</i>	<i>R-MF</i>	<i>R-V</i>
Community Living, 1-15 Persons	P	P	P	P	P
Community Living, 16 + Persons	C	C	C	C	C
Single-Family	P	P	P		P
Mobile/Manufactured Home Park, Existing Prior to this UDO				P	
Dwelling Duplex			C	P	
Dwelling Townhome				P	
Dwelling Multifamily Building				P	
Dwelling Multifamily Complex				P	
Senior Housing, Assisted Living	C	C	C	C	C
Senior Housing, Nursing Care	C	C	C	C	C
Senior Housing, Total Life Care				C	
<i>Institutional</i>	<i>R-C</i>	<i>R-SE</i>	<i>R-SR</i>	<i>R-MF</i>	<i>R-V</i>
Educational Facility	C	C	C	C	C
<i>Place of Assembly</i>	<i>R-C</i>	<i>R-SE</i>	<i>R-SR</i>	<i>R-MF</i>	<i>R-V</i>
Noncommercial Place of Assembly, ##### sqft or less	P	P	P	P	P
Noncommercial Place of Assembly, more than ##### sqft	C	C	C	C	C
<i>Recreation, Amusement, and Lodging</i>	<i>R-C</i>	<i>R-SE</i>	<i>R-SR</i>	<i>R-MF</i>	<i>R-V</i>
Lodging House	P	P	P	P	P
Short Term Rental	P	P	P	P	P
<i>Agricultural</i>	<i>R-C</i>	<i>R-SE</i>	<i>R-SR</i>	<i>R-MF</i>	<i>R-V</i>
Community Garden	P	P	P	P	P
Crop Production	C				
Indoor Agriculture	C				
Telecommunications Tower	C	C	C	C	C
<i>Accessory</i>	<i>R-C</i>	<i>R-SE</i>	<i>R-SR</i>	<i>R-MF</i>	<i>R-V</i>
Accessory Dwelling, Detached/Attached	C	C	C	C	C
Accessory Dwelling, Internal	P	P	P	P	P
Accessory Structure	P	P	P	P	P
Artisan Workshop	P	P	P	P	P
Home Based Business	P	P	P	P	P
Solar Energy Collection System, canopy	P	P	P	P	P
Solar Energy Collection System, ground mounted	P	P	P	P	P

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Use	R-C	R-SE	R-SR	R-MF	R-V
Solar Energy Collection System, roof mounted	P	P	P	P	P
<i>Temporary</i>	<i>R-C</i>	<i>R-SE</i>	<i>R-SR</i>	<i>R-MF</i>	<i>R-V</i>
Construction Related	T	T	T	T	T
Food Truck	T	T	T	T	T

C. Permitted, Conditional, and Temporary Uses in Nonresidential and Mixed-Use Districts.

Use	B-N	B-G	B-R	B-MU	B-SM	B-P	LI	A	A-P	P	I	L	FW
<i>Residential</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Single-Family								P	P				
Multifamily, above ground floor only	P	P	P	P	P								
<i>Institutional</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Educational Facility											C		
Governmental Uses											C		
Health Care Facility	P	P	P	P			P				C		
Cemetery											C		
<i>Place of Assembly</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Indoor Commercial Place of Assembly, ##### sqft or less	P	P	P	P	P			C	C	C	P		
Indoor Commercial Place of Assembly, more than ##### sqft	C	P	P	P	C			C	C	C	P		
Outdoor Commercial Place of Assembly	C	C	C	C	C			C	C	C	P		
Noncommercial Place of Assembly, ##### sqft or less								C	C	C	P		
Noncommercial Place of Assembly, more than ##### sqft								C	C	C	P		
<i>Recreation, Amusement, and Lodging</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Campground								C	C				P
Lodging House								P	P				
Hotel	C	C	C	C									
Motel		C											
Recreation Area													P
Short-Term Rental					C			P	P				
<i>Retail</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Adult Establishment							C						
General Retail, ##### sqft or less	P	P	P	P	P								
General Retail, more than ##### sqft	S	P	P	P	C								

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Table 15-3-04(C): Permitted, Conditional, and Temporary Uses in Nonresidential and Mixed-Use Districts													
Use	B-N	B-G	B-R	B-MU	B-SM	B-P	LI	A	A-P	P	I	L	FW
Multitenant Shopping Center	C	C	C	C									
Wholesale Establishment							C						
<i>Service</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Animal Boarding Facility/Kennel and/or Veterinary Service	C	C					C	C					
General Service, ##### sqft or less	P	P	P	P	P								
General Service, more than ##### sqft	S	P	P	P	C	P							
Financial Institution	P	P	P	P		P							
Funeral Home	C	C											
Office, above ground floor only				P	P								
Office, ##### sqft or less	P	P	P	P	P	P							
Office, more than ##### sqft	P	P	P	P		P							
Office Complex/Business Park						P							
<i>Eating and Drinking</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Bar/Tavern	P	P	P	P	P								
Brewery/Winery/Distillery							C						
Brewery/Winery/Distillery Tasting Room	P	P	P	P	P								
Food Truck Court	C	C	C	C	C	C							
Micro Brewery/Winery/Distillery			P	P	P								
Restaurant	P	P	P	P	P								
<i>Vehicle Related</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Auto Sales/Rental and Service		C	C				P						
Carwash		C	C				P						
Major Automotive Repair			C				P						
Minor Automotive Repair			P				P						
Vehicle Fuel Sales		C	C				P						
<i>Agricultural</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Community Garden								P	P				
Crop Production								P	P				
Animal Husbandry								P	P				
Indoor Agriculture							P	P	P				
Nursery Retail	P	P	P					P	P				
Nursery Wholesale								P	P				
<i>Industrial</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Artisan Manufacturing	P	P	P	P	P								
Brewery/Winery/Distillery							P	C	C				
Composting Facility							C	C	C				
Distribution Facility							C						
Equipment Rental, Sales, and Service	P	P	P				P						

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Table 15-3-04(C): Permitted, Conditional, and Temporary Uses in Nonresidential and Mixed-Use Districts													
Use	B-N	B-G	B-R	B-MU	B-SM	B-P	LI	A	A-P	P	I	L	FW
Extractive Industry							C	C					
Heavy Industry							C						P
Home Improvement Center/ Lumberyard	P	P	P				P						
Landfill												C	
Light Industry							C						
Recycling Facility											C	C	
Salvage Yard							C					P	
Self-Service Storage Facility			C				C						
Solid Waste Facility							C					C	
Storage Yard							C						
Warehouse							C						
<i>Utility and Transportation</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Airport/ Heliport											C		
Helistop		C	C	C		C					C		
Loading Areas and Parking Areas as a Principal Use													P
Railroad Use											C		
Sanitary Sewer or Water Supply Lines													C
Solar Farm								C	C				
Telecommunications Tower	C	C	C	C	C	C	C	C	C	C	C	C	
Wastewater Treatment Ponds and Facilities													P
Waterborne Transportation Uses													P
Wind Farm								C	C				
<i>Accessory</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Accessory Retail	P	P	P	P	P	P	C						
Accessory Structure	P	P	P	P	P	P	P	P	P	P	P	P	
Artisan Workshop								P	P				
Drive Through	C	C	C	C									
Donation Drop Box	C	C	C	C			C						
Outdoor Activity/Operation/Storage							C						
Outdoor Dining	P	P	P	P	P								
Outdoor Display/Sale of Merchandise	P	P	P	P	P								
Solar Energy Collection System, canopy	P	P	P	P	P	P	P	P	P	P	P	P	
Solar Energy Collection System, ground mounted	C	C	C	C	C	C	C	C	C	C	C	C	
Solar Energy Collection System, roof mounted	P	P	P	P	P	P	P	P	P	P	P	P	
<i>Temporary</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Construction Related	T	T	T	T	T	T	T	T	T	T	T	T	
Farmers Market	T	T	T	T	T			T	T				

Use	B-N	B-G	B-R	B-MU	B-SM	B-P	LI	A	A-P	P	I	L	FW
Food Truck	T	T	T	T	T	T		T	T				
Seasonal Sales	T	T	T	T	T			P	P				

15-3-03. South 27th Street Mixed Use District B-MU South 27th Street Mixed Use District Specific Standards.

Commented [RS14]: Adapted Standards From 15-3.0351.

- A. ~~District Intent.~~ The South 27th Street Design Overlay District is intended to:
 - B. ~~Further the implementation of the South 27th Street Corridor Master Plan Amendment adopted by the City of Franklin on January 20th, 2005. Specifically, the plan intends for the South 27th Street Corridor and adjacent areas to:~~
 - a. ~~Be a local, regional and statewide destination for people to work, live, shop, recreate, and interact with one another.~~
 - b. ~~Be an attractive center of economic activity in southeast Wisconsin with clearly and conveniently linked strong neighborhoods, beautiful parks and open spaces, and engaging civic and institutional places.~~
 - c. ~~Serve as a unifying place for the cities of Franklin and Oak Creek, and for Milwaukee County.~~
 - 2. ~~Apply whenever new principal and/or accessory buildings are constructed in the district following the effective date of this ordinance.~~
 - 3. ~~Apply whenever building additions in the district result in an increase in floor area of 50% or more over the floor area of the existing building at the time of the addition.~~
 - 4. ~~Exempt residential uses from compliance with the requirements set forth in this Division.~~
 - 5. ~~Authorize the Plan Commission to waive any of the South 27th Street Design Overlay District Standards by 5 votes of all the members of the Plan Commission provided that supplemental design elements or improvements are incorporated into the project (over and above those which are otherwise required) which compensate for the waiver of the particular standard, or, in the case of parking provisions, where it can be demonstrated that the required parking is excessive or where specified areas are provided for the future provision of additional parking if necessary. In support of the waiver request, the applicant shall detail such supplemental design elements in written and graphical form, and provide an explanation as to the nature of the standards for which the waiver is requested.~~
 - 6. ~~Allow existing structures to remain conforming with regard to this Division.~~
- C. ~~District Standards.~~ Properties in the South 27th Street Design Overlay District are regulated by the City of Franklin Unified Development Ordinance in its entirety, and all provisions set forth in this Division, including the following:
 - § 15-3.0352 Parking Requirements
 - § 15-3.0353 Landscape and Site Design General Standards
 - § 15-3.0354 Landscaping Requirements for Off-Street Parking Areas
 - § 15-3.0355 Architectural Requirements
- D. ~~District Area.~~ The requirements set forth in this Division apply to properties included within the area outlined on the map below:

South 27th Street Design Standards

E. **Parking Requirements.** On-site parking shall be provided as set forth in § 15-5.0203. In addition, the following standards apply:

Commented [RS15]: From Section 15-3.0352.

F. **Parking Required and Location Regulated.** Not more than 50% of the off-street parking spaces shall be located directly between the front facade of the building and the public street, unless additional buildings in the overall development are or will be located between the main building and the public street. Such additional buildings must be sufficient in size, location, and number to provide an effective visual break between the public street and the parking lot.

1. **Number of Parking Spaces Limited.** Parking lots in which the number of spaces significantly exceeds the minimum number of parking spaces required under § 15-5.0203 are not permitted.

Commented [RS16]: Per Diagnostic memo, we've proposed parking maximums and so this provision shouldn't be needed.

2. **Potential Parking Reductions.**

Commented [RS17]: The parking reductions provisions shouldn't be relevant now that parking maximums are established.

a. **Shared Parking.** The Plan Commission may authorize as much as a 40% reduction in the area to be paved for non-residential off-street parking stalls when parking is shared by two or more uses provided:

- i. The reduction does not exceed 40% of the required parking.
- ii. The uses that are sharing parking have peak parking demand at different times.
- iii. Pedestrian sidewalks or paths are provided as safe connections between any uses sharing the parking area.
- iv. A shared parking agreement, signed by all parties, is approved by the City Council, following receipt of Plan Commission recommendations. The agreement shall state a minimum time frame for the agreement to be in effect; provide for ingress/egress easements; and be recorded with the County as a covenant.

b. **Other Requested Parking Reductions.** If a parking reduction is requested for any reason other than shared parking, or a parking reduction beyond 40% is requested for shared parking arrangements, technical documentation shall be furnished by the applicant during the site plan review process to indicate, to the satisfaction of the Plan Commission, that actual off-street parking demand for that particular use is less than the required amount or that sufficient on-street parking is available in the area.

3. **Land-Banking of Reserved Parking Area.** When a parking reduction has been authorized, the Plan Commission may require that sufficient area on the property be held in reserve for the potential future development of paved off-street parking to meet the full requirements. When required, this reserve off-street parking area shall be shown and noted on the site plan, maintained as open space, and developed with paved off-street parking spaces when the City determines that such off-street parking is necessary due to parking demand on the property which exceeds original expectations. The reserve parking area may not be counted as part of any required green space area, nor may it be used as the location of landscaping that is required under § 15-5.0302. The City may require that a letter of credit or other approved financial surety be provided at the time of permit issuance in an amount not to exceed 125% of the estimated cost of parking lot completion, to be exercised at City discretion, should the need for parking lot completion be determined.

Commented [RS18]: This shouldn't be needed with the institution of parking maximums.

G. **Landscape and Site Design General Standards.**

Commented [RS19]: From existing 15-3.0353.

1. **Vision Clearance Necessary.** Landscaping and site amenities shall be provided to satisfy the requirements of this Division. All site improvements shall be designed and undertaken in such a way that clear site lines are maintained for the safety and convenience of all pedestrian and vehicular users.

Commented [RS20]: Vision clearance will be established in the development standards article.

2. **Coordination of Site Furnishings.** Lighting and site furnishings (benches, trash receptacles, bicycle racks, etc.) shall complement the character of the building, and provide an attractive and strong relationship with adjoining properties and the public sidewalk.

Commented [RS21]: Per the diagnostic memo, bicycle parking will be established in Site Development Standards Article.

3. **Pedestrian Considerations.**

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4. ~~New streets proposed as part of new developments shall provide "pedestrian-friendly" streetscapes.~~
~~Large parking areas shall include walkways to allow safe pedestrian access to the building entrance and to connect the site to adjacent streets and properties. Pedestrian walkways shall be designed with amenities such as special paving treatments (colored paver blocks or textured concrete), lighting (see lighting discussion below) and furnishings to create a pedestrian-friendly character.~~
~~The entire development shall provide for safe pedestrian and bicycle access to all uses within the development, connections to existing and planned public pedestrian and bicycle facilities, and connections to adjacent properties.~~

Commented [RS22]: This seems too general to enforce.

Commented [RS23]: These requirements should be covered elsewhere. Furnishings should be covered in (1) of this section. Per diagnostic memo pedestrian walkways are to be covered in Article 5: General Development Standards.

Commented [RS24]: This should be covered in General Development Standards.

5. ~~Sidewalks shall be provided along the entire length of any facade containing a public entrance, leaving room for foundation planting beds.~~
a. ~~Pedestrian walkways shall be provided from all building entrances to existing or planned public sidewalks or pedestrian/bike facilities.~~
b. ~~Internal pedestrian walkways shall be distinguished from driving surfaces.~~
c. ~~The building shall provide awnings or other weather protection features within 30 feet of all customer entrances along a building.~~

Commented [RS25]: This should be covered in general development standards and made applicable to all multifamily, mixed-use, nonresidential development.

Commented [RS26]: This should be covered building entrances below.

6. ~~Reducing the Impact of Vehicular Use Areas. For properties such as gas stations where vehicular circulation is dominant on the site walkways, landscaping, architectural features and lighting shall be provided to make these areas more attractive and inviting. Decorative fences, walls and/or landscaped edges shall screen front parking areas from the public sidewalk. Screening shall not exceed three feet six inches in height.~~

Commented [RS27]: These requirements should be approximately covered in Article 5 - General Development Standards through requirements for pedestrian walkways, transition areas. For instance - the decorative fence/wall/landscaped edge should be covered through transition area requirements in General Development standards applicable to all development.

7. ~~Bicycle and Pedestrian Amenities Required. The development shall provide secure, integrated bicycle parking and pedestrian furniture in appropriate quantities and location.~~

Commented [RS28]: This is redundant with provisions at the beginning of the section. Removing.

8. ~~Landscaping. On-site landscaping shall be provided per the landscaping requirements found in § 15-5.0302. In addition, the project shall provide:~~
a. ~~Extensive building foundation landscaping for all building frontages facing public streets, parking lots, or residential districts to provide visual breaks in the mass of the building. Building foundation landscaping shall be placed so that, at maturity, the plant's drip line is within 10 feet of the foundation. Canopy/shade trees shall not be used to meet this requirement.~~
b. ~~Screen fences and/or landscaped buffers at property edges, particularly where commercial and light industrial properties adjoin residential properties.~~
c. ~~Off-street parking area landscaping as set forth in § 15-5.0302.~~

Commented [RS29]: Building foundation landscaping and transition area requirement will be provided in Article 5 - General Development Standards.

9. ~~Central Areas/Features. Each development which contains a building over 50,000 square feet in area shall provide central area(s) or feature(s) such as a patio/seating area, pedestrian plaza with benches, outdoor playground area, water feature, and/or other such deliberately designated areas or focal points that adequately enhance the development or community. All such areas shall be openly accessible to the public, connected to the public and private sidewalk system, designed with materials compatible with the building and remainder of the site, and maintained over the life of the building and project.~~

Commented [RS30]: It seems like we could consider moving these requirements to the multifamily and nonresidential standards section.

10. ~~Cart Returns. A minimum of one 200 square foot cart return area shall be provided for every one 100 parking spaces for any establishment utilizing carts. Cart corrals shall be of durable, all season construction, and shall be designed and colored to be compatible with the building and parking lot light standards. Exterior cart return or cart storage areas shall be situated for the safety and convenience of users, however no such facilities shall be located within 25 feet of the building.~~

Commented [RS31]: Does the City still want to regulate this really?

H. ~~Landscaping Requirement For Off-Street Parking Areas.~~

Commented [RS32]: From existing 15-3.0354

1. ~~**Parking Lot Landscaping Required.** Interior and perimeter buffer landscaping is required for all off-street parking lots and their associated vehicular use areas, with the exception of those infill and redevelopment projects that have been granted an exception by the Plan Commission. These regulations stipulate the design and placement of such plantings. The actual number of plant units utilized in such plantings may be counted toward the total number of plant units required on-site as determined under § 15-5-0302.~~
2. ~~**Required Trees for Parking Lot Perimeter and Interior Applications.**~~
 - a. ~~Shade or decorative trees are required within the vehicular use area at a ratio of one tree for every 15 parking spaces or fraction thereof, unless the Plan Commission grants an exception. The trees must be evenly distributed throughout the vehicular use area.~~
 - b. ~~Existing trees of desirable species and quality that can be preserved, where grading does not cut them off from a reasonable supply of water and where the area under the canopy remains undisturbed, shall count toward the tree requirements for off-street parking areas on a tree-for-tree basis.~~
 - c. ~~Where a landscape border or other landscape area abuts the vehicular use area, shade or decorative trees within those landscaped areas may count toward the vehicular use area requirement, provided:
 - i. ~~The trees are located within 10 feet of the vehicular use area.~~
 - ii. ~~The number of trees that are provided within the vehicular use area is not reduced by more than 50% of the amount required; and~~
 - iii. ~~There is a minimum of one tree provided within the vehicular use area.~~~~
 - d. ~~Trees shall be planted in such a way that they are protected from vehicle damage.~~
3. ~~**Interior Landscaping for Off-street Parking Areas.** The interior parking lot landscaping standards of this section shall apply to all off-street parking lots and their vehicular use areas containing 20 or more parking spaces. The intent of this section is to require landscaping within vehicular use areas; therefore, landscaping screens, planting strips and landscaping surrounding buildings shall not be considered as interior landscaping. Interior parking lot landscaping is required as follows:
 - a. ~~A minimum of 20 square feet of interior landscaped island shall be provided per parking stall.~~
 - b. ~~The interior landscaping shall be provided within landscaped islands a minimum of 250 square feet in area. Landscaped islands shall be three feet shorter than the depth of any adjacent space. A landscaped island nine feet in width and 30 feet in length with rounded ends, placed alongside two parking stalls each 18 feet in depth placed end to end, would meet all dimensional requirements for landscaped islands, provided the dimensions are measured from the inside of any curbs.~~
 - c. ~~The interior parking lot landscaping shall be placed so as to delineate driving lanes, define rows and generally mitigate the visual impact of the parking lot while maintaining clear site lines for safety purposes.~~
 - d. ~~Plants in landscaped islands shall be underlain by soil (not base course material), and shall be protected by curbing or other protective treatment.~~
 - e. ~~The interior parking lot landscaping shall be composed of a combination of hardy trees, shrubs, perennials, and groundcover that are able to tolerate winter salt and snow. Where islands are used as retention/infiltration areas for storm water management, they should be landscaped appropriately for that purpose. Decorative mulch and weed barriers may be utilized when shown on an approved landscape plan.~~
 - f. ~~Landscaped islands that function as storm water retention/infiltration areas shall be subject to the following:
 - i. ~~Landscaped islands shall be a minimum of 15 feet in width if used for this purpose.~~~~~~

ii. Parking areas will sheet drain into the landscaped islands through curb cuts or other apertures.

iii. Proposed plantings shall be tolerant of flood conditions.

4. ~~Screening for Off-street Parking Areas. The perimeter parking lot screening standards of this section shall apply to all off-street parking areas for six or more vehicles or larger than 2,000 square foot in area. Off-street parking areas, including aisles and driveways, shall be effectively screened year-round as follows:~~

a. ~~Perimeter planting areas shall be designed to maintain and protect visibility at driveways and access points.~~

b. ~~On-site perimeter greenbelts at least 10 feet in width shall be installed along any street side and along all interior lot lines when parking is located on that side of any building on the site.~~

i. ~~Street side greenbelts shall contain dense landscape screening which provides plantings at least 18 inches high at planting and 30 inches high at maturity. Such greenbelts shall provide a semi-opaque screen at a minimum during the winter season.~~

ii. ~~Interior side lot line greenbelts for non-residential uses when adjacent to residential uses shall contain dense landscape screening which provides plantings at least 36 inches high at planting and 48 inches high at maturity. Such greenbelts shall provide a semi-opaque screen at a minimum during the winter season.~~

iii. ~~Other greenbelts not specifically described above shall contain a minimum of one tree or shrub for each 15 feet of perimeter to be planted in effective groupings within said strip. The remainder of the strip shall be planted in grass, ground cover or other effective landscape treatment.~~

c. ~~Berms may be utilized as part of the perimeter landscaping.~~

~~I. Architectural Requirements~~

~~1. Building Character and Design.~~

~~2. Buildings located on prominent sites – such as key intersections, corners, terminations of street vistas, and on high points – shall be multi-story and exhibit quality architectural design to serve as landmarks.~~

~~3. All exterior materials shall be durable, of high-quality, utilized true to form (such as stone below wood rather than the opposite), and appropriate for external use.~~

~~Brick, stone and terra-cotta are preferred primary materials for new buildings or additions.~~

~~The use of false brick or other "faux" sidings is discouraged.~~

~~Color choice shall complement the style and materials of the building's facade and provide a pleasing relationship with adjoining buildings.~~

~~Painting of brick and stone is discouraged.~~

~~Trash, service, and mechanical areas shall be entirely screened from view and located on the side or rear of properties.~~

~~All visible sides of the building shall be designed with details that complement the front facade. Side facades that are visible from the public street shall receive equal design attention.~~

~~Building massing that creates modulation and articulation is encouraged.~~

~~Multi-story buildings that allow for a mix of retail, office or residential uses are preferred.~~

~~Design Standards for Non-Residential Buildings [20,000 Square Feet or Less in Area].~~

Commented [RS33]: We've proposed parking lot perimeter landscaping be required between the building and street and be applicable to all development. This new requirement should achieve a similar effect. Deleting this existing section for now.

Commented [RS34]: From 15-3.0355

Commented [RS35]: This should be covered under allowed exterior building cladding specified under Multifamily, Mixed Use, and Nonresidential Design.

Commented [RS36]: We've proposed screening requirements applicable to all development be established in Article 5. Should cover this requirement.

Commented [RS37]: Façade articulation standards have been proposed for Multifamily, mixed-use, and nonresidential design that should cover this adequately.

Commented [RS38]: Stating a preference doesn't seem effective regulation to contain in the zoning text.

Purpose and Intent. The purpose of these design standards is to guide the design of smaller non-residential buildings constructed in the South 27th Street Design Overlay District to ensure that, through appropriate use of facades, windows, building orientation, and architectural details, new structures and alterations of existing structures are physically and visually compatible with other buildings in the vicinity. These standards are intended to support good quality design in new building construction, enhance street safety, and provide a comfortable street environment by providing features of interest to pedestrians and motorists. Good design results in buildings that are in visual harmony with nearby buildings, leading to a city that is attractive, interesting, active, and safe. These qualities, in turn, contribute to the creation of a sustainable community which facilitates easy pedestrian movement and establishment of a rich mixture of uses.

The standards of this section apply whether the use is allowed as a Permitted Use, Special Use or Accessory Use. The Plan Commission shall evaluate site plans and architectural plans for compliance with these provisions.

Compatibility with Existing Buildings.

Buildings shall maintain a similar size, shape, height, bulk, scale and mass of surrounding architecture, unless required to vary due to zoning district dimensional standards.

Where building sizes will not be equivalent or comparable to those existing in the same general vicinity, larger building facades shall be broken down into units that resemble the size of existing facades.

Building Materials and Colors.

Facades shall be varied and articulated to provide visual interest to pedestrians. Within larger projects, variations in facades, floor levels, architectural features, and exterior finishes shall create the appearance of several smaller buildings.

Exterior building materials shall convey an impression of durability. Materials such as masonry, stone, stucco, and wood are encouraged. Metal is not allowed as the primary exterior building material, though it may be used for accents including awnings.

Where masonry is used for exterior finish, decorative patterns must be incorporated. Examples of these decorative patterns include multicolored masonry units such as brick, stone, or cast stone, in layered or geometric patterns, or split faced concrete block to simulate a rusticated stone type construction.

Wood siding must be bevel, shingle siding, or channel siding and must not be applied in a diagonal or herringbone pattern.

Building facade colors shall be non-reflective, subtle, neutral, or earth tone. The use of high intensity colors, metallic colors, black, or fluorescent colors on facades shall be prohibited. Building trim and architectural accent elements may feature brighter colors, but such colors shall be muted, not metallic, not fluorescent, and not specific to particular uses or tenants. Standard corporate and trademark colors shall be permitted only on sign face and copy areas.

Roof Materials, Parapets, and Roof Pitch.

Pitched roof structures shall have a minimum roof pitch of 6:12.

Flat roofs are permitted with detailed stepped parapets or detailed brick coursing.

Parapet corners must be stepped or the parapet must be designed to emphasize the center or primary entrance(s), unless the primary entrance is at the corner of the building.

Visible sloped roofs must be neutral in color, such as gray, black, or dark brown.

Visible roof materials must be wood or architectural grade composition shingle or sheet metal with standing or batten seam.

Commented [RS39]: Think this should be covered in the proposed multifamily, mixed-use, and nonresidential design section proposed in Article 5.

Commented [RS40]: This should be covered adequately in the proposed multifamily, mixed-use, and nonresidential design section in Article 5.

Commented [RS41]: PC expressed interest in carrying standards for roof pitch and articulation into multifamily, nonresidential, and mixed-use standards.

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All roof and wall-mounted mechanical, electrical, communications, and service equipment, including satellite dishes and vent pipes, must be screened from public view by parapets, walls, or by other approved means.

Building Facades.

Decorative devices—such as molding, entablature, and friezes—are expected at the roofline. Where such ornamentation is present in the form of a linear molding or board, the band must be at least eight inches wide.

Alooves, Porches, Arcades, etc. Buildings must incorporate features such as arcades, roofs, porches, alooves, porticoes, and awnings to protect pedestrians from the rain and sun. Awnings and entrances may be designed to be shared between two structures.

Change in Relief of Building. Buildings must include changes in relief on at least 10% of their primary facade for pedestrian interest and scale. Relief changes include cornices, bases, fenestration, fluted masonry, or other treatments.

Windows.

Windows which allow views to the interior activity or display areas are expected. Windows shall include sills at the bottom and pediments at the top. Glass curtain walls, reflective glass, and painted or darkly tinted glass shall not be used.

Commented [RS42]: Window/glazing standards will be established in mixed-use, nonresidential, and multifamily design.

Ground Floor Window Standards.

All new buildings must provide ground floor windows.

Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows.

Required windows must have a sill no more than four feet above grade. Where interior floor levels prohibit such placement, the sill must be raised to allow it to be no more than two feet above the finished floor level, up to a maximum sill height of six feet above grade.

Darkly tinted windows and mirrored windows that block two-way visibility are prohibited as ground floor windows along street facades.

The primary facade of each building, or for corner buildings each of the two facades, must contain at least 20% of the ground floor wall area in display areas, windows, or doorways. Blank walls are prohibited.

Ground floor windows are also required on facades facing any public parking lot. The minimum requirement is 16 square feet per story or 6% of the facade, whichever is greater.

Upper Floor Window Standards.

Glass area dimensions shall not exceed five feet by seven feet. (The longest dimension may be taken either horizontally or vertically.)

Windows must have trim or molding at least two inches wide around their perimeters.

Pedestrian Accessibility.

Buildings shall maintain and/or enhance the pedestrian scale.

Building entries must comply with the accessibility requirements of the applicable state and federal codes.

Special attention shall be given to designing a primary building entrance that is both attractive and functional.

Commented [RS43]: This should be covered in Article 5.

~~Buildings located at the intersection of two streets shall utilize a corner entrance to the building unless this requirement is waived by the Plan Commission.~~

~~The pedestrian environment may be enhanced by street furniture, landscaping, awnings, and movable planters of seasonal flowers.~~

~~**Landscaping/Streetscape.**~~

~~Benches, outdoor seating, and trash receptacles must complement any existing decorative street lighting and be in keeping with the overall architectural character of the area.~~

~~Upon prior approval of the Plan Commission and Common Council, benches and other streetscape items may be placed within the public right-of-way, provided they do not block free movement of pedestrians. A minimum pedestrian walkway width of six feet shall be maintained at all times.~~

~~**External Storage.**~~

~~The external storage of merchandise and/or materials directly or indirectly related to a business is prohibited unless identified on an approved site plan and fully screened.~~

~~Outdoor seasonal displays of merchandise are permitted during business hours only. A minimum pedestrian walkway width of six feet must be maintained at all times.~~

~~Each structure shall provide for collection of its trash and recyclable materials within the boundaries of each parcel. All trash collection areas must be located within the structure, or behind the building in an enclosure, in accordance with the provisions of §§ 15-3-0802 and 15-3-0803.~~

~~**Design Standards for Non-Residential Buildings [Greater than 20,000 Square Feet in Area].**~~

~~**Purpose and Intent.** The design standards for buildings greater than 20,000 square feet are intended to ensure that large buildings, and the sites they occupy, are properly located and compatible with the surrounding area and community character of the South 27th Street Design Overlay District. Such projects shall also be subject to the more general standards for the approval of Special Use Permits or PUD Districts when applicable.~~

~~The following requirements are applicable to all new buildings in excess of 20,000 gross square feet. These requirements are also applicable when additions to non-residential and mixed use buildings built either before or after the effective date of this Division, bring the total building size to over 20,000 gross square feet.~~

~~**Waiver of Standards.** The Plan Commission may waive any of the following standards by a 3/4 vote of members in attendance, but only if supplemental design elements or improvements are incorporated into the project (over and above those which are otherwise required) which compensate for the waiver of the particular standard. In support of the waiver request, the applicant shall detail such supplemental design elements in written and graphical form, and provide an explanation as to the nature of the standards for which the waiver is requested.~~

~~**Compatibility with City Plans.** The applicant shall provide, through a written report submitted with the petition for a Site Plan adequate evidence that the proposed building and overall development project shall be compatible with the City's community character, urban design, natural area preservation, commercial development, redevelopment, or community facility objectives as expressed in adopted elements of the City's Comprehensive Master Plan.~~

~~**Building Materials.** Building materials shall be unified throughout the building, and shall complement other buildings in the vicinity. Exterior building materials shall be of high and comparable aesthetic quality on all sides. Building materials such as glass, brick, decorative concrete block, or stucco shall be used. Decorative architectural metal with concealed fasteners may be approved if sensitively incorporated into the overall design of the building.~~

~~**Building Design.** The building exterior shall be unified in design throughout the structure, and shall complement other buildings in the vicinity. The building shall employ varying building setbacks, height, roof treatments, door and window~~

Commented [RS44]: This should be covered adequately in C(1)

Commented [RS45]: Outdoor display of merchandise/seasonal sales are established as distinct accessory uses and these requirements should be covered under use-specific standards.

openings, and other structural and decorative elements to reduce apparent size and scale. A minimum of 20% of all of the combined facades of the structure shall employ actual facade protrusions or recesses. A minimum of 20% of all of the combined linear roof eave or parapet lines of the structure shall employ differences in height, with such differences being six feet or more as measured eave to eave or parapet to parapet for buildings over 50,000 square feet. Roofs with particular slopes may be required by the City to complement existing buildings or otherwise establish a particular aesthetic objective. Ground floor facades that face and are on properties that are in any part within 100 feet of public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than 50% of their horizontal length. The integration of windows into building design is strongly encouraged.

a. **Building Entrances.** Public building entryways shall be clearly defined and highly visible on the building's exterior design, and shall be emphasized by on-site traffic flow patterns. Two or more of the following design features shall be incorporated into all public building entryways: canopies or porticos, overhangs, projections, arcades, peaked roof forms, arches, outdoor patios, display windows, distinct architectural details. Unless exempted by the Plan Commission all sides of the building that directly face or abut a public street or public parking area shall have at least one public entrance, except that the City shall not require building entrances on more than two sides of any building.

4. **Building Color.** Building facade colors shall be non-reflective, subtle, neutral, or earth tone. The use of high intensity colors, metallic colors, black, or fluorescent colors on facades shall be prohibited. Building trim and architectural accent elements may feature brighter colors, but such colors shall be muted, not metallic, not fluorescent, and not specific to particular uses or tenants. Standard corporate and trademark colors shall be permitted only on sign face and copy areas.

Commented [RS46]: This should be covered in nonresidential, multifamily, and mixed-use design standards to be covered in Article 5.

5. **Building Location.** Modest building setbacks are encouraged. Where buildings are proposed to be distant from a public street, the overall development design shall include smaller buildings on pads or outlots closer to the street.

Commented [RS47]: This just doesn't seem quantifiable enough.

6. **Screening.** Mechanical equipment, refuse containers and any permitted outdoor storage shall be fully concealed from on-site and off-site ground level views, with materials identical to those used on the building exterior. Loading docks shall be completely screened from surrounding roads and properties. Said screening may be accomplished through loading areas internal to buildings, screen walls which match the building exterior in materials and design, fully opaque landscaping at time of planting, or combinations of the above. Gates and fencing may be used for security and access, but not for screening, and shall be of high aesthetic quality.

Commented [RS48]: This should be covered under the screening requirements applicable to all development in Article 5.

7. **Traffic Impact.** All projects that include buildings over 20,000 square feet shall have direct access to an arterial or collector street, or shall dedicate public roads which have direct access to a public street. Vehicle access shall be designed to accommodate peak on-site traffic volumes without disrupting traffic on public streets or impairing pedestrian safety. This shall be accomplished through adequate parking lot design and capacity; access drive entry throat length, width, design, location, and number; and traffic control devices; and sidewalks. The site design shall provide direct connections to adjacent land uses if required by the City. Prior to development approval, the applicant's traffic engineer shall complete and present a traffic impact analysis following Wisconsin Department of Transportation guidelines. Where the project will cause off-site public roads, intersections, or interchanges to function below level of service C, as defined by the Institute of Transportation Engineers, the City may deny the application, require a size reduction in the proposed development, or require that the developer construct and/or pay for required off-site improvements:

i. **Natural Resources Protection.** Existing natural features shall be integrated into the site design as a site and community amenity.

ii. **Signage.** The plan for exterior signage shall provide for modest, coordinated, and complimentary exterior sign locations, configurations, and colors throughout the development. All freestanding signage within the development shall compliment on building signage. Monument style ground signs are strongly preferred over pole signs, and consolidated signs for multiple users are strongly preferred over multiple individual signs. The City may require the use of muted corporate colors on signage if proposed colors are not compatible with the City's design objectives for the area.

15-3-05, B-SM - Saint Martin's Road Historic Business District Specific Standards.

A. Canopies and Awnings.

1. Building canopies, awnings, or similar weather protection devices are encouraged on the first floor of all buildings.
2. If provided, the device shall project a minimum of three (3) feet and a maximum of five (5) feet from the facade to which it is affixed.

B. Building Frontage. The primary facade of all nonresidential and mixed-use development shall meet the standards of one (1) of the frontage types detailed in subsection one through four below. The use of the resulting front yards or porches for outdoor dining or other activity generating uses that support the subject lot's principal use is encouraged.

1. **Projecting Porch.** The primary facade of the building shall be sufficiently set back from the property line to accommodate the projecting porch within the front yard setback. The resulting front yard may or may not be defined by a fence or hedge to spatially maintain the edge of the street. The projecting porch shall be open on three (3) sides and have a roof form that shall be separate from the principal structure. A projecting porch may encroach into a required front yard setback to a maximum extent of ten (10) feet. The following minimum standards shall apply to projecting porches.

- a. **Width.** Ten (10) feet
- b. **Depth.** Eight (8) feet
- c. **Height.** Eight (8) feet

2. **Storefront.** The primary facade of the building shall adjoin the required minimum front setback. Accordion-style windows and doors or other operable windows are encouraged. The following standards shall apply to shopfronts.

- a. **Window Area.** Sixteen (16) square feet
- b. **Window Width.** Three (3) feet
- c. **Window Height.** Four (4) feet
- d. **Sill Height.** Three (3) feet

C. Entrance Orientation. Main entrances to buildings shall be oriented toward the primary street adjoining the subject property. Secondary entrances are encouraged along secondary streets or along building frontages not adjoining a street.

A-D. Parking Location. Off-street parking spaces and lots shall be located to the rear or interior side lot of the principal building.

Commented [RS49]: These standards will be instead of or in addition to multifamily and nonresidential design standards, which will be established in the development standards article.

Commented [RS50]: From Marion - some of the pedestrian standards seem to be tied to the retail corridor. Carry forward architectural requirements but put the others into article 6.

If an applicant is platting - connection to parks, trails, and infrastructure should be an approval criterion. Refer any development next an existing or planned trail to require - clear and readily objective as established in City of Franklin Comprehensive Outdoor Recreation Plan Update: 2030 map of Existing and Planned Public Outdoor Recreation Sites. 15-8.0109.

Commented [RS51R50]: I think this is a good idea, however it seems most appropriate to transfer to the subdivision standards/required improvements rather than here. We'll circle back to this when drafting Article 8.

Commented [RS52]: Question for Task Force. Are there other architectural features that should be required for new development in the VB District?

Commented [RS53]: From existing Section 15-3.0608.

~~15-3-04. This Section sets forth those uses which are permitted uses and special uses in the AO Airport Overlay District.~~

Commented [RS54]: Airport Overlay – Delete.

~~15-3-05. Establishment of District Boundaries and Districts. The AO Airport Overlay District boundaries shall be based upon the General Mitchell Field study titled General Mitchell International Airport. Part 150 Noise Compatibility Study: Noise Exposure Maps and Noise Compatibility Program, prepared by Coffman Associates, Inc., dated October 1993. Boundaries shall be subject to periodic updating and amendment. The AO Airport Overlay District shall be established in like manner as any other zoning district permitted by this Ordinance.~~

Commented [RS55]: From Section 15-3.0316. Per discussion with staff these standards from the existing UDO should be the most up-to-date to delineate the AO zones. Although, according to the 2009 Noise Exposure map, Franklin doesn't have any land in either the 65-70 DNL Contour or the 70-75-Contour as JB has pointed out. Perhaps we retain this overlay in case the noise exposure map is updated over time or expansion to the airport occurs? For Task Force discussion.

~~15-3-06. Establishment of Airport Noise Impact Areas. Airport noise impact areas (numbered AO Districts) shall be established in order to distinguish between the severity of the levels of noise impact so that appropriate uses and acoustical performance standards can be established to mitigate the adverse impacts of aircraft noise in order to protect the public health, safety, and welfare.~~

~~15-3-07. Noise Zones. Noise levels shall be classified into noise zones, and the Day-Night Average Sound Level (DNL) classifications shall be used for all noise sources. DNL shall be mathematically symbolized as Ldn.~~

~~15-3-08. Two Airport Noise Impact Areas Established. For the purpose of administering these regulations, there shall be two Airport Noise Impact Areas established as follows:~~

~~15-3-09. The AO-1 District for areas of Ldn 65-70.~~

~~15-3-10. The AO-2 District for areas of Ldn 70-75. Permitted Uses in the AO Airport Overlay District. All permitted uses in the underlying zoning district(s) shall be permitted by right, except as qualified by § 15-3.0608(C).~~

~~15-3-11. Special Uses in the AO Airport Overlay District. All special uses which may be allowed in the underlying zoning district(s) may be permitted as special uses, except as qualified by § 15-3.0608(C).~~

~~15-3-12. Use Limitations and Noise Level Reduction (NLR) Standards in the AO-1 Airport Overlay District. all buildings In addition to the use limitations presented for the underlying zoning district(s) in which the AO-1 Airport Overlay District is located, the use limitations set forth in this Section shall also apply to the specific AO-1 Airport Noise Impact Area. Uses within the AO-1 District shall be permitted only in accordance with the following guidelines:~~

~~15-3-13. Residential Uses. For all residential uses measures to achieve a noise level reduction (outdoor to indoor) of 25 dB must be incorporated into the design and construction of the residential structure(s). Mobile home parks or courts shall not be permitted.~~

~~15-3-14. [Commentary: Normal construction can be expected to provide a noise level reduction of 20 dB; thus, the reduction requirements are about 5 dB over standard construction and normally assume mechanical ventilation and closed windows year round. Noise level reduction criteria will not eliminate outdoor noise problems. However, building location and site planning, design and use of berms and barriers can help mitigate outdoor noise exposure particularly from ground level sources. Measures that reduce noise at a site should be used wherever practical in preference to measures which only protect interior spaces.]~~

~~15-3-15. Nonresidential Uses. For land uses in the SIC categories of 805, 806, and 82 (nursing and personal care facilities, hospitals, and educational facilities), cultural facilities including churches, auditoriums, and theaters, measures to achieve a noise level reduction (outdoor to indoor) of 25 dB must be incorporated into the design and construction of the structure(s). Outdoor music shells or amphitheaters shall not be permitted.~~

~~15-3-16. Use Limitations and Noise Level Reduction (NLR) Standards in the AO-2 Airport Overlay District. In addition to the use limitations presented for the underlying zoning district(s) in which the AO-2 Airport Overlay District is located, the use limitations set forth in this Section shall also apply to the specific AO-2 Airport Noise Impact Area. Uses within the AO-2 District shall be permitted only in accordance with the following guidelines:~~

~~15-3-17. Residential Uses. For all residential uses measures to achieve a noise level reduction (outdoor to indoor) of 30 dB must be incorporated into the design and construction of the residential structure(s). Mobile home parks or courts shall not be permitted.~~

~~15-3-18. [Commentary: Normal construction can be expected to provide a noise level reduction of 20 dB; thus, the reduction requirements are about 10 dB over standard construction and normally assume mechanical ventilation and closed windows year round. Noise level reduction criteria will not eliminate outdoor noise problems. However, building location and site planning, design and use of berms and barriers can help mitigate outdoor noise exposure particularly from ground level sources. Measures that reduce noise at a site should be used wherever practical in preference to measures which only protect interior spaces.]~~

~~15-3-19. Nonresidential Uses. Measures to achieve a noise level reduction (outdoor to indoor) of 25 dB must be incorporated into the design and construction of the structure(s) for uses in the SIC manufacturing categories of 20, 22, 23, 24, 25, 26, 127, 28, 29, 30, 32, 33, 34, 38, and 39; SIC transportation, communication, and utilities categories of 40, 41, 42, 44, 45, 48, and 49; the SIC trade categories of 50 and 51; the SIC retail categories of 52, 53, 54, 56, 57, 58, and 59; and the SIC services categories of 72, 73, and 76.~~

~~15-3-20. Nonresidential Uses in the SIC Categories of 805, 806, and 82. For land uses in the SIC categories of 805, 806, and 82 (nursing and personal care facilities, hospitals, and educational facilities), cultural facilities including churches, auditoriums, and theaters, measures to achieve a noise level reduction (outdoor to indoor) of 30 dB must be incorporated into the design and construction of the structure(s). Outdoor music shells or amphitheaters shall not be permitted.~~

Commented [JW56]: Minimum standard?

Commented [GU57R56]: See above comment. HE

15-3-21-15-3-06. FF Floodfringe District and GFP General Floodplain District.

Commented [JW58]: Existing language from Wisconsin model ordinance

A. Statutory Authorization, Finding of Fact, Statement of Purpose, Title, and General Provisions

1. This ordinance is adopted pursuant to the authorization in Wisconsin Statutes Annotated s. 61.35 and 62.23 and the requirements in s. 87.30.
2. Uncontrolled development and use of the floodplains and rivers within the City of Franklin would impair the public health, safety, convenience, general welfare, and tax base.
3. This ordinance is intended to regulate floodplain development in order to:
 - a. Protect life, health and property;
 - b. Minimize expenditures of public funds for flood control projects;
 - c. Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
 - d. Minimize business interruptions and other economic disruptions;
 - e. Minimize damage to public facilities in the floodplain;
 - f. Minimize the occurrence of future flood blight areas in the floodplain;
 - g. Discourage the victimization of unwary land and homebuyers;
 - h. Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
 - i. Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

4. This Section shall constitute, for statutory purposes, the Floodplain Zoning Ordinance for the City of Franklin, Wisconsin.

5. General Provisions.

- a. **Areas to be Regulated.** This Section regulates all areas of special flood hazard identified as zones A, AO, AH, A1-30, AE, VE, V1-30, or V on the Flood Insurance Rate Map.
- b. **Official Maps and Revisions.** Special Flood Hazard Areas (SFHA) are designated as zones A, A1-30, AE, AH, AO, VE, V1-30, or V on the Flood Insurance Rate Maps (FIRMs) based on flood hazard analyses summarized in the Flood Insurance Study (FIS) listed in subd. (i) below. Additional flood hazard areas subject to regulation under this ordinance are identified on maps based on studies approved by the DNR and listed in subd. (b) below. These maps and revisions are on file in the office of the **Planning Manager**.
- c. **Official Maps.**
 - i. Flood Insurance Rate Map (FIRM) panel number 55079C0144E, effective on 09/26/2008; number 55079C0142E, effective on 09/26/2008; number 55079C0161E, effective on 09/26/2008; number 55079C0163E, effective on 09/26/2008. [NOTE: CHECK WITH GIS MANAGER & SEWRPC to ensure all are included & correct; from <https://msc.fema.gov/portal/search?AddressQuery=Franklin%2C%20Wisconsin#searchresultsanchor>].

Commented [JW59]: NOTE TO CITY FROM JB: Additional areas identified on maps approved by the Wisconsin Department of Natural Resources (DNR) and local community may also be regulated under the provisions of this ordinance, where applicable.

Commented [GU60R59]: Some of these I've never heard of. A1-30? V1-30? HE

Commented [JW61]: FROM JB: CHECK WITH SWRPC on any other studies in process or past

Commented [GU62R61]: Note separate email from GIS - there are 15 panels that apply to the City. HE

6. **Establishment of Floodplain Zoning Districts.** The flood hazard areas regulated by this ordinance are divided into districts as follows and collectively shall be known as the "Floodplain Districts":

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- a. The **Floodway District (FW)**, is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters, **within AE Zones as shown on the FIRM (see Section 5(c)) above**, or within **A Zones shown on the FIRM** when determined according to Wisconsin Statutes Annotated s. 5.1(5).
 - b. The **Floodfringe District (FF)** is that portion of a riverine special flood hazard area outside the floodway **within AE Zones on the FIRM, or, when floodway limits have been determined according to s. 5.1(5), within A Zones shown on the FIRM.**
 - c. The **General Floodplain District (GFP)** is those riverine areas that may be covered by floodwater during the regional flood in which a floodway boundary has not been delineated on the **FIRM and also includes shallow flooding areas identified as AH and AO zones on the FIRM.**
7. **Locating Floodplain Boundaries.**
- a. Discrepancies between the exterior boundaries of zones A1-30, AE, AH, or A on the official floodplain zoning map and actual field conditions may be resolved using the criteria in subsections (7)(d) or (7)(e) below. If a significant difference exists, the map shall be amended according to Section **[.XX]**, Amendments.
 - b. The Zoning Administrator may rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The Zoning Administrator shall be responsible for documenting actual pre- development field conditions and the basis upon which the district boundary was determined. Disputes between the Zoning Administrator and an applicant over the district boundary line shall be settled according to **[SECTION XX] 7.3(3)** and the criteria in (a) and (b) below.
 - c. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to **[sXX]** Amendments.
 - d. If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
 - e. Where flood profiles do not exist for projects, including any boundary of zone A or AO, the location of the boundary shall be determined by the map scale.
8. **Removal of Lands from Floodplain.**
- a. Compliance with the provisions of this section shall not be grounds for removing land from the floodplain unless the affected land is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to **s. 8.0 Amendments.**
 - b. The delineation of any of the Floodplain Districts may be revised by the City of Franklin where natural or man-made changes have occurred and/or where more detailed studies have been conducted. However, prior to any such change, approval must be obtained from the Wisconsin Department of Natural Resources and Federal Emergency Management Agency. A completed Letter of Map Revision is a record of this approval. The Zoning Administrator shall not sign a community acknowledgement form unless all criteria set forth in the following paragraphs are met:
 - i. The land and/or land around the structure must be filled at least two feet above the regional or base flood elevation; and
 - ii. the fill must be contiguous to land outside the floodplain; Applicant shall obtain floodplain development permit before applying for a LOMR or LOMR-F.
 - c. Removal of lands from the floodplain may also occur by operation of §87.30(1)(e), Wis. Stat. if a property owner has obtained a letter of map amendment from the federal emergency management agency under 44 C.F.R. 70.

9. **Compliance.**

- a. No structure or use within areas regulated by this ordinance shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged, or altered without full compliance with the terms of these regulations and all other applicable regulations that apply to uses within the jurisdiction of these regulations.
- b. Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with **s. 9.0.**
- c. Floodplain development permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, and arrangement, set forth in such approved plans and applications, or amendments thereto if approved by the Zoning Administrator. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with **s. 9.0.**

Commented [RS63]: Engineering - Do we have a floodplain development permit, is that a Planning permit?

Commented [RS64R63]: Floodplain permit will be covered in the Administration and Procedures Article.

10. **Municipalities and State Agencies Regulated.**

- a. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if **s. 13.48(13)**, Stats., applies.
- b. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when **s. 30.2022**, Stats., applies. Although exempt from a local zoning permit and permit fees, DOT must provide sufficient project documentation and analysis to ensure that the community is in compliance with Federal, State, and local floodplain standards.
- c. If a local transportation project is located within a Zone A floodplain and is not a WisDOT project **under s. 30.2022**, then the road project design documents (including appropriate detailed plans and profiles) may be sufficient to meet the requirements for issuance of a local floodplain permit if the following apply:
 - i. The City provides documentation to the Floodplain Administrator that the proposed project is a culvert replacement or bridge replacement under 20' span at the same location, the project is exempt from a DNR permit under **s. 30.123(6)(d)**,
 - ii. The capacity is not decreased, the top road grade is not raised, and no floodway data is available from a federal, state, or other source.
 - iii. If floodway data is available in the impacted area from a federal, state, or other source that existing data must be utilized by the City in the analysis of the project site.

11. **Abrogation and Greater Restrictions**

- a. This Section supersedes all the provisions of the this UDO which relate to floodplains. A more restrictive provision shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
- b. This Section is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this ordinance imposes greater restrictions, the provisions of this Section shall prevail.

12. **Interpretation.** In their interpretation and application, the provisions of this Section are the minimum requirements liberally construed in favor of the City of Franklin, and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this Section, required by ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this Section or in effect on the date of the most recent text amendment to this Section.

13. **Warning and Disclaimer of Liability.** The flood protection standards in this Section are based on engineering experience and research. Larger floods may occur, or the flood height may be increased by man-made or natural causes. This Section does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free

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from flooding and flood damages. This Section does not create liability on the part of, or a cause of action against, the City of Franklin, or any officer or employee thereof, for any flood damage that may result from reliance on this Section.

14. **Severability.** Should any portion of this Section be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Section shall not be affected.

B. General Standards Applicable to All Floodplain Districts.

1. Applicability.

- a. The City of Franklin Zoning Administrator shall review all permit applications to determine ~~compliance with the provisions of this Section whether proposed building sites will be reasonably safe from flooding and assure that all necessary permits have been received from those governmental agencies whose approval is required by federal or state law.~~
- b. If a proposed building site is in a ~~Floodplain District as defined in this Section flood-prone area~~, all new construction and substantial improvements shall:
 - i. Be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - ii. Be constructed with flood-resistant materials;
 - iii. Be constructed by methods and practices that minimize flood damages; and
 - iv. Be constructed in a manner wherein mechanical and utility equipment is elevated to or above the flood protection elevation.
- c. If a subdivision or other proposed new development is in ~~a Floodplain District as defined in this Section a flood-prone area~~, the Zoning Administrator shall assure that:
 - i. Such proposed subdivision or other proposed new development is consistent with the need to minimize flood damage within the ~~Floodplain District flood-prone area~~;
 - ii. Public utilities and facilities such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
 - iii. Adequate drainage is provided to reduce exposure to flood hazards.
- d. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance and all other requirements in **s. 7.1(2)**.

2. **Hydraulic and Hydrologic Analyses.**

- a. No development within a Floodplain District shall:
 - i. Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or
 - ii. Cause any increase in the regional flood height due to floodplain storage area lost.
- b. The Zoning Administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of **s. 8.0** Amendments are met

3. **Watercourse Alterations**

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- a. No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the Zoning Administrator has notified in writing all adjacent municipalities, the Wisconsin Department of Natural Resources, and FEMA regional offices, and required the applicant to secure all necessary state and federal permits. The standards of Subsection B.2 above must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained.
 - b. As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to **s. 8.0** Amendments, the City of Franklin shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.
4. **Applicability of Chapter 30 and 31, Wisconsin Statutes, Development.** Development which requires a permit from the Department, under Chapters 30 and 31, Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to this Section are made in accordance with **s. 8.0** Amendments.
5. **Public or Private Campgrounds.** Public or private campgrounds ~~shall have a low flood damage potential and~~ shall meet the following provisions:
- a. The campground is approved by the Wisconsin Department of Agriculture, Trade and Consumer Protection;
 - b. A land use permit for the campground ~~is~~ **can properly be** issued by the Zoning Administrator;
 - c. The character of the river system and the campground elevation are such that a 72- hour warning of an impending flood can be given to all campground occupants;
 - d. There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, **officials of the City of Franklin** (including but not the City's emergency government coordinator and the **chief law enforcement official**) which specifies the flood elevation at which evacuation shall occur, **personnel responsible for monitoring flood elevations**, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;
 - e. This agreement shall be for no more than one (1) calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in **sub. (4)** - to remain in compliance with all applicable regulations, including those of the Wisconsin Department of Agriculture, Trade and Consumer Protection and all other applicable regulations.
 - f. All mobile recreational vehicles placed on site must meet one of the following:
 - i. Be fully licensed, if required, and ready for highway use; or
 - ii. Not occupy any site in the campground for more than 180 consecutive days, at which time the recreational vehicle must be removed from the floodplain for a minimum of 24 hours; or
 - iii. Meet the requirements in either **s. 3.0, 4.0, 5.1, or 5.3** for the floodplain district in which the structure is located;
 - g. A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.
 - h. All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which shall be kept on file at the campground. Such authorization shall allow placement of a camping unit consistent with 2.4(6) and shall ensure compliance with all the provisions of this section;

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- i. The City of Franklin shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;
- j. The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued; and
- k. All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.
- l. Standards for structures in a campground:
 - i. All structures must comply with the applicable requirements in **ss. 3.0, 4.0, 5.1, or 5.3** for the floodplain district in which the structure is located;
 - ii. A portable deck or landing may be allowed for a camping unit for each entry provided that the landing is not permanently attached to the ground or camping unit, is no more than 200 square feet in size, shall be portable, contain no walls or roof, and can be removed from the campground by a truck and/or trailer. Sections of such portable landings may be placed together to form a single deck not greater than 200 square feet at one entry point. Provisions for the removal of these temporary landings during flood events must be addressed within the written agreement with the municipality compliant with subsections (a) through (j) above. Any such deck/landing structure may be constructed at elevations lower than the flood protection elevation but must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
 - m. Camping equipment and appurtenant equipment in the campground may be allowed provided that the equipment is not permanently attached to the ground or camping unit, is not used as a habitable structure, and must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood. Provisions for the removal of this equipment during flooding events shall be addressed within the written agreement with the City of Franklin pursuant to subsection 5(d) and 5(e) above.
 - n. Once a flood warning in the written agreement has been issued for the campground, the campground owner or the designated operator shall ensure that all persons, camping units, decks, camping equipment and appurtenant equipment in the campground shall be evacuated within the timelines specified within the written agreement with the City pursuant to subsection 5(d) and 5(e) above.
- 6. A land use permit shall be obtained as provided under **7.1(2)** before any development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated.

C. Floodway District (FW)

- 1. **Applicability.** This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to s. 5.1(5).
- 2. **Permitted Uses.** The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District, if:
 - a. The uses are not prohibited by any other provision of these Regulations;
 - b. The standards in this Subsection C are met; and
 - c. All permits or certificates have been issued in accordance with **section 7.1.**
 - d. Permitted Uses:

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- i. Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting
 - ii. Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
 - iii. Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of [s. 3.3\(4\)](#).
 - iv. Uses or structures accessory to open space uses or classified as historic structures that comply with [s. 3.3](#) and [3.4](#).
 - v. Extraction of sand, gravel or other materials that comply with [s. 3.3\(4\)](#).
 - vi. Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with Chapters 30 and 31, Wisconsin Statutes.
 - vii. Public utilities, streets and bridges that comply with [s. 3.3\(3\)](#).
 - viii. Portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and Chapter SPS 383, Wisconsin Administrative Code.
 - ix. Public or private wells used to obtain potable water for recreational areas that meet the requirements of local ordinances and Chapters NR 811 and NR 812, Wisconsin Administrative Code
 - x. Wastewater treatment ponds or facilities permitted under Sections NR 110.15(3)(b), Wisconsin Administrative Code
 - xi. Sanitary sewer or water supply lines to service existing or proposed development located outside the floodway, which development complies with the regulations for the floodplain area occupied.
3. **Standards for Developments in the Floodway.**
- a. Any development in the floodway shall comply with Subsection B above and have a low flood damage potential.
 - b. Applicants shall provide an analysis calculating the effects of this proposal on the regional flood height to determine the effects of the proposal according to Subsection B.2 and [7.1\(2\)\(c\)](#). The analysis must be completed by a professional engineer registered in the state of Wisconsin.
 - c. Any encroachment in the regulatory floodway is prohibited unless the data submitted for [subd. 3.3\(1\)\(b\)](#) above demonstrates that the encroachment will cause no increase in flood elevations in flood events up to the base flood at any location or removes the encroached area from the regulatory floodway as provided in Subsection A(8) above.
4. **Structures.** Structures accessory to permanent open space uses, including utility and sanitary facilities, or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:
- a. Not designed for human habitation
 - b. Does not have a high flood damage potential
 - c. Is constructed to minimize [potential](#) flood damage;

Commented [RS65]: Engineering - What are the references to "s. 3.3 and s. 3.3(4)"?

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- d. Shall either have the lowest floor elevated to or above the flood protection elevation or shall meet all the following standards:
 - i. The lowest floor is elevated to or above the regional flood elevation and is dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water, and completely dry to the flood protection elevation without human intervention during flooding;
 - ii. Has structural components capable of meeting all provisions of Subsection 6, Certification below and;
 - iii. Has certification by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with Subsection 6, Certification, below.
 - e. Shall be anchored to resist flotation, collapse, and lateral movement
 - f. Mechanical and utility equipment are elevated to or above the flood protection elevation; and
 - g. Does not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
5. **Design for Automatic Entry of Floodwaters.** For a structure designed to allow the automatic entry of floodwaters below the Regional Flood Elevation, the applicant shall submit a plan that meets Subsection (4)(a) through (4)(e) above, and meets or exceeds the following standards:
- a. The lowest floor must be elevated to or above the regional flood elevation;
 - b. a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - c. the bottom of all openings shall be no higher than one foot above the lowest adjacent grade; openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters, otherwise must remain open.
 - d. The use must be limited to parking, building access or limited storage.
6. **Certification:** Whenever floodproofing measures are required, a registered professional engineer or architect shall certify that the following floodproofing measures will be utilized, where appropriate, and are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the regional flood:
- a. Reinforcement of floors and walls to resist rupture, collapse, or lateral movement caused by water pressures or debris buildup;
 - b. Construction of wells, water supply systems and waste treatment systems so as to prevent the entrance of flood waters in such systems and must be in accordance with provisions in Sections 3.4(4) and 3.4(5);
 - c. Subsurface drainage systems to relieve external pressures on foundation walls and basement floors;
 - d. Cutoff valves on sewer lines or the elimination of gravity flow basement drains; and
 - e. Placement of utilities to or above the flood protection elevation.
7. **Public Utilities, Streets, and Bridges.** Public utilities, streets and bridges may be allowed by permit, if:
- a. Adequate floodproofing measures are provided to the flood protection elevation; and
 - b. Construction meets the development standards of s. 2.1.
8. **Fills or Deposition of Materials.** Fills or deposition of materials may be allowed by permit, if:

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- a. The requirements of s. 2.1 are met;
 - b. No material is deposited in navigable waters unless a permit is issued by the Department pursuant to ch. 30, Stats., and a permit pursuant to Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met;
 - c. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
 - d. The fill is not classified as a solid or hazardous material.
9. **Prohibited Uses.** All uses not listed as permitted uses in Subsection C(2) above are prohibited, including the following uses:
- a. Habitable structures, structures with high flood damage potential, and structures not associated with permanent open-space uses;
 - b. Storage of materials that are buoyant, flammable, explosive, or potentially injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
 - c. Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
 - d. Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department- approved campgrounds that meet the applicable provisions of City of Franklin ordinances and Chapter SPS 383, Wisconsin Administrative Code.
 - e. Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of City of Franklin ordinances and Chapters NR 811 and NR 812, Wisconsin Administrative Code
 - f. Any solid or hazardous waste disposal sites;
 - g. Any wastewater treatment ponds or facilities, except those permitted under Sections NR 110.15(3)(b), Wisconsin Administrative Code;
 - h. Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

D. Floodfringe District (FF)

- 1. **Applicability.** This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to **s. 5.1(5)**.
- 2. **Permitted Uses.** Any structure, land use, or development is allowed in the Floodfringe District if the standards in **s. 4.3** are met, the use is not prohibited by the City of Franklin Land Development Regulations, or any other ordinance or regulation of the City of Franklin; and all permits or certificates specified in **s. 7.1** have been issued.
- 3. **Standards for Development in the Floodfringe District.** The provisions of Subsection (C) above shall apply in addition to the following requirements, according to the proposed use. Any existing structure in the Floodfringe District must meet the requirements of **s. 6.0**, Nonconforming Uses.
 - a. **Residential Uses.** Any existing structure in residential use in the Floodfringe District must meet the requirements of s. 6.0 Nonconforming Uses. Any structure for residential use, including a manufactured home, which is to be newly constructed or moved into the Floodfringe District, shall meet or exceed the following standards:
 - i. All new construction, including placement of manufactured homes, and all substantial improvement of residential structures, shall have the lowest floor elevated to or above the flood protection elevation on fill.

Commented [RS66]: Engineering - Should this reference our Municipal Code 129 as well?

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The fill around the structure shall be one foot or more above the regional flood elevation [for an area](#) extending at least 15 feet beyond the limits of the structure. No area may be removed from the Floodfringe District unless [the resulting condition](#) can be shown to meet [s. 1.5\(5\)](#).

- ii. Notwithstanding Subsection (D)(4)(a) above, a basement or crawlspace floor may be placed at the regional flood elevation if the basement or crawlspace is designed to make all portions of the structure below the flood protection elevation watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. No floor of any kind is allowed below the regional flood elevation.
- iii. Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in subsection (d)(1) through (d)(2) below.
- iv. In developments where existing street or sewer line elevations make compliance with Subsection (4)(c) above impractical, the City of Franklin may permit new development and substantial improvements where roads are below the regional flood elevation, if:
 - a) The City of Franklin Zoning Administrator has [secured](#) written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
 - b) [The City of Franklin has adopted and in place](#) a DNR-approved emergency evacuation plan [applicable to the site](#) that follows acceptable hazard mitigation planning guidelines.
- b. **Accessory Structures and Uses.** In addition to meeting the provisions of Section B, General Standards, new construction and substantial improvements of Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.
- c. **Commercial Uses.** In addition to meeting the provisions of Section B, General Standards, any commercial structure which is erected, altered or moved into the Floodfringe District shall meet the requirements of [s. 4.3\(1\)](#). Subject to the requirements of [s. 4.3\(5\)](#), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- d. **Manufacturing and Industrial Uses.** In addition to meeting the provisions of Section B, General Standards, any manufacturing or industrial structure which is erected, altered or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in s 7.5. Subject to the requirements of [s. 4.3\(5\)](#), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- e. **Storage of Materials.** Materials that are [hazardous](#), buoyant, flammable, explosive, or [potentially](#) injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with [s. 7.5](#). Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.
- f. **Public Utilities, Streets, and Bridges.** All public utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans. [In addition, the following criteria shall apply:](#)
 - i. When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if [they-the proposed improvements](#) are designed to comply with [s. 7.5](#).
 - ii. Minor roads or non-essential utilities may be constructed at lower elevations if ~~they are~~ designed to withstand flood forces to the regional flood elevation.

Commented [RS67]: Engineering - Add hazardous to "buoyant, flammable, explosive..."

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- g. **Sewage Systems.** All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to s. 7.5(3), to the flood protection elevation and meet the provisions of all City of Franklin standards and Chapter SPS 383, Wisconsin Administrative Code.
- h. **Wells.** All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to s. 7.5(3), to the flood protection elevation and shall meet the provisions of Chapters NR 811 and NR 812, Wisconsin Administrative Code.
- i. **Solid Waste Disposal Sites Prohibited.** Disposal of solid or hazardous waste is prohibited in floodfringe areas.
- j. **Deposition of Material.** Any deposition of material must meet all the provisions of this Section.
- k. **Manufactured Homes.**
 - i. Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
 - ii. In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
 - a) have the lowest floor elevated to the flood protection elevation; and
 - b) be anchored so that the manufactured home does not float, collapse or move laterally during a flood
 - iii. Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in s. 4.3(1).
- l. **Mobile Recreational Vehicles.** A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions. All mobile recreational vehicles must be on site for less than one-hundred eighty (180) consecutive days and be either:
 - i. fully licensed and ready for highway use; or
 - ii. shall meet the elevation and anchoring requirements in s. 4.3 (11)(b) and (c).

E. **General Floodplain District (GFP)**

1. **Applicability.** The provisions for the General Floodplain District shall apply to development in all floodplains mapped as A, AO, AH, and in AE zones within which a floodway is not delineated on the Flood Insurance Rate Maps identified in s. 1.5(2)(a).
2. **Floodway Boundaries.** For proposed development in zone A, or in zone AE within which a floodway is not delineated on the Flood Insurance Rate Map identified in s. 1.5(2)(a), the boundaries of the regulatory floodway shall be determined pursuant to s. 5.1(5).
 - a. If the development is proposed to encroach upon the regulatory floodway, the development is subject to the standards of s 3.0.
 - b. If the development is located entirely within the floodfringe, the development is subject to the standards of s. 4.0.
3. **Permitted Uses.** Pursuant to s. 5.1(5) for any application for development, the Zoning Administrator shall determine whether ~~a shall be determined whether the~~ proposed use is located within the floodway or floodfringe. Those uses permitted in the Floodway (Section C) and Floodfringe (Section D) Districts are allowed within the General Floodplain

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District, according to the standards of s. 5.1(4), provided that all permits or certificates required under s. 7.1 have been issued.

4. **Standards for Development in the General Floodplain District.** Any development within the floodway, as determined pursuant to 5.1(5), shall comply with the provisions of Section C, Floodway. Any development within the floodfringe, as determined pursuant to Section 5.1(5), shall comply with the provisions of Section D, Floodfringe.
 - a. New construction and substantial improvement of structures in zone AO shall have the lowest floor, including basement, elevated:
 - i. to or above the depth, in feet, as shown on the FIRM above the highest adjacent natural grade; or
 - ii. if the depth is not specified on the FIRM, to or above two (2) feet above the highest adjacent natural grade.
 - b. New Construction and substantial improvement of structures in zone AH shall have the lowest floor, including basement, elevated to or above the flood protection elevation.
 - c. In AO/AH zones, adequate drainage paths shall be provided to guide floodwaters around structures.
 - d. All development in zones AO and zone AH shall meet the requirements of s. 4.0 applicable to flood fringe areas.
5. **Determination of Floodway and Floodfringe Limits.** Upon receiving an application for development within zone A, or within zone AE where a floodway has not been delineated on the Flood Insurance Rate Maps, the Zoning Administrator shall:
 - a. Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures; and the flood zone as shown on the FIRM.
 - b. Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:
 - i. A Hydrologic and Hydraulic Study as specified in s. 7.1(2)(c).
 - ii. A plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information; and
 - iii. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

F. **Non-Conforming Uses**

1. **Applicability.**

- a. The standards in this section shall apply to all uses and buildings that do not conform to the provisions contained within a floodplain zoning ordinance or with Section 87.30, Wisconsin Statutes, Sections NR 116.12-14, Wisconsin Administrative Code, and 44 CFR 59-72.
- b. These standards shall apply to all modifications or additions to any nonconforming use or structure, and to the use of any structure or premises which was lawful before the passage of this Section or any amendment thereto.
- c. A party asserting existence of a lawfully established nonconforming use or structure has the burden of proving that the use or structure was compliant with the floodplain zoning ordinance in effect at the time the use or structure was created.

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As permit applications are received for additions, modifications, or substantial improvements to nonconforming buildings in the floodplain, the City of Franklin shall develop a list of those nonconforming buildings, their present equalized assessed value and a list of the costs of those activities associated with changes to those buildings.

2. **Continuation of Use.** The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this Section may continue subject to the following conditions:
 - a. No modifications or additions to a nonconforming use or structure shall be permitted unless such modifications or additions comply with applicable provisions of this Section. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use.
 - i. Maintenance is not considered a modification; maintenance shall include painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities.
 - ii. Any costs associated with the repair of a damaged structure shall not be considered maintenance.
 - b. The construction of a deck that does not exceed two-hundred (200) square feet and that is adjacent to the exterior wall of a principal structure shall not be considered an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.
 - c. If a nonconforming use or the use of a nonconforming structure is discontinued for twelve (12) consecutive months, the non-conforming use or use of the non-conforming structure is no longer permitted. Any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this Section.

The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;

- d. No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed fifty (50) percent% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;
- e. No maintenance on a per event basis to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1). Maintenance to any nonconforming structure, which does not exceed 50% of its present equalized assessed value on a per event basis, does not count against the cumulative calculations over the life of the structure for substantial improvement calculations.
- f. If on a per event basis the total value of the work being done under (d) and (e) above equals or exceeds 50% of the present equalized assessed value the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1).
- g. Except as provided in subdivision (h) below, if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, re-constructed, or rebuilt unless the use and the structure meet the current requirements of this Section. A structure is considered substantially damaged if the

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total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.

- h. For nonconforming buildings that are substantially damaged or destroyed by a non-flood [event disaster](#), the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the following minimum requirements are met and all required permits have been granted prior to the start of construction:

- i. **Residential Structures.** [All such residential structures:](#)

- a) Shall have the lowest floor, including basement, elevated to or above the flood protection elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of [s. 7.5\(2\)](#).
- b) Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.
- c) Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- d) In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.
- e) In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in [s. 5.1\(4\)](#).
- f) In AO Zones, have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

- ii. **Nonresidential Structures.** [All such non-residential structures:](#)

- a) Shall meet the requirements of [s. 6.1\(2\)\(h\)1a-f](#).
- b) Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in [s. 7.5 \(1\) or \(2\)](#).
- c) In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in [s. 5.1\(4\)](#).
- d) A nonconforming historic structure may be altered if the alteration does not preclude the structure's continued designation as a historic structure, the alteration will comply with [s. 3.3 \(1\)](#), flood resistant materials are used, and construction practices and floodproofing methods that comply with [s. 7.5](#) are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of [s. 6.1 \(2\)\(h\)1](#) if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

3. **Floodway District.**

- a. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:
 - i. Has been granted a permit or variance [which meets in conformance with](#) all ordinance requirements;
 - ii. Meets the requirements of [s. 6.1](#);

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- iii. Shall not increase the obstruction to flood flows or regional flood height;
 - iv. Any addition to the existing structure shall be floodproofed, pursuant to [s. 7.5](#), by means other than the use of fill, to the flood protection elevation; and
 - v. If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 - a) The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
 - b) The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 - c) Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 - d) The use must be limited to parking, building access or limited storage.
 - vi. No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, [s. 7.5\(3\)](#) and Chapter SPS 383, Wisconsin Administrative Code.
 - vii. No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances, [s. 7.5\(3\)](#) and Chapters NR 811 and NR 812, Wisconsin Administrative Code.
 - b. No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all City of Franklin ordinances, [s. 7.5\(3\)](#) of this Section, and Chapter SPS 383, Wisconsin Administrative Code.
 - c. No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all City of Franklin ordinances, [s. 7.5\(3\)](#), and Chapters NR 811 and NR 812, Wisconsin Administrative Code.
- 4. Floodfringe District**
- a. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality and meets the requirements of [s. 4.3](#) except where [s. 6.3\(2\)](#) is applicable.
 - b. Where compliance with the provisions of [subd. \(1\)](#) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of [Adjustment/Appeals Zoning and Building Appeals](#), using the procedures established in [s. 7.3](#), may grant a variance from those provisions of [subd. \(1\)](#) for modifications or additions using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if [all of the following are met](#):

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- i. No floor is allowed below the regional flood elevation for residential or commercial structures;
 - ii. Human lives are not endangered;
 - iii. Public facilities, such as water or sewer, shall not be installed;
 - iv. Flood depths shall not exceed two feet;
 - v. Flood velocities shall not exceed two feet per second; and
 - vi. The structure shall not be used for storage of materials as described in **s. 4.3(5)**.
- c. All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all City of Franklin ordinances, s. 7.5 (3) and Chapter SPS 383, Wisconsin Administrative Code.
- d. All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this Section, **s. 7.5 (3)** and Chapter NR 811 and NR 812, Wisconsin Administrative Code.

G. Administration

1. Zoning Administrator; Land Use Permits; Certificates of Compliance

- a. Duties and Powers. The Zoning Administrator is authorized to administer this Section and shall have the following duties and powers:
- i. Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications
 - ii. Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate.
 - iii. Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
 - iv. Keep records of all official actions such as:
 - a) All permits issued, inspections made, and work approved;
 - b) Documentation of certified lowest floor and regional flood elevations;
 - c) Floodproofing certificates.
 - d) Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
 - e) All substantial damage assessment reports for floodplain structures in floodplain districts.
 - f) Lists of nonconforming structures and uses.
 - v. Submit copies of the following items to the Department **of Natural Resources** Regional office:
 - a) Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
 - b) Copies of case-by-case analyses and other required information.

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- c) Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
 - vi. Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department [of Natural Resources](#) Regional office.
 - vii. Submit copies of amendments to the FEMA Regional office.
- b. **Land Use Permit.** A land use permit shall be obtained before any development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the Zoning Administrator shall include:
- i. **General Information**
 - a) Name and address of the applicant, property owner and contractor;
 - b) Legal description, proposed use, and whether it is new construction or a modification;
 - ii. **Site Development Plan.**
 - a) A site plan drawn to scale shall be submitted with the permit application form and shall contain:
 - (i) Location, dimensions, area and elevation of the lot;
 - (ii) Location of the ordinary highwater mark of any abutting navigable waterways;
 - (iii) Location of any structures with distances measured from the lot lines and street center lines;
 - (iv) Location of any existing or proposed on-site sewage systems or private water supply systems;
 - (v) Location and elevation of existing or future access roads;
 - (vi) Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
 - (vii) The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study - either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
 - (viii) Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of s. 3.0 or 4.0 are met; and
 - (ix) Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to s. 2.1. This may include any of the information noted in s. 3.3(1).
 - iii. **Hydraulic and Hydrologic Studies**
 - a) All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State of Wisconsin. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Wisconsin Department of Natural Resources.
 - (i) **In Zone A floodplains and in AE zones within which a floodway is not delineated:**
 - 1. **Hydrology:** The appropriate method shall be based on the standards in Chapter NR 116.07(3), Wisconsin Administrative Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.

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2. **Hydraulic modeling:** The regional flood elevation shall be based on the standards in Chapter NR 116.07(4), Wisconsin Administrative Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:
 - a. Determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.
 - b. Channel sections must be surveyed.
 - c. A minimum four-foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
 - d. A maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.
 - e. The most current version of HEC-RAS shall be used.
 - f. A survey of bridge and culvert openings and the top of road is required at each structure.
 - g. Additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.
 - h. Standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.
 - i. The model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.
- (ii) **Mapping.** A work map of the reach studied shall be provided, showing all cross-section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.
 1. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
 2. If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided
- (iii) **In Zone AE Floodplains:**
 1. **Hydrology:** If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on Chapter NR 116.07(3), Wisconsin Administrative Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.

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2. **Hydraulic model:** The regional flood elevation shall be based on the standards in Chapter NR 116.07(4), Wisconsin Administrative Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:
 - a. **Duplicate Effective Model:** The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.
 - b. **Corrected Effective Model:** The Corrected Effective Model shall not include any man-made physical changes since the effective model date but shall import the model into the most current version of HEC-RAS for Department review.
 - c. **Existing (Pre-Project Conditions) Model:** The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.
 - d. **Revised (Post-Project Conditions) Model.** The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.
 - e. All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.
 - f. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and topwidths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.
3. **Mapping.** Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:
 - a. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.
 - b. Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.
 - c. Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.
 - d. If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.
 - e. The revised floodplain boundaries shall tie into the effective floodplain boundaries.

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- f. All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.
 - g. Both the current and proposed floodways shall be shown on the map.
 - h. The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.
 - iv. **Expiration.** All permits issued under the authority of this ordinance shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause. If the permitted work has not started within 180 days of the permit date, the development must comply with any regulation, including any revision to the FIRM or FIS, that took effect after the permit date.
 - c. **Certificate of Compliance.** No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following provisions:
 - i. The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this Section;
 - ii. Application for such certificate shall be concurrent with the application for a land use permit;
 - iii. If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;
 - iv. The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a Wisconsin registered professional engineer or architect that the requirements of s. 7.5 are met.
 - v. Where applicable pursuant to s. 5.1(4), the applicant must submit a certification by a registered Wisconsin professional engineer or surveyor of the elevation of the bottom of the lowest horizontal structural member supporting the lowest floor (excluding pilings or columns), and an indication of whether the structure contains a basement.
 - vi. Where applicable pursuant to s. 5.1(4), the applicant must submit certifications by a Wisconsin registered professional engineer or architect that the structural design and methods of construction meet accepted standards of practice as required by s. 5.1(4).
 - d. **Other Permits.** Prior to obtaining a floodplain development permit the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.
2. **Plan Commission; Role and Responsibilities.**
- a. The Plan Commission of the City of Franklin shall, with respect to this Section:
 - i. Oversee the functions of the office of the zoning administrator; and
 - ii. Review and advise the Common Council body on all proposed amendments to this ordinance, maps and text; and
 - iii. Publish adequate notice pursuant to Chapter 985, Wisconsin Statutes, specifying the date, time, place and subject of any public hearing.
 - b. The Plan Commission of the City of Franklin shall not, with respect to this Section:

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- i. Grant variances to the terms of the ordinance in place of action by the Board of Appeals Zoning and Building Appeals; or
 - ii. Amend the text or zoning maps in place of official action by the governing body.
3. **Board of Zoning and Building Appeals; Role and Responsibilities.** The Board of Zoning and Building Appeals established pursuant to Section 62.23(7)(e) Wisconsin Statutes is hereby authorized or shall be appointed to act for the purposes of this Section. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The Zoning Administrator shall not be the secretary of the Board.
- a. **Powers and Duties.** -The Board of Zoning and Building Appeals shall:
 - i. **Appeals** - Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this Section;
 - ii. **Boundary Disputes** - Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map; and
 - iii. **Variances** - Hear and decide, upon appeal, variances from the ordinance standards.
 - b. **Appeals to the Board of Zoning and Building Appeals.**
 - i. **Standing to Appeal.** Appeals to the board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the Board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the Board all records regarding the matter appealed.
 - ii. **Notice and Hearing for Appeals and Variances.**
 - a) **Notice.** The Board shall:
 - (i) Fix a reasonable time for the hearing;
 - (ii) Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing; and
 - (iii) Assure that notice shall be mailed to the parties in interest and the Wisconsin Department of Natural Resources Regional office at least 10 days in advance of the hearing.
 - b) **Hearing.** Any party may appear in person or by agent. The Board shall:
 - (i) Resolve boundary disputes according to s. 7.3(3);
 - (ii) Decide variance applications according to s. 7.3(4); and
 - (iii) Decide appeals of permit denials according to s. 7.4.
 - c) **Decision.** The final decision regarding the appeal or variance application shall:
 - (i) Be made within a reasonable time;
 - (ii) Be sent to the Department of Natural Resources Regional office within ten (10) days of the decision;
 - (iii) Be issued in the form of a written determination signed by the chairman or secretary of the Board;

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- (iv) State the specific facts which are the basis for the Board's decision;
 - (v) Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application; and
 - (vi) Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings
- c. **Boundary Disputes.** The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:
- i. If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary.
 - ii. The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and
 - iii. If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to **s. 8.0** Amendments.
- d. **Variance.**
- i. The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
 - a) Literal enforcement of the ordinance will cause unnecessary hardship;
 - b) The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises (in which case the ordinance or map must be amended to grant a permit);
 - c) Issuance of the variance is will not result in an outcome or precedent contrary to the public interest; and
 - d) The variance is consistent with the purpose of this ordinance as set forth in Subsection A.
 - ii. In addition to the criteria in Subsection (i) above, to qualify for a variance under FEMA regulations, the Board must find that the following criteria have been met:
 - a) The variance shall not cause any increase in the regional flood elevation;
 - b) The applicant has shown good and sufficient cause for issuance of the variance;
 - c) Failure to grant the variance would result in exceptional hardship;
 - d) Granting the variance will not result in additional threats to public safety, extraordinary expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances; and
 - e) The variance granted is the minimum necessary, considering the flood hazard, to afford relief.
 - iii. A variance shall not:
 - a) Grant, extend or increase any use prohibited in the zoning district;
 - b) Be granted for a hardship based solely on an economic gain or loss;
 - c) Be granted for a hardship which is self-created;

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- d) Damage the rights or property values of other persons in the area;
 - e) Allow actions without the amendments to this ordinance or map(s) required in **s. 8.0**, Amendments; or
 - f) Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
- iv. When a floodplain variance is granted the Board shall notify the applicant in writing that **the authorized action** may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage. A copy of **this notice** shall be maintained with the variance record.
4. **Review of Appeals and Permit Denials.**
- a. The Board of **Zoning and Building** Appeals shall review all data related to the appeal **including, but not limited to: This may include**
 - i. Permit application data listed **in s. 7.1(2)**;
 - ii. Floodway/floodfringe determination data **in s. 5.1(5)**;
 - iii. Data listed in **s. 3.3(1)(b)** in cases where the applicant has not submitted this information to the Zoning Administrator; and
 - iv. Other data submitted with the application or submitted to the Board with the appeal.
 - b. For appeals of all denied permits, the Board shall:
 - i. Follow the procedures of **s. 7.3**;
 - ii. Consider recommendations of the Plan Commission; and
 - iii. Either uphold the denial or grant the appeal.
 - c. For appeals concerning increases in regional flood elevation the Board shall:
 - i. Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements **of s. 8.0** Amendments; **or and**
 - ii. Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.
5. **Floodproofing Standards.**
- a. No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to or above the flood protection elevation and submits a FEMA Floodproofing Certificate. Floodproofing is not an alternative to the development standards set forth in **ss. 2.0, 3.0, 4.0, 5.1, or 5.3**.
 - b. For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:
 - i. Certified by a registered Wisconsin professional engineer or architect; or
 - ii. Meeting or exceeding the following standards:

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- a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
 - b) The bottom of all openings shall be no higher than one-foot above grade; and
 - c) Openings ~~may be~~ equipped with screens, louvers, valves, or other coverings or devices provided that these permit the automatic entry and exit of floodwaters.
- iii. Floodproofing measures shall be designed, as appropriate, to:
- a) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
 - b) Protect structures to the flood protection elevation;
 - c) Anchor structures to foundations to resist flotation and lateral movement;
 - d) Minimize or eliminate infiltration of flood waters;
 - e) Minimize or eliminate discharges into flood waters;
 - f) ~~Placement of~~ Locate essential utilities to or above the flood protection elevation; and
 - g) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 - (i) The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
 - (ii) The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 - (iii) Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 - (iv) The use must be limited to parking, building access or limited storage.

~~7.6 PUBLIC INFORMATION~~

- ~~(1) Place marks on structures to show the depth of inundation during the regional flood.~~
- ~~(2) All maps, engineering data and regulations shall be available and widely distributed.~~
- ~~(3) Real estate transfers should show what floodplain district any real property is in.~~

H. Amendments.

1. **General Provisions.** Obstructions or increases may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with Section H.2 below
 - a. **In AE Zones with a mapped floodway,** no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with **s. 8.1.** Any such alterations must be reviewed and approved by FEMA and the Wisconsin Department of Natural Resources.

Commented [JW68]: FROM JB: n.b. these elements are not zoning requirements. These are recommended actions, and I would leave these OUT of the regulations.

Commented [GU69R68]: Understood and agree. HE

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- b. In **A Zones** increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this Section, the official floodplain maps, floodway lines, and water surface profiles, in accordance with **s. 8.1**.
2. **Action by Common Council.** The Common Council shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in s. 8.2 below. Actions which require an amendment to the ordinance and/ or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:
 - a. Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;
 - b. Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;
 - c. Any changes to any other officially adopted floodplain maps listed in **s. 1.5 (2)(b)**;
 - d. Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
 - e. Correction of discrepancies between the water surface profiles and floodplain maps;
 - f. Any upgrade to a floodplain zoning text required by Section NR 116.05, Wisconsin Administrative Code, or otherwise required by law, or for changes by the City of Franklin; and
 - g. All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.
3. **Procedures.**
 - a. Amendments may be made upon petition of any party according to the provisions of Section 62.23, Wisconsin Statutes. The petitions shall include all data required by **s. 5.1(5) and 7.1(2)**. The Land Use Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.
 - b. The proposed amendment shall be referred to the Plan Commission for a public hearing and recommendation to the Common Council. The amendment and notice of **Common Council** public hearing shall be submitted to the Wisconsin Department of Natural Resources Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of Section 62.23, Wisconsin Statutes.
 - c. No amendments shall become effective until reviewed and approved by the Wisconsin Department of Natural Resources.
 - d. All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.
- I. **Enforcement and Penalties.** Any violation of the provisions of this Section by any person shall be unlawful and shall be referred to the City of Franklin **A**ttorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not more than \$50.00 (fifty dollars), together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the City of Franklin, the State of Wisconsin, or any citizen thereof pursuant to **Section 87.30, Wisconsin Statutes**.

REVIEW GUIDE

Existing Text

New Text

~~Deleted or Moved Text~~

References to be updated

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15-4-01. Residential Use-Specific Standards

A. Community Living, All Capacities.

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1. No community living arrangement shall be established within two thousand five hundred (2,500) feet of any other such facility regardless of its capacity.
2. Foster homes housing four (4) or fewer children and licensed under **Sec. 48.62, Wis. Stats.**, shall not be subject to these provisions.

B. Duplex.

1. Duplexes primary entrances shall be oriented toward the designated front lot line.
2. A minimum of one (1) of the parking spaces, as specified in **Section 16-6-1(E)** of this UDO, shall be provided in an attached or detached garage.
3. Attached garages are encouraged to be located on rear façades. If attached garages are located on the primary façade they shall:
 - a. Not exceed forty-five (45) percent of the façade's total width.
 - b. Be setback a minimum of twenty-five (25) feet from the property line, and
 - c. Be recessed from the primary front façade (excluding porches) of the duplex a minimum of five (5) feet.
4. Exterior building cladding materials shall be time- and weather- tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, precast panels with inlaid or stamped brick texture.

Commented [GU1]: Duplex orientation depends on the building design. This also prevents corner lot duplexes from being oriented separately toward each street. HE

Commented [RS2R1]: We've specified that duplex primary entrances will be oriented toward the designated front lot line.

C. Townhome.

1. Townhomes shall be oriented with their primary entrances either:
 - a. Toward the designated front lot line. The primary entrance of end unit townhomes on corner lots may be oriented toward the designated front or exterior side lot line.
 - b. Toward an internal courtyard space. The primary entrance of end unit townhomes closest to the designated front lot line shall be oriented toward the designated front lot line.
2. Individual townhome units should be articulated through the exterior design of the townhome cluster. This can be accomplished through dormers, porches, vertical design elements, varying roof forms, or other architectural devices.
3. The maximum length of a townhome cluster shall be two hundred (200) lineal feet.
4. The siting of the townhome units in a cluster shall be staggered in order to define street edges, entry points, and public gathering spaces.
5. A minimum of one (1) of the parking spaces, as detailed in **Section ##-#-##** of this UDO as required in **Section 10-5-#** of this UDO, shall be provided in an attached or detached garage.
6. Attached or detached garages shall be located on rear or side façades, unless otherwise approved.
7. Exterior building cladding materials shall be time- and weather-tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, precast panels with inlaid or stamped brick texture.

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D. Multifamily Building.

1. The building's primary façade and principal entrance shall be oriented toward a public street.
2. A maximum of one (1) curb cut allowing vehicular access to the site shall be permitted per street frontage unless otherwise approved by the Zoning Administrator.

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3. All off-street parking, as specified in Section 16-6-1(E) of this UDO, shall be located in the rear and/or interior side of the primary building. Off-street parking located in the interior side yard setback shall be set back a minimum of one (1) foot from the front elevation of the primary building.
4. ADA compliant pedestrian walkways shall be provided to all building entries and parking areas and shall connect to the sidewalk at the street frontage.
5. Service areas, dumpsters, utilities and the required nonvegetative screening of these features shall not be visible from rights-of-way.
6. Multifamily uses shall operate in accordance with all other applicable federal, state, and local laws and, if additional permits are required, such permits were obtained prior to beginning operation.
7. All multifamily buildings shall meet the design standards of Section 11-6-##.

E. Multifamily Complex.

1. Primary Façade.

- a. The primary entrance and front façade of buildings within a multifamily complex shall be oriented towards the following, listed in priority order:
 - I. Perimeter streets.
 - II. Primary internal streets.
 - III. Parks or other common open space.
 - IV. Secondary internal streets, or
 - V. Parking areas only if approved by the Zoning Administrator.
2. Parking shall be integrated into the overall site design to minimize visual impact, reduce the loss of trees, and be visually concealed from public rights-of-way.
- 4.3. ADA compliant pedestrian walkways shall be provided to all building entries and parking areas and shall connect to the sidewalk at the street frontage.

15-4-01-15-4-02. Institutional Use-Specific Standards

A. ~~Cemeteries~~**Cemetery, Human.** Cemeteries for humans shall meet the following requirements.

Commented [RS3]: From Section 15-3.0703(G)

1. ~~State Requirements.~~ All requirements of the Wisconsin State Statutes regarding the interment of human dead shall be met.
- 2.1. ~~Minimum Required Site Area.~~ A minimum required site ~~The minimum lot size for the a entire cemetery site~~ shall be three (3) acres.
- 3.2. ~~Off-Street Parking and Maneuvering of Funeral Corteges.~~ There shall be adequate ~~Adequate space shall be provided~~ within the site for the parking and maneuvering of funeral corteges.
- 4.3. ~~Minimum Interment Setbacks.~~ No ~~All~~ interment shall ~~take place within~~ be set back at least fifty (50) feet ~~of from~~ any adjoining lot line.
4. ~~Minimum Structure Setback.~~ All structures shall be set back ~~a minimum of at least fifty (50)~~ feet from any boundary line of the cemetery property plus two (2) feet for each one (1) foot of structure height over 25 feet to the maximum height permitted by the ~~zoning~~ district in which it is located.

5. ~~All requirements of the Wisconsin State Statutes regarding the interment of human dead shall be met.~~

15-4-03. Place of Assembly Use-Specific Standards
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15-4-02, 15-4-04. Recreation Use-Specific Standards

A. Campgrounds, ~~Travel and Recreational Vehicle Trailer Parks, and Tents.~~

1. ~~Location.~~ All campgrounds, ~~travel and recreational vehicle trailer parks, and tents~~ shall have direct access to an arterial street, ~~however no direct access to an individual site shall be permitted from a public street, which is a federal, state, or county designated highway.~~
2. ~~Minimum Required Site Area.~~ All campgrounds, ~~travel and recreational vehicle trailer parks, and tents~~ shall have a minimum site area of ~~thirty (30)~~ contiguous acres.
3. ~~Trailer and Vehicle Parking Spaces.~~ All trailer and vehicle parking spaces are to be paved with asphaltic concrete.
4. ~~Limitations on Campground Use.~~ No more than ~~fifteen (15) percent~~% of ~~the a~~ travel trailer park ~~site~~ shall be used for campground purposes.
5. ~~Accessory Uses.~~ ~~Accessory uses may be allowed by the City of Franklin as follows:~~ The following accessory uses may be allowed.
 - a. ~~Recreational facilities.~~
 - b. ~~Laundry buildings.~~
 - c. ~~One (1) service retail store (not to exceed 2,000 square feet in total floor area).~~
 - d. ~~A m~~Manager's office and storage buildings, sanitary facilities, and fences, constructed in accordance with all the provisions of this Ordinance and all other applicable City of Franklin regulations.
 - e. ~~No accessory buildings or structures shall be used for human occupancy, except as may be permitted by a Special Use Permit explicitly approved.~~
6. ~~Development and Design Requirements.~~
7. ~~6.~~ A maximum density of 15 ~~units campsites~~ per acre ~~shall be allowed.~~
8. ~~Each unit or site shall be improved with a minimum parking space for the travel trailer or recreational vehicle with a minimum area of 10 feet by 25 feet in addition to the access driveway.~~
9. ~~Vehicle Parking:~~
10. ~~One paved parking space, nine feet by 20 feet shall be located on each site (may be located in front or side yard setback areas).~~
11. ~~Guest parking, one space for each 10 trailer sites, shall be provided off of the interior drives.~~
12. ~~7.~~ ~~Recreation area requirements shall be at a ratio of One hundred (100) square feet of recreation area shall be provided per unit campsite.~~
13. ~~No direct access to an individual site shall be permitted from a public street.~~
14. ~~8.~~ All public utilities shall be placed underground.

Commented [RS4]: From Section 15-3.0703(F)

Commented [RS5]: This seems contradictory to the arterial street requirement.

Commented [GU6R5]: Seems overly restrictive. HE

Commented [RS7]: I'm not sure there's a need to specify this. If RVs will be accommodated, the developer will likely know how to provide RV parking. But it doesn't make sense to require RV parking - what if the campsite is tent camping only?

Commented [GU8R7]: I concur. HE

Commented [RS9]: Move to Parking Requirements.

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15. Minimum bufferyard opacity value of 1.00 is required on all exterior boundaries including street frontage (see Division 15-5.0300 of this Ordinance).

Commented [RS10]: Shall be covered in bufferyard section.

16. Interior landscaping of the park shall require at least one tree per lot, existing or if planted, and the tree shall be a minimum of three inch caliper.

17. Individual travel trailer or recreational vehicle sites development standards:

18. Minimum width: 25 feet.

19. Minimum depth: 45 feet.

20.9. Campground areas of any travel trailer park shall provide a minimum of 500 square for each tent site. A ten foot separation shall be maintained between tents.

21.10. Sanitary Garbage Pickup. In eEvery campground there shall be provided at least one (1) sanitary garbage pickup area on the site. Said garbage pickup area shall be screened from view in accordance with this Ordinance and all other applicable City regulations.

11. Compliance with Regulations. All campgrounds shall comply with all State and local regulations.

15-4-05. Lodging Use-Specific Standards

A. Lodging House.

- 1. The property must be developed, maintained, and operated so that the principal building, accessory buildings, yard, drive, and street frontage complement the appearance and character of its adjacent neighborhood and do not detract from abutting properties.
2. Cooking facilities shall not be permitted in any of the quest rooms.
3. The Zoning Administrator may require a lodging house to be screened from abutting residential properties by the erection and maintenance of a Transition Area per Section 11-60#, the type of which shall be determined by the Zoning Administrator.
4. The principal use is for lodging with accessory uses such as catering or events venue requiring temporary use permit.

B. Short-Term Rental.

- 1. A maximum of two (2) adult quests per bedroom shall be allowed.
2. The duration of quest stay shall be a minimum of three (3) days and a maximum of thirty (30) days.
3. A residence may be utilized as a short-term rental for a maximum of one hundred eighty (180) days per calendar year.
4.4. The residential dwelling in which short term rental operates shall be the primary residence of the property owner.
2.5. Short-term rentals shall be subject to the hotel tax provisions established in Chapter 138-25 of the City of Franklin Code of Ordinances.

Commented [RS11]: Question for Task Force. How would the City prefer to regulate duration of stay, number of days per calendar year, and maximum bedrooms?

Commented [GU12]: Most of the standards for short-term rentals will have to be hashed out above staff. It probably should be included that STR are required to comply with the hotel tax provisions codified in Chapter 138 (Sect. 138-25) of Municipal Code. HE

15-4-06. Retail Use-Specific Standards

A. Adult Establishment.

- 1. Adult-oriented establishments shall not locate within at least one-thousand (1,000) feet from of any parcel in a residential district or with an existing use classified in the following categories.

Commented [RS13]: From Existing Section 15-6.0102

- a. Residential.
 - b. Institutional.
 - c. Place of Assembly.
 - d. Lodging.
 - e. Eating and drinking.
2. Adult establishments shall locate at least one thousand (1,000) feet from another adult establishment.
 3. A Type D Bufferyard shall be provided along all property lines shared with an existing use categorized in subsection (A)(1) or when adjoining a residential district.
 4. The hours of operation shall be limited to between 11:30 am and 1:00 am, except for cleaning and maintenance activities necessary for the property's operation, which may occur after the hours specified in this subsection.
 5. No amplified sound equipment audible outside the principal building shall be allowed.
 6. Adult uses shall comply with all federal, state, county, and local laws, rules, and regulations, as amended, residential district, any public or private school, child care center, church, religious institution, or any public park, and shall not locate within 1,000 feet of any tavern entertainment licensed premises or any other adult-oriented establishment

15-4-07. Service Use-Specific Standards

- A. ~~Animal Hospitals and Animal Boarding Facility/Kennel and/or Veterinary Clinics Services.~~ Animal hospitals and veterinary clinics shall meet the following requirements:

Commented [RS14]: From Section 15-3.0703(B)

1. No livestock or large animals shall be boarded, treated, or kept on the premises.
2. Buildings shall be located no closer than seventy-five (75) feet from any adjacent residential property.
3. Enclosed exercise areas shall be at least one-hundred fifty (150) feet from any residential property. All exercise areas shall be enclosed by a fence and adjacent to the principal building.
4. All litter and waste shall be contained and controlled on site by having appropriate flushing drains and other physical elements to properly dispose of cleaning waste from the boarding area. Solid waste shall be removed from outdoor areas after each use of the area.
5. ~~Activities to be Conducted within Enclosed Building.~~ All activities, except animal exercise areas, shall be conducted within an enclosed building designed with noise resistant materials and which allows for adequate ventilation.
6. Drainage from outdoor areas shall be directed to gravel, grassed, or other planted areas in a manner that prevents direct discharge to storm drain inlets and surface waters.
7. Solid waste will be removed from the outdoor area after each use of the area.
8. All outdoor areas shall be screened with a solid opaque fence or wall at least six (6) feet in height. Slatted chain link fences shall not meet this requirement.
- 4.9. Use of outdoor exercise areas between the hours of 10:00 pm and 7:00 am is prohibited.
4. ~~Minimum Building Distance from Adjoining Residential Zoning District.~~ Buildings housing animal hospitals and veterinary clinics which are fully enclosed, shall be located no closer than 75 feet from any adjacent residential zoning

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~~district. Buildings housing animal hospitals or veterinary clinics which are not fully enclosed, shall be located no closer than 150 feet from any adjacent residential zoning district.~~

- ~~2. **Enclosed Exercise Areas.** Enclosed exercise areas shall be not less than 100 feet from any residential zoning district. The operator of the animal hospital or veterinary clinic shall be responsible for using good management practices to discourage undesirable odors, insects, and excessive noise. All exercise areas shall be enclosed by a fence and adjacent to the principal building.~~

Commented [RS15]: It says above that all buildings should be fully enclosed.

15-4-08. Eating and Drinking Use-Specific Standards

A. Food Truck Court.

1. The maximum number of food trucks allowed on site shall depend on the size of the lot and site's ability to provide required electrical access and parking. Site plans shall be provided to the City for review before permitting.
2. A minimum of ten (10) feet of clearance shall be provided between food truck stalls.
3. Food truck stalls shall be clearly defined and separated from all patron parking with an enclosure. Any use of fencing or planters to separate the food truck park from parking shall provide visibility into the site and shall not exceed four (4) feet in height.
4. Food truck courts are encouraged to create an inviting and attractive aesthetic environment and shall include seating and shade elements.
5. A minimum of (2) permanent restrooms that meet ADA standards shall be made accessible to patrons within two hundred (200) feet of the food truck court during hours of operation.
4. A food truck court shall not be located less than one thousand five hundred (1,500) feet from any other food truck court, as measured from the property line.
6. Electrical service shall be provided to each food truck.
- 2-7. A minimum of one (1) trash receptacle and one (1) recycling receptacle shall be provided per food truck. The food truck park shall also provide a commercial dumpster outside of the designated patron area for waste disposal. The dumpster shall be screened in accordance with Section 11-60#.

15-4-03-15-4-09. Vehicle-Related Use-Specific Standards

A. Auto Sales/Rental and Service.

1. All outdoor display areas for sales, rental, and service shall be improved with all-weather surfaces.
2. Parking lots used for the outdoor display of motor vehicles for sale and/or rent shall be exempt from the landscape spacing requirements for the parking area perimeter zone, as detailed in Section 11-60#, and instead may cluster required landscape elements to preserve views to motor vehicles offered for sale and/or rent.
3. No vehicles shall be parked within the public right-of-way.
4. Repair bays shall not front adjacent public rights-of-way or face a parcel with a residential use or in a residential district.
5. No more than one (1) elevated display shall be used, raising the vehicle no more than three (3) feet off the ground.
6. Accessory uses and structures, such as car wash facilities and their incidental functions (vacuums and air compressors) shall be set back at least fifty (50) feet from public rights-of-way or a residential use or district.

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7. No existing buildings shall be occupied or re-used for vehicle sales, rental and service unless all requirements of this UDO are met. The use shall operate in accordance with all other applicable federal, state, and local laws. If additional permits are required, such permits shall be obtained prior to the operation's approval.
8. Drainage from outdoor storage and/or activity areas shall be directed to gravel, grassed, or other planted areas in a manner that prevents direct discharge to storm drain inlets and surface waters.
9. Measures for containment of potentially contaminated runoff from vehicle-related activities shall be incorporated into the site plan and drainage plan to ensure that contaminated runoff does not reach storm drains or surface waters.
10. The City Engineer shall review plans to ensure sufficient measures, including grading and where necessary oil/water separation or equivalent structures, have been incorporated into the site plan to comply with Section 13.

B. Carwash.

1. Hours of operation shall be restricted to between 7am and 10pm.
2. All car wash facilities and accessory equipment such as vacuums, dryers, and accessory buildings and structures shall be set back a minimum of two hundred (200) feet from any parcel with an existing residential use or in a residential district. Such facilities and equipment shall be enclosed within a building, except for self-service vacuum units.
3. If self-service vacuum facilities are provided, a minimum of one (1) parking space for each vehicle capable of being serviced at any one time at such vacuum facility shall be provided. Such parking spaces for accessory vacuum facilities shall not interfere with circulation or entrance or exit drives.
4. Accessory equipment such as vacuum facilities shall be set back a minimum of twenty (20) feet from all property lines.
5. All full-service or conveyor-based carwash facilities shall be equipped with a water recycling system that shall recycle a minimum of fifty (50) percent of the water being used by the facility
6. Drainage from outdoor storage and/or activity areas shall be directed to gravel, grassed, or other planted areas in a manner that prevents direct discharge to storm drain inlets and surface waters.
7. Measures for containment of potentially contaminated runoff from vehicle-related activities shall be incorporated into the site plan and drainage plan to ensure that contaminated runoff does not reach storm drains or surface waters.
8. The City Engineer shall review plans to ensure sufficient measures, including grading and where necessary oil/water separation or equivalent structures, have been incorporated into the site plan to comply with Section 13.

B.C. Repair ServicesMajor Automotive Repair. All repair services shall be performed within a completely enclosed building and shall meet the following requirements:

1. A Type C transition area, as detailed in Section 11-60#, shall be required along lot lines adjacent to any parcel in a nonresidential district.
2. A Type D transition area, as detailed in Section 11-60#, shall be required along lot lines adjacent to any parcel in a residential district.
3. All vehicle repair activities shall be within a completely enclosed building.
1. ~~No more than the required off-street parking set forth under the provisions of § 15-5.0203 shall be allowed.~~
- 2.4. All storage of vehicles awaiting needed parts shall be within the building or in an enclosed or screened-in yard.
- 3.5. All damaged or nonoperable parts shall be stored indoors until removed from the premises.
6. ~~An automotive repair facility shall store a~~ All vehicle parts within a completely enclosed building.

- 4.7. ~~Service bay entrances shall not front a public right-of-way unless specifically approved.~~
- 8. ~~The maximum allowable number of tow trucks which can be parked at the site shall be determined by the Plan Commission as a condition of approval of the Special-Conditional Use Permit.~~
- 9. ~~Drainage from outdoor storage and/or activity major automotive repair areas shall be directed to gravel, grassed, or other planted areas in a manner that prevents direct discharge to storm drain inlets and surface waters. Hours of Operation. Hours of operation shall be established by the Common Council.~~
- 10. ~~Measures for containment of potentially contaminated runoff from vehicle-related activities shall be incorporated into the site plan and drainage plan to ensure that contaminated runoff does not reach storm drains or surface waters.~~
- 5.11. ~~The City Engineer shall review plans to ensure sufficient measures, including grading and where necessary oil/water separation or equivalent structures, have been incorporated into the site plan to comply with Section (10).~~

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D. ~~Gas Stations Vehicle Fuel Sales. (including Automotive Repair Facilities and Gas Stations with Automotive Repair Facilities).~~ Gas stations, gas stations with automotive repair facilities, and automotive repair facilities shall meet the following requirements:

Commented [RS16]: From existing Section 15-3.0703(M)

- 1. ~~Direct Access to Arterial Streets Required.~~ All gas ~~fuel sales~~ stations shall have direct access to an arterial or collector street, which is a Federal, state, or county designated highway, except where it is part of a nonresidential development where access is provided by a parallel access road or reverse frontage road where nonresidential uses will be on both sides of the street.
- 2. ~~Required Additional Landscape Bufferyard When Abutting Residential Zoning Districts.~~ When abutting a residential zoning district, gas stations shall provide an additional 0.3 bufferyard opacity value to that already required under the provisions set forth in § 15-5.0300 of this Ordinance.

Commented [RS17]: Will be covered in Article 6.

E. ~~Screening of All Loading, Storage, and Garbage or Waste Facilities.~~ All loading, storage, and garbage or waste facilities shall be fully enclosed and screened from view within a fully enclosed masonry wall eight feet in height. Under no circumstances, however, shall such requirements be less than those specified elsewhere in this Ordinance.

Commented [RS18]: Will be covered in Article 6.

- 1. ~~Architectural Design.~~ All gas stations adjoining residential uses and zoning districts shall have pitched roofs matching the roof lines of adjoining residential structures. The buildings shall use the same architectural materials on all sides of the building.
- 2. ~~Fuel Pump Location.~~ Any fuel pumps, underground fuel storage tanks, and islands, shall be at least fifty (50) feet from any street or abutting lot line and meet all other State of Wisconsin regulations.

~~Fuel Pump Canopies:~~

- 3. ~~All fuel pumps shall be set back a minimum of twenty-five (25) feet from the street right-of-way and side or rear lot lines.~~
- 4. ~~All fuel pump canopies shall be located a minimum of twenty (20) feet from the street right-of-way and side or rear lot lines.~~
- 5. ~~All fuel pumps and fuel pump canopies shall be located a minimum of fifty (50) feet from any residential district boundary line.~~
- 6. ~~Fuel pump canopies shall have a maximum height of twenty-five (25) feet.~~
- 7. ~~Fuel pump canopy columns shall be clad in masonry, stucco, fiber cement, or stone veneer systems with a minimum thickness of three (3) inches, for a minimum of four (4) feet from the base of the column.~~
- 8. ~~Fuel pump canopies shall be lit with only fully recessed lighting.~~

9. A Type B transition area, as detailed in Section 11-60#, shall be required along lot lines adjacent to any parcel in a nonresidential district.
10. A Type D transition area, as detailed in Section 11-60#, shall be required along lot lines adjacent to any parcel in a residential district.
2. —
3. ~~Canopies. The canopies~~Fuel pump canopies ~~provided over the pump islands of gas stations with gas pumps shall meet the yard requirements of a principal structure. In addition:~~
4. ~~Obstruction of Visibility at Rights-of-Way Prohibited. The canopy shall not block visibility at intersections of rights-of-way or drives.~~
5. ~~Zoning District Front Yard Requirements Shall Be Met. All pump islands, their surrounding structures, and the canopy overhang shall meet the zoning district's front yard requirement.~~
6. ~~Canopies to be Counted Towards Maximum Permitted GFAR and NFAR. All canopies shall be counted towards the maximum permitted gross floor area ratio (GFAR) and maximum net floor area ratio (NFAR) of the nonresidential zoning in which the canopy is to be constructed.~~
7. ~~Maximum Height. Under no circumstances shall the canopy be higher than 25 feet.~~
8. ~~11. Signs Not Permitted. No signs shall be permitted on fuel pump canopy roofs or fascia.~~
12. ~~Lighting. The off-street parking and fueling area may be illuminated. Total cut-off of light shall be at an angle of less than 90° and shall be located so that the bare light bulb, lamp, or light source is completely shielded from the direct view of an observer five feet above the ground at the point where the cut-off angle intersects the ground and so that no light can be viewed from any abutting residential zoning districts. Maximum footcandle levels allowed are set forth in Division 15-5.0400 of this Ordinance for the zoning district in which the gas station is located. Drainage from vehicle fuel sales areas shall be directed to gravel, grassed, or other planted areas in a manner that prevents direct discharge to storm drain inlets and surface waters.~~
13. ~~Measures for containment of potentially contaminated runoff from vehicle-related activities shall be incorporated into the site plan and drainage plan to ensure that contaminated runoff does not reach storm drains or surface waters.~~
9. ~~14. The City Engineer shall review plans to ensure sufficient measures, including grading and where necessary oil/water separation or equivalent structures, have been incorporated into the site plan to comply with Section (13).~~

15-4-04-15-4-10. Agricultural Use-Specific Standards

- A. ~~Outdoor Nursery and Garden Sales Nursery, Retail. Outdoor nursery and garden sales shall meet the following requirements:~~

~~Outdoor Sales of Merchandise to be Accessory to Enclosed Building. There shall be an enclosed building with outdoor sales of merchandise accessory to said building.~~

~~No Outdoor Display Permitted Not Accessory to Enclosed Building. No outdoor display shall be permitted which is not accessory to an enclosed building.~~

A.

1. ~~The Maximum Area of Outdoor Sales. The overall area of any outdoor sales accessory use shall not exceed the area of the principal enclosed building.~~
4. ~~2. All retail nurseries shall comply with Chapter 183 Orderly Conduct of the City of Franklin Municipal Code.~~

Commented [RS19]: Add a reference to Chapter 183 of the municipal code.

Commented [RS20]: From 15-3.0703(U)

15-4-11. Industrial Use-Specific Standards

A. Artisan Manufacturing.

1. Gross floor area shall not exceed five thousand (5,000) square feet.
2. Outdoor storage shall be prohibited.
3. Outdoor operations or activities may be approved with a temporary use permit.
4. Artisan manufacturing shall not create or cause any perceptible noise, odor, smoke, electrical interference, or vibrations that constitute a public or private nuisance to neighboring properties.
5. Retail sales of goods manufactured on-site shall be required and shall comprise a minimum of ten (10) percent of the total area of the building. Retail sales areas shall be located on the ground floor and shall be directly adjacent to storefront windows.
6. Manufacturing areas are encouraged to be visible from retail areas.
7. A maximum of one (1) residential unit shall be permitted within the same unit/leasable area as the artisan manufacturing use but shall be limited to twenty-five (25) percent of the total area of the building.

A.B. Landfill and Disposal Uses. ~~The following shall be considered landfill and disposal operations: solid waste disposal facility, landfills, trash transfer sites, incinerators, sludge or other land disposal, storage of septic tank wastes or sludges, trash, and recycling facilities. When applying for a Special Use Permit or zoning district change, the applicant shall provide the following plans and information in addition to what is otherwise required for a Special Use Permit:~~

1. ~~Plans or Data Required.~~

- a. ~~A full set of all documentation and plans required for such uses as set forth in Chapters NR 504 and 510 of the Wisconsin Administrative Code as amended for the type of facility requested.~~
- b. ~~The widths, bearing capacity, type of road surface of all City of Franklin or County roads used by truck traffic to or from the site and of the nearest state trunk highways; and the weight of the vehicles using the facility. An analysis shall indicate the improvements needed to bring these roads up to adequate standards to accommodate the weight of vehicles using the facility.~~

2.1. Performance Criteria and Standards.

- a. All City of Franklin or County roads to be used to service the site shall be ~~re~~constructed to meet the City of Franklin, Milwaukee County, and or Wisconsin Department of Transportation standards ~~(whichever is applicable as determined by the City of Franklin)~~ appropriate for the weight of the trucks using the facility prior to the operation of the facility.
- b. A bond written by a licensed surety company, a certified check, letter of credit, or other financial guarantee in an amount sufficient to cover the costs associated with the repair of the affected road(s) to standard upon closure or if the road deteriorates due to the traffic to the facility shall be provided. ~~Such agreement and financial guarantee shall be in a form approved by the City Attorney.~~
- c. An additional three (3) feet of final cover shall be required ~~above the minimums provided in addition to the amount required in the by~~ Wisconsin Administrative Code, and the facility shall be landscaped in approved ground cover of prairie plantings as determined appropriate by the City of Franklin.
- d. The disposal operation shall be conditioned on approval by those state agencies having authority for such approval, and the use shall meet all applicable federal, Milwaukee County, and City of Franklin requirements.

Commented [RS21]: From Section 15-3.0703(S)

Commented [RS22]: This should be covered in the definitions.

Commented [RS23]: Move to application requirements,

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~~2. **Negotiation and Arbitration Required.**—The City of Franklin shall enter into negotiation and arbitration procedures as set forth in Chapter 144.445 of the Wisconsin Statutes as amended for the approval of a solid waste disposal facility or expansion thereof.~~

C. Self-Service Storage Facility.

- ~~1. Outdoor storage, with the exception of recreational vehicles, boats, and other recreational equipment as regulated in subsection 2 below, shall be prohibited.~~
- ~~2. Outdoor storage of recreational vehicles, boats, and other recreational equipment shall be allowed if screened with a solid wall or opaque fence constructed from materials approved by the Zoning Administrator and not less than six (6) feet or more than eight (8) feet in height in areas visible from an existing or proposed arterial roadway or from a property in any district other than the LI District.~~
- ~~3. The storing of hazardous or toxic materials is prohibited.~~
- ~~3.4. No storage space shall be used for residential occupancy, business sales or operation, the storage of commercial or industrial inventory or raw materials, or the operation of machinery.~~

15-4-05-15-4-12. Utility and Transportation Use-Specific Standards

A. ~~**Airport/Heliports.** Heliports shall meet the following requirements:~~

- ~~1. The site shall be at least fifteen (15) contiguous acres in area.~~
- ~~1.2. Minimum Site Size. The area proposed for this use ~~The site~~ shall be sufficient in size, ~~and the site shall otherwise be adequate~~ to meet the standards for the type of facility proposed of the Federal Aviation Administration and the Department of Transportation in accordance with their published ~~Rules-rules~~ and ~~Regulations-regulations~~. ~~In no case, shall a site be less than 15 contiguous acres in area.~~~~
- ~~3. Location of Landing Area on the Site. Any proposed landing area shall be situated so that any structures, high voltage power lines, towers, chimneys, and natural obstructions within the approach zones, shall comply with regulations for height restrictions in airport approach zones of the Federal Aviation Administration, Wisconsin Division of Aeronautics, or other airport authority qualified ~~by law~~ to establish ~~hazard~~-zoning regulations.~~
- ~~4. No planned approach areas shall be permitted over parcels with existing residential uses or planned residential uses, according to the City of Franklin's Comprehensive Plan over proposed residential areas.~~
- ~~2.5. Landing and take-off areas shall be at least located a minimum of one hundred fifty (150) feet from any zoning lot boundary and a minimum of at least five hundred (500) feet from any dwelling unit or residential zoning district.~~
- ~~3. Required Off-Street Parking. In addition to those off-street parking requirements set forth in Division 15-5.0200 of this Ordinance, one space for every helicopter space within a hangar or enclosed aircraft storage area, plus one space for every aircraft tie-down space, plus one space for every two employees shall be required.~~
- ~~4.6. Minimum Required Setbacks. Any ~~b~~Hangars, repair facilities, or other airport/heliport buildings ~~uilding, hangar, or other structure~~ shall be at least one hundred (100) feet from any street right-of-way line and ~~Hangars and repair facilities shall be set back at least one hundred fifty (150) feet from any zoning lot boundary and all other buildings shall be set back at least 50 feet from any zoning lot boundary lot boundary~~~~
- ~~5.7. Repairs. All repair of airplanes and ~~machinery shall be done~~ mechanical equipment shall take place inside enclosed hangars.~~
- ~~6.8. Limitations on the Location of Nearby Residential Structures. Residential uses shall not be located within the approach path ~~or within the 65 Ldn~~ unless measures to achieve a noise level reduction of 25 dBA (outdoor to indoor) are incorporated into the design and construction of the residential structures.~~

Commented [RS24]: From Section 15-3.0703(O)

Commented [RS25]: Move to parking requirements if deemed still applicable.

Commented [RS26]: Redundant with (4) above.

~~7.9. Applicable Federal, State, and Local Regulations to be Met.~~ Heliports shall meet all applicable Federal, state and local regulations.

B. **Helistops.** Helistops shall meet the following requirements:

Commented [RS27]: From Section 15-3.0703(P)

- ~~1. Minimum Site Size.~~ ~~The area proposed for this use~~The site shall be sufficient in size and the site shall otherwise be adequate to meet the ~~standards, rules and regulations for the type of facility proposed of established by~~ the Federal Aviation Administration and the Department of Transportation ~~in accordance with their published Rules and Regulations.~~
- ~~2. Landing and take-off areas shall be located a minimum of one-hundred fifty (150) feet from any parcel boundary and a minimum of five hundred (500) feet from any residential parcel boundary.~~
- ~~3. Location of Landing Area on the Site.~~ Any proposed landing areaLanding areas shall be situated so that any structures, high voltage power lines, towers, chimneys, and natural obstructions within the approach zones, shall comply with regulations for height restrictions in airport approach zones of the Federal Aviation Administration, Wisconsin Division of Aeronautics, or other airport authority qualified by law to establish hazard zoning regulations. ~~Landing and take-off areas shall be located a minimum of 150 feet from any zoning lot boundary and a minimum of 500 feet from any dwelling unit or residential zoning district.~~
- ~~3.4. Limitations on the Location of Nearby Residential Structures.~~ ~~No planned approach areas shall be permitted over parcels with existing residential uses or planned residential uses, according to the City of Franklin's Comprehensive Plan. Residential uses shall not be located within the approach path or within the 65 Ldn unless measures to achieve a noise level reduction of 25 dBA (outdoor to indoor) are incorporated into the design and construction of the residential structures.~~
- ~~5. Applicable Federal, State, and Local Regulations to be Met.~~ Heliports shall meet all applicable Federal, state and local regulations.

C. **Solar Farm.**

- ~~1. Properties on which a public utility owns or leases the land shall be exempt from the standards for solar farms.~~
- ~~2. No solar farm shall be erected on any lot less than four (4) acres in size.~~
- ~~3. A certified professional engineer shall certify that the foundation and design on the solar panels are within accepted professional standards, given local soil and climate conditions.~~
- ~~4. Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground.~~
- ~~5. Systems, equipment, and structures shall not exceed thirty feet (30) in height when ground mounted.~~
- ~~6. Ground mounted solar energy collection systems as part of a solar farm shall have a minimum setback for all equipment, excluding fences, of:~~
 - ~~a. Front and Exterior Side Yards: one hundred (100) feet,~~
 - ~~b. Rear and Interior Yards: fifty (50) feet from nonresidential property lines and one hundred (100) feet from residential property lines.~~
- ~~7. Systems equipment and structures shall be fully enclosed and secured by a fence or wall with a height of eight (8) feet. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.~~
 - ~~a. Warnings.~~

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- i. Warning signs shall be provided at the entrance to the facility and along the perimeter of the solar farm in locations determined necessary by the Zoning Administrator.
- ii. The signs shall be made with letters and numbers at least three (3) inches in height and shall include the 911 address and an emergency phone number of the operator which shall be answered twenty-four (24) hours a day by a live operator. A nonemergency phone number for the operator shall also be displayed. These phone numbers shall remain active with all calls being voice recorded for verification purposes and with comments and complaints logged and reported to the City monthly. The recorded calls shall be maintained for at least twelve (12) months.

8. **Outdoor Storage.** Only the outdoor storage of materials, vehicles, and equipment that directly support the operation and maintenance of the solar farm shall be allowed except for outdoor storage that is expressly allowed in the zoning district specified elsewhere in this title.

9. **Materials Handling, Storage, and Disposal.**

- a. All solid wastes related to the construction, operation, and maintenance of the solar farm shall be removed from the site promptly and disposed of in accordance with all federal, state, and local laws.
- b. A list of hazardous fluids that may be used on site shall be provided. All hazardous materials related to the construction, operation, and maintenance of the solar farm shall be handled, stored, transported, and disposed of in accordance with all applicable local, state and federal laws.

10. **Decommissioning Plan.** Prior to receiving approval, the applicant shall submit a decommissioning plan to ensure that the solar farm project is properly decommissioned, which shall include:

- a. Provisions describing the triggering events for decommissioning the solar farm project. Any nonfunctioning solar panel/array of the project shall be decommissioned within thirty (30) days unless the operator has shown to the Zoning Administrator that it is diligently repairing such solar panel/array or component.
- b. Procedures for the removal of structures, debris, and cabling, including those below the soil surface.
- c. Provisions for the restoration of the natural soil and vegetation.
- d. An estimate of the decommissioning costs certified by a professional engineer, to be updated every three (3) years or as determined necessary by the Zoning Administrator. The Zoning Administrator may request an independent third-party verification of the decommissioning costs at any time. The costs for this verification shall be reimbursed by the applicant and/or operator.
- e. Financial assurance, secured by the owner or operator, for the purpose of performing the decommissioning, in an amount equal to the professional engineer's certified estimate of the decommissioning cost.

11. A provision that the terms of the decommissioning plan shall be binding upon the owner or operator and any of his successors, assigns, or heirs.

D. **Wind Farm.**

- 1. Public utilities shall be exempt from the standards for wind farms.
- 2. No wind farm shall be erected on any lot less than four (4) acres in size.

3. **Design and Installation.**

a. **Safety Certification.**

- i. Wind farm systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI). Applicants shall submit certificates of design compliance that equipment

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manufacturers have obtained from Underwriters Laboratories (UL), Det Norske Veritas (DNV), Germanischer Lloyd Wind Energic (GL), or an equivalent third party prior to plan approval.

ii. Following plan approval, a professional engineer shall certify, as part of the building permit application, that the foundation and tower design of the wind farm system is within accepted professional standards, given local soil and climate conditions.

b. **Controls and Brakes.** All wind farm systems shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

c. **Electrical Components.** All electrical components of the wind farm systems shall conform to applicable local, state, and national codes, and relevant national and international standards (e.g., ANSI and international electrical commission). Utility lines connecting the towers, substations, etc., shall be placed underground where practical.

d. **Turbine Consistency.** To the extent feasible, the project shall consist of turbines of similar design and size, including tower height. Further, all turbines shall rotate in the same direction.

e. **Warnings.**

i. A reasonable visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

ii. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of fifteen (15) feet from the ground.

iii. Warning signs shall be provided at the entrance to the facility and along the perimeter of the solar farm in locations determined necessary by the Zoning Administrator.

iv. The signs shall be made with letters and numbers at least three (3) inches in height and shall include the 911 address and an emergency phone number of the operator which shall be answered twenty-four (24) hours a day by a live operator. A nonemergency phone number for the operator shall also be displayed. These phone numbers shall remain active with all calls being voice recorded for verification purposes and with comments and complaints logged and reported to the Zoning Administrator monthly. The recorded calls shall be maintained for at least twelve (12) months.

f. **Climb Prevention.** All wind farm towers must be unclimbable by design or protected by anti-climbing devices such as:

i. Fences with locking portals at least six (6) feet high, or

ii. Anti-climbing devices twelve (12) feet vertically from the base of the wind farm tower.

g. **Setbacks.** Wind farm towers and appurtenant structures shall meet the following minimum setbacks.

i. Wind farm towers shall be six (6) times the height of the wind farm tower or at least three thousand, two hundred fifty (3,250) feet, whichever is greater, from any principal structure or use on the subject or neighboring property.

ii. Wind farm towers shall be one and one-tenth (1.10) times the wind farm tower height from public roads, third party transmission lines, and communication towers.

iii. Wind farm towers shall be one thousand six hundred forty (1,640) feet from adjacent property lines, as measured from the center of the wind farm tower foundation.

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- iv. No part of a wind farm tower or foundation shall encroach on a public or private sewage disposal (septic) system
- v. Above ground transmission facilities and poles shall be set back one-hundred fifty (150) feet from any portion any principal structure or use on the subject or neighboring property.
- h. **Use of Public Roads.** An applicant, owner, or operator proposing to use any City or County Road for the purpose of transporting and installation of wind farm or substation parts and/or equipment for construction, operation, or maintenance of the wind farm or substations, shall:
 - i. Identify all such public roads, and
 - ii. Obtain applicable weight and size permits from relevant government agencies prior to construction.
 - iii. To the extent an applicant, owner, or operator must obtain a weight or size permit from the City, County, or State, the applicant shall provide:
 - a) Financial assurance, in a reasonable amount agreed to by the relevant parties, for the purpose of repairing any damage to public roads caused by constructing, operating, or maintaining the wind farm prior to the issuance of building permits.
 - b) A signed copy of any agreements pertaining to the use of public roads prior to the issuance of building permits.
- i. **Outdoor Storage.** Only the outdoor storage of materials, vehicles, and equipment that directly support the operation and maintenance of the wind farm shall be allowed except for outdoor storage that is expressly allowed in the zoning district specified elsewhere in this title.

4. **Operation.**

a. **Maintenance.**

- i. The owner or operator of the wind farm must submit, upon request a summary of the operation and maintenance reports to the county. In addition to the annual summary mentioned in this subsection, the owner or operator must furnish such operation and maintenance reports as the City reasonably requests.
- ii. Any replacement of equipment that is not a like-kind replacement using the same equipment in plan as approved shall require that an amendment to the Conditional Use.

b. **Materials Handling, Storage, and Disposal.**

- i. All solid wastes related to the construction, operation, and maintenance of the wind farm shall be removed from the site promptly and disposed of in accordance with all federal, state, and local laws.
- ii. A list of hazardous fluids that may be used on site shall be provided. All hazardous materials related to the construction, operation, and maintenance of the wind farm shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.

c. **Decommissioning Plan.** Prior to receiving approval, the applicant shall submit a decommissioning plan to ensure that the wind farm project is properly decommissioned, which shall include:

- i. Provisions describing the triggering events for decommissioning the wind farm project. Any nonfunctioning wind turbine of the project shall be decommissioned within thirty (30) days unless the operator has shown to the Zoning Administrator that it is diligently repairing such wind turbine or component.
- ii. Procedures for the removal of structures, debris, and cabling, including those below the soil surface.

- iii. Provisions for the restoration of the natural soil and vegetation.
- iv. An estimate of the decommissioning costs certified by a professional engineer, to be updated every three (3) years or as determined necessary by the Zoning Administrator. The Zoning Administrator may request an independent third-party verification of the decommissioning costs at any time. The costs for this verification shall be reimbursed by the applicant and/or operator.
- v. Financial assurance, secured by the owner or operator, for the purpose of performing the decommissioning, in an amount equal to the professional engineer's certified estimate of the decommissioning cost.
- vi. A provision that the terms of the decommissioning plan shall be binding upon the owner or operator and any of his successors, assigns, or heirs.

15-4-06-15-4-13. Accessory Use-Specific Standards

A. Accessory Building.

- 1. One (1) accessory building shall be permitted per lot.
- 2. **Maximum Size.**
 - a. Accessory buildings on properties forty thousand (40,000) square feet in area or less shall not exceed seven hundred twenty (720) square feet in size.
 - b. Accessory buildings on properties forty thousand (40,000) square feet in area or more shall not exceed nine hundred (900) square feet in size.
- 3. An accessory building shall have a maximum height of seventeen (17) feet or the height of the principal building, whichever is less.
- 4. An accessory building shall be located either:
 - a. Completely within the required rear yard and at least five (5) feet from lot lines, or
 - b. Completely within the buildable area of the lot and to the interior side or rear of the principal building.
- 5. An accessory building shall be located a minimum of ten (10) feet from the principal building unless constructed with a two (2) hour fire rating in which case the minimum separation from the principal building shall be six (6) feet.

A. Accessory Dwelling, Detached / Attached.

- 1. One (1) detached, attached, or internal accessory dwelling unit shall be allowed per lot.
- 2. No lot may have both a detached garage and a detached accessory structure. On any lot with a detached garage, a detached accessory dwelling unit may be located above the detached garage.
- 3. The detached / attached accessory dwelling shall be located to the interior side or rear of the principal dwelling.
- 4. The maximum size of a detached accessory dwelling shall be twenty-five (25) percent of the gross floor area of the principal dwelling or one thousand two-hundred (1,200) square feet, whichever is more.:
 - Seven hundred twenty (720) square feet on properties forty thousand (40,000) square feet in area or less.
- 5. Nine hundred (900) square feet on properties more than forty thousand (40,000) square feet in area. The maximum height of a standalone detached accessory dwelling shall be seventeen (17) feet or the height of the principal dwelling, whichever is less.

Commented [RS28]: Question For Steering Committee. Should property owner be able to reside in ADU or principal dwelling or only principal dwelling?

Commented [RS29]: City Comment: increase maximum square footage for ADUs. Create a 30% of the area of the main dwelling up to 1,200 sq ft.

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6. The maximum, combined height of a detached accessory dwelling located above a detached garage and the detached garage shall be twenty-seven (27) feet or the height of the principal dwelling, whichever is less.
7. Detached accessory dwellings shall be setback a minimum of five (5) feet from the rear and interior side lot lines.
8. Attached accessory dwellings shall be located fully within the buildable area of the lot.
9. The principal dwelling and detached / attached accessory dwelling shall be served by a common driveway.
10. The detached / attached accessory dwelling shall have similar architectural features including roof pitch; window type, size, and placement, and exterior building cladding materials and similar exterior colors as the principal dwelling.
11. The principal dwelling or detached / attached accessory dwelling shall be the primary residence of the owner of the property.

B. Accessory Dwelling, Internal.

1. One (1) detached, attached, or internal accessory dwelling unit shall be allowed per lot.
2. The maximum size of the internal accessory dwelling shall be one-thousand two-hundred (1,200) square feet or twenty-five (25) percent of the gross floor area of the principal dwelling, whichever is more.
3. The principal dwelling and internal accessory dwelling shall be served by a common driveway.
4. The principal dwelling or internal accessory dwelling shall be the primary residence of the owner of the property.

Commented [RS30]: I've adjusted this to reflect the 30% area limit established for detached/attached ADUs.

C. Accessory Retail.

1. The total area devoted to retail activity shall not exceed twenty-five (25) percent of the total area of the building in which the accessory retail activity shall be located.
2. Restroom facilities, if provided, shall be directly accessible from the accessory retail/restaurant sales area.
- 6-3. Accessory retail sales areas shall be physically separated from other activity areas by a wall.

D. Accessory Structures. ~~Accessory uses and structures are permitted in any zoning district but not until the principal structure is present or under construction on the lot or parcel. Residential accessory uses and structures shall not involve the conduct of any business, trade, or industry, except as allowed for Home Occupations defined and regulated in this Ordinance. Accessory uses and structures include incidental repairs; storage; parking facilities; gardening; servants, owners, itinerant agricultural laborers, and watchmen's temporary quarters, not for rent; decks; private above ground swimming pools (except wading pools having a depth of less than two feet and which are readily moveable); private in-ground swimming pools and spas (outdoors); and private emergency shelters.~~

Commented [RS31]: Accessory building and structure - combine and remove the limit on number.

Commented [RS32]: City Comment: Accessory structure - lots with an accessory structure need to have a principal use.

Commented [JW33]: Question to Staff: What is the square footage trigger for a building permit in Franklin? We would recommend the maximum size of an accessory structure fall under that.

Commented [GU34R33]: Franklin relies on the State's building codes, which don't include a per-se minimum. As a matter of course, this issue was something that was specifically amended to allow for a property owner to build a structure larger than 1,200 square feet, potentially, based on lot size and zoning district location. It created a sliding scale for the accessory structure up to 5,000 sq.ft., but the lot needed to be a minimum of 3 acres to apply for this (as a Special Use). HE

Commented [GU35R33]: Update from Scott Satula (Dir, Inspection Services) - the code doesn't specify so it depends on what it's for. Anything in which a human is expected to enter would be regulated and subject to a building permit. HE

Commented [RS36]: Look for the sliding scale size standard. Masonry on front façade allowance.

1. No accessory building shall be constructed on a site without a principal building and a principal use. No accessory building shall be constructed on a site without a principal building.
2. Accessory structures shall have a maximum height of seventeen (17) feet, or the height of the principal building, whichever is less.
~~Accessory structures shall have a maximum size of ### square feet.~~
3. No accessory structure shall be constructed within or on an easement.
4. **Location.** An accessory structure shall be located as follows.
 - a. Completely within the required rear yard setback and five (5) feet from rear yard lot lines.
 - b. Completely within the buildable area of the lot and to the interior side or rear of the principal building.

c. ~~At least ten (10) feet from the principal building unless constructed with a one (1) hour fire rating, in which case the accessory structure shall be set back at least six (6) feet from the principal building.~~

d. ~~Wetland setbacks and buffers as specified in Article 6 may further limit the location of accessory structures.~~

5. ~~Maximum Area.~~

a. ~~Accessory structures shall not exceed one thousand two hundred (1,200) square feet in area.~~

b. ~~Accessory structures may exceed one-thousand two-hundred (1,200) square feet on parcels in the RC - Conservation Residence or R-SE - Suburban/Estate Residence District use subject to the following regulations.~~

i. ~~The minimum lot area shall be three (3) acres.~~

ii. ~~The maximum accessory structure size shall be five hundred (500) square feet per acre. No accessory structure shall exceed five thousand (5,000) square feet.~~

iii. ~~No accessory over twelve hundred (1,200) square feet structure shall exceed forty (40) feet in height.~~

iv. ~~An accessory structure over twelve hundred (1,200) square feet shall not be located closer to a side or rear lot line than a distance equal to its height.~~

v. ~~An accessory structure over twelve hundred (1,200) square feet shall not be used for commercial or residential use.~~

E.—

F. ~~Location. No part of an accessory structure shall be located in a front yard, corner side yard, or any rear yard abutting a street on a corner lot. For a rear yard abutting a street on a corner lot, the setback shall be the required corner side setback of the zoning district, except as provided in B.2, 3, 4 and 5 below. Where the front of a principal structure on a double frontage lot faces a street other than an arterial street and the principal structure is not on a corner lot, an accessory use or structure may be placed in the yard facing the arterial street provided that all zoning district front and side yard setbacks from the arterial street lot line are met, except where otherwise allowed for fences per § 15-3.0905 and § 15-3.0802E2b.~~

G. ~~A maximum of one accessory structure (not including private swimming pools and outdoor spas) not exceeding 150 square feet in area shall be setback at least five feet from the side or rear lot lines and shall also be subject to the minimum wetland setback for the zoning district in which it is located and all wetland buffer and shore buffer provisions of this Ordinance.~~

H. ~~Accessory structures (not including private swimming pools and outdoor spas) exceeding 150 square feet in area shall be set back from the side or rear lot lines in accordance with the required setbacks for the principal building of the zoning district.~~

I. ~~Private swimming pools (except wading pools having a depth of less than two feet and which are readily movable) and outdoor spas, shall be set back at least 10 feet from the side or rear lot lines and shall also be subject to the minimum wetland setback for the zoning district in which it is located and all wetland buffer and shore buffer provisions of this ordinance.~~

J. ~~When an alley exists, no part of an accessory building shall be located closer than five feet to the right-of-way line.~~

K. ~~Maximum Size.~~

L. ~~Accessory structures on properties not exceeding forty thousand (40,000) square feet in area or less shall not exceed seven hundred twenty (720) square feet in size.~~

M. ~~Accessory structures on properties exceeding forty thousand (40,000) square feet in area or more shall not exceed nine hundred (900) square feet in size.~~

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Commented [RS37]: Adapted from 15-3.0801(C) per discussion with staff.

Commented [RS38]: Adjusting the maximum square footage of accessory structures to match the revisions made to ADUs per City request.

Commented [RS39]: Question for Task Force. Which are the appropriate districts to allow large accessory structures? RC and R-SE are included in this draft.

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~~N. Notwithstanding the above, any masonry constructed accessory structure shall not exceed 1,200 square feet in size.~~

~~Q. **Location On Easements.** No accessory structure shall be constructed within or over on an easement.~~

~~P. **Time of Construction.** No accessory structure shall be constructed on any lot prior to the start of construction of the principal building to which it is accessory.~~

~~Q. **Percentage of Required Rear Yard Occupied.** No accessory structure or structures shall occupy more than 40% of the area of a required rear yard.~~

~~R. **Height of Accessory Buildings or Structures.** No accessory structure, or portion thereof, shall exceed the maximum permitted height of the zoning district in which the accessory structure is located.~~

~~E. **No Slab Required for Accessory Structures (Excluding Private Swimming Pools, and Outdoor Spas) of 150 Square Feet or Less in Area.** Accessory structures of 150 square feet or less in area (excluding trash and garbage waste receptacles, or dumpsters, in the R-8, PDD, and all nonresidential zoning districts) shall not require a concrete slab foundation. If a concrete slab foundation is not provided for such accessory structure, the flooring shall be constructed of decay resistant wood and the structure shall be securely anchored to the ground.~~
Artisan Workshop.

1. The artisan workshop shall be wholly within the principal building and any accessory building.
2. The principal building shall be the primary residence of the property owner.
3. No alterations shall be made to the principal building or accessory building that changes its residential character or appearance or otherwise gives evidence of the artisan workshop.
4. The sale of goods or materials on site shall be prohibited.
5. No persons, other than the residents of the dwelling unit, shall be employed on site.
6. Mechanical or electrical equipment supporting the artisan workshop shall be self-contained within the structure and normally used for office, domestic, or household purposes.
7. The outdoor display or storage of goods, materials, merchandise, or equipment related to the artisan workshop shall be prohibited.
8. The artisan workshop shall not require the delivery or shipment of goods, materials, merchandise, or equipment beyond what is typical for a residential use.
9. The artisan workshop shall not create or cause any perceptible noise, odor, smoke, electrical interference, or vibrations that constitute a public or private nuisance to neighboring properties.
10. The artisan workshop shall not discharge any material which is radioactive, poisonous, or detrimental to either wastewater or storm water systems.

F. Drive Through.

1. Drive throughs shall be permitted a maximum of four (4) total menu boards with a combined maximum area of one-hundred (100) square feet.
 - a. Each menu board or pre-order board shall not exceed sixty (60) square feet in area and ten (10) feet in height. Menu boards and pre-order boards may utilize electrically activated changeable copy message centers for one hundred (100) percent of the permitted menu board or pre-order board area and must follow all regulations of [Section 11-825.04.C.2.](#)
2. Any speaker or intercom associated with a drive through shall not be audible beyond the boundaries of the property.

3. Drive through canopies shall maintain a uniform and consistent roofline with the building to which the drive-through is associated.
4. Stacking spaces and lanes for drive through stations shall not impede on- and off-street traffic movement, shall not cross off-street parking areas or drive aisles and shall not impede pedestrian access to a public building entrance.
5. Drive through lanes shall be separated from off-street parking areas. Individual lanes shall be striped, marked, or otherwise delineated.
6. Drive through facilities shall be provided with a bypass lane with a minimum width of ten (10) feet unless an alternative means of exit is approved.
7. Stacking lanes shall have a minimum depth of twenty (20) feet per stacking space and the following minimum lane widths:
 - a. One (1) lane: twelve (12) feet.
 - b. Two (2) or more lanes: ten (10) feet per lane.
- 4.8. Drive through facilities shall be required to provide a minimum number of stacking spaces as detailed in Table 11-511(E).

Use	Minimum Stack	Measure From
Automated Teller Machine	3 per machine	teller machine
Bank Teller Lane	2 per lane	teller or window
Restaurant	6 per order box	order box (1)
Carwash Stall, Automatic	5 per stall	stall entrance
Carwash Stall, Manual	3 per stall	stall entrance
Oil Change Shop	3 per service bay	service bay entrance
Pharmacy	4 per lane	machine or window
Notes:		
(1) 4 of the required stacking spaces are to be located between the order-box and pick-up window, including the stacking space at the order box.		

G. Donation Drop Box.

1. Donation drop boxes shall be on properties that contain a legally existing and operating use.
2. No more than two (2) donation drop boxes shall be permitted on a lot.
3. Each donation drop box shall not exceed seven (7) feet in height and twenty-five (25) square feet in ground area.
4. Donation drop boxes shall only be located in side or rear yard setbacks.
5. Donation drop boxes shall be located on an asphalt or concrete paved surface.
6. Donation drop boxes shall not locate in a driveway or drive aisle and shall not reduce the width of paved clear space for the passage of pedestrians to less than five (5) feet. Boxes shall not locate in such a way as to disrupt the flow of vehicular or pedestrian traffic.
7. Donation drop boxes shall not be located nearer than forty (40) feet from an adjoining lot in a residential district.
8. Donation drop boxes shall be located to the side or rear of the primary façade of the building.

Commented [RS40]: City Comment: Add standards for donation drop boxes.

Commented [RS41R40]: Are these standards sufficient?

9. A notice must be permanently affixed to each donation drop box in a highly visible location prohibiting the placement of items outside of the box. The name and twenty-four (24) hour telephone number of the owner/operator must be permanently affixed to each donation drop box.

H. Electric Vehicle Charging Stations.

1. Equipment.

- a. Electric Vehicle Charging stations that are accessory to all mixed-use, multifamily, and nonresidential uses shall be a level 2 charging capacity.
- b. Electric vehicle charging station equipment shall be protected by a wheel stop, curb, or bollards.
- c. In parking lot applications, all connections of the charging station to electrical utility equipment shall be underground.
- d. All electric vehicle charging station equipment shall comply with the National Fire Protection Association/National Electrical Code and be approved by the Underwriters Laboratory.
- e. All equipment should be made of low-maintenance, durable materials and shall be vandal-proof to the extent possible.
- f. All equipment shall provide a cord management system that minimizes tripping hazards for pedestrians. Charging cords may not cross sidewalks, walkways, or driveways.

2. Design Considerations.

- a. Electric vehicle charging station equipment shall be located in a manner that will not obstruct pedestrian walkways. A minimum of three (3) feet of clear area shall be maintained.
- b. Electric vehicle charging stations shall be located to optimize ease of use for all potential users.
- c. Electric vehicle charging station shall provide a safe and clearly delineated area for maneuvering around the vehicle for connecting to the equipment.
- d. A sign indicating that the electric vehicle parking is for use while charging only shall be provided.
- e. All charging stations shall be illuminated. Lighting shall comply with the limitations in Section ##-##-##.

3. Electrical Equipment Siting and Screening.

- a. Electric vehicle charging stations shall be located to minimize the distance to electrical supply equipment.
- b. When locating the electrical supply equipment consider blind spots and visibility obstructions for drivers and pedestrians.
- c. To the extent practical, electrical supply equipment shall be screened by walls, fences, landscaping, or a combination thereof to be effective year-round.

4. Accessibility. A minimum of one (1) accessible charging station is required with any installation of electric vehicle charging stations. The accessible charging station shall provide equipment, reach, clear area, route, and other applicable building blocks to comply with the current Wisconsin Building code and federal accessibility recommendations.

5. Maintenance.

Commented [RS42]: Feedback from the Task Force indicates that the City wants to allow EV Charging stations. Use-specific standards for EV charging stations added.

- a. The property owner on which electric vehicle charging stations are located is responsible for ensuring that the equipment is intact and will not pose a hazard to any visitors to the property. This shall include ensuring that cords are hung to prevent tripping hazards.
- b. All electric vehicle charging station equipment shall be maintained to working condition. Equipment that is no longer functional must be decommissioned within sixty (60) days.

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S.I. Home-Occupations Based Business and Home Offices in the R-1, R-1E, R-2, R-3, R-3E, R-4, R-5, R-6, R-7, R-8, A-1, and A-2 Districts. The following specific standards shall be used for home occupations and home offices located as accessory uses in R-1, R-2, R-3, R-3E, R-4, R-5, R-6, R-7, R-8, A-1, and A-2 Districts:

Commented [RS43]: Combined from Sections 15-3.0802 (F) and (G) per diagnostic report recommendations.

- 1. The home-based business shall be conducted wholly within the principal building and any accessory building.
- ~~1.2. Home Occupation Employees. No person shall be employed other than the home-based business shall only employ members of the immediate family residing on the premises individuals that reside on-site.~~
- ~~2.3. Maximum Floor Area Permitted to be Used for Home Occupation. The use of the dwelling unit for the home occupation or home office shall be clearly incidental and secondary to its use for residential purposes. No more than the home-based business shall encompass no more than twenty five (25) percent% of the floor area of the dwelling unit shall be used in the conduct of the home occupation or home office; and no outside display, storage, or use of land is permitted.~~
- ~~4. No Change in the Outside Appearance of the Building, Accessory Structure, or Premises Permitted. There shall be a The home based business shall not alter change in the outside appearance of the building, accessory structure, or premises that changes in a way that changes its residential character or appearance as a result of such home occupation or office, with the exception of an unlighted sign or nameplate, not more than one square foot in total area, attached to and not projecting from the building.~~
- ~~3.5. The outdoor display, storage, sale of goods, materials, merchandise, or equipment related to the home-based business shall be prohibited.~~
- ~~4. Conduct of Home Occupation in Accessory Building or Structure Prohibited. No home occupation or home office shall be conducted in any accessory building or structure or outdoors.~~
- ~~6. Use of Mechanical and Electrical Equipment. No mechanical equipment shall be used on the premises, except such that is normally used for purely domestic or household purposes, and shall be contained within the principal or accessory building or structure.~~
- ~~5. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television sets off the premises, or causes fluctuations in line voltage in excess of that normally associated with household use. Computer equipment which meets the aforementioned criteria and which can be purchased for use in the home shall be considered as "normally associated with household use."~~
- ~~6.7. Sale and Display of Commodities and Goods. No commodity or good not produced on the premises produced off-site shall be sold on the premises, nor displayed on the exterior or interior of the premises, or premises or warehoused on the premises for sale elsewhere. This does not preclude taking orders for sales or provision of services off site.~~
- ~~7. Traffic. No vehicular or pedestrian traffic shall be generated by such home-occupation-based business or home office in greater volume than would normally be expected from the principle principal use. In the case of measuring vehicular traffic, criteria established in the most current edition of the Institute of Transportation Engineer's publication titled Trip Generation shall be used.~~
- 8. **Home Occupation Uses** — Permitted and Not Permitted. A home occupation may include, but not be limited to the following: domestic crafts such as seamstress, sewing, tailoring, weaving, washing and ironing, private tutoring and instruction (limited to three [3] pupils at any one time), and home offices shall include professional services. Millinery

~~shops, tearooms, restaurants, tourist homes, bed and breakfast establishments, auto repair and tune-up, general offices which would require more off-street parking than which is required for the type of residential use which is permitted in the residential district, clinics, physician's, dentist's and offices of the like, welding shops, animal hospitals, veterinary clinics, catering or other food preparation businesses, funeral parlors and undertaking establishments, antique shops, rooming houses, dancing schools, and kennels, among others, shall not be deemed to be home occupations.~~

9. ~~Levels of Noise, Emissions, Radiation, Vibration, Heat, Glare, Smoke, Dust, Fumes, Odors, or Electrical Interference.~~ ~~There shall be no levels of~~ No noise, emissions, radiation, vibration, heat, glare, smoke, dust, fumes, odors, or electrical interference created which is detectable to the normal senses outside the dwelling unit in excess of that normally associated with a residential household use shall be allowed.
10. ~~The home-based business shall not~~ Refuse. ~~Generate~~ refuse in excess of exceeding the amount allowable for regular residential pick-up shall be generated by any home ~~occupation-based business.~~
- ~~40-11.~~ The home-based business shall not generate or store toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other restricted materials on the site except those which are ordinarily used for household.
- ~~44-12.~~ Nuisance Causing Activities. No home ~~occupation-based business~~ shall cause or create any nuisance, ~~cause or create any substantial or undue adverse impact on any adjacent property or the character of the area, or threaten the public health, safety, or general welfare, or be noxious, offensive, or hazardous.~~
- ~~42-13.~~ Materials Which Decompose by Detonation Prohibited. No materials which decompose by detonation shall be allowed in conjunction with a home ~~occupation-based business.~~
14. ~~Public Utility Use Exceeding Typical Residential Dwelling Unit Demand Not Permitted.~~ No home ~~based business~~ occupation shall be permitted which generates sewerage/wastewater or water use in excess of what is typical ~~the quantity typically required~~ for a residential dwelling unit.

J. Outdoor Activity/Operation/Storage, Accessory.

1. Any property with permanent outdoor activity/operation/storage shall have a minimum lot size of five (5) acres.
2. Outdoor activity/operation/storage shall be conducted between the hours of 7:00 am and 9:00 pm.
3. Outdoor activity/operation/storage shall be located to the rear or interior side of the principal building on the lot.
4. Outdoor activity/operation/storage shall be prohibited in front or street side yards.
5. Outdoor activities and operations shall be setback a minimum of fifty (50) feet from all property lines when adjacent properties are zoned B-G and B-R Districts.
6. Outdoor activities and operations shall be setback a minimum of one hundred (100) feet from all property lines when adjacent properties in the R-C, R-SE, R-SR, R-M, R-V, B-N, B-MU, and B-SM Districts.
7. The following minimum screening requirements shall apply to permanent outdoor activities and operations visible from the right-of-way of an existing or proposed arterial or collector roadway or a property zoned R-C, R-SE, R-SR, R-M, R-V, B-N, B-MU, B-V Districts.
 - a. A solid wall constructed from materials, not including metal, identical to those used on the exterior of the principal building, unless otherwise approved by the Planning Commission, and not less than six (6) feet and not more than eight (8) feet in height shall be erected to screen the portions of permanent outdoor activity and operations areas visible from an existing or proposed arterial or collector roadway or a property zoned in the R-C, R-SE, R-SR, R-M, R-V, B-N, or B-SM Districts.
 - b. A landscape strip, not less than five (5) feet wide shall be located in front of the wall. The landscape strip shall be improved with a Type A Transition Area per [Section 11-60#](#).

K. Outdoor Dining.

1. The outdoor dining area shall be located on an approved hard paved surface or a deck or other feature appurtenant to the principal building as approved by the Zoning Administrator.
2. Outdoor dining areas may utilize a maximum of twenty (20) percent of the parking spaces required for the operation of the principal use or two thousand (2,000) square feet, whichever is less.
3. Outdoor dining areas shall not block a pedestrian walkway or public sidewalk in a manner which reduces the width of that walkway or sidewalk to less than five (5) feet.
4. A fence, landscape hedge, or wall with a height of four (4) feet shall be utilized to segregate the outdoor dining area.
5. Use of outdoor dining areas shall be limited to the posted operational hours of the associated eating and drinking use.
6. Review by the City Engineer and other City staff shall be required in addition to the review requirements of Section ##-###.

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L. Outdoor Display/Sale of Merchandise.

1. Only those goods and materials associated with the existing on-site use may be displayed or sold.
2. Permanent outdoor display or sales areas shall not be located within any required yard setback or parking area.
3. Permanent outdoor display or sales areas shall be surfaced with an approved hard surface material.
4. Permanent outdoor display or sales areas shall not exceed ten (10) percent of the gross floor area of the primary building on the property unless approved as a Conditional Use.
5. Outdoor dining shall be subject to site plan review as specified in Section ##-#-##.

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M. Solar Energy Collection System, Canopy.

1. The height of canopy solar energy collection systems shall not exceed the height of the principal building that the parking area serves.
2. The minimum height of solar energy collection systems shall allow clearance for emergency and service vehicles.

N. Solar Energy Collection System, Ground-Mounted.

1. Ground mounted solar energy collection systems shall be permitted in the rear yard only.
2. The maximum height of ground mounted solar energy collection systems shall be five (5) feet in height, measured from the grade at the base of the pole to the highest edge of the system.
3. Minimum clearance between the lowest point of the system and the surface on which the system is mounted is twelve (12) inches.
4. All parts of the freestanding system shall be set back ten (10) feet from the side and rear lot lines and shall not be located in a public utility easement.
5. No part of the freestanding system shall be visible from any public right of way.

O. Solar Energy Collection System, Roof Mounted.

1. Roof mounted solar energy collection systems may be located on any roof face of principal or accessory buildings. Systems should be flush mounted when possible.

2. Systems on residential structures shall not extend beyond twelve (12) inches parallel to the roof surface of a pitched roof or flat roof.
3. Systems on nonresidential structures shall not extend beyond thirty-six (36) inches parallel to the roof surface of a pitched roof or flat roof.
4. Systems on all structures shall not extend above the highest peak of a pitched roof. Height is measured from the roof surface on which the system is mounted to the highest edge of the system.
- 4.5. All materials used for racking, mounts, mounting clamps, and flashings shall be of a color consistent with the color of the roof surface to minimize visibility.

T. ~~Home Occupations and Home Offices in the VR and VB Districts.~~ The following specific standards shall be used for home occupations and home offices located as accessory uses in VR and VB Districts:

1. ~~Home Occupation Employees.~~ No person shall be employed other than members of the immediate family residing on the premises.
2. ~~Maximum Floor Area Permitted to be Used for Home Occupation.~~ The use of the dwelling unit for the home occupation or home office shall be clearly incidental and secondary to its use for residential purposes. No more than 25% of the floor area of the dwelling unit, including basement space, shall be used in the conduct of the home occupation or home office.
3. ~~No Change in the Outside Appearance of the Building, Accessory Structure, or Premises Permitted.~~ There shall be no change in the outside appearance of the building, accessory structure, or premises as a result of such home occupation or office, with the exception of an unlighted sign or nameplate, not more than one square foot in total area, attached to and not projecting from the building.
4. ~~Conduct of Home Occupation in Accessory Building or Structure Prohibited.~~ A home occupation or home office may be conducted in any accessory building or structure, provided vehicles are not parked outdoors that would otherwise be parked in an accessory building or structure.
5. ~~Use of Mechanical and Electrical Equipment.~~ No mechanical equipment shall be used on the premises, except such that is normally used for purely domestic, household, or hobby purposes. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television sets off the premises, or causes fluctuations in line voltage in excess of that normally associated with household use. Computer equipment which meets the aforementioned criteria and which can be purchased for use in the home shall be considered as "normally associated with household use."
6. ~~Sale and Display of Commodities and Goods.~~ No commodity or good not produced on the premises shall be sold on the premises nor displayed on the exterior or interior of the premises, or warehoused on the premises for sale elsewhere. Commodities or goods produced on the premises shall be allowed to be displayed between the front setback line of the dwelling and the front property boundary line, given the display materials shall not restrict visibility of traffic on the public street, nor create a nuisance to neighboring property owners.
7. ~~Traffic.~~ No vehicular or pedestrian traffic shall be generated by such home occupation or home office in greater volume than would normally be expected from the principal use. In the case of measuring vehicular traffic, criteria established in the most current edition of the Institute of Transportation Engineer's publication titled Trip Generation shall be used.
8. ~~Home Occupation Uses — Permitted and Not Permitted.~~ A home occupation may include, but not be limited to the following: domestic crafts such as seamstress, sewing, tailoring, weaving, washing and ironing, private tutoring and instruction (limited to three [3] pupils at any one time), and home offices shall include professional services. Millinery shops, tearooms, restaurants, tourist homes, bed and breakfast establishments, auto repair and tune-up, general offices which would require more off-street parking than which is required for the type of residential use which is

~~permitted in the residential district, clinics, physician's, dentist's and offices of the like, animal hospitals, veterinary clinics, catering or other food preparation businesses, funeral parlors and undertaking establishments, rooming houses, dancing schools, and kennels, among others, shall not be deemed to be home occupations.~~

- ~~9. **Levels of Noise, Emissions, Radiation, Vibration, Heat, Glare, Smoke, Dust, Fumes, Odors, or Electrical Interference.** There shall be no levels of noise, emissions, radiation, vibration, heat, glare, smoke, dust, fumes, odors, or electrical interference created which is detectable to the normal senses outside the dwelling unit in excess of that normally associated with household use.~~
- ~~10. **Refuse.** No refuse in excess of the amount allowable for regular residential pick-up shall be generated by any home occupation.~~
- ~~11. **Nuisance Causing Activities.** No home occupation shall cause or create any nuisance; cause or create any substantial or undue adverse impact on any adjacent property or the character of the area; or threaten the public health, safety or general welfare; or be noxious, offensive, or hazardous.~~
- ~~12. **Materials Which Decompose by Detonation Prohibited.** No materials which decompose by detonation shall be allowed in conjunction with a home occupation.~~
- ~~13. **Public Utility Use Exceeding Typical Residential Dwelling Unit Demand Not Permitted.** No home occupation shall be permitted which generates sewerage or water use in excess of what is typical for a residential dwelling unit.~~

15-4-07-15-4-14. Temporary Use-Specific Standards

A. Food Truck.

- ~~1. The location of a food truck on landscape areas, in required setbacks, an ADA parking stall, or a pedestrian path is prohibited.~~
- ~~2. Food trucks shall obtain written permission from the property owner(s) and shall submit such documentation as part of the temporary use approval process specified in Section ##.###.~~
- ~~3. A food truck, including all vending activity, tables, chairs, and trash receptacles may occupy no more than four (4) parking stalls or six hundred and fifty (650) square feet of parking area, whichever is less.~~
- ~~4. Tables and chairs shall be permitted and located on improved or paved surfaces and shall not locate in parking stalls, landscape areas, or drive aisles, aside from the four (4) parking stalls designated for vending.~~
- ~~5. A minimum of one (1) trash receptacle and one (1) recycling receptacle shall be provided per food truck.~~
- ~~6. Required tables, chairs, and trash and recycling receptacles shall not be retained on-site overnight.~~
- ~~7. Drive aisles, sidewalks, access to trash enclosures, and similar areas may not be blocked by any vending activity.~~
- ~~8. Food trucks shall be located a minimum of five hundred (500) feet from any brick-and-mortar restaurant as measured from the property line.~~

B. Seasonal Sales.

- ~~1. Seasonal sales shall be permitted for a period not to exceed ninety (90) days per calendar year, unless otherwise approved.~~
- ~~2. Seasonal sales areas shall not block pedestrian walkways in a manner which reduces the width of that walkway to less than five (5) feet.~~
- ~~4.3. All tents, canopies, or other temporary structures shall require review and approval by the Building Inspector.~~

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Article 5. General Development Standards

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15-5-01. Off-Street Parking and Loading

A. **Applicability.** The off-street parking and loading provision provisions of this Article shall apply as follows.

1. **No Off-Street Parking Required.** The off-street parking maximums in Section ###-### establish maximum quantities of off-street parking that may be provided for each use on a lot. The off-street parking maximums do not constitute a parking requirement. Applicants may provide off street parking less than the maximum established for the applicable use.
2. **Existing Uses Established Prior to the Effective Date of This Ordinance.** This article shall not require the reduction or addition of any parking or loading spaces for uses existing as of the effective date of this UDO.

B. **Off-Street Parking Limited.**

1. **Maximum Requirements.** To minimize the creation of impervious surface, no off-street parking area shall be designed or used to provide a greater number of off-street parking spaces than the limit established in Table ###-###.
2. **Parking Increases Allowed.** The Zoning Administrator may allow an increase in the number of off-street parking spaces allowed of up to thirty (30) percent of the spaces provided above the maximum when the following provisions are met.
 - a. The additional spaces over the maximum are surfaced with a permeable paving system or one hundred (100) percent of the first half (1/2) inch of runoff from the additional parking area is treated with green infrastructure.
 - b. Additional parking area landscaping equivalent to an area fifteen (15) percent greater the minimum square feet of parking area landscaping specified in Section ###-### is provided.
 - c. The parking lot perimeter landscape zone required in Section ###-### is at least ten (10) feet in width.

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- d. No more than fifty (50) percent of the parking spaces over the maximum parking allowed shall be located in the front yard.
3. **Calculations.** The following rules shall apply when calculating the specified maximum quantity of parking spaces.
 - a. **Area Measurements.** Parking calculations shall be based upon the definition of Gross Floor Area as defined in this UDO.
 - b. **Fractions.** When measurements of the maximum quantity of off-street parking spaces result in a fractional number, the resulting number shall be rounded up to the next higher whole number.
 - c. **Combined Uses on the Same Parcel.** When a combination of the uses in **Table # # # #** are located on the same parcel, the maximum quantity of off-street parking allowed shall be the largest quantity allowed for any of the individual uses.
 - d. **Uses Not Listed.** Off-street parking spaces for uses not listed in **Table # # # #** shall be provided for a use deemed similar, as determined by the Plan Commission.

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Table 15-5-01(B): Maximum Parking Requirements	
Use	Maximum Parking
<i>Residential Uses</i>	
Single-Family	2 / dwelling
Duplex	
Townhouse	1.5 / dwelling
Multifamily Building	
Multifamily Complex	
Multifamily, above ground floor only	
Community Living, 1-15 Persons	2 / dwelling
Community Living, 16 + Persons	3 / dwelling
Senior Housing, Assisted Living	1 / dwelling
Senior Housing, Nursing Care	0.5 / dwelling
Senior Housing, Total Life Care	
<i>Institutional</i>	
Educational Facility	As determined by the Plan Commission
Governmental Uses	
Health Care Facility	0.5 / bed for in-patient facilities; 0.5 / examining or operating room for out-patient facilities
Cemetery	As determined by the Plan Commission
<i>Place of Assembly</i>	
Indoor Commercial Place of Assembly, ##### sqft or less	1 / 3 Individuals at Maximum Occupancy
Indoor Commercial Place of Assembly, more than ##### sqft	
Outdoor Commercial Place of Assembly	
Noncommercial Place of Assembly, ##### sqft or less	
Noncommercial Place of Assembly, more than ##### sq ft	
<i>Recreation, Amusement, and Lodging</i>	
Campground	1 / camp site
Lodging House	1 / lodging unit
Hotel	
Recreation Area	
Short Term Rental	
<i>Retail Uses</i>	
Adult Establishment	1 / 250 sq ft
Retail, less ##### sqft or less	
Retail, More Than ##### sqft	1 / 200 sq ft
Multitenant Shopping Center	
Wholesale Establishment	
<i>Service</i>	
Animal Boarding Facility/Kennel and/or Veterinary Service	1 / 300 sq ft
General Service, ##### sqft or less	
General Service, more than ##### sqft	
Financial Institution	

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Funeral Home	
Office, above ground floor only	
Office, ##### sqft or less	
Office, more than ##### sqft	
Office Complex/Business Park	
Eating and Drinking Uses	
Bar/Tavern	
Brewery/Winery/Distillery	
Brewery/Winery/Distillery Tasting Room	1 / 150 sq ft
Food Truck Court	
Micro Brewery/Winery/Distillery	
Restaurant	
Vehicle Related Uses	
Carwash	1 / stall
Vehicle Fuel Sales	1 / 250 sq ft
Auto Sales/Rental and Service	1 / 500 sq ft
Major Automotive Repair	
Minor Automotive Repair	3 / Service Bay
Agricultural	
Community Garden	0.25 per garden plot or as determined by Plan Commission
Crop Production	
Animal Husbandry	1 or as determined by Plan Commission
Indoor Agriculture	
Nursery Retail	1 / 500 sqft
Nursery Wholesale	
Industrial Uses	
Artisan Manufacturing	
Brewery/Winery/Distillery	
Composting/ Recycling Facility	
Distribution Facility	1 / 1,000 sq ft
Equipment Rental, Sales, and Service	
Extractive Industry	
Heavy Industry	
Home Improvement Center/ Lumberyard	
Landfill	As determined by the Plan Commission
Solid Waste Facility	
Light Industry	
Self-Service Storage Facility	1 / 1,000 sq ft
Storage Yard	
Warehouse	
Utility and Transportation	
Airport/ Heliport	As determined by the Plan Commission

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Helistop	
Loading Areas, Parking Areas, and Landing Strips As a Principal Use	
Railroad Use	
Sanitary Sewer or Water Supply Lines	
Solar Farm	
Telecommunications Tower	
Wastewater Treatment Ponds and Facilities	
Waterborne Transportation Uses	
Wind Farm	
Accessory Uses	
Accessory Dwelling, Detached / Attached	1 / dwelling
Accessory Dwelling, Internal	
Accessory Retail	1 / 250 sq ft
Accessory Structure	
Artisan Workshop	
Drive Through	
Donation Drop Box	
Outdoor Activity/Operation/Storage	
Outdoor Dining	n/a
Outdoor Display/Sale of Merchandise	
Home Based Business	
Solar Energy Collection System, canopy	
Solar Energy Collection System, ground mounted	
Solar Energy Collection System, roof mounted	
Temporary Uses	
Construction Related	
Farmers Market	As required through Temporary Use Permit process
Food Truck Court	
Seasonal Sales	

C. **Off-Street Parking Design, Location, and Size.** In all districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended, or increased, off-street parking stalls for all vehicles in accordance with the regulations of this section.

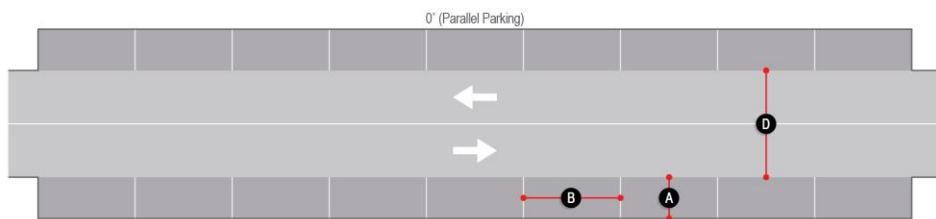
1. **Access and Cross-Access.**

- a. **Access.** Adequate access to a public street shall be provided for each off-street parking lot. Each required off-street parking space shall open directly onto an aisle meeting the requirements specified in **Table #.#.#.#.**
- b. **Cross Access.** To facilitate vehicular access between adjoining developments and to minimize off-street parking area access points along streets and alleys, all development other than single-family residential development located on a lot fronting on a collector or arterial roadway shall comply with the following standards:
 - i. Internal vehicular circulation systems shall be designed to allow for vehicular cross-access between the development's off-street parking areas and off-street parking areas in an adjoining non-single-family development, or to the boundary of an adjoining vacant parcel.

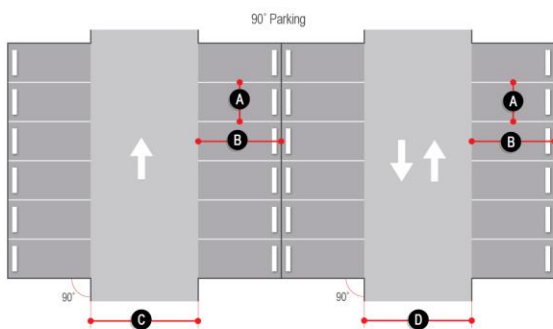
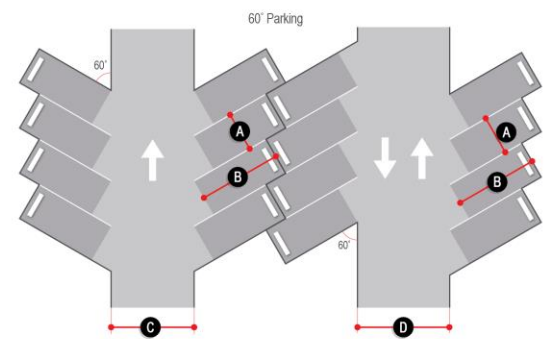
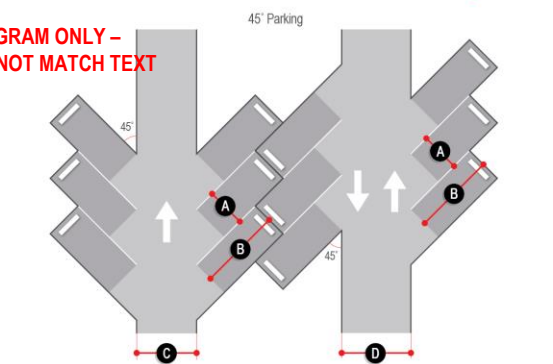
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- II. Required vehicular cross access between adjoining off-street parking areas shall be provided through the use of a single two-way maneuvering lane or two one-way maneuvering lanes that comply with the requirements of **Table 15-5-01** are sufficiently wide to accommodate traffic by automobiles, service vehicles, loading vehicles, and emergency vehicles.
 - III. Vehicular cross access between off-street parking areas on adjoining lots shall cross the lot line at right angles or as close to right angles as possible to provide site access.
 - IV. The Zoning Administrator or their designee may waive or modify the requirement for vehicular cross access on determining that such cross access is impractical or undesirable because it would require crossing a significant physical barrier or environmentally sensitive area, would create unsafe conditions, or if the Zoning Administrator determines there exists an inability to connect to the adjacent property due to a site constraint.
 - V. Easements allowing cross access to and from properties served by a vehicular cross-access, along with agreements defining maintenance responsibilities of property owners, shall be recorded with the Milwaukee County Register of Deeds before issuance of a building permit for the development.
 - VI. **Zoning Administrator Waiver.** The Zoning Administrator or their designee may waive the cross access requirement in any instance in which site conditions, including lot configuration, topography, or size, would prohibit the connection's establishment when the waiver does not obviate state or county requirements.
2. **Standards For Parking Spaces, Aisles, and Parking Bays.** Minimum parking space and aisle dimensions shall be in accordance with the standards specified in **Table ##-#-##**.

Parking Angle (Degrees)	(A)	(B)	(C)	(D)	Depth of Interlocking Spaces	Overhang
	Space Width	Space Depth	Aisle Width (1-Way)	Aisle Width (2-Way)		
0	10'	22'	12'	18'	n/a	n/a
45	10'	17'	12'	18'	28.25'	1.5'
60	10'	18'	16'	18'	32'	1.5'
90	10'	18'	24'	24'	36'	n/a



EXAMPLE DIAGRAM ONLY –
REFERENCES DO NOT MATCH TEXT



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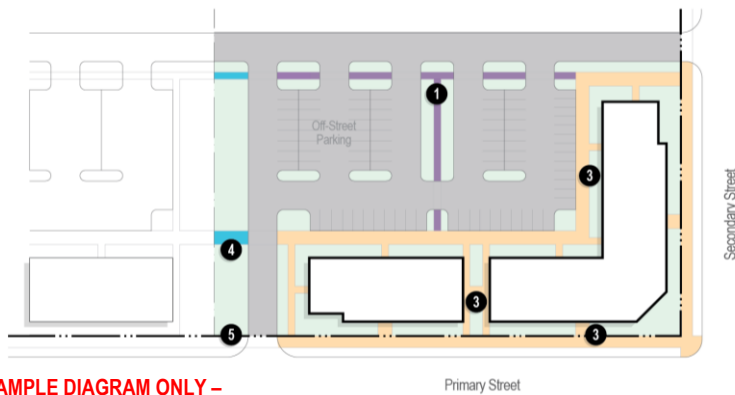
3. **Location on Lot.** Any off-street parking provided shall be located on the same lot as the use being served, or within the limits of a common parking lot serving one or more buildings.
4. **Setback Required.** Off-street parking spaces and aisles shall be set back from front, street side, interior side, and rear property lines as follows.
 - a. **In Residential Districts.** Off-street parking shall be set back at least six (6) feet from lot lines.
 - b. **In Nonresidential Districts.** Off-street parking shall be set back at least ten (10) feet from lot lines, except when a larger setback is explicitly required by this section.
5. **Minimum Distance of Truck Parking from Any Residential Zoning District.** No designated truck parking shall be allowed within one hundred fifty (150) feet of any residential district.
6. **Permanent Off-Street Parking Area Surfacing.** All permanent open, off-street loading and parking spaces shall be improved with a dust-free, all-weather paving system and stormwater management measures as approved by the City Engineer.
7. **Temporary and Event Off-Street Parking Area Surfacing.** All off-street parking serving a temporary use or event may be surfaced with grass or gravel subject to the approval of a temporary use permit as specified in **Section ###-###-###**.
8. **Edging and Stormwater Management.**
 - a. **Approved Edging and Stormwater Management Required.** Concrete curb and gutter, wheel stops, or an equivalent barrier sufficient to prevent cars from driving into or on any landscaped area shall be installed at the perimeter of all new off-street parking areas, and around all interior landscape areas. A barrier of a minimum of 4" in height generally shall be provided except where required to allow for stormwater inflows as part of an approved stormwater management plan. Curb and gutter shall not be required for additions to existing parking areas where curb and gutter is not present, is not installed on the adjacent street right-of-way, or is not anticipated to be constructed on the street right-of-way in a future street.
 - b. **Minimum Distance of Required Concrete Curbing from Property Lines.** Perimeter edging for off-street parking areas shall be installed a minimum of ten (10) feet from a property line as measured from the back of curb to prevent the parked vehicles from extending over any lot lines.
9. **Off-Street Parking Stalls.** Off-street parking stalls shall be marked by painted lines or other approved material and shall be maintained to be legible at all times.
10. **Parking of Trucks and Equipment.** The parking of trucks or other vehicular equipment of a commercial or industrial nature shall be allowed subject to the following regulations.
 - a. Agricultural equipment shall be allowed in the R-C - Conservation Residence, R-SE - Suburban/Estate Residence, A - Agricultural, or A-P - Agricultural Prime District.
 - b. The parking of any passenger automobiles, panel trucks, vans, or pick-up trucks, each individually exceeding eight thousand (8,000) pounds manufactured Gross Vehicle Weight in a residential district, P Park and Open Space, or I - Institutional District, FW - Floodway, GFP - General Floodplain, or FF - Floodfringe District shall require a Temporary Use Permit as specified in **Section ###-###-###**.
 - c. Any vehicle over eight thousand (8,000) pounds rated Gross Vehicle Weight may be parked in districts not previously mentioned in the normal course of business in conjunction with a commercial or industrial use of the subject property. Any overnight parking shall be allowed only with a Conditional Use.

Commented [RS1]: Allowance for larger/heavier vehicle parking in residential districts subject to a temporary use permit added per task force direction.

11. Pedestrian Circulation Standards.

- a. Off-street parking areas serving multifamily, mixed-use, and nonresidential development and consisting of twenty (20) or more off-street parking spaces shall incorporate on-site circulation systems exclusively for the use of pedestrians and other non-motorists to navigate the site. Pedestrian circulation systems are encouraged in off-street parking areas with fewer than twenty (20) spaces but are not required.
- a. The on-site pedestrian circulation system shall comply with all ADA standards.
- b. The on-site pedestrian circulation system shall be marked, shall connect all buildings on the site to one another, and shall provide connections to required parking spaces.
- c. The on-site pedestrian circulation system must connect building entrances to adjacent public rights-of-way when public sidewalks are either existing or planned. The on-site pedestrian circulation system shall form a direct route between the building entrance and adjacent public right-of-way that does not require significant out-of-direction travel unless approved as follows:
 - i. For pedestrian circulations system with a significant out-of-direction travel, the applicant must submit sufficient evidence of the special conditions to support such alternative design. Special conditions may include, but not limited to, presence of natural resources, steep slopes, street grades, landscape features and building orientation or similar.
- e.d. The on-site pedestrian circulation system shall provide at least one (1) connection to all adjacent properties along a shared street frontage. Connections must provide access to existing walkways on adjacent properties, or to the likely future location of walkways on those properties. The Zoning Administrator may waive this requirement upon determining that no walkway exists, a future walkway is unlikely to exist, or such connection would create a safety hazard.

Commented [RS2]: Flexibility to approve out-of-direction travel included per Task Force feedback.



**EXAMPLE DIAGRAM ONLY –
REFERENCES DO NOT MATCH TEXT**

D. Snow Storage Requirements For Off-Street Parking and Loading Areas.

1. **Snow Storage Prohibited in Required Off-Street Parking, Drive, and Loading Areas.** The storage of snow for more than forty-eight (48) hours is hereby prohibited in provided off-street parking, driveway, and loading areas.
2. **On-Site Snow Storage Standards for Parking and Loading Areas.** If an off-site snow repository is not used, adequate on-site snow storage shall be provided using the following standards:
 - a. A minimum site area representing ten (10) percent of the total required off-street parking or loading area, inclusive of access drives, shall be provided as the snow storage area.
 - b. The required snow storage area may be paved or unpaved. In either case, provision for adequate drainage of the snow storage area shall be provided to accommodate snowmelt, and no snowmelt shall drain onto abutting properties.
3. **Use of Setbacks, Yards, Bufferyards, and Stormwater Management Facilities for Snow Storage.** Required setbacks, yards, and bufferyards may be used to accommodate the required snow storage area. However, landscaped areas specified in **Section ##-##-##** shall not be used as snow storage areas. Stormwater management facilities shall not be used as snow storage areas unless specifically approved by the City Engineer as part of a stormwater management plan per **Section 15-18.0600 of the Franklin Municipal code.**

E. Off-Street Bicycle Parking.

1. **Location.**
 - a. Required bicycle parking shall be provided on the same lot as the use it is intended to serve.
 - b. Bicycle parking spaces shall be adequately lit and located such that they are highly visible from the street and/or building entrance(s) from points where bicyclists approach the site.
 - c. The location of bicycle parking shall not conflict with pedestrian and/or vehicle circulation.
 - d. Bicycle parking shall be sited within fifty (50) feet of a building's main entrance. If provided indoors, bicycle parking shall be located within a common area designated for secure bicycle storage.
 - e. Bicycle parking adjacent to a pedestrian walkway shall be sited to ensure that a minimum five (5) foot walkway clearance is maintained.
2. **Design Criteria.** All bicycle parking facilities shall be designed in accordance with standards established by the National Association of City Transportation Officials.
3. **Dimensional Standards.**
 - a. Each bicycle parking space shall be a minimum of six (6) feet in length.
 - b. Bicycle racks shall be located at least three (3) feet in all directions from any obstruction, including but not limited to other bicycle racks, walls, doors, posts, columns, or landscaping.
 - c. A minimum vertical clearance of seven (7) feet shall be maintained above all bicycle parking facilities.
4. **Off-Street Bicycle Parking Required.**
 - a. Bicycle parking as specified in this subsection shall be required for all multifamily residential, mixed-use, and nonresidential development. Vehicle-related uses as defined in this UDO shall be exempt from the requirement.
 - b. The number of required bicycle parking spaces shall be equal to five (5) percent of the off-street vehicle parking spaces provided, up to ten (10) required bicycle parking spaces.

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- c. When the required amount of bicycle parking is less than two (2) spaces, the use shall provide a minimum of two (2) spaces in a bicycle parking area.
- d. Off-street bicycle parking spaces provided on vertical racks mounted on a building wall shall not count toward the minimum quantity required.

F. Electric Vehicle Charging Stations.

~~1. OPTION 1 FOR CONSIDERATION - REQUIREMENT~~

- ~~a. **Applicability.** The requirements for electric vehicle charging stations shall apply to new parking lots or parking lots undergoing substantial improvement as defined in this UDO.~~
- ~~a.b. Any parking structure or parking area in the R-M - Multiple-Family Residence District shall install the infrastructure required to accommodate a minimum of one (1) electric vehicle charging station for every twenty-five (25) off-street parking spaces, **provided on-site.**~~
- ~~c. Any parking structure or parking area in a commercial or mixed-use district shall install the infrastructure required to accommodate a minimum of one (1) electric vehicle charging station for every fifty (50) off-street parking spaces.~~
- ~~b.d. Required electric vehicle charging stations shall comply with the use-specific standards for electric vehicle charging stations in **Section ###-###.**~~

~~2. Any electric vehicle charging stations provided, whether required by this subsection or not, shall not count toward the maximum quantity of parking allowed as specified in Section 15-#-## **OPTION 2 FOR CONSIDERATION - INCENTIVE**~~

- ~~a. **Applicability.** All parking lots may utilize the Electric Vehicle Charging Station incentive.~~
- ~~b. For any applicant providing ten (10) or more electric vehicle charging stations on-site, twenty (20) percent of the applicable permit fee required per the City of Franklin fee schedule may be waived by the Zoning Administrator.~~
- ~~c. Electric vehicle charging stations shall comply with the use-specific standards for electric vehicle charging stations in **Section ###-###.**~~

G. Off-Street Loading.

1. **Purpose.** The purpose of this Section is to prevent congestion of public rights-of-way and private lots to promote the safety and general welfare of the public by establishing minimum requirements for the provision of loading facilities on various sites.
2. **Location.** All required loading spaces shall be located on the same lot as the use served. No permitted loading space shall be located within forty (40) feet of the nearest point of intersection of any two streets. No loading space shall be located in a required side yard abutting a parcel in a residential zoning district, a parcel with an existing residential use, or in a required front yard.
3. **Access.** Each required off-street loading space shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. Loading spaces on lots located adjacent to public ways shall be so situated as to enable the vehicles to back into the loading dock from areas other than public ways unless as otherwise approved by the Plan Commission. The blocking of loading spaces by other loading spaces, permanent or moveable structures of any type, including trash receptacles or compactors, shall be prohibited.
4. **Surfacing.** All open, off-street loading and parking spaces shall be improved with asphalt, concrete, or a permeable paving system approved by the City Engineer, and with stormwater management facilities as approved by the City Engineer.

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5. **Repair and Service.** No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any residential or nonresidential zoning districts.
6. **Maneuvering Space Required to Service Outdoor Loading Areas.** Adequate off-street truck maneuvering area shall be provided on-site and shall not interfere with internal site circulation, ingress or egress to the site, access to or use of required off-street parking areas and pedestrian circulation areas. Maneuvering areas shall not be provided within any public street right-of-way or other public lands except as may be allowed by the Plan Commission for properties in the B-P - Business Park and LI - Limited Industrial Districts where permanently dead-ended streets and cul-de-sacs may serve as off-street truck maneuvering. The Plan Commission shall consider the number of proposed loading docks, the proposed use and frequency of loading and unloading and the number of businesses located on the dead-end street or cul-de-sac and determine that the adjacent businesses will not be adversely impacted or affected.
7. **Interference With Fire Exit or Emergency Access Prohibited.** Off-street loading facilities shall be designed so as not to interfere with any fire exits or emergency access facilities to either a building or site.
8. **Required Loading Spaces.** The number of loading spaces provided shall be determined by the developer and shall provide for adequate space for standing, turning, loading, and unloading services in a manner that does not interfere with vehicle or bicycle parking, drive aisles, pedestrian walkways, or landscaped areas.

15-5-02. Driveways

- A. **Driveways on Controlled Access Arterials and Highways Prohibited.** No direct private access shall be permitted to the existing or proposed rights-of-way of expressways or to any controlled access arterial street without permission of the highway agency with access control jurisdiction.
- B. **Right Angles Required.** Driveways shall cross the lot line at right angles or as close to right angles as possible to provide site access.
- C. **Arterial Street and Highway Access and Street Intersections.** No new direct public or private access shall be permitted to an arterial street or highway within one-hundred and fifteen (115) feet of the intersection of the right-of-way lines of another arterial street or highway; and, where lot or parcel size permits, no new direct public or private access shall be permitted to an arterial street or highway within five hundred (500) feet of the intersection of the right-of-way lines of another arterial street unless highway unless approved by the Plan Commission.
- D. **Single-Family and Duplex Driveway Standards.** A single slab or ribbon driveway from the property line to legal, on-site parking shall be provided and shall be in conformance with the following criteria.
 1. **Limit of One.** One (1) single slab or ribbon driveway and one (1) curb cut shall be permitted per seventy-five (75) feet of lot frontage.
 2. **Single-Slab Driveway Design Standards.**
 - a. Single-slab driveways shall not exceed ~~twelve (12)~~ twenty (20) feet in width at the property line.

b. Surfacing.

- i. Single-slab driveways shall be surfaced with an all-weather, dustless concrete material which may include decorative concrete, patterned concrete, exposed aggregate concrete, concrete pavers, permeable paver blocks, or similar materials approved by the City Engineer.

Asphalt Surfacing Option 1 - Allowance for Driveways Constructed Prior to UDO Adoption

- ii. Single-slab driveways surfaced with asphalt and constructed prior to the adoption date of this UDO MM/DD/YYYY shall be allowed to continue or be reconstructed in kind.

Asphalt Surfacing Option 2 - Allowance for Driveways Over a Set Length

Commented [RS3]: Width standards revised from 12 to 20 feet per task force feedback.

III. Driveways longer than fifty (50) feet may be surfaced with asphalt.

Asphalt Surfacing Option 3 -- Allowance for Driveways in Low Density Residential Districts

IV. Driveways on lots in the R-C - Conservation Residence District and R-SE Suburban/Estate Residence District may be surfaced with asphalt.

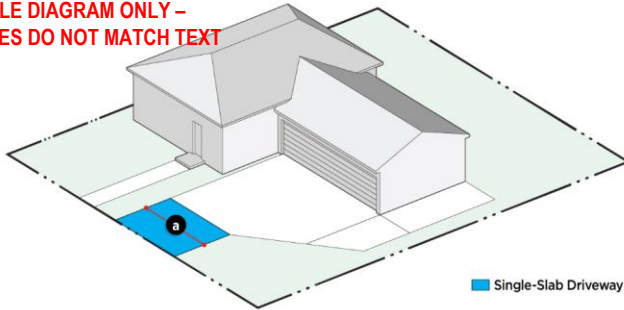
Commented [RS4]: Is there a length that the City this is appropriate?

50 would prohibit the use of asphalt in many of the newer subdivisions including along Drexel Avenue, S 51st Street, W Rawson Road, and Puetz Road, which are mostly made of concrete.

50 feet would allow asphalt in some of the older subdivisions such as north of W Rawson Avenue to the West of S Lovers Land Rd where asphalt exists currently. 50-foot width would also allow asphalt in the rural residential areas south of W Ryan Road. Longer driveways with asphalt exist in this area.

Commented [RS5]: These are the two low-density residential districts that encompass the south and southwest of the City. Longer driveways are common in this area on rural or semi-rural properties.

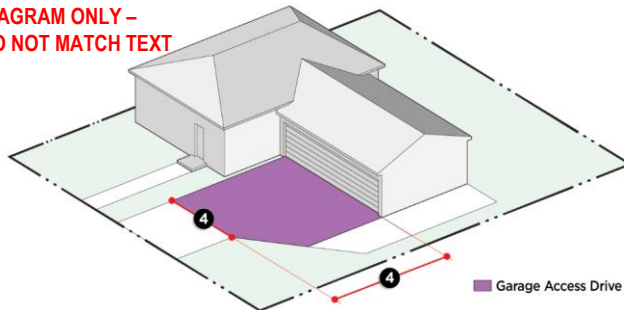
EXAMPLE DIAGRAM ONLY –
REFERENCES DO NOT MATCH TEXT



3. **Garage Access Drive.** A garage access drive is permitted and shall meet the standards below. ~~These standards shall not apply to driveways serving a single family detached home with an attached, one-car garage.~~
 - a. **Width.** The maximum width of a garage access drive shall be the width of the garage, as measured from the garage door(s) plus an additional three (3) feet on either side of the garage door(s).
 - b. **Length.** The maximum length of a garage access drive shall be sixteen (16) feet from the garage doors.
 - c. **Taper.** The garage access drive shall taper, within ten (10) feet, back to the maximum driveway width.
 - e.d. **Surfacing.** ~~Garage access drives shall adhere to the surfacing requirements for single-slab driveways in Section ###.###.~~

Commented [RS6]: Surfacing provision was missing - makes sense to specify that it meet the surfacing requirements for single-slab driveways.

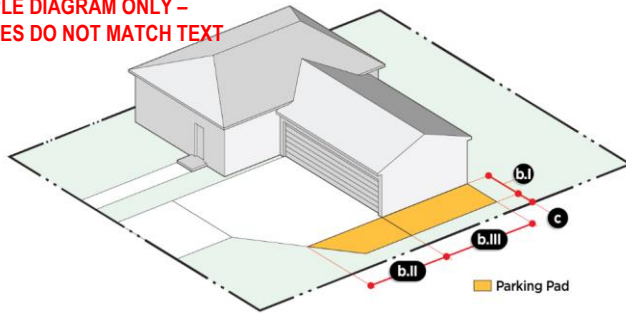
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4. **Parking Pad.**

- a. **Limit of One.** A garage access drive may be extended to include one (1) parking pad.
- b. **Configuration.**
 - I. A parking pad shall be a minimum of nine (9) feet and a maximum of ten (10) feet in width.
 - II. The portion of the parking pad adjacent to the garage access drive shall have a maximum length of twenty (20) feet, as measured from the front façade line of the garage. A minimum seven (7) foot taper shall be included in the twenty (20) foot maximum.
 - III. The portion of the parking pad adjacent to the garage shall have a maximum length equal to the depth of the garage, as measured from the front façade line of the garage.
- c. **Location.** The parking pad shall be set back a minimum of five (5) feet from any side property line.
- d. **Screening.** A fully opaque fence with a minimum height of six (6) feet shall be constructed in the side yard abutting the parking pad.
- e. **Surfacing.** A parking pad may be surfaced with asphalt, concrete, grass, gravel, or a permeable paving system. The first half (1/2) inch of runoff over the entire surface shall be treated with green infrastructure if the parking pad is surfaced with asphalt or concrete.

**EXAMPLE DIAGRAM ONLY –
REFERENCES DO NOT MATCH TEXT**



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E. Townhouse, Multifamily, and Nonresidential Driveway Standards.

1. Location.

- a. Where an off-street parking area of a corner lot abuts an alley or a corner side street, access to the off-street parking area shall be obtained from a driveway off the alley or corner side street.
- b. No lot other shall have multiple driveways for purposes of vehicular ingress and egress without a minimum three hundred (300) foot separation between such curb cuts along a street, unless otherwise approved by the City Engineer.

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2. Townhouse Driveway Design Standards.

- a. One-way driveways for townhouse uses shall be a minimum of ~~nine (9)~~ten (10) feet wide and a maximum of twenty (20) feet wide at the property line.
- b. Two-way driveways for townhouse uses shall be a minimum of twenty (20) feet and a maximum of thirty-three (33) feet in width at the property line.
- c. Driveways for townhouse uses shall ~~comply with the surfacing standards for single-slab driveways be surfaced with an all-weather, dust-free concrete material as per Section C.2. has specified in Section # # # #~~ above.

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3. Multifamily and Nonresidential Driveway Standards

- a. One-way driveways for multifamily and nonresidential uses shall be a minimum of ~~nine (9)~~ten (10) feet wide and a maximum of thirty-three (33) feet wide at the property line.
- b. Two-way driveways for multifamily and nonresidential uses shall be a minimum of twenty (20) feet wide and a maximum of thirty-six (36) feet wide at the property line.
- c. Driveways for multifamily ~~and nonresidential uses shall be surfaced with an all-weather, dust-free concrete material as per Section (C)(2)(b) uses shall comply with the surfacing requirements for single-slab driveways in Section # # # #~~ above. ~~Asphalt shall be prohibited for driveways serving lots with a nonresidential use.~~
- d. Islands between the vehicle lanes in opposing directions shall be provided at driveway openings with a minimum width of twelve (12) feet and located six (6) feet from all lot lines.
- e. **Setbacks Required.**
 - I. **Pedestrian Entrance.** Driveways for all retail, service, eating and drinking, vehicle-related, and industrial uses shall be at least two hundred (200) feet from any pedestrian entrance to any institutional or place of assembly use.
 - II. **Property Line.** No driveway shall be located closer than ten (10) feet to any front, street side, side, or rear property line except as follows.
 - i. Where a shared driveway between neighboring lots or parcels is provided to serve as access to a State or County Highway for the purposes of highway safety as approved by either the Wisconsin Department of Transportation or Milwaukee County Highway Department, any minimum driveway setback as required by this Section may be waived, provided that such waiver of setback is for the shared driveway that is constructed over or abutting property lines of lots or parcels that benefit from the shared driveway.

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- ii. Approved access points to public streets or cross access between neighboring properties as required in Section ###-#-## may be allowed to cross the required setbacks at or as close to right angles as possible to provide site access.

GRAPHIC IN DEVELOPMENT

- f. **Edge Barrier Required.** Concrete curb and gutter, or an equivalent barrier of a minimum of four (4) inches in height, shall be installed along the length of all new driveways serving multifamily, mixed-use, or nonresidential development.
 - I. The edge barrier may be interrupted where necessary to provide for stormwater inflows/outflows.
 - II. This provision may be waived by the Plan Commission for additions to existing structures located in areas without a predominance of curb and gutter when curb and gutter is not installed on the adjacent street right-of-way or is not anticipated to be constructed on the street right-of-way in a future street reconstruction in a reasonable period of time.

15-5-03. Required Landscaping

- A. **Landscaping Required.** Landscaping is required in the form of on-lot landscaping, street bufferyards, peripheral bufferyards, and in off-street parking areas and in areas where vegetative mitigation (see Section 15-4.0103 of this Ordinance) is required. The area and/or length of each, as required herein must be measured in order to determine the amount of landscaping required.
- B. **Exemptions and Modifications.** All developments shall meet the provisions of this Division except as specifically exempted below:
 - 1. Residential Development on Existing Lots of Record in the A - Agricultural, A-P - Prime Agricultural, and Residential Districts.
 - 2. Additions to Existing Buildings where the Total Floor Area is not Increased More than Ten (10) Percent. Additions to existing buildings where the total floor area is not increased more than ten (10) percent of the existing total floor area.
 - 3. Additions to Buildings Which Increase Overall Building Area from Ten (10) to Fifty (50) Percent. Additions to buildings which increase their overall building area from ten (10) to fifty (50) percent shall conform to the landscaping standards set forth in this Division reduced by up to thirty (30) percent.
 - 4. Floodplain and Wetland Areas. Areas located within the FW - Floodway and FF - Floodfringe Districts are exempt from the landscaping requirements set forth in this Section except where mitigation or restoration is required by this UDO.
- C. **Bufferyards to Ameliorate Nuisances Between Certain Adjacent Zoning Districts.** A bufferyard is a combination of a setback and a visual buffer or barrier and is a yard or area together with the planting and/or landscape structure required thereon. The amount of land, the type of planting, and the amount of planting specified for each bufferyard requirement of this UDO are designed to ameliorate nuisances between certain adjacent zoning districts. Bufferyards are also designed to ensure a desired character along public streets and roads.
- D. **Bufferyards Required to Separate Different Zoning Districts.** 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.
- E. **Integration with Stormwater Management.** Vegetated features designed and installed to provide stormwater infiltration or treatment, including but not limited to bioretention areas or rain gardens, vegetated swales, or deep-rooted plantings with amended soils, may be incorporated into landscaped areas and bufferyards required under this Section. The plant selection requirements of this Section may be varied in order to accommodate planting plans specific to a vegetated stormwater

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infiltration or treatment area, provided the overall landscaping and/or screening plan installed is equivalent or greater to the amount required under this Division.

15-5-04. Minimum Landscape Standards.

A. **Standard Plant Units.** This Section defines the standard plant unit and its definitions of this Section. The following **Table 15-5.0302** specifies the plant unit requirements. Tree requirements shall refer to the diameter measured six (6) inches above root flare. For purposes of this Section, bioretention plantings shall be equivalent to small flowering shrubs or native grasses/forbs at a rate of 9 SF of plantings per large deciduous shrub, small flowering shrub, or native grass/forb.

Planting Type	Planting size		Land Use Type		
	Minimum Diameter/Size	Minimum Height	Multi-Family	Retail, Service, Institutional, Place of Assembly, Vehicle-Related, and Similar	Industrial
Canopy/Shade Tree	3" diameter at 6" above root flare	--	1.5/ dwelling unit	1/5 parking spaces	1/10 parking spaces
Evergreen Tree OR Ornamental Tree	-- 3" diameter at 6" above root flare	6' --	1/dwelling unit	1/5 parking spaces	1/10 parking spaces
Evergreen Shrub OR Large Deciduous Shrub	18" wide --	-- 3'	1/dwelling unit	1/5 parking spaces	1/10 parking spaces
Small Flowering Shrubs OR Native Grasses/Forbs OR Bioretention Plantings	-- 1 gallon pot 3" - 4" pot (or as specified by Landscape Architect)	18" --	3/dwelling unit	1/5 parking spaces	1/10 parking spaces
			Per storm water management plan; Max Spacing 18" on center; 9 SF = one 18" small flowering shrub or 1 gallon pot of native grasses/forbs		

B. **Definition and Conditions.** The following definitions and conditions shall apply to the application of **Table 15-5.0302**.

1. **Trees.**

- a. Canopy/Shade trees are deciduous trees providing over-hanging canopy at maturity.
- b. Evergreen Trees refers to coniferous trees, tamarack trees, and upright-growing arborvitae; bush-type arborvitae may be used as an Evergreen Shrub.
- c. Ornamental Trees are flowering and/or fruit bearing trees, normally growing to full growth shorter than a shade tree.

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- 2. The number of plantings required per parking space shall be rounded to the next highest range. For example, fifty-two (52) spaces in a commercial development shall require eleven (11) shade trees, not ten (10).
- 3. The minimum number of plantings shall be five (5) per property for each type.
- 4. The minimum amount of landscaping shall be twenty (20) canopy/shade trees per acre, twenty (20) evergreen trees per acre, ten (10) ornamental trees per acre, and thirty (30) small shrubs per acre. Each acre shall be divisible, rounded to the next number of plantings (i.e., 1.68 acres = 34 shade trees).

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5. In the event ornamental trees and/or shrubs are not appropriate for a development, then those types may be replaced by the following schedule:
 - a. One (1) canopy/shade tree for every one (1) required ornamental tree.
 - b. One (1) canopy/shade tree or evergreen tree for every two (2) required large deciduous or evergreen shrubs.
 6. In the event evergreen trees are not appropriate for a non-multi-family development, then each required evergreen tree may be replaced by a canopy/shade tree.
 7. Tree requirements are stated in terms of the required diameter measured six (6) inches above root flare.
- C. **Bufferyard.** When development abuts or is across a street from a residential zoning district or existing residential use, or an existing, less intensive use as determined by the Zoning Administrator the following bufferyard requirements shall apply:
1. Additional planting density shall be required; for the site as a whole, the minimum density of plantings required in **Table 15-5.0302** shall be increased by twenty (20) percent.
 2. Emphasis shall be on placing the increased amount of plantings within the bufferyard, except where preservation of existing plant material does not allow additional plantings, or where a combination of fencing and landscaping is provided to accommodate vegetated stormwater management areas.
 3. A combination of evergreen trees (which may include arborvitae), other deciduous vegetation, and fencing are recommended within the buffer yard. The minimum planting height of evergreens and fencing at installation shall be six (6) feet.
 4. On-site pedestrian circulation systems provided on-site, whether required in **Section 15-5-##** or not, may traverse a bufferyard required in this subsection subject to Zoning Administrator approval.

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- D. **Credit For Preserved Existing Plant Materials.** The preservation of healthy, existing plant materials is strongly encouraged. [REF TO NATURAL RESOURCE STANDARDS – removal of invasives] Where plant materials and trees are to be preserved on the site, the following shall apply:-
1. In a non-bufferyard landscape area, preservation of existing canopy/shade trees, evergreen trees, and ornamental trees over six (6) feet in height with a minimum diameter of three inches (3") measured six inches (6") above root flare shall replace one (1) equivalent type of required planting.
 2. In a bufferyard landscape area, existing canopy/shade trees, evergreen trees, and ornamental trees over six (6) feet in height shall replace one-half (1/2) an equivalent type of required planting.
 3. In either a non-buffer or bufferyard, existing large deciduous or evergreen shrubs over five (5) feet in height shall replace one (1) required large shrub planting.
 4. Plantings to be preserved including exact location, size, and type shall be shown on the submitted landscape plan and in any required maintenance and replacement schedules. The City Forester may be consulted to determine the likelihood of survival of canopy/shade, evergreen, and ornamental trees through construction, and may specify required measures for construction-phase protection as a condition of approval of the landscape plan.
- E. **Alternative Minimum Landscape Surface Ratio.** Use of the Alternative Minimum Landscape Surface Ratio shall require a minimum diameter measured six (6) inches above root flare of three (3) inches for canopy/shade trees and two (2) inches for ornamental trees, and a minimum height of six (6) feet for evergreen trees, along with an increase by twenty (20) percent of the minimum quantity of plantings required by Table 15-5.0302. If a bufferyard is present, then the required quantity of plantings increases to thirty (30) percent.
- F. **Ground Cover.** All areas not covered by buildings or paving shall be covered with landscaping. The specific type(s) of groundcover to be used shall be shown on the landscape plan.
1. Open areas not covered by formal landscape plantings shall be planted with deep-rooted plantings (which may include native short-stature grasses or forbs), low growing ground cover, or other living landscape materials, except where existing natural vegetation of the site makes such plantings impossible.
 2. The use of conventional sod or turf grass as ground cover should be limited to those areas planned for active or passive recreation use, or other areas where substantial use of the area is anticipated.
 3. The use of low-growing ground cover on slopes to provide stabilization and where appropriate, pollinator habitat, is encouraged.
 4. The use of salt-tolerant species is recommended in all parking lot landscaped islands and perimeter areas.
 5. Low-growing ground cover such as Barren Strawberry (*Waldesteinia*) is preferred to grass. The use of stone, wood chips, artificial or plastic mulches, or other non-living material to cover more than twenty-five (25) percent of any parking lot landscaped island shall be prohibited.
- G. **Placement.** Generally, placement of all types of plantings shall be dispersed across the entire site at discretion of developer, with the following minimum guidelines:
1. Species of plantings best suited for high traffic areas shall be placed in the highest vehicular and pedestrian traffic areas.
 2. Native species of canopy/shade trees should be placed away from the highest vehicular and traffic areas.
 3. Plantings shall be located so as not to obscure vehicle sight lines.
 4. Plantings shall be located so future growth is not over a sidewalk or parking/ drive area.
 5. Plantings shall be located to soften tall and long building walls.

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6. Plantings within buffer yards, in combination with any fencing provided, shall provide visual opacity within two (2) years of planting.
7. Any fruit, nut, or seed-bearing trees shall be located away from parking/drive areas and pedestrian walkways.
8. Canopy/shade trees and evergreen trees shall be separated from one another to ensure the health and longevity of the trees. In no instance shall canopy/shade or evergreen trees be located closer than five (5) feet from one another.

G. Landscape Plan Contents.

1. Landscape Plans shall be prepared by a professional Landscape Architect or Landscape Designer. Each Landscape Plan shall include:
 - a. Preparer's name and date of preparation.
 - b. A base site plan that matches the site plan submitted for approval, showing planting locations and existing plantings to be preserved, and the Landscape Surface Ratio percentage.
 - c. A planting schedule of common names, botanical names, and planting sizes and quantities of all planting materials and ground cover.
 - d. Calculations showing how the plan meets or exceeds the minimum quantity of plant materials required, including calculations of preserved plant materials, landscape area plantings, and bufferyard plantings.
 - e. A diagram or plan showing the integration of drainage patterns and stormwater management measures with landscape areas.
2. Landscape Plans shall be submitted with the initial application subject to the following procedures.
 - a. An applicant must at a minimum file a preliminary landscape plan generally depicting the landscaping for the site at the time of initial application filing.
 - b. Landscape Plans must be approved by the Zoning Administrator and, where integrated with a Stormwater Management Plan, the City Engineer.

15-5-05. General Landscaping Requirements

- A. **Physical Containment of Landscaped Areas.** All landscaped areas located within or adjacent to a parking area, or adjacent to a public street or sidewalk, shall be designed to contain landscape materials and to prevent vehicular encroachment through the use of concrete curbing, headers of a minimum four (4) inches in height, or wheel stops.
- B. **Artificial Landscape Materials.** Artificial trees, shrubs, turf, or plants shall not be permitted as landscaping.
- C. **Groundcover.** The use of landscape fabrics or mulches under all areas landscaped with non-living materials, except as required per an approved stormwater management plan, is recommended to prevent weed growth.
- D. **Irrigation.** Appropriate on-site, outdoor water supply (e.g., underground or drip irrigation, hose bibs, etc.) that provides complete coverage to all new living landscaped areas sufficient to provide for plant establishment and ongoing maintenance is required. Watering systems shall be designed to water landscaped areas efficiently and avoid irrigation of adjacent parking areas and access drives, sidewalks, buildings, and public streets. If hose bibs are used, they must be located within one hundred (100) feet of any landscaped area. Temporary or permanent irrigation of bioretention areas or other vegetative stormwater management areas shall be implemented per an approved Stormwater Management Plan, or as specified by a Landscape Architect or landscape designer on the approved landscape plan.
- E. **Location.** New vegetation shall be selected, planted, and maintained so that at maturity it will not interfere with utility lines, snow storage areas, vehicular parking, pedestrian circulation, traffic sight visibility at driveways and street intersections, and will not cause damage or upheaval of sidewalks and pavement.
- F. **Installation.**
 - 1. **Timing of Installation.** Landscaping and irrigation shall be installed in accordance with the approved landscape plan prior to issuance of a Zoning Compliance Permit or commencement of operations. The City will have the right to refuse approval of any project not meeting the provisions of this Section.
 - 2. **Surety to Include the Cost of Ground Cover.** The cost of vegetative ground cover shall be reflected in the financial surety held in accordance with this Division.
 - 3. **Return of Financial Surety.** When it is determined that the landscaping and watering systems have been installed in accordance with the approved plans, the City shall return the surety to the applicant.
- G. **Maintenance.**
 - 1. **Responsibility for Maintenance.**
 - a. Maintenance of all landscaping shall be the responsibility of the owner, lessee, heirs, assigns, agents, homeowners' association, or other liable entity of the property and shall consist of regular watering, pruning, mowing, fertilizing, removal and replacement of irrigation systems, and architectural features.
 - b. The owner or liable entity in control of any private premises shall at all times maintain the premises free of litter and weeds.
 - c. Landscape maintenance shall be coordinated, where applicable, with maintenance provisions in an approved Stormwater Management Plan.
 - 2. **Landscape Phasing.** Future building pads within a phased development shall be maintained in a dust-free condition vegetated with groundcover.
- H. **Preservation of Existing Trees During Grading.** During grading operations, every effort shall be made by the Subdivider or Condominium Developer to preserve and protect from damage those existing trees identified in the "Natural Resource Protection Plan" to be preserved and retained as a part of the sSubdivision, cCertified sSurvey mMap, or cCondominium approval. (See § 15-8.0204 of this Ordinance) shall be protected through the following measures:-

Commented [JH7]: So...if the City WANTS to do more to protect trees, here's the language. We can talk to Regulo and Marion about this.

Commented [GU8R7]: It makes sense to me but I'm not an arborist. I'll ask for the City Forester's input. RM

Commented [RS9]: Inspection for tree preservation - to discuss with Inspection services.

Commented [RS10R9]: Relocate this to landscape standards. For discussion with PC.

Commented [RS11]: For Discussion with Staff - tree protection during construction.

Commented [RS12]: Existing text from subdivision standards retained.

Commented [RS13]: Inspection for tree preservation - to discuss with Inspection services.

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1. All trees to be retained shall be identified on site by flagging tape. Trees selected for transplanting shall be flagged with a separate distinguishing color.
2. Construction limit fencing shall be erected at the perimeter drip line of all trees to be retained and all protected areas as identified in a Natural Resource Protection Plan. Tree protection devices shall be installed where required over tree roots, branches and/or tree trunks, as identified in the Natural Resource Protection Plan.
3. Fences and tree protection devices installed shall be maintained and all construction materials, supplies and equipment shall be kept outside of the protected areas throughout construction.

I. **Plant Replacement.** Any plant materials included in an approved landscaping plan that do not survive a plant establishment period of two (2) years after installation shall be replaced with plant material(s) of the same or like species of equal size within the next planting season, but in any event, within six (6) months of the plant's demise. Said replacement shall be made by the property owner or, in the case of landscape plant materials located within a landscape easement under the control of a homeowners' association, the homeowners' association shall be responsible for said replacement.

J. **Plant Material Species Mixture.**

1. ~~All landscape plant materials selected shall be adequately mixed so that no singular species exceeds forty (40) percent of the total planting requirements. Where four (4) or more canopy/shade trees are to be installed, at least two (2) species of canopy/shade tree must be installed that include one or more species suitable to the region, such as but not limited to Sugar Maple, Red Maple, Red Oak, Tilia Americana and improved cultivars, or Hybrid Elm.~~

1.

2. For every ten (10) trees a minimum of three (3) different species are recommended.

2-3. Trees shall be selected from a tree species list as recommended by the City Forester.

K. **Invasive Species Prohibited.** Plant species listed in **WI Ch. NR 40** invasive species plant list shall not be used in any landscape areas.

15-5-06. Minimum Landscaping Standards for Off-Street Parking Areas and Lots

A. **Minimum Landscaping Requirements for Residential, Mixed-Use, and Nonresidential Off-Street Parking Areas and Lots.** Each residential, mixed-use, and nonresidential off-street parking lot shall contain landscaping within the parking lots, along the perimeter of parking lots, and along adjoining entrance drives and circulation drives.

1. A minimum of ten (10) percent of the interior area of the parking lot shall be landscaped, with a minimum total interior planting area of three hundred (300) square feet.
2. The minimum dimension of any planting area shall be nine (9) feet by eighteen (18) feet, with a minimum planting depth of three (3) feet.
3. A minimum of two (2) cubic feet of soil volume per one (1) square foot of projected tree canopy at maturity shall be provided per canopy/shade or ornamental tree planted in an interior parking lot island.
4. In general, larger, contiguous planting areas are preferred over smaller planting areas in order to promote healthy plant growth.

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B. **Existing Vegetation May Count Toward the Provision of Minimum Off-Street Parking Landscape Requirements.**

Existing trees that can, in the opinion of the City Forester, be preserved in a healthy condition after construction, shall count toward the minimum off street parking landscape requirements. The City Forester shall find that conditions during and after construction:

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1. Shall not cut off the tree from a reasonable supply of water,
 2. Shall incorporate sufficient soil volume (i.e. 2 cubic feet of soil per 1 square foot of projected canopy area at maturity) and protected from compaction, with the area under the canopy remaining undisturbed; and
 3. Plantings that are preserved within parking lot islands shall be located within islands with a minimum of three hundred (300) square feet in area.
- C. **Barriers Required to Contain Landscape Areas.** The barrier around landscape areas may incorporate wheel-stops, provided the area of vehicle overhang does not exceed two (2) feet and does not damage or interfere with the landscaping. Where vehicle overhangs abut required landscape areas, a minimum five (5) foot wide planting area is required for a single vehicle overhang, and an eight (8) foot wide planter for a double vehicle overhang is required. Vehicle overhang into the public right-of-way is not permitted.
- D. **Uses Not Permitted in Required Landscaped Areas.** Parking (except where vehicle overhang is permitted), buildings, and display of equipment or vehicles are not permitted in required landscaped areas. Required landscaped areas shall not be used for snow storage.
- E. **Required Landscape Materials Not to Constitute a Driving Hazard.** To ensure that landscape materials do not constitute a driving hazard, trees used to landscape parking islands shall have a clear trunk height of six (6) feet; mature shrubs, groundcover, or other landscaping material shall not exceed three (3) feet in height. The landscaped area within these planters may be used to satisfy, to the extent provided, the landscaping requirements.

15-5-07. Screening

A. **Grease Traps, Trash, and Recycling Receptacles.** The following regulations shall apply to all nonresidential, mixed use, and multifamily development.

1. Visibility From Public Right-of-Way Prohibited. Grease traps, trash, and recycling receptacles shall be located to be completely concealed from visibility from any public right-of-way. The Zoning Administrator may provide an exemption from these requirements when the Zoning Administrator determines that the site's conditions require the exemption.

1.2. **Screening Required.**

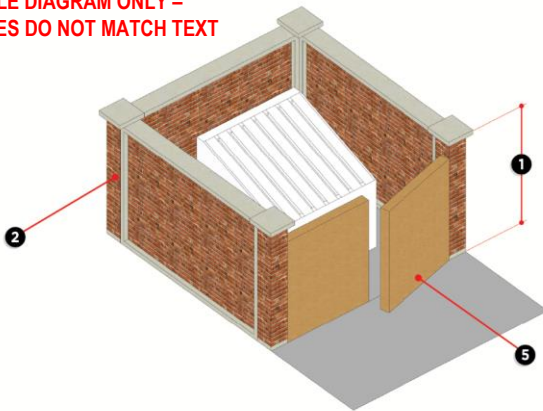
- a. Grease traps, trash, and recycling receptacles shall be screened on three (3) sides with a solid, opaque material with a minimum height of six (6) feet and a maximum height of eight (8) feet.
- b. Materials used for screening shall complement the exterior building cladding materials of the primary building.
- c. Materials and elevations for enclosures that are attached to buildings shall be designed to be integrated into the primary building.
- d. If enclosures are to be attached to buildings, they shall comply with applicable fire and building codes.
- e. Shrubs, native grasses, or other vegetation shall be installed along the exterior of the enclosure, except for the enclosure openings, to provide a softening effect.
- f. Enclosure openings shall be gated with an opaque material.
- g. Enclosure openings shall be kept closed at all times except for when the receptacle is being accessed.
- h. Property owners shall be responsible for ensuring that grease traps, trash, and recycling receptacles be placed in the enclosure at all times other than when it is being accessed.
- i. Access drives shall be constructed of materials and to a thickness which accommodates truck loading. Year-round access to the enclosure area for service trucks shall be maintained by the property owner or tenant.

Commented [RS14]: Prohibition on grease traps, trash, and recycling receptacles from visibility from public ROW added per task force feedback. ZA may provide relief when site conditions necessitate.

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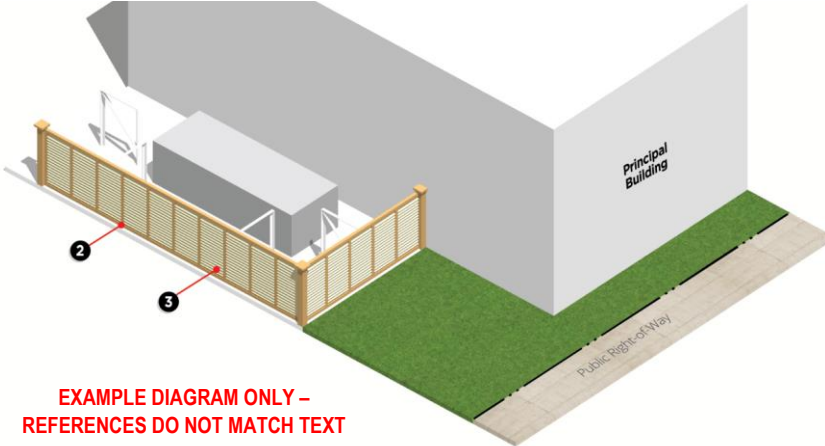
- j. Enclosures shall be of an adequate size to accommodate expected containers. The enclosure shall be designed to be expandable to accommodate future additional containers.
- k. All enclosures shall be curbed, graded and drained in a manner that prevents the discharge of contaminated runoff to surface waters or storm drainage facilities.
- l. Enclosure structures shall be designed to protect the walls from damage by containers. Such protection may be provided by the use of barrier curbing, reinforced masonry walls, or other similar means.
- m. Grease traps, trash, and recycling receptacle enclosures shall not occupy areas used for required parking spaces.

EXAMPLE DIAGRAM ONLY –
REFERENCES DO NOT MATCH TEXT

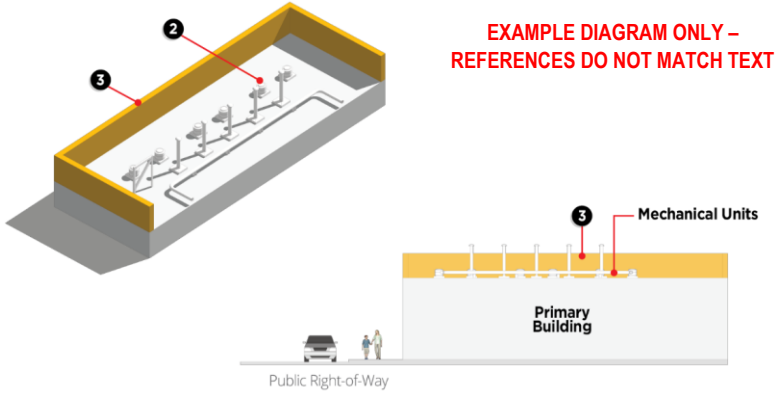


- B. **Ground/Wall Mounted Mechanical Units.** The following regulations shall apply to all ground/wall-mounted mechanical units, including but not limited to generators, air-conditioning condensers, heat pumps, ventilation units, computer cooling equipment, etc., and any related utility structures and equipment. Tanks and / or silos accessory to a brewery, winery, and/or distillery or microbrewery, microwinery, or microdistillery are exempt from these requirements.
- 1. Locating mechanical units within the primary building is strongly encouraged to minimize exterior visual impacts. Ground-mounted mechanical units are prohibited within the front yard, regardless of whether screening is provided.
 - 2. Ground/wall mounted mechanical units that are visible from any public right-of-way or adjacent residential property shall be screened from public view.
 - 3. Materials used for screening shall be designed and established so that the area or element being screened is no more than twenty (20) percent visible through the screen. Evergreen hedges or non-transparent walls such as stone masonry shall be allowed.

- Chain-link fence or slats in chain-link fence shall not be used to meet this requirement.

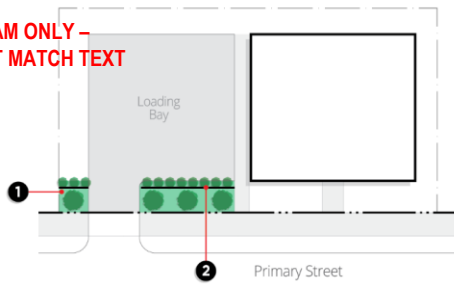


- Roof Mounted Mechanical Units.** The following regulations shall apply to all roof mounted mechanical units, including but not limited to air-conditioning condensers, heat pumps, ventilation units, computer cooling equipment, etc., and any related utility structures and equipment which service multifamily, non-residential, or mixed-use developments.
 - Locating mechanical units within the primary building is strongly encouraged to minimize exterior visual impacts.
 - Roof mounted mechanical units that are visible from the closest right-of-way line or adjacent residential property shall be completely screened from public view from those locations.
 - Materials used for screening shall be architecturally integrated with the building and shall be continuous and permanent.
 - Screening shall be required when new equipment is installed and shall be provided around both new and existing roof mounted mechanical units in order to provide visual continuity. Normal maintenance of roof mounted mechanical units shall not mandate the screening requirements.
 - Additional screening may be required due to topographic differences in the adjoining properties.



- D. **Off-Street Loading Areas.** Off-Street loading areas that are visible from any property in a residential district shall be completely screened from view with a bufferyard as specified in [Section ##-##-##](#).

EXAMPLE DIAGRAM ONLY – REFERENCES DO NOT MATCH TEXT



15-5-08. Fencing

A. General Provisions.

1. **Maintenance Required.** All fences shall be maintained in good repair and in structurally sound condition. All fences shall be constructed and maintained in a good aesthetic condition and of such materials and colors so as not to adversely affect the value, visual character, and visual appeal of adjoining property or property in the immediate neighborhood. All fences shall be constructed and maintained straight, plumb, and of an even height along its length, except for such deviations as required by grade.
2. **Building Permit Required.** No fence shall be constructed in the City without first obtaining a Building Permit as specified in **Section ###-#-##**.
3. **Material Storage Prohibited.** No materials shall be stored between a fence located adjacent to a lot line and the lot line. No materials shall be stored against the fence on its interior side.
4. **Snow Fencing Allowed.** Snow fencing will only be allowed between November 15th and April 15th of each year. No Building Permits for the installation of said snow fencing shall be required.
5. **Utilities.** An applicant seeking to construct a fence shall call Diggers Hotline or similar service to obtain information on the location of underground utilities located on-site.
6. **Finished Side Facing Adjacent Property.** Fencing shall be constructed with the finished or decorative side facing the adjacent or abutting property or street.

B. **Height.** Fence height shall be the vertical distance measured from the mean elevation of the natural lot grade along the fence to the highest point on the fence, excluding fence posts and supports. Fence posts and supports may protrude an additional six (6) inches above the highest point on the fence.

C. **Location.** All fences allowed in this Section shall be located:

1. Wholly within property lines; no part of the fence, post hole, or fence material may encroach or cross a property line
2. A minimum of one (1) foot from any property line abutting a right-of-way,
3. A minimum of one (1) foot from any City easements unless otherwise approved by Common Council
4. Outside of a vision clearance area as detailed in **Section ###-#-##**.
5. In a manner which does not block access to underground utility access structures or fire hydrants, and

D. Material Standards.

1. **Materials Permitted.** Permitted fence materials shall be only those materials which are designed and intended for use in fence installations and shall be limited to:
 - a. Masonry
 - b. Vegetation (including but not limited to "green wall" systems),
 - c. Wood, chemically treated or naturally resistant to decay,
 - d. Wood Composites,
 - e. Aluminum,
 - f. Vinyl/PVC,

- g. Wrought Iron,
- h. Trellises composed of materials allowed in this subsection, and
- i. As approved by the Zoning Administrator or their designee.

2. Chain Link Fences. Chain link fences shall be allowed in the interior side or rear yard on a lot with any single-family or duplex use.

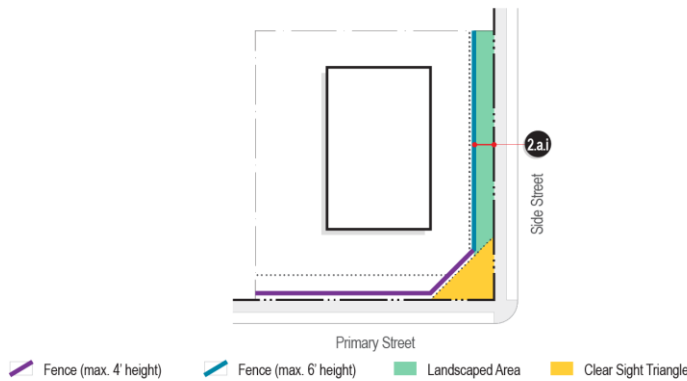
2.3. Masonry Fences. Masonry fences shall be prohibited in the Floodplain Districts. The Zoning Administrator may forward applications for masonry fences to the City Engineer for further review on sites outside the Floodplain Districts on which drainage and flooding concerns are present. Adverse impact of drainage and flooding shall constitute the ground for denial of the application.

E. **Fences on Lots with Single-Family and Duplex Uses.** Fences on lots with single-family and duplex uses shall meet the requirements established below. Barbed wire, razor wire, agricultural fencing, or unconventional materials such as plywood or tarps or others as determined by the Zoning Administrator shall be prohibited on lots with single-family and duplex uses. All fences shall be erected so that the posts and all other supporting members face inward toward the owner's property.

1. **Fences in Front and/or Street Side Yards.**

- a. **Height.** Fences in front and/or street side yards shall not exceed four (4) feet in height except fences in street side yards which may have a maximum height of six (6) feet if located at least five (5) feet from the property line.
- b. **Materials.** Fences in front yards and/or street side yards shall be of non-sight barrier construction and have a maximum opacity of fifty (50) percent except for fences in street side yards, which may be one hundred (100) percent opaque if located a minimum of seven (7) feet from the street side lot line.

**EXAMPLE DIAGRAM ONLY –
REFERENCES DO NOT MATCH TEXT**



2. **Fences in Interior Side and Rear Yards.**

- a. **Height.** The maximum height of a fence in interior side yards and rear yards shall be six (6) feet. A height of up to eight (8) feet shall be allowed for fences in rear yards abutting an arterial road.
- b. **Materials.** Fence materials utilized in interior side yards and rear yards shall complement fence materials utilized in other yards. Fences in interior side and rear yards may be one hundred (100) percent opaque.

F. **Fences on Lots with Townhome, Multifamily, Mixed-Use, and Nonresidential Uses.**

- 1. **Height.** The maximum height of fences on a lot with townhome, multifamily, mixed-use, and nonresidential uses shall not exceed six (6) feet.
 - a. **Rear Lots Abutting An Arterial Road.** A height of up to eight (8) feet shall be allowed for fences in rear yards abutting an arterial road.
 - b. **Plan Commission Exception.** The Plan Commission may approve a height above six (6) feet for a fence located in any lot where the proposed increase provides a functional or aesthetic benefit for the proposed use.
- 2. **Location.** Fences on lots with townhome, multifamily, mixed-use, and nonresidential uses shall be located in rear and interior side yards only, with the exception of fences on lots in the LI - Limited Industrial District which may be located in street side, interior side, and rear yards only. Fences located in the street side yard in the LI - Limited Industrial District shall be buffered from the sidewalk by a landscaped area as specified in **Section ###-###-###**.
- 3. **Barbed Wire.** In the LI - Limited Industrial District, barbed wire may be utilized in interior side and rear yard fences and shall be limited to a maximum height of one (1) foot, and a maximum of three (3) strands of wire. The barbed wire shall not be included in the determination of fence height.

15-5-09. Retaining Walls

A. **Applicability.** The standards of this Section shall apply to retaining walls constructed in any zoning district.

B. **Location.**

1. **General Location Standards.** All retaining walls shall be located as follows:

a. **Setbacks and Location.**

- I. Retaining walls shall be wholly within property lines; no part of the retaining wall or material may encroach or cross a lot line.
- II. The setback from any lot line for retaining walls shall be at least five (5) feet.
- III. The setback and location standards specified in Section ##.#.#### above shall be exempted for retaining walls maintained by a homeowners association that span multiple lots so long as the retaining wall features are documented in an approved subdivision agreement.

b. **General Location Standards.** Retaining walls shall be a minimum of:

- I. Five (5) feet from any property line abutting a right-of-way.
- II. One (1) foot from any City easements unless otherwise approved by Common Council
- III. In a manner which does not block access to underground utility access structures or fire hydrants, and
- IV. A minimum horizontal distance of four (4) feet is required between walls installed in a tiered installation. The area between the tiers shall be graded with no more slope than needed to facilitate shedding of surface waters and must be landscaped with natural material and be properly maintained.

C. **Design.**

- 1. Retaining walls shall not exceed four (4) feet in height above the natural lot grade at the wall's location.
- 2. Retaining walls shall not exceed the height of the grade that is supported.
- 3. The exterior of all retaining walls shall be natural materials, decorative wall blocks, textured concrete, or other similar materials as approved by the Zoning Administrator. The use of standard concrete block or untreated landscape ties are prohibited.
- 4. Any wall more than three (3) feet in height above the natural lot grade shall be stamped and signed by a professional engineer and submitted to the City Engineer for approval.
- 5. A safety guard rail or fence shall be installed along any portion of a retaining wall exceeding three (3) feet in height.

D. **Maintenance and Installation.**

- 1. The long-term durability and maintenance of retaining walls shall be the sole responsibility of the property owner.
- 2. Retaining walls shall not interfere with the surface water drainage pattern and shall not be constructed in drainage swales.

15-5-09.15-5-10. General Townhouse, Multifamily, Mixed-Use, and Nonresidential Design Standards

A. **Applicability.** The standards of this section shall apply to all townhome, multifamily, mixed-use, and nonresidential development.

Commented [RS15]: Standards drafted based on examples in other communities.

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- B. **Exterior Building Cladding Materials.** Allowable exterior building cladding materials shall be as detailed in **Table ##-###** below. Glazing shall not be included in the façade material calculations. When part of a common development, buildings shall utilize materials that are consistent with or complement surrounding development.

Table 15-5-10(B): Exterior Building Cladding Materials

District	Building Façade Elevation	Masonry (1)	Lap Siding, Stucco (2)	EIFS, Concrete	Architectural Metal Siding (3)	Vinyl Siding, Unfinished Concrete Block
<i>R-M - Multi-Unit Residential, Commercial and Mixed-Use, I - Institutional, and B-P - Business Park Districts</i>	<i>Front, Street Side</i>	Min. 50%	Max. 50%	Max. 15%	Max. 15%	Not permitted
	<i>Interior Side</i>	Min. 25%	Max. 75%	Max. 25%	Max. 25%	Not permitted
	<i>Rear</i>	Any % allowed	Any % allowed	Max. 25%	Max. 25%	Max. 25%
<i>LI - Limited Industrial District</i>	<i>Front, Street Side</i>	Min. 30%	Max 60%	Max. 30%	Max. 30%	Not permitted
	<i>Interior Side</i>	Any % allowed	Max. 80%	Max 40%	Max 40%	Not permitted
	<i>Rear</i>	Any % allowed	Any % allowed	Max. 40%	Max. 40%	Max. 40%
Notes						
(1) Masonry shall include brick, stacked stone, stone, stone masonry units, and architectural concrete masonry units.						
(2) Lap siding shall include cementitious fiber board.						
(3) Architectural metal siding shall not be corrugated.						

GRAPHIC IN DEVELOPMENT

- C. **Façade Articulation.** Articulation involves the horizontal and vertical variation of the façade so that walls are subdivided into bays or sections that are vertically proportioned. The following provisions for façade articulation shall apply to any building elevations facing a public right of way or property in a residential district.
1. The frontage of the building shall be divided into architecturally distinct sections or bays with each section taller than it is wide.
 2. Sections or bays shall be visually established by architectural features such as columns, ribs, pilasters, piers, recesses, projections, windows, awnings, arcades, or an equivalent element that visually subdivides the wall with a roof or cap features that provides a rational terminus and integrates with the overall design of the façade.
 3. The required dividing elements shall have a minimum width of one (1) foot and minimum projection to width ratio of 1:4.

GRAPHIC IN DEVELOPMENT

D. **Roofline Modulation.** The width of any continuous flat roofline should not extend more than one-hundred (100) feet without modulation. Modulation shall consist of either one or a combination of the following treatments:

Commented [RS16]: Roofline modulation requirement established per Task Force discussion.

1. For flat roofs or facades with a horizontal eave, fascia, or parapet, the minimum vertical dimension of roofline modulation is the greater of two feet or ten (10) percent of the wall height.
2. For gable, hipped, or gambrel roofs a minimum slope of three (3) feet vertical to twelve (12) feet horizontal.

D.E. **Glazing.**

1. **Transparency Zone.** Glazing that is transparent under all lighting conditions shall extend from a base of contrasting material (not exceeding four (4) feet in height above the adjacent grade) to at least the height of the door head. Table ##-### details the minimum required percentage of square footage in the transparency zone that must have a glazing treatment.

District	Elevation Facing Yard	
	Front	Street Side
B-SM	50%	40%
B-MU	40%	30%
B-N	40%	30%
B-G	30%	20%
B-R	30%	20%
LI	30%	20%
I	30%	20%

2. **Upper Story Glazing.** A minimum of twenty (20) percent of the square footage of upper stories of buildings in the B-SM - Saint Martin's Road Historic Village Business and B-MU - South 27th Street Mixed-Use Districts shall include glazing.
3. **Glazing to be Dispersed.** Required glazing shall not be aggregated into a single, undivided area of glazing treatment. Individual glazing areas shall not span more than fifteen (15) linear feet.
4. **Entrance Orientation.** Main entrances to buildings shall be oriented toward the primary street adjoining the subject property. Secondary entrances are encouraged along secondary streets or along building frontages not adjoining a street.

15-5-10, 15-5-11. Outdoor Lighting

- A. **Fixture Classification.** All outdoor lighting fixtures, with the exception of wall-mounted accent lighting, shall either have a fixture cutoff classification of “Full Cutoff” or be fully shielded, unless otherwise expressly permitted in this UDO.
- B. **LED Fixtures.** All outdoor lighting utilizing a light-emitting diode (LED) fixture shall meet the following standards:
 - 1. **Color Rendering.** Outdoor LED fixtures shall be rated a minimum Color Rendering Index (CRI) value of seventy (70) or higher.
 - 2. **Color Temperature.** Outdoor LED fixtures shall have a correlated color temperature between four thousand (4,000) and five thousand (5,000) degrees Kelvin.
- C. **Pole Mounted Outdoor Lighting.**
 - 1. **Pole Placement.** Pole-mounted outdoor lighting shall be located outside of utility easements, designed in coordination with required landscape zones.
 - 2. **Maximum Lighting Height.** Pole-mounted fixtures shall be mounted at heights as specified in **Table 15-5-11(C)(2).**

Table 15-5-11(C)(2): Maximum Lighting Height	
District	Maximum Permitted Luminaire Height
A, A-P, R-C, R-SE, R-SR	10
R-M, R-V, B-SM	15
B-N, B-MU	20
All Other Districts	25
<i>Notes</i>	
A post height of 60 feet shall be allowed for outdoor place of assembly uses including ball diamond, playing fields, golf driving ranges, tennis courts and similar outdoor recreational facilities.	

Commented [RS17]: Luminaire height of 15 feet established for B-SM District per Task Force feedback.

- D. **Wall Mounted Accent Lighting.** Wall mounted accent lighting shall be integrated with the architectural character of the building and shall use low-luminosity lamps, with two thousand (2,000) source lumens or less. The illumination on any vertical surface shall not exceed one-half (0.5) maintained foot candle and shall not spill over roof lines or building edges.
- E. **Outline Lighting, Flickering, and Flashing Prohibited.** Outline lighting shall be prohibited from signs, buildings, and structures. No flickering or flashing lights shall be permitted.

E-F. State Requirements For Street Lighting. Street lighting shall conform to the standards set forth by the State of Wisconsin for State Trunk Highways, Milwaukee County for County Trunk Highways, and the City for City streets and highways.

F-G. Maximum Light Level at Property Line.

- 1. On lots adjacent to lots in a Nonresidential District, all outdoor lighting fixtures shall be designed and located so that the maximum light level shall be one-half (0.5) maintained foot candles at any property line.
- 2. On lots adjacent to lots in a Residential District, all outdoor lighting fixtures shall be designed and located so that the maximum light level shall be zero (0) maintained foot candles at any property line.
- 2.3. The Zoning Administrator may approve light level in excess of the limits of this section at a front property line for lighting fixtures that meet the City's specifications for streetlighting as specified in Section 15-5-11(F).

Commented [RS18]: Allowance for staff to approve lighting in excess of the specifications set along front lot lines for fixtures that meet the City's streetlighting standards.

G. State Requirements For Street Lighting. Street lighting shall conform to the standards set forth by the State of Wisconsin for State Trunk Highways, Milwaukee County for County Trunk Highways, and the City for City streets and highways.

H. Light Level Measurement.

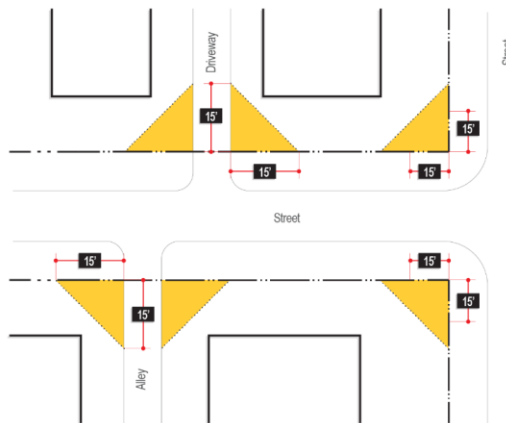
1. **Location.** Light level measurements shall be made at the property line of the property upon which the light to be measured is being generated. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the property of the complainant or at any other location on the property of the complainant. Measurements shall be made at finished grade (ground level), with the sensor in the horizontal position and not mounted more than six (6) inches above ground level, and with the light-registering portion of the meter held parallel to the ground and pointing upward.
2. **Light Meter Specifications.** Light levels shall be measured in foot candles with a direct-reading portable light meter. The meter shall have:
 - a. Cosine and color correction,
 - b. An accuracy tolerance of no greater than plus or minus five (5) percent, and
 - c. Been calibrated within the last two (2) years.

15-5-11.15-5-12. Vision Clearance Areas

A. No visual obstructions, such as structures, parking, or vegetation, taller than three (3) feet above grade shall be permitted in any district in the triangular area of the lot measured as a set distance of thirty (30) feet from the center of the intersection of a driveway and a street or from the center of the intersection of two (2) or more streets. - This area shall be referred to as a clear sight triangle and shall be determined as follows:-

1. In the case of an arterial or collector street intersecting with another arterial or collector street, the clear sight triangle shall be sixty (60) feet from the center of the intersection of the two (2) streets.
- 4.2. In the case of the intersection of any two (2) other street types or between a street and a driveway, the clear sight triangle shall be thirty (30) feet from the center of the intersection of the two (2) streets or between the street and the driveway.

EXAMPLE DIAGRAM ONLY – REFERENCES DO NOT MATCH TEXT



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Article 6. Sign Standards

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15-6-01. Intent, Purpose, and Applicability

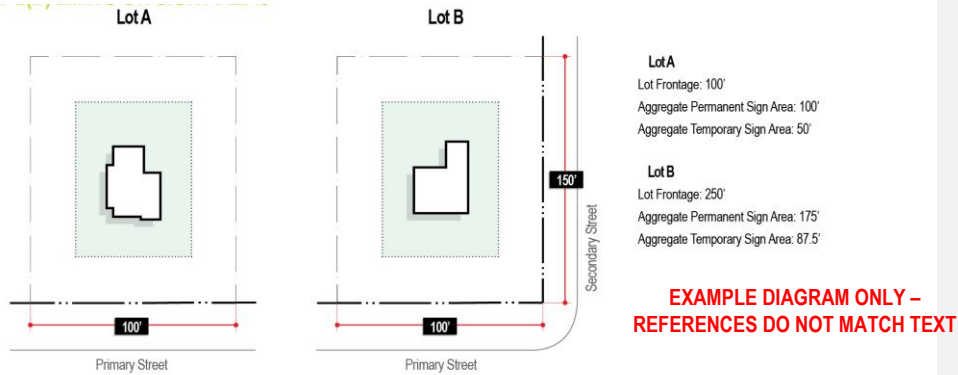
- A. **Purpose and Intent.** The purpose of this Article is to preserve and protect the public health, safety, and welfare by regulating signs of all types. It is intended to:
1. Enhance the physical appearance of the City,
 2. Make Franklin a more enjoyable and pleasing community and create an attractive economic and business climate,
 3. Reduce sign distractions which may increase traffic accidents,
 4. Eliminate hazards caused by unsafe signs,
 5. Relieve pedestrian and traffic congestion, and
 6. Avoid the canceling out effect of adjacent signs.
- B. **Applicability.** Except as otherwise regulated herein, the regulations of this Article shall govern all outdoor signs, advertising structures or devices with respect to location, safety, size, construction, erection, attachment, support, anchorage and maintenance.

15-6-02. Limit on Sign Area

- A. **Permanent Sign Area Limit.** Each lot shall be allowed aggregate permanent sign area equal to two (2) square feet of sign area per linear foot of lot frontage.
- B. **Temporary Sign Area Limit.** Each lot shall be allowed aggregate temporary sign area equal to one (1) square foot of sign area per linear foot of lot frontage.
- C. **Premises Having Frontage on More Than One Dedicated Street.** Premises having frontage on more than one (1) dedicated street will be allowed an additional one (1) square foot of aggregate sign area for each lineal foot of the secondary lot frontage; however additional sign area shall only be displayed on the secondary frontage.

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- D. **Irregularly Shaped Lots.** Irregularly shaped lots with minimal lot frontage, relative to more typically shaped lots in the district, may petition for additional aggregate sign area through the Comprehensive Sign Plan process as detailed in **Section ###-#-##**.



15-6-03. Sign Measurement

- A. **Sign Height.** Sign height shall be measured by the total distance between the highest point on the sign to the average elevation of the ground upon which the sign supports are placed, except when:
1. The sign supports rest upon a berm or other area elevated above the surrounding ground, or
 2. The sign supports rest upon a ditch or other area lower than the surrounding ground.
- B. In the cases detailed in **Section ###-#-##** above, the elevation of the centerline of the adjacent roadway shall be considered as the ground level.
- C. **Sign Area.**
1. Unless otherwise defined, sign area is determined by the total area enclosed by a continuous perimeter along the edges of a sign, including any frame or border.
 2. The area of a sign composed of individually-affixed letters is determined by the total area of the smallest geometric shape enclosing the copy.
 3. A maximum of two (2) geometric shapes may be utilized in sign area calculation.

4. The calculation for a double-faced sign shall be the area of one (1) face only.



**EXAMPLE DIAGRAM ONLY –
REFERENCES DO NOT MATCH TEXT**

15-6-04. Permitted and Allowed Sign Types by District

- A. The following key is to be used in the interpretation of **Table ##-##-## Permitted and Allowed Sign Types by Residential District** and **Table ##-##-## Permitted and Allowed Sign Types by Nonresidential and Mixed-Use Districts**.
- Sign Types Requiring a Permit.** Sign types marked as “●” in the tables shall be permitted subject to all applicable regulations of this Ordinance and only after the issuance of a Sign Permit as detailed in **Section ##-##-##**.
 - Sign Types not Requiring a Permit.** Sign types marked as “○” in the tables shall be allowed subject to all applicable regulations of this UDO without the issuance of a Sign Permit.
 - Prohibited Sign Types.** A blank space in the table indicates that a sign type is prohibited in the respective district.
 - Interpretation of Similar Sign Type.** If a proposed sign is not listed in the table, the **Zoning Administrator** shall determine if the sign is substantially similar to a sign listed in the table. If it is, the standards applied to the proposed sign shall be the standards applicable to the similar sign. If not, the sign shall be regarded as prohibited.
- B. **Permitted and Allowed Sign Types by Residential District.**

Table 15-6-04(B): Permitted and Allowed Sign Types by Residential District					
Sign Type	District				
	R-C	R-SE	R-SR	R-M	R-V
<i>Permanent Signs</i>					
Wall Sign					
Single-Tenant Monument Sign	●(1)	●(1)	●(1)	●(1)(2)	
Multi-Tenant Monument Sign					
Awning/Canopy Sign					
Projecting Sign					
Window Sign, Permanent					
On-Site Traffic Directional Sign				○(2)	
<i>Temporary Signs</i>					
Wall Mounted Banner Sign					
Ground Mounted Banner Sign					
Window Sign, Temporary					
A-Frame/Sandwich Board Sign					
Post Sign	○	○	○	○	○
Yard Sign	○	○	○	○	○
<i>Notes:</i>					
(1) Sign shall be permitted at entryways or gateways to subdivisions or neighborhoods only.					
(2) Sign shall be permitted for multifamily developments only.					

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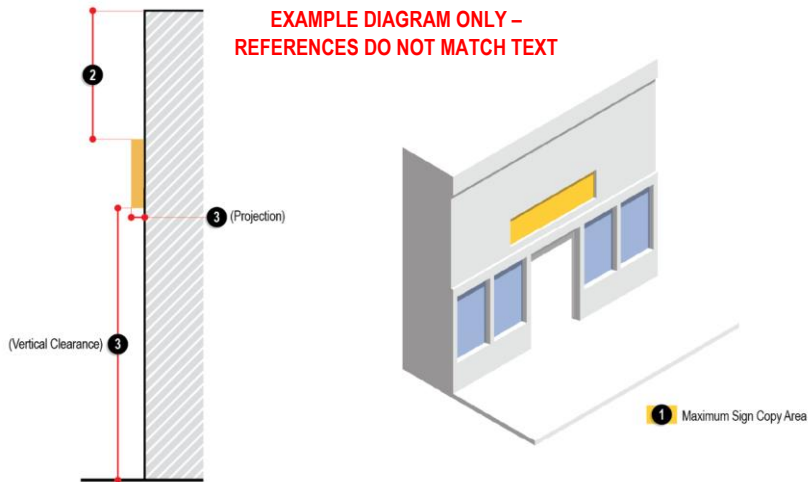
C. Permitted and Allowed Sign Types by Nonresidential and Mixed-Use District.

Table 15-6-04(C): Permitted and Allowed Sign Types by Nontresidential and Mixed-Use District													
Sign Type	District												
	B-N	B-G	B-R	B-MU	B-SM	B-P	LI	A	A-P	I	P	L	FW
<i>Permanent Signs</i>													
Wall Sign	•	•	•	•	•	•	•	•	•	•	•		•
Single-Tenant Monument Sign	•	•	•	•		•	•	•	•	•	•	•	•
Multi-Tenant Monument Sign	•	•	•	•		•	•			•	•	•	•
Awning/Canopy Sign	•	•	•	•	•	•	•	•	•	•	•		•
Projecting Sign	•	•	•	•	•								
Window Sign, Permanent	•	•	•	•	•								•
On-Site Traffic Directional Sign	○	○	○	○	○	○	○	○	○	○	○	○	○
<i>Temporary Signs</i>													
Wall Mounted Banner Sign	•	•	•	•	•	•	•	•	•	•	•	•	•
Ground Mounted Banner Sign	•	•	•	•	•	•	•	•	•	•	•	•	•
Window Sign, Temporary	•	•	•	•	•	•	•			•	•	•	•
A-Frame/Sandwich Board Sign	○	○	○	○	○	○	○			○	○		•
Post Sign								○	○	○	○		
Yard Sign								○	○	○	○		

15-6-05. Standards For Permanent Signs

A. Wall Signs.

1. **Sign Area.** The maximum sign area of wall signs shall be ten (10) percent of the total area of the face of the wall to which the sign is to be affixed.
2. **Sign Height.** No wall sign shall protrude above the sill of a second-story window or windows of the building or structure to which such sign is to be attached.
3. **Projection.**
 - a. No part of any wall sign, except lighting reflectors, shall extend more than twelve (12) inches from the face of the wall to which such sign is attached.
 - b. No wall sign shall be erected or maintained to extend beyond the end of the wall facing a street to which such sign is attached.

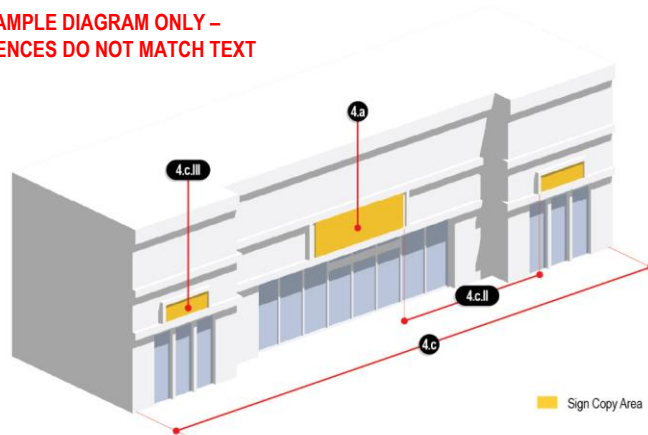


4. **Number of Signs.**
 - a. **Primary Wall Signs.**
 - I. Single tenant buildings shall be permitted a total of three (3) primary wall signs; however only one (1) wall sign shall be displayed on any single building façade.
 - II. Multi-tenant buildings shall be permitted one (1) primary wall sign per unit.
 - b. **Secondary Wall Signs.** A maximum of two (2) secondary wall signs may be authorized for buildings with lineal frontage in excess of seventy-five (75) feet by the Zoning Administrator provided such additional signage is:
 - I. In keeping with the overall design and architecture of the building,
 - II. A minimum of twenty (20) feet from the primary wall sign and other secondary wall signs,

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- III. A maximum of fifty (50) percent of the size of the primary wall sign,
- IV. Less visually prominent on the site than the building's primary wall sign, and
- V. The total area of all primary and secondary wall signs does not exceed the maximum wall sign area as established in Section ###-###-###.

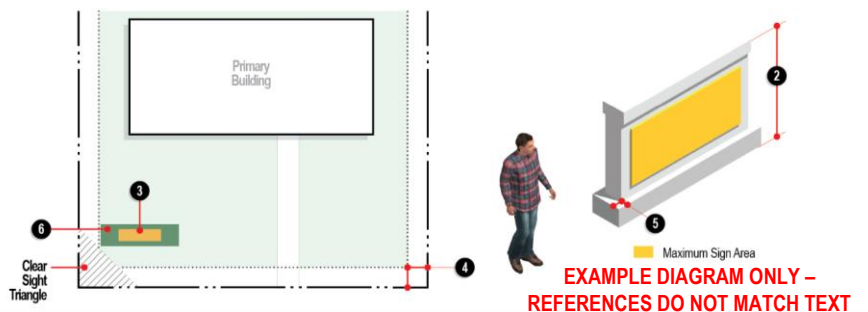
**EXAMPLE DIAGRAM ONLY –
REFERENCES DO NOT MATCH TEXT**



- 5. **Sign Copy.**
 - a. If the sign copy is individually affixed letters, the Zoning Administrator may approve an increase in sign area up to an additional five (5) percent of the total area of the face of the wall to which the sign is to be affixed.
 - b. Box/cabinet wall signs shall be prohibited.
- 6. **Other Provisions.**
 - a. No wall sign shall cover any architectural features (architectural features shall include but not be limited to, pediment, cornice, belt course, pier, windows, pilaster, roof, decorative stone or inlay, kick plate/bulkhead, raised or colored brick pattern, and corbel) of the building to which it is affixed.
 - b. No wall sign shall be affixed to HVAC screening, elevator overrun, or other structures protruding from the roof of the principal building, excluding architectural features that are an integral part of the principal building.

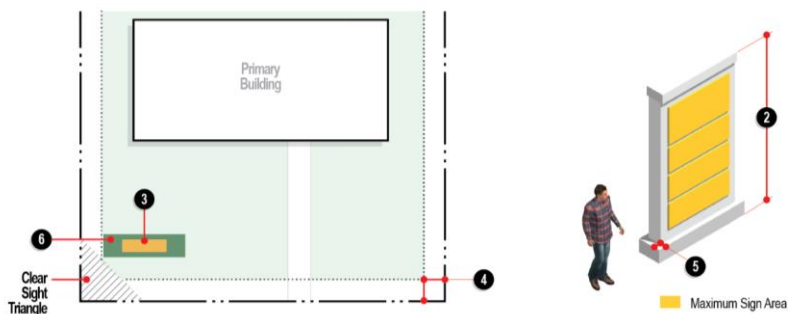
B. Single-Tenant Monument Signs.

1. **Sign Area.** The maximum sign area of a single-tenant monument sign shall be one-hundred-twenty (120) square feet.
2. **Sign Height.** The maximum sign height of a single-tenant monument sign shall be fourteen (14) feet.
3. **Number of Signs.** A maximum of one (1) single-tenant monument sign shall be permitted per lot frontage except with approval from the Plan Commission.
4. **Location.**
 - a. A single-tenant monument signs shall not be closer than five-hundred (500) feet to another single-tenant or multi-tenant monument sign, except where necessary to ensure that each business may have one (1) monument sign.
 - b. No part of any single-tenant monument sign may be closer than fourteen (14) feet to a lot line.
5. **Sign Base.**
 - a. The base of a single-tenant monument sign, including all structural components, shall extend horizontally from the sign face a minimum of ten (10) percent and a maximum of twenty-five (25) percent of the width of the sign face.
 - b. The base of single-tenant monument signs shall be constructed from masonry, stone, or similar high-quality materials in keeping with the materials and design of the principal building of the lot.
6. **Landscape Requirement.**
 - a. All single-tenant monument signs shall be required to plant and maintain a landscape area at the base of the sign.
 - b. The minimum area of the landscape area shall be equal to half of the square footage of the sign area of the associated sign.
 - c. Landscape areas shall be planted with one (1) shrub or native grass per every three (3) square feet of required landscape area.
7. **Other Provisions.**
 - a. The address of the building(s) to which the single-tenant monument sign is associated shall be displayed on the single-tenant monument sign but shall not count towards maximum sign area.
 - b. The color scheme of a single-tenant monument sign must be consistent with the color scheme of the principal building unless an alternate color scheme is required by an approved comprehensive sign plan.
 - c. All signs shall be designed to comply with the applicable provisions of the Wisconsin Commercial Building Code.



C. Multi-Tenant Monument Signs.

1. **Sign Area.** The maximum sign area of a multi-tenant monument sign shall be one-hundred-twenty (120) square feet.
2. **Sign Height.** The maximum sign height of a multi-tenant monument sign shall be sixteen (16) feet.
3. **Number of Signs.** Number of Signs. A maximum of one (1) single-tenant monument sign shall be permitted per lot frontage except with approval from the Plan Commission.
4. **Location.**
 - a. A multi-tenant monument sign shall not be closer than five hundred (500) feet to another single-tenant or multi-tenant monument sign, where necessary to ensure that each business may have one (1) monument sign.
 - b. No part of any multi-tenant monument sign may be closer than sixteen (16) feet to a lot line.
5. **Sign Base.**
 - a. The base of a multi-tenant monument sign, including all structural components, shall extend horizontally from the sign face a minimum of ten (10) percent and a maximum of twenty-five (25) percent of the width of the sign face.
 - b. The base of multi-tenant monument signs shall be constructed from masonry, stone, or similar high-quality materials in keeping with the materials and design of the principal building of the lot.
6. **Landscape Requirement.**
 - a. All multi-tenant monument signs shall be required to plant and maintain a landscape area at the base of the sign.
 - b. The minimum area of the landscape area shall be equal to half of the square footage of the sign area of the associated sign.
 - c. Landscape areas shall be planted with one (1) shrub or native grass per every three (3) square feet of required landscape area.
7. **Other Provisions.**
 - a. The address of the building(s) to which the multi-tenant monument sign is associated shall be displayed on the multi-tenant monument sign but shall not count towards maximum sign area.
 - b. The color scheme of a multi-tenant monument sign must be consistent with the color scheme of the principal building unless an alternate color scheme is required by an approved comprehensive sign plan.



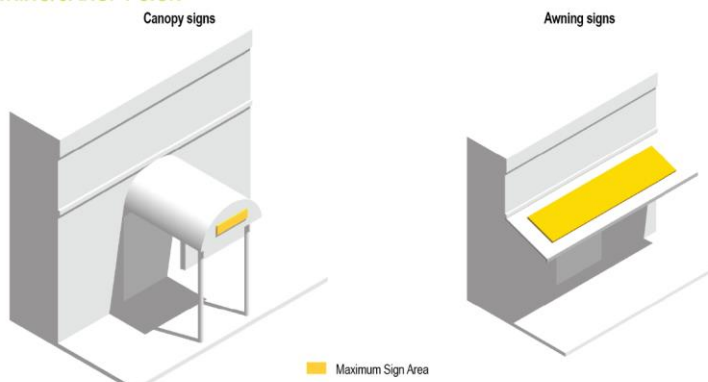
EXAMPLE DIAGRAM ONLY –
REFERENCES DO NOT MATCH TEXT

D. Awning/Canopy Signs.

1. Sign Area.

- a. The maximum sign area of awning/canopy signs shall be forty (40) percent of the face of the awning/canopy upon which the sign shall be printed or affixed.
- b. The area of the awning/canopy sign shall count towards the maximum amount of sign area permitted for wall signs as detailed in Section ###-###.

2. Other Provisions. Awning/canopy signs shall only be permitted on awnings/canopies extending above ground floor entrances or windows.



**EXAMPLE DIAGRAM ONLY –
REFERENCES DO NOT MATCH TEXT**

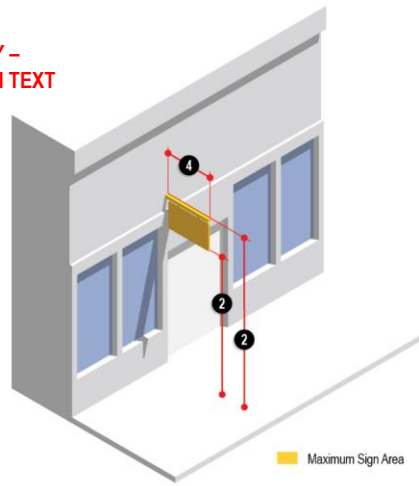
E. Projecting Signs.

- 1. **Sign Area.** The maximum permitted sign area of projecting signs shall be four (4) square feet.
- 2. **Sign Height.**
 - a. Projecting signs shall not extend above the roofline of the building to which it is attached, or a maximum of twelve (12) feet, whichever is less.
 - b. Projecting signs shall maintain a minimum vertical clearance of ten (10) feet.
- 3. **Number of Signs.**
 - a. A maximum of one (1) projecting sign shall be permitted per ground floor tenant space.
 - b. A projecting sign shall not be displayed on the same building frontage as an awning/canopy sign.
- 4. **Projection.**
 - a. Projecting signs shall horizontally project a maximum of four (4) feet from the building to which it is attached.
 - b. Projecting signs erected over marquees shall be set back not less than two (2) feet from the outer edge of such marquee.
 - c. No projecting sign shall at the lowest point be less than ten (10) feet above the established grade immediately below.

5. Other Provisions.

- a. Projecting signs shall not be internally illuminated.
- b. Projecting signs may encroach upon, extend, or project over a public right-of-way or easement. The property owner may be required to provide a release or hold harmless to the City prior to issuing permits for any such signs.

**EXAMPLE DIAGRAM ONLY –
REFERENCES DO NOT MATCH TEXT**

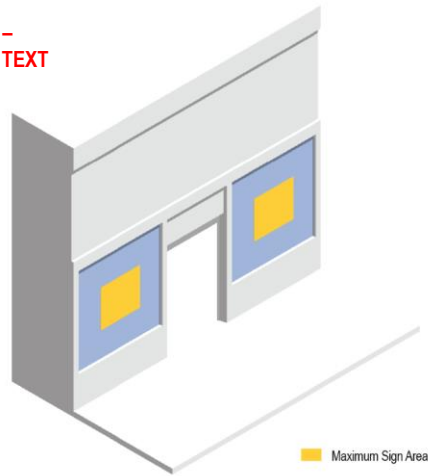


F. Window Signs, Permanent.

1. Sign Area.

- a. The maximum permitted aggregate sign area of a permanent window sign shall be twenty-five (25) percent of the square footage of the individual window on which the sign shall be located.
- b. The aggregate area of the permanent window sign(s) shall count towards the maximum amount of sign area permitted for wall signs as detailed in [Section ###-###-###](#).

**EXAMPLE DIAGRAM ONLY –
REFERENCES DO NOT MATCH TEXT**



G. On-Site Traffic Directional Signs.

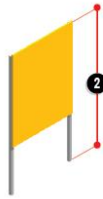
1. Sign Area.

- a. The maximum sign area of an on-site traffic directional sign shall be four (4) square feet.
- b. Permitted on-site traffic directional sign area shall not count towards the maximum allowed aggregate sign area as detailed in Section ###-###.

2. Sign Height. The maximum height of an on-site traffic directional sign shall be four (4) feet.

3. Number of Signs. The permitted number of on-site traffic directional signs shall be determined by the Zoning Administrator or their designee as necessary to assist in the safe movement of vehicular, bicycle, and pedestrian traffic on a property and between properties with vehicular cross access.

EXAMPLE DIAGRAM ONLY –
REFERENCES DO NOT MATCH TEXT



1 Maximum Sign Area

15-6-06. Standards For Temporary Signs

A. General Standards Temporary Signs.

1. Temporary Signs Requiring a Permit.

- a. **Single-Tenant Building.** A maximum of two (2) permitted temporary signs, as permitted per district in **Table ##-##**, may be displayed concurrently on a lot with a single-tenant building.
- b. **Multi-Tenant Building.**
 - I. A maximum of one (1) permitted temporary sign, as permitted per district in **Table ##-##-##**, may be displayed per unit on a lot with a multi-tenant building concurrently.
 - II. In no instance shall more than two (2) freestanding temporary signs be displayed concurrently.

2. Display Period.

- a. The permitted display period of a permitted temporary shall be a maximum of thirty (30) days.
- b. A total of three (3) nonconcurrent display periods shall be permitted per single-tenant building or unit of a multi-tenant building per calendar year.
- c. Display periods shall be separated by a minimum of thirty (30) days.

3. Temporary Freestanding Signs.

Temporary freestanding signs shall include ground mounted banner, feather, post, and yard signs.

- a. Temporary freestanding signs shall be securely anchored into the ground or secured in a portable base designed for such function.
- b. Temporary freestanding signs shall be maintained in good condition and shall not sag, lie on the ground, be torn, or otherwise kept in a disorderly state.

B. Wall Mounted Banner Sign.

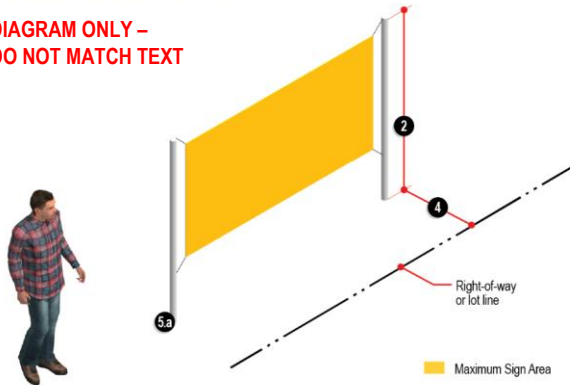
1. **Sign Area.** The maximum area of a wall mounted banner sign shall be five (5) percent of the total area of the face of the wall to which the sign is to be affixed.
2. **Sign Height.** No wall mounted banner sign shall protrude above the highest roofline or the top of the parapet wall or mansard roof.
3. **Location.** Wall mounted banner signs shall be affixed to a building only.
4. **Projection.** Wall mounted banner signs shall be affixed flat against the building to which they are mounted.



C. Ground Mounted Banner Sign.

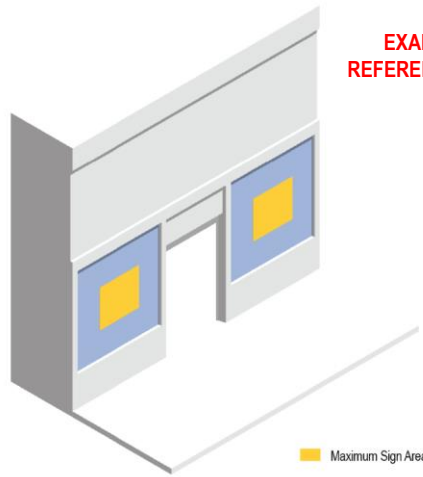
1. **Sign Area.** The maximum sign area of a ground mounted banner sign shall be twenty (20) square feet.
2. **Sign Height.** The maximum sign height of a ground mounted banner sign shall be five (5) feet.

EXAMPLE DIAGRAM ONLY – REFERENCES DO NOT MATCH TEXT



D. Window Signs, Temporary.

1. **Sign Area.** The aggregate maximum sign area of a temporary window sign shall be twenty-five (25) percent of the individual window on the sign shall be affixed.



EXAMPLE DIAGRAM ONLY –
REFERENCES DO NOT MATCH TEXT

~~E. Feather Signs.~~

- ~~1. **Sign Area.** The maximum sign area of a feather sign shall be sixteen (16) square feet.~~
- ~~2. **Sign Height.** The maximum sign height of a feather sign shall be ten (10) feet.~~
- ~~3. **Number of Signs.** One (1) feather sign shall be permitted for every fifty (50) feet of street frontage.~~
- ~~4. **Sign Separation.** Each feather sign shall be separated from another feather sign by a minimum of twenty-five (25) feet.~~

Commented [RS1]: Feather signs specified as prohibited per Task Force direction.

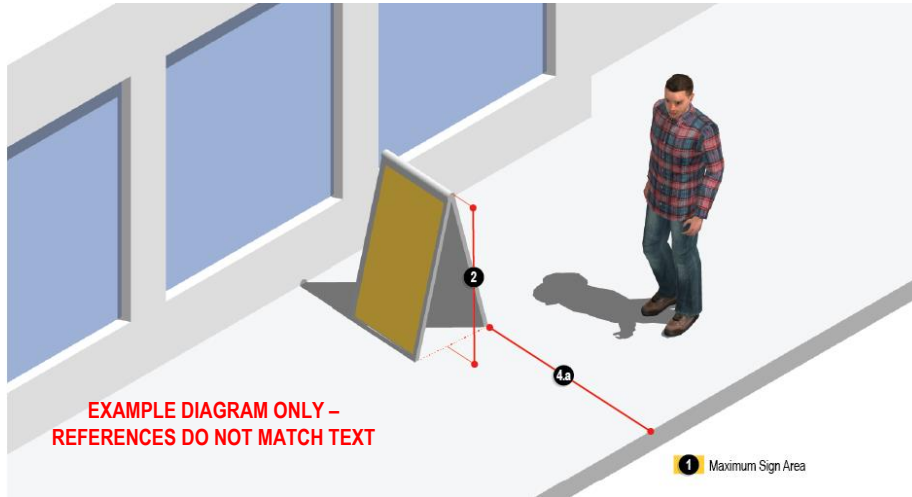
F.E. A-Frame/Sandwich Board Signs.

1. **Sign Area.** The maximum sign area of an a-frame/sandwich board sign shall be six (6) square feet.
2. **Sign Height.** The maximum sign height of an a-frame/sandwich board sign shall be four (4) feet.
3. **Number of Signs.** One (1) a-frame/sandwich board sign shall be permitted per single-tenant building or unit of a multi-tenant building.
4. **Sign Separation.** Each a-frame/sandwich board sign shall be separated from another a-frame/sandwich board sign by at least twenty-five (25) feet.
5. **Location.**
 - a. A-frame/sandwich board signs shall be placed in a manner to preserve a continuous sidewalk width of a minimum of five (5) feet.
 - b. No part of any a-frame/sandwich board sign shall block points of ingress or egress.

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REFERENCES DO NOT MATCH TEXT

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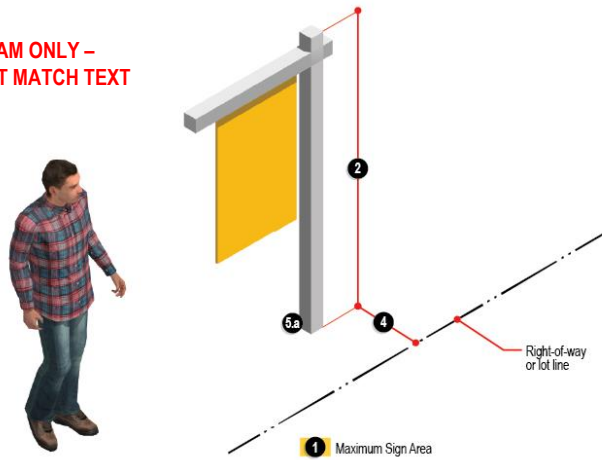
- c. A-frame/sandwich board signs shall be placed no more than one (1) foot from the wall of the building or unit of a building to which the sign is associated.
 - d. A-frame/sandwich board signs shall be placed no less than three (3) feet and no more than six (6) feet from the building entrance of the building or unit of a building to which the sign is associated.
6. **Other Provisions.** The display of a-frame/sandwich board signs shall only be permitted during the operating hours of the use to which the sign is associated.



G.F. Post Signs.

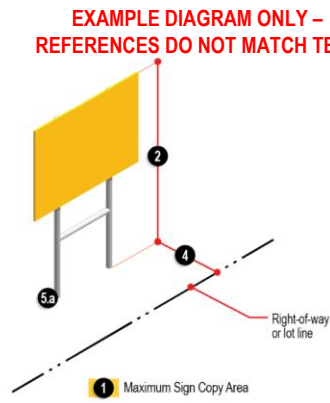
1. **Sign Area.** The maximum sign area of a post sign shall be six (6) square feet.
2. **Sign Height.** The maximum sign height of a post sign shall be six (6) feet.
3. **Number of Signs.** A maximum of one (1) post sign shall be allowed per lot frontage.

**EXAMPLE DIAGRAM ONLY –
REFERENCES DO NOT MATCH TEXT**



H.G. Yard Signs.

1. **Sign Area.** The maximum sign area of a yard sign shall be four (4) square feet.
2. **Sign Height.** The maximum sign height of a yard sign shall be three (3) feet.
3. **Number of Signs.** A maximum of two (2) yard signs may be displayed concurrently with the exception of thirty (30) days before and fifteen (15) days after a local, state, or federal election in which case a maximum of six (6) yard signs may be displayed.
4. **Other Provisions.** Yard signs in residential districts displayed for a period of forty-eight (48) hours or less shall be exempt from the requirements of this Section.



15-6-07. General Sign Standards

A. **Location of Freestanding Signs.** Free standing signs shall include single-tenant monument signs, multi-tenant monument signs, on-site traffic directional signs, ground mounted banner signs, feather signs, post signs, and yard signs.

1. Be located a minimum of five (5) feet from all property lines, rights-of-way, and utility easements;
2. Not block points of ingress or egress;
3. Not be placed in any sidewalk or pedestrian circulation system, and
4. Not be located in a clear sight triangle as detailed in **Section ##-##-###**.

B. **Illumination.**

1. **Location and Design of Light Source.** Whenever an external artificial light source is used for a sign, such source shall be located, shielded, and directed so as not to be directly visible from any public right-of-way or residential property. No receptacle or device housing a permitted light source for a sign shall protrude more than twelve (12) inches from the face of the sign or building to which it is attached except if such light source is ground mounted, locked in place, and cannot be redirected.
2. **Level of Illumination.** In no event shall the illumination of any sign, resulting from any internal or external artificial light source, exceed the outdoor lighting standards established in **Section ##-##-###**. All artificial illumination shall be so designed, located, shielded, and directed as to prevent the casting of glare or direct light upon adjacent property or streets.

C. **Wind Pressure, Allowable Stresses and Materials.**

1. All signs shall be constructed, erected, and maintained to safely withstand a wind pressure of at least thirty (30) pounds per square foot.
2. The allowable stresses in chains, wire ropes, and steel guy rods and their fastenings shall not exceed one-quarter (1/4) of their ultimate strength.
3. All ferrous chains, wire ropes, guy rods and their fastenings and anchor bolts shall be galvanized or be of other approved equivalent protection. All other ferrous parts of signs subject to corrosion shall be protected and maintained free from corrosion by approved corrosion-resistant coating.

D. **Identification.** All signs hereafter erected shall bear the manufacturer's name, and the name trademark or other approval mark or symbol of the person erecting such sign.

E. **Combustible Materials.** All signs shall be constructed of noncombustible materials, provided however, that the letters, decorations, and facings may be made of combustible plastics approved by the Zoning Administrator and Director of Inspection Services.

F. **Electronic Message Boards.** Single-tenant and multi-tenant monument signs may incorporate electronic message boards in accordance with the following:

1. One-third (1/3) of the sign area must be permanent copy.
2. The area of the sign devoted to an electronic message board shall be part of, not in addition to, the maximum sign area allowed.
3. The electronic message format shall conform to the following requirements:
 - a. The message will contain a static message or image only and not have movement, or the appearance of movement, during the static display period.

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- b. The transition to change from one message or image to another shall be instant and not dissolve, fade, scroll, travel, or have similar transitions.
- c. The message shall not change more frequently than once every ten (10) seconds.
- 4. Electronic message boards must be equipped with a default mechanism that will stop the messaging or freeze the image in one position when a malfunction in electronic programming occurs.
- 5. Electronic message boards shall be equipped with a sensor or other device that automatically determines the ambient illumination and is programmed to automatically dim according to light conditions.
- 6. Illumination of electronic message signs shall not exceed 0.3 foot-candles over the ambient lighting conditions when measured at a distance equal to the square footage of the sign area.
- 7. Applications shall be reviewed by the Zoning Administrator to determine that the sign placement does not interfere with traffic control devices within three hundred (300) feet of the sign or traffic circulation upon roadways. If deemed necessary by the Zoning Administrator a report from a traffic engineer certifying that the proposed sign does not interfere with the design characteristics of the traffic circulation and traffic control devices may be required.

15-6-08. Prohibited Signs and Content

A. The following signs are specifically prohibited:

- 1. Billboards;
- 2. Off-premises signs;
- 3. Pole/pylon signs;
- 4. Flashing signs;
- 5. Roof signs;
- ~~6.~~ 6. Marquee signs;
- ~~6-7.~~ 6-7. Feather signs;
- ~~7-8.~~ 7-8. Signs attached to a utility pole, a tree, a fence, a standpipe, gutter, drain or fire escape;
- ~~8-9.~~ 8-9. Signs erected so as to impair access to a roof;
- ~~9-10.~~ 9-10. Signs located, erected or maintained upon, over or project into any public right-of-way or easement unless otherwise allowing by this Article;
- ~~10-11.~~ 10-11. Pennants, streamers, and portable signs not specifically permitted or allowed by this Article;
- ~~11-12.~~ 11-12. Signs, not specifically permitted or allowed by this Article, which move or have moving parts, which movement is caused either by the wind or mechanically;
- ~~12-13.~~ 12-13. Signs in conflict with traffic signals, vehicular or pedestrian travel, access to fire hydrants and fire lanes and exits, and other signs which reasonably impede or impair the public health, safety and welfare;
- ~~13-14.~~ 13-14. Signs on vehicles, boats, or trailers parked so as to be visible from a public right-of-way;
- ~~14-15.~~ 14-15. Attention getting devices;
- ~~15-16.~~ 15-16. Signs hung across any street or alley;

~~46-17.~~ Signs employing exposed neon lights not completely covered by other acceptable sign materials;

~~47-18.~~ Signs painted on or otherwise affixed to fences;

B. Prohibited Content.

1. The following content is prohibited without reference to the viewpoint of the individual speaker:
 - a. Text or graphics of an indecent or immoral nature and harmful to minors,
 - b. Text or graphics that advertise unlawful activity,
 - c. Text or graphics that are obscene, fighting words, defamation, incitement to imminent lawless action, or true threats, or
 - d. Text or graphics that present a clear and present danger due to their potential confusion with traffic control signs or signs that provide public safety information (for example, signs that use the words "Stop," "Yield," "Caution," or "Danger," or comparable words, phrases, symbols, or characters in such a manner as to imply a safety hazard that does not exist).
2. The narrow classifications of content that are prohibited by this subsection are either not protected by the United States or Wisconsin Constitutions or are offered limited protection that is outweighed by the substantial governmental interests in protecting the public safety and welfare. It is the intent of the Common Council that each paragraph of this Subsection be individually severable in the event that a court of competent jurisdiction were to hold one or more of them to be inconsistent with the United States or Wisconsin Constitutions.

15-6-09. Safety, Maintenance, and Abandonment

- A. Every sign and all parts thereof, including base, copy, framework, supports, anchors, and wiring systems shall:
 1. Be constructed and maintained in compliance with the applicable codes of the City.
 2. Be kept in proper repair.
 3. When not galvanized or constructed of approved corrosion resistive, noncombustible materials, be painted, when necessary, to prevent corrosion, rust, peeling paint, and excessive fading.
- B. Failure of owners to keep signs maintained in good mechanical and visual repair shall be deemed a violation of this Ordinance ~~and shall be subject to a penalty as provided in Section ##-##-##.~~
- C. It shall be the duty and responsibility of the owner of every sign to maintain the immediate premises occupied by the sign in a clean condition, free of rubbish. Any landscaping surrounding the sign shall be kept trimmed and in good repair. If the landscaping installed at the time of sign approval dies, said landscaping shall be replaced immediately or as soon as weather permits.
- D. Every existing sign shall be subject to an inspection whenever the Zoning Administrator deems it necessary. In the event an inspection demonstrates that repairs, and/or maintenance is necessary, the sign owner shall be notified and required to complete said repairs and/or maintenance within thirty (30) days of notification. The Zoning Administrator is authorized to grant one (1) thirty (30) day extension, if, upon written request, it is deemed necessary due to extenuating circumstances.
- E. If the Zoning Administrator shall find that any sign is unsafe or unsecure, or is a threat to the public safety, or was, after the adoption of this UDO constructed, erected, or maintained in violation of the provisions of this UDO, they shall give written notice to the sign owner. Such notice shall specify the manner in which the sign is unsafe or in violation of this UDO.
- F. Sign copy shall be removed and in the case of a wall sign, the building façade shall be repaired, by the sign owner when the use which the sign is associated is no longer conducted on the premises. The sign copy shall be removed within thirty (30)

Commented [RS2]: Reference to penalties section established per diagnostic memo feedback.

days of when the use ceases to operate. If the owner fails to remove the sign copy, the Zoning Administrator or their designee shall give the owner thirty (30) days written notice to remove it. Failure to comply with the notice shall be deemed a violation of this UDO.

15-6-10. Comprehensive Sign Plan

- A. **Intent.** The intent of the comprehensive sign plan is to provide an alternative procedure under which signs can be designed, constructed, and erected with innovation, imagination, and creative architecture. The objective of the comprehensive sign plan is to encourage a higher level of design and amenity than is possible to achieve under otherwise applicable sign regulations.
- B. **Applicability.** Any building or development may elect to submit a comprehensive sign plan. After the approval of a comprehensive sign plan, no permanent sign shall be erected, placed, or maintained except in conformance with the Comprehensive Sign Plan.
- C. **Conditions.** The Zoning Administrator may attach conditions, requirements, or standards necessary to assure that the signs covered by the Comprehensive Sign Plan will not be materially detrimental to persons or property in the vicinity. In making its determination, the Zoning Administrator shall not base any condition on the content of a sign.
- D. **Evaluation Criteria.**
1. **Placement.** All signs shall be placed where they are visible and legible. Factors to be considered include the location of a sign relative to traffic movement and access points, site features, other structures, and orientation relative to viewing distances and viewing angles. Wall Signs may be approved on building walls other than the wall of a unit of a multi-tenant building in which some units have little or no visibility from the street.
 2. **Quantity.** The number of signs that may be approved within any development shall be sufficient to provide necessary facilitation of internal circulation of vehicular and pedestrian traffic and wayfinding for safety of the occupants of vehicles and pedestrians. Factors to be considered shall be those that impact safety considerations such as the size of the development and the number of development sub-areas.
 3. **Area and Height.** All signs shall comply with the sign area and height requirements established for the sign type as established in [Section 15-6-05](#) and [Section 15-6-05](#).
- E. **Application.** A comprehensive sign plan shall be submitted on a form established by the Zoning Administrator. The application shall contain the following information as well as all other information required by the Zoning Administrator to ensure compliance with the comprehensive sign plan evaluation criteria.
1. Name, address, and telephone number of the applicant.
 2. Location of building, structure, or lot to which or upon which the comprehensive sign plan shall apply.
 3. Name of person, firm, corporation, or association developing the comprehensive sign plan.
 4. Written consent of the owner or lessee of the building, structure, or land to which the proposed comprehensive sign plan is applicable.
 5. Scale drawing of all signs included in the comprehensive sign plan indicating the dimensions, the materials to be used, the type of illumination, if any, and the method of construction and attachment. Said drawings shall be drawn at a scale no smaller than one-eighth (1/8) inch equals one (1) foot and shall be prepared, signed, and sealed by a registered professional engineer when required by the Zoning Administrator.
 6. A scaled drawing indicating the location and position of all signs included in the comprehensive sign plan in relation to nearby buildings or structures. Said drawing shall be at a scale no smaller than one (1) inch equals fifty (50) feet.

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- F. **Review and Action.** The Plan Commission shall review the comprehensive sign plan application and approve, approve with conditions, or deny the application based on the evaluation criteria. A written decision including the findings on the evaluation criteria shall be rendered to the applicant.
- G. **Appeals.** Any applicant who receives a notice of denial from the Plan Commission may, within thirty (30) days after receipt of such decision, appeal such decision to the Board of Zoning and Building Appeals by filing a written notice of appeal with the Zoning Administrator with an explanation as to why said decision was not warranted according to the applicant.



Reorganized & Amended Natural Resource Protection Standards

CURRENT SECTIONS of the UDO incorporated into the draft of Article 7

- 15-3.0500 – 3.0502 Calculation of the Area of Natural Resources to Be Protected
- 15-4.0101 Natural Resource Protection Standards
- 15-4.0102 Natural Resource Features Determination
- 15-4.0103 Natural Resource Features Mitigation & Mitigation Calculation Worksheet
- 15-7.0201 Natural Resource Protection Plan Requirements
- 15-7.0506 Natural Resource Protection Plan Required
- 15-9.0100 Applications for a Special Exception to stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback provisions, and for improvements or enhancements to a natural resource feature
- 15-10.0208 Special Exceptions to Stream, Shore Buffer, Navigable Water-Related, Wetland, Wetland Buffer and Wetland Setback Provisions, and Improvements or Enhancements to a Natural Resource Feature

ADDITIONAL GUIDANCE and STANDARDS:

NEW Stand Alone Shoreland Wetland Ordinance

NEW City of Franklin Natural Resource Mitigation Guidance (including mitigation worksheet)

'RELOCATED' City of Franklin Site Intensity Calculation Worksheet (will be within UDO)

In the draft, items that refer to sections of the UDO are shown in **[bracket highlight]**. Final references will be inserted once the full UDO draft has been reviewed by the City.



Article 7. Natural Resource Protection Standards

15-07.01 Natural Resource Protection Standards Established

A) Establishment

The Natural Resource Protection Standards set forth in this Article, and requirements for preparation and approval of a Natural Resource Protection Plan, are established herein. Guidance documents including but not limited to application forms and checklists are incorporated into this Article 7 by reference.

B) Purpose and Intent

- 1) **Protection of Natural Resource Features.** It is the purpose of this Article to ensure the protection and enhancement of specific **Natural Resource Features**, as defined in this Ordinance, within the City of Franklin as the City develops. This Article further recognizes that landforms, parcel size and shape, and natural resource features vary from site to site and that development regulations must take into account these variations.
- 2) **Natural Resource Protection Plan.** It is the further purpose of this Article to set forth requirements and standards for preparation of a Natural Resource Protection Plan by any applicant for development on a parcel within the City of Franklin containing **Natural Resource Features**, as defined herein.
- 3) **Surface Water Protection Standards.** It is the further purpose of this Article to provide for the protection and improvement of surface waters and wetlands in the City of Franklin. It is the intent of this Article to lead to the protection, establishment and maintenance of natural areas, topography and vegetation along the City's surface waters in order to reduce hazards from flooding, prevent erosion, and maintain the natural functions of surface waters and wetlands. It is the further intent of these standards to limit the extent of land disturbance and creation of new impervious surfaces within or adjacent to surface waters and wetlands, and to minimize, as feasible, the impact of existing culverts, driveways and roads, drainage features, and impervious surfaces thereon.
- 4) **Mitigation.** The City of Franklin recognizes that, under certain circumstances, the orderly development of the City and the provision of essential services may necessitate limited impacts on protected Natural Resource Features as defined in this Ordinance. The intent of this Article is not to provide for or allow mitigation under all circumstances, but rather to set specific standards to be applied only under certain circumstances when the extent of or the nature of the Natural Resource Features on a site, when balanced against the benefit of the proposed development to the



community, considering practicable alternatives available for the development, render strict application of these standards impractical or counter-productive, to allow for mitigation approach, so that the functions and values of Natural Resource Features in the City will be preserved or enhanced.

C) Applicability

Except as specifically provided in this Subsection, all development in the City of Franklin occurring on a parcel or parcels where Natural Resource Features are present shall comply with the standards set forth in this Article.

- 1) **Disturbance of Protected Areas Prohibited.** Except where provided in this Article, any area containing Natural Resource Features required to be protected under this Article (hereinafter a “Protected Area”) shall remain undisturbed and in a natural state except where impact, modification, or mitigation is specifically allowed or approved.
- 2) **Tree and vegetation cutting, clearing, and removal.**
 - (a) The clearing, cutting, or removal of trees or vegetation within a Protected Area as defined in this Article is subject to these natural resource protection standards and to the City’s [TREE STANDARDS REF]. Application for cutting, clearing, or removal of vegetation and trees in an area of protected features shall require authorization under the procedures this Article to ensure that required protection levels are met.
 - (b) Removal of dead, diseased, or invasive species from a woodland or forest. Notwithstanding any provision of this Article, the clearing and removal of dead or diseased trees, and the removal of invasive species listed as “prohibited,” “prohibited/restricted,” or “restricted” by the Wisconsin Department of Natural Resources, pursuant to NR 40, shall be permitted within any woodland or forest area only upon issuance of a Zoning Permit from the City of Franklin.
 - (c) The City Forester may be consulted in the issuance of any such permits.
 - (d) The City Forester may condition or limit the removal of dead or diseased trees and the removal of invasive species in accordance with best practices for forest and invasive species management.
- 3) **Construction of Public Streets, Sidewalks, and Trails.** Impacts to Natural Resource Features from the construction of public streets, sidewalks, or trails shall be permitted subject to the following limitations and conditions:
 - (a) The City Forester has inspected the plan and the site, including review of trees or wooded areas to be cut or disturbed, and has made a positive recommendation



- as to the plan's compatibility with the continued health of forest resources and trees within the City of Franklin.
- (b) Crossings of wetlands, surface waters, and associated buffer areas are designed to minimize the distance and extent of disturbance, with crossings designed as close to a ninety-degree (90°) angle as is practicable for the particular site and segment.
 - (c) The City Engineer has inspected the plan and has made a positive recommendation as to the plan's compatibility with City engineering standards for surface water crossings.
 - (d) Prior to commencement of construction, all other required governmental permits and approvals related to surface waters and wetlands have been issued, including but not limited to those required by the Wisconsin Department of Natural Resources and United States Army Corps of Engineers.
 - (e) Any areas of construction-related disturbance within a Protected Area shall be restored pursuant to Section [RESTORATION] of this Article 7 immediately following construction.
- 4) **Single- and two-family residential development on existing lots exempted.** The provisions of this Article shall not apply to the construction of single-family and two-family residential development located on non-divisible existing lots of record within existing platted Subdivisions (with an approved Final Plat), Certified Survey Maps, and Condominiums existing as of August 1, 1998, or for which a Natural Resource Protection Plan was filed on or before August 1, 1998.
- 5) **Applicability to Floodplain/Floodway Lands.** Floodplains and floodways as defined and regulated in Division 15-8 of this Ordinance shall not constitute a separate category of Natural Resource Features for purposes of determining required mitigation under this Article.
- 6) **Essential Services and Associated Easements Exempted.** The standards in this Article shall not be applicable to essential services and easements associated therewith, as defined in [former § 15-11.0103] of this Ordinance. However, any areas of construction-related disturbance within a Protected Area shall be restored to the restoration standards of [RESTORATION] of this Article immediately following the construction of the essential service(s).
- 7) **Exceptions for Accessory Uses and Site Modifications.**



- (a) The modification of approved buildings, sites, or structures, and the addition of new accessory structures, shall not require review for Natural Resource Protection impacts provided all of the following conditions are met:
 - (i) The total impervious surface area on the parcel is not increased by more than 50% or 2,500 square feet, whichever is smaller.
 - (ii) Any new or modified impervious surface area is located at least one hundred feet (100') at its closest point from the boundary of any Protected Area as defined in the applicable Natural Resource Protection Plan.
- (b) Notwithstanding the provisions of (a), where the Plan Commission or City Engineer (as applicable) determines that the modification or addition is likely to result in impacts to the Protected Area or will be inconsistent with the conditions of the Natural Resource Protection Plan, a new or modified Natural Resource Protection Plan may be required to be prepared. Any such determination may be appealed under the provisions of [Appeals procedure] of this Ordinance.

NOTE: Sections 8 and 9 are legacy requirements that applied to past survey maps, which (presumably) contain the language that would trigger a requirement for an NRPP if the underlying site is modified. **Request City Attorney to consider whether these sections are necessary or could be addressed with a footnote to the UDO.

- 8) Institutional Properties Divided by Public Street or Utility Extensions.
 - (a) A Natural Resource Protection Plan shall not be required with an application for certified survey map approval where a single property zoned I-1 Institutional District is divided as a result of a public work of improvement for street extension purposes, with related public sanitary sewer and water work for which special assessment was made, into two or more parcels through the property fee acquisition by the City for the extension of the public street. The foregoing exclusions from Natural Resource Protection Plan submission requirements for certified survey map applications shall only be available upon the conditions that:
 - (i) in lieu of the Plan submission requirement, the certified survey map application shall be accompanied by the "best available information" as to the existence of any natural resource features, such as existing topographical maps, wetland inventories, and other such inventories as may be available; and
 - (ii) that a Natural Resource Protection Plan must be submitted upon any further development of any portion of the mapped property.
 - (b) A Natural Resource Protection Plan shall also not be required with an application for certified survey map approval where lots are being created from a larger



surrounding parcel, with the larger in area in relation to the lots created remnant parcel being vacant, or already having being developed by the existence of a principal structure and not being the subject of current further development application, and with the only natural resources within the map area being upon the remnant parcel and being more than 500 feet away from the lots being created. The foregoing exclusion from Natural Resource Protection Plan submission requirement for certified survey map applications shall only be available upon the conditions that

- (i) in lieu of the Natural Resource Protection Plan submission requirement, the Certified Survey Map application shall show upon its face the existence of any natural resource features, as identified in § 15-4.0102, located on the parcels of the Certified Survey Map based upon the "best available" information;
- (ii) that a Natural Resource Protection Plan must be submitted upon any further development of the "remnant" parcel; and
- (iii) the following note shall be placed upon the face of such Certified Survey Map: "The Natural Resource Features identified herein are not based upon field surveys. In the event of further land division or development of a parcel herein with any such Natural Resource Feature, a complete NRPP with field surveys is required for said parcel" For the purposes of this section, the Zoning Administrator shall not require that the "best available" information be a "first source" of information, as identified in § 15-4.0102A., B., C., D.

- 9) Lands Adjoining Tax Incremental Districts. A Natural Resource Protection Plan (and related requirements, such as the submission of conservation easements, etc.) shall not be required with an application for certified survey map approval for the purpose of providing additional land to an adjoining tax incremental district mixed-use development including industrial and commercial uses, where lots are being created from a parcel or parcels, upon which there exists an established residential dwelling building use, such established use parcel or parcels not being the subject of current further development application, for such remaining established residential dwelling building use parcel or parcels only, provided with regard to such remaining established residential dwelling building use parcel or parcels that:
 - (a) in lieu of the Natural Resource Protection Plan submission requirement, the Certified Survey Map application shall show upon its face the existence of any natural resource features, as identified in § 15-4.0102, located on the parcels of the Certified Survey Map based upon the "best available" information;
 - (b) that a Natural Resource Protection Plan must be submitted upon any further development of the "remaining established residential dwelling building use parcel or parcels"; and



- (c) the following note shall be placed upon the face of such Certified Survey Map:
"The Natural Resource Features identified herein upon lot[s] [number[s]] are not based upon field surveys. In the event of further land division or development of lot[s] [number[s]] with any such Natural Resource Feature, a complete NRPP with field surveys is required for said parcel."

D) Enforcement.

Any person or entity violating any provision of this Article 7 and any property owner upon whose property there exists or occurs a violation of this Article 7, shall be subject to the penalty and remedy provisions of [penalty and remedy] of this Ordinance. In addition, the provisions of this Article 7 may be enforced by the City by way of all other legal and equitable remedies and the undertaking by the City to cure any violations or complete any plans, work or measures in furtherance thereof, with the costs of such undertaking to be assessed against the property owner and entered upon the tax roll pursuant to the procedures for a special charge under § 66.0627, Wis. Stats. Any violation of this Article 7 is hereby declared to be a public nuisance.

15-07.02 **Natural Resource Features** Determination

- A) Protected **Natural Resource Features**. The following natural resources are protected under the provisions of this Article 7.
- 1) ~~Steep Slopes~~. ~~Steep slopes shall be as defined in Division [DEFINITIONS] of this Ordinance.~~
 - 2) **Woodlands**. Woodlands shall be as defined in [DEFINITIONS] of this Ordinance.
 - 3) **Surface Waters**. Surface waters shall include lakes, ponds, and streams. Lakes and ponds are to be determined through the use of the definitions of "Lake" and "Pond" as set forth in Division 15-11.0100 of this Ordinance. **Streams** shall be as defined in [DEFINITIONS] of this Ordinance or as determined by a field survey.
 - 4) **Surface Water and Wetland Buffers**.
 - (a) Surface water and wetland buffers, as defined in [DEFINITIONS] of this Ordinance, shall be established or maintained as demarcated, vegetated, and minimally disturbed land areas within the area extending horizontally from the ordinary high water mark of lakes and ponds, from the centerline of streams, or from the boundary of wetlands as determined under subsection (5) below, with the following widths: **NOTE: These widths are proposed & open to policy direction**



ZONING DISTRICT	BUFFER WIDTH
Residential Districts: RC-1, R-1, R-2	50 feet
Residential Districts: R-MF, V-R	30 feet
Non-Residential Districts	30 feet
Area of parcel at time of application:	
<1 acre	10 feet
1 acre – 2 acres	20 feet
2 acres – 3 acres	25 feet
More than 3 acres	30 feet

- (b) Land Combination. In an application for land combination or certified survey map, the proposed total area of all parcels to be combined shall determine the required width of the buffer.
- (c) Notwithstanding subsection (a) above, surface water and wetland buffers shall be applied to the area of land adjacent to any stream segment that is fully and permanently enclosed within a drainage structure, such as a pipe or culvert, as of the Effective Date of this Ordinance.
- 5) **Wetlands and Shoreland Wetlands.** Wetlands and shoreland wetlands as defined in [NEW SHORELAND WETLAND] of the Franklin Municipal Code.
- 6) **Primary and Secondary Environmental Corridors and Isolated Natural Resource Areas Defined by SEWRPC.** Those areas on the [CITY OF FRANKLIN MAP] of areas designated by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) as Primary Environmental Corridors, Secondary Environmental Corridors, or Isolated Natural Resource Areas shall be Protected Areas for purposes of this Article. The City of Franklin Map, as most recently amended, shall be used to determine the extent of such areas to be protected under the standards of this Article 7.
- B) Measurement of Natural Resource Features and Protected Area.
- 1) The area containing one or more Natural Resource Features shall be delineated and its total area calculated in acres and square feet to establish the area and location of the Protected Area. Any Protected Area containing two or more Natural Resource Features shall indicate which resources are present within the Protected Area
 - 2) All land area within a proposed development, Certified Survey Map, Subdivision Plat, or Condominium consisting of the natural resource features defined in this Ordinance shall be accurately measured using the following sources, scales, and approaches.



- 3) Measurement of Specific Natural Resource Features
- ~~(a) **Steep slopes.** Steep slopes are to be determined through the use of the following sources and/or methods in the order indicated below. If the first source is considered inaccurate or inappropriate, as determined by the Zoning Administrator, the second source shall be used:~~
- ~~(i) Topographic survey prepared by and certified by a Wisconsin registered land surveyor at a contour interval of not less than two feet.~~
 - ~~(ii) Large scale one inch equals 100 feet City of Franklin topographic maps.~~

NOTE: The definition of “woodland” includes but is not limited to “forests” as defined in Wisconsin law. A definition of “woodland” for protection needs to be finalized with the City Forester, staff, and task force.

- (b) **Woodland.** The determination of woodland boundaries shall be based on the sources in the order indicated below. If the first source is considered inaccurate or inappropriate, as determined by the Zoning Administrator, the succeeding source shall be used:
- (i) For all woodland areas within 100 linear feet of an area to be disturbed on a site, and for all trees (other than diseased, dead, or invasive species) greater than eight inches diameter at breast height lying outside a natural resource area, a field survey of trees compiled by a registered land surveyor based on identification by a landscape architect, forester, arborist, ecologist, or botanist.
 - (ii) For all areas planned to be left undisturbed on a site during construction and upon completion, which are more than 100 linear feet from an area of disturbance, the boundary of the woodland or forested area.
 - (iii) One inch equals 400 feet aerial photographs prepared by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) and available from SEWRPC (most recent date only).
- (c) **Lakes, Ponds, and Streams.** The ordinary high water mark of lakes and ponds, and the centerline of streams, shall be determined through the use of the definitions of "Lake," "Pond," and "Stream" as set forth in [DEFINITIONS] of this Ordinance and the sources in the order indicated below. If the first source is considered inaccurate or inappropriate, as determined by the Zoning Administrator, the succeeding source shall be used:
- (i) Topographic survey prepared by and certified by a Wisconsin registered land surveyor at a contour interval of not less than two feet.
 - (ii) Large scale one inch equals 100 feet City of Franklin topographic maps.



(iii) U.S.G.S. 7.5-minute topographic quadrangle maps.

(d) Wetlands, Shoreland Wetlands, and Wetland Buffers. Wetlands shall be delineated in accordance with Chapter NR 103, Wis. Adm. Code; Chapter NR352, Wis. Adm. Code; and the 1987 US Army Corps of Engineers Wetland Delineation Manual.

(i) The area of wetlands, shoreland wetlands, and wetland buffers (in square feet and acres) shall be measured and graphically delineated on the "Natural Resource Protection Plan based on a delineation prepared in accordance with the Wisconsin DNR 2019 Wetland Screening and Delineation Procedures (https://dnr.wisconsin.gov/sites/default/files/topic/Wetlands/2019_Wetland_Screening_and_Delineation_Procedures.pdf)

(ii) Wetland and wetland buffer delineation shall be prepared by a consultant certified as a Wisconsin DNR Assured Delineator (<https://dnr.wisconsin.gov/topic/Wetlands/assurance.html#s1>). Submittal of a certification consistent with Wisconsin DNR standards shall be required with the submittal.

(iii) Duration of delineation.

(i) No delineation shall be valid for any purpose required under this Article after the expiration of five years from the date the delineation was performed.

(ii) While delineations performed within the five years preceding the submission may be submitted for purposes of this Article, a current re-delineation may be required where there exists extrinsic evidence of or cause to reasonably believe that such original delineation is incorrect or that the wetland boundary has changed substantially, considering the size and quality of the wetland and the circumstances of any proposed development impact upon the wetland, since the original delineation.

(iii) Notwithstanding the foregoing, surface water buffers shall not be required to be designated or protected for artificial or degraded wetlands as defined under subsections (D)(1) and (D)(2) below.

(e) Surface Water Buffers.

(i) Surface water buffers shall be measured at a consistent horizontal distance following the ordinary high water mark of a lake or pond, or the center line of a stream.

(f) Primary and Secondary Environmental Corridors and Isolated Natural Resource Areas Defined by SEWRPC shall be based on the most current City of Franklin Map thereof, or as determined by SEWRPC pursuant to 15-07.02(A)(6).



C) Relationship to Floodplain and Flood Hazard Area Impacts

- 1) Floodplain, floodway, and flood hazard areas shall not constitute a separate category of natural resources for purpose of this Article.
- 2) Any areas defined as a floodplain, floodway, or flood hazard area pursuant to Article 8 of this Ordinance shall require review and approval under the provisions of Article 8.
- 3) Notwithstanding the foregoing, any impacts to a Natural Resource Feature as defined in this Article shall be subject to the provisions of this Article, regardless of location within a floodplain, floodway, or flood hazard area.

D) Exemptions

- 1) **Exemption of Artificial Wetlands.** The following artificial wetlands are exempt from the wetland provisions of this Article unless the Wisconsin Department of Natural Resources determines, under the provisions set forth under NR 103.06(4) of the Wisconsin Administrative Code, that the artificial wetland has significant functional values or uses under NR 103.03 (1)(e), (f) or (g) of the Wisconsin Administrative Code:
 - (a) Sedimentation and stormwater detention basins and associated conveyance features operated and maintained only for sediment detention and flood storage purposes.
 - (b) Active sewage lagoons, cooling ponds, waste disposal pits, fish rearing ponds and landscape ponds.
 - (c) Actively maintained farm drainage and roadside ditches.
 - (d) Artificial wetlands within active nonmetallic mining operations.
- 2) **Exemption of Degraded Wetlands; Mitigation Required**
 - (a) In the event a wetland delineation prepared pursuant to this Article demonstrates conclusively that wetland resources on the site are degraded, as defined under Subsection (c) below, the degraded wetland areas shall not require protection under the provisions of this Article, unless located within a SEWRPC Primary or Secondary Environmental Corridor or Isolated Natural Area as defined under Subsection (B)(7) above.
 - (i) Where a degraded wetland is located within the boundaries of a SEWRPC Isolated Natural Resource Area, exemption of the degraded wetland shall require a written determination from SEWRPC that loss of the degraded wetland shall not contribute to a loss of protected natural resource functions.
 - (ii) In the absence of such a determination from SEWRPC, the requirements of this Article related to wetlands and wetland buffers shall apply.



- (b) No Special Exception approval, waiver, or demonstration of avoidance shall be required to permit disturbance or land development within a degraded wetland.
- (c) Notwithstanding subsection (b), this provision shall not relieve any applicant of the obligation to secure all applicable state and federal wetland permits as apply to a site or development.
- (d) Any applicant proposing to impact a degraded wetland shall complete on- or off-site mitigation at the ratio specified in Table [MITIGATION] by completing one of the following site improvements in conjunction with the impact:
 - (i) The inclusion of green stormwater management features, as defined in the [STORMWATER ORDINANCE], providing capture of the first one inch of runoff over all new or expanded impervious areas on the site; or
 - (ii) The use of deep-rooted vegetation native to Southeastern Wisconsin in the landscape plan, in an area equal or greater in size to the degraded wetland, with fencing or other barriers to prevent routine mowing or abuse of the plantings; or
 - (iii) Supplemental tree planting in excess of the requirements of [LANDSCAPE 15.XXX] or any mitigation required by Section [mitigation] of this Article, with a projected tree canopy area at maturity equivalent or greater to the total area of the degraded wetland; or
 - (iv) Any combination of (ii) and (iii) above equivalent to [1.5 TIMES] the area of the degraded wetland. **NOTE:** 1.5 times is suggested; needs City direction
- (e) Demonstration of Degraded Condition. An applicant seeking exemption under this Section shall demonstrate through a site-specific analysis prepared by a qualified wetland delineator that:
 - (i) Site conditions exhibit impacts to topography, soils, native vegetation or hydrology that have degraded a wetland and are not likely to be reversible.
 - (ii) The project, including its landscaping plan, does not involve the planned introduction of non-native or invasive wetland plants.
 - (iii) In the opinion of the City Engineer, removal or filling of the degraded wetland will not result in the creation of adverse drainage or flooding impacts on City streets or adjacent properties.
 - (iv) Removal or filling of the wetland will not:
 - (1) involve any activities in navigable waters with prior history as a stream
 - (2) cause significant adverse impacts to a cold water community, as defined in s. NR 102.04 (3)(a).
 - (3) cause significant obstruction of fish passage to existing spawning areas.
 - (4) cause significant adverse impacts to state threatened or endangered resources.
 - (5) cause significant adverse impacts to historical or cultural resources and will comply with s. 44.40, Stats.



- (f) Positive finding required; remedy. In the event an applicant fails to demonstrate to the **satisfaction of the Plan Commission** that the area meets all of the standards for exemption and mitigation under this Section, the wetland shall be regulated as a Natural Resource Feature under (B)(5) above.
- E) **Surface Water and Wetland Buffer Standards.** Within a Wetland and Stream Buffer, as defined in this Article:
- 1) Unless authorized under Section 15-07.04(F)(8) of this Ordinance, no new or expanded impervious surface or building area shall be established or expanded within a Wetland and Stream Buffer.
 - 2) The expansion of pre-existing structures within Wetland and Stream Buffers shall be permitted only in accordance with the approval standards for **non-conforming structures in Section 15-XXX** of this Ordinance.
 - 3) No part of any new residential lot shall be established within a Surface Water and Wetland Buffer after the effective date of this Ordinance.
 - 4) Any approvals issued for land disturbance or land development on a site containing a Surface Water and Wetland Buffer, other than for modification of a single-family or two-family dwelling on a non-divisible lot existing as of the effective date of this Ordinance, shall include provisions to demarcate, with sturdy plantings, fencing, or a combination thereof, a boundary line along the edge of the Surface Water and Wetland Buffer on the site. Guidance from the City of Franklin Natural Resource Mitigation Guide shall be used to determine the sufficiency of proposed measures.
 - 5) All lands within a Surface Water and Wetland Buffer shall be left in an undisturbed, naturally vegetated condition. Supplemental planting and landscaping shall be permitted but may not include turf, sod, or other lawn grass; nor any invasive plant species on the Wisconsin Chapter 40 NR Invasive Species List.
 - 6) The clearing of trees that are not dead, diseased, or invasive, and the clearing of any other vegetation other than invasive species on the Wisconsin Chapter 40 NR Invasive Species List, is permitted only upon application to and **approval of the Zoning Administrator under Section 15-XXX**.
 - 7) All Surface Water and Wetland Buffers established in conjunction with approvals under this Article shall be protected through a deed restriction and a conservation easement.

15-07.03 Natural Resources Protection and Mitigation Plans

- A) Natural Resource Protection Plan Required



If any Natural Resource Feature as defined and described in [15-07.02] of this Article is present on the property for which a Site Plan review, Certified Survey Map (except as otherwise provided for by the exclusions as identified in § 15-3.0501C.), Subdivision Plat, or Condominium is requested, a Natural Resource Protection Plan drawn to the same scale as the Site Plan, Certified Survey Map, Preliminary Plat, or Condominium submission shall be prepared in accordance with the measurement methods and sources outlined in Subsection (B) below. The Natural Resource Protection Plan shall show the following:

- 1) Sheet 1 – Existing Conditions
 - (a) Proposed Name. The proposed name of the development, project, Certified Survey Map, Subdivision Plat, or Condominium.
 - (b) Location. The location of the proposed development, project, Certified Survey Map, Subdivision Plat, or Condominium.
 - (c) Contact Information. The names, addresses, telephone numbers, and email addresses of the Owners, Subdividers, Lessee and/or Developer.
 - (d) Date. Date of the "Natural Resource Plan" submittal and all applicable revision dates.
 - (e) Scale, North Arrow, and Contours, at a maximum two-foot contour interval.
 - (f) Site Boundary. The boundary line of the site with dimensions and bearings, indicated by a solid line.
 - (g) Site Acreage. The total area of the site.
 - (h) Lot Lines, Right-of-Way Lines, and Easements. The location of all proposed lot lines, right-of-way lines, and easements.
 - (i) Existing Features. The location, ownership, widths, and names (if available) of all existing and previously platted streets, rights-of-way, parks, and other public or open spaces located within or adjacent to the subject property.
 - (j) Easements and Neighboring Property Boundaries. The location and dimensions of all permanent easements on the subject property boundary lines and adjacent to the site.
 - (k) Tree species and locations. The plan shall indicate the location and species of all trees (other than invasive plant species on the Wisconsin Chapter 40 NR Invasive Species List) greater than eight inches (8") diameter at breast height that are located outside a Protected Area as defined in this Article.
 - (l) Degraded or artificial wetlands. The location and area of all degraded or artificial wetlands, as defined under Section (X) above.
 - (m) Existing Natural Resource Features. The location, extent, and area in square feet and acres of all existing Natural Resource Features, as defined and described in Section 15-6.02(A), shall be indicated, including the following:
 - (i) Areas of steep slopes, indicating the location of slopes of 10% to 19%, 20% to 30%, and greater than 30%.



- (ii) The boundaries of all existing woodland or forest areas
 - (iii) The Ordinary High Watermark of all lakes and ponds
 - (iv) The top of bank and centerline of all streams
 - (v) The location and approximate width of any portion of a stream that is fully enclosed within a culvert or pipe
 - (vi) The extent of floodplain, floodway, and flood hazard areas.
 - (vii) The boundary of all delineated wetlands or shoreland wetlands
 - (viii) The boundary of all SEWRPC Primary and Secondary Environmental Corridors and Isolated Natural Resource Areas
 - (ix) For all areas not within the boundaries of a Natural Resource Area, the types and extents of existing land cover and vegetation.
 - (x) Shading or other means of indicating where natural resource boundaries overlap or coincide.
- 2) Sheet 2 – Proposed Construction Disturbance
- (a) The perimeter of the area of all Natural Resource Features as enumerated in Subsection (1)(l, k, and m) above.
 - (b) Scale, North Arrow, and Contours, at a maximum two-foot contour interval.
 - (c) The location of all trees to be preserved and removed (other than diseased, dead, or invasive trees, in accordance with 15.0601(C)(3)) located outside of natural resource protection areas.
 - (d) The proposed limits of construction disturbance, including but not limited to all areas for stockpiling, equipment storage, temporary or permanent stormwater management features, cutting, and grading, clearly indicating where any such disturbance will take place within a natural resource area, with the area of the disturbance indicated in square feet.
 - (e) Clear indication of all areas of proposed disturbance. A table shall be included on the sheet indicating the area of disturbance of each Natural Resource Feature, and the area and extent of any overlapping Natural Resource Features to be affected.
 - (f) Indication of any disturbance proposed to support Essential Services, as defined in this Ordinance, or public roads, paths, and trails, as described in 15.0601(C)(4).
 - (g) Indication of all areas where post-construction mitigation is proposed.
- 3) Sheet 3 – Proposed Final Conditions
- (a) The proposed location and area of all buildings and site improvements, including all building footprints, impervious surfaces, utilities, easements, and rights-of-way
 - (b) Scale, North Arrow, and Contours, at a maximum two-foot contour interval.
 - (c) The boundaries of all proposed residential lots, where applicable



- (d) The proposed boundaries of all Protected Areas, indicating the type of Natural Resource Feature or Features within each area.
 - (e) The location and horizontal width of all proposed surface water buffers
 - (f) The type and location of landscaping, fencing, or other means of permanent demarcation of surface water buffers in accordance with the standards in [REF] below.
 - (g) Proposed stormwater management features, including all vegetated stormwater management measures, ponds, and swales or other conveyances.
 - (h) The landscaping plan, including the location of all trees to be planted or preserved and the types of vegetative cover proposed outside natural resource protection areas.
- 4) Sheet 4 – Mitigation Plan (where applicable). A mitigation plan for all Natural Resource Features proposed to be affected and mitigated, utilizing the City of Franklin Natural Resource Mitigation Guide, including the following:
- (a) Locations and dimensions of the site(s) where mitigation will be implemented.
 - (b) Where applicable, a signed attestation from the owner(s) of any other sites where mitigation is proposed to be implemented, indicating the owner’s concurrence with the proposed plan and willingness to accept a permanent deed restriction and conservation easement for the area where mitigation will occur
 - (c) Planting plans, soil specifications, and depths and dimensions of planting areas
 - (d) Other information as required to determine conformance with the standards of this Article.
- 5) Supporting Information
- (a) Memoranda, surveys, illustrations, or studies regarding woodlands, surface waters, and wetlands
 - (b) Where applicable, a wetland delineation report, including as applicable documentation of degraded wetlands.
 - (c) Tables and worksheets demonstrating the extent of natural resource areas present on site, extent of natural resource areas to be impacted and mitigated during construction, the final extent of mitigation required, and how conformance with the required mitigation ratios is achieved.
 - (d) Sample documents indicating the form of easements, covenants, or other legal mechanism proposed for the protection of natural resources.
 - (e) Other information as needed to demonstrate compliance with the standards in this Article.
- B) Calculation of Impact and Required Mitigation



- 1) Table 15-XX shall be used to determine the required mitigation area for each Natural Resource Feature approved to be mitigated.
- 2) Areas where Natural Resource Features coincide shall be clearly noted, measured, and indicated in Table 15-XX.
- 3) All areas of proposed temporary (i.e., construction-phase) disturbance and permanent (i.e., post-construction) disturbance of each Natural Resource Feature shall be measured and clearly indicated in Table 15-XX.
- 4) The acreage of each natural resource feature shall be multiplied by its respective natural resource protection standard to determine the amount of mitigation required, if any.
- 5) Overlapping areas.
 - (a) Where the boundary of a Protected Area includes more than one Natural Resource Feature, the highest mitigation factor of all of the resources found within the area shall be utilized to determine the required area of mitigation.
 - (b) Notwithstanding (a) above, if a Protected Area contains a Surface Water and Wetland Buffer that is not proposed to be disturbed in construction or post-construction phases, the next highest mitigation factor may be utilized.



TABLE 15-X: City of Franklin Natural Resources Mitigation Ratios

	A	B	C	D	E	F = (D + (.5*E))*A
	Mitigation Factor	Total Area on Site (SF)	Proposed Area of Construction Disturbance (SF)	Permanent Impact Area (SF)	Proposed Area of Post-Construction Mitigation (SF)	Mitigation Required (SF)
SEWRPC Primary Environmental Corridor	1.0	10,000	2,000	500	1,500	[(500)+ (1,500*.5)] * 1.0 =1,250 x 1 = 1,250 SF
SEWRPC Secondary Environmental Corridor	.75	2,000	1,000	750	250	[(750) + (250 * .5)] * .75 = 875 SF
SEWRPC Isolated Natural Resource	1.0					
Steep Slopes, 10-19%	.25	Per discussion and direction from the City Engineer at the 8/3/2023 hearing, it is recommended that steep slopes NOT be mitigated.				
Steep Slopes, 20-30%	.75					
Steep Slopes, >30%	1.0					
*Surface Water Buffers	1.25					
Woodland	.75					
Degraded Wetland	1.5					
*Wetland	1.5					
**OVERLAPPING AREAS	Use highest Mitigation Factor of all resources present within the area					
*Lakes and Ponds	1.0					
Total Mitigation Required						

*Direct impacts to Surface Water and Wetland Buffers, Wetlands, Lakes, and Ponds allowed only with special exception under Section [X].

**Where Natural Resource Features other than delineated wetlands and surface waters overlap, use the highest mitigation factor of the resources found within the protection area.

***If Surface Water and Wetland Buffers are present but undisturbed during construction and post-construction phases, mitigation is not required and the highest mitigation factor of any other impacted/affected resource shall apply.



15-07.04 Standards for Natural Resource Feature Mitigation

- A) **Mitigation Guidance Incorporated by Reference.** The City of Franklin Natural Resource Mitigation Guide, as amended, shall guide the design and review of any proposed mitigation.
- B) **Surety Required.** Staff may recommend, and the Plan Commission or Common Council may require, a Letter of Credit or another surety, as approved by the City Attorney, to ensure the completion and establishment of Natural Resource Feature mitigation and any conditions imposed pursuant to this Article 7.
- C) For all mitigated Natural Resource Features, deed restrictions, conservation easements, and landowner agreements permanently conserving the land shall be required in a form acceptable to the City Attorney.
- D) All conserved or mitigated areas, whether on or off site, shall be demarcated with a combination of fencing, planting, and signs to prevent mowing, snow storage, or other abuse of the area.
- E) **Off Site Mitigation**
- 1) Off-site mitigation may be permitted by the Plan Commission provided:
 - (a) The Plan Commission determines that off-site mitigation is a desirable alternative to mitigation on-site and will achieve greater overall benefit to the City of Franklin and the Natural Resource Features to be mitigated.
 - (b) All off-site mitigation shall occur within the City of Franklin.
 - 2) All off-site mitigation shall require the recording of deed restrictions and conservation easements for the area of the property on which mitigation occurs, in a form acceptable to the City Attorney.
- F) **Mitigation of Specific Natural Resources.** In its review and approval of a Natural Resource Protection Plan and any mitigation measures, the Plan Commission shall be guided by the following:
- ~~1) **Steep slopes.** Impacts to steep slopes shall be mitigated with any combination of:
 - (a) Supplemental on or off site tree planting in excess of the requirements of [15-xx LANDSCAPE] and subsections (2) and (3) below.
 - (b) Enhancement or establishment of Surface Water or Wetland buffers in accordance with subsection (8) below.~~



~~(c) Mitigation of wetlands or shoreland wetlands in accordance with subsections (5) and (7) below.~~

2) Woodland.

- (a) Mitigation plans for woodlands shall follow the City of Franklin Natural Resource Mitigation Guidelines.
- (b) Species of trees and plants used in the mitigation of woodland and forests shall be subject to review by the City Forester to ensure that species selected for mitigation are likely to be successful within the area of the City where proposed, and represent an equal or greater value in promoting the health and integrity of the City's forest resources relative to the resources impacted by the project.
- (c) Surety or other financial instrument sufficient to replace the required plantings shall be retained by the City for a period of two (2) years after planting to ensure establishment and plant growth.
 - (i) The surety may be released after 2 years provided the City Forester has inspected the site and determined that plant establishment has occurred.
 - (ii) If the City Forester has determined that remedial planting is required, the surety shall be extended for another 2 years after the date of remedial planting.
- (d) No tree cutting or removal, subsequent to the adoption of this Ordinance, shall reduce the woodland/forest natural resource features protection requirements of this Ordinance, other than removal of invasive plant species on the Wisconsin Chapter 40 NR Invasive Species List.

3) Trees outside natural resource areas

- (a) Existing trees with a caliper of 8 inches or greater diameter at breast height (other than removal of invasive plant species on the Wisconsin Chapter 40 NR Invasive Species List) that are removed shall be replaced one-for-one on the site, in addition to any woodland area mitigation required.
- (b) In the event the City Forester determines that replanting is not advisable on the site, the applicant shall pay the City a fee in lieu per tree based on the City's established fee schedule at the time a [WHAT KIND OF] permit is obtained.
- (c) Cutting of or damage to trees planted as mitigation shall constitute a violation of this Article and shall be subject to enforcement under [SECTION].

NOTE: Need policy direction on when and at what step fees should be paid

4) SEWRPC Primary and Secondary Resource Corridors and Isolated Natural Areas

- (a) Mitigation of impacts to SEWRPC Primary and Secondary Resource Corridors and Isolated Natural Areas shall be based on the nature of the Natural Resource



Features in the affected area, as documented in the Natural Resource Protection Plan. Mitigation may include, but not be limited to:

- (i) Tree planting in accordance with the standards in (XX) above
 - (ii) Stream and Wetland Buffer restoration or establishment along surface waters or wetlands with inadequate or no buffering, in accordance with Subsection
 - (iii) Restoration of eroded or impacted stream channels
 - (iv) Wetland restoration or enhancement, where consistent with Wisconsin DNR standards.
- (b) The land upon which the mitigation is to take place shall be protected with a deed restriction and a conservation easement.
- (c) Off-site mitigation
- (i) At the discretion of the Plan Commission, applicants may provide for the permanent protection of an equivalent area of any combination of SEWRPC Primary or Secondary Resource Corridor, or Isolated Natural Area, within the City of Franklin, so long as the total area conserved is of sufficient size to meet the required mitigation area pursuant to this Article.

5) Shoreland Wetlands.

- (a) Impacts to shoreland wetlands shall be governed by approvals issued pursuant to [new section of municipal code] and shall be contingent upon receipt by the City of permits from the Wisconsin Department of Natural Resources and United States Army Corps of Engineers, as applicable
- (b) Mitigation shall occur at the ratio for wetlands in Table 15-07.X in strict accordance with the most recent [Guidelines for Wetland Compensatory Mitigation in Wisconsin](#).
- (c) All conserved shoreland wetlands and any associated mitigation shall be protected with a deed restriction and a conservation easement.

6) Lakes and Ponds.

- (a) Direct impacts to Lakes and Ponds may be mitigated at the ratio in Table 15-07.X only if the impact and mitigation is part of an approved stormwater management plan that meets, at a minimum, all of the following criteria:
 - (i) The time of concentration of stormwater flows remains unchanged or is lengthened.
 - (ii) Stormwater storage capacity is maintained or increased.
 - (iii) No flooding or adverse drainage conditions on adjoining properties will be created.
- (b) Approvals shall be contingent upon receipt by the City of permits from the Wisconsin Department of Natural Resources and United States Army Corps of Engineers, as applicable.



7) **Wetlands.**

- (a) Impacts to wetlands, other than degraded or artificial wetlands as defined in this Article, shall be approved for mitigation at the ratio in **Table 15-07.X.**
- (b) Permits shall be contingent upon receipt by the City of permits from the Wisconsin Department of Natural Resources and United States Army Corps of Engineers, as applicable.
- (c) Wetland restoration shall follow the principles set forth in the most recent [Guidelines for Wetland Compensatory Mitigation in Wisconsin.](#)
- (d) **[need a statement on off-site mitigation/purchase of banking]**

8) **Surface Water or Wetland Buffers.**

- (a) The Plan Commission may approve construction-phase (i.e., temporary) or post-construction (i.e., permanent) impacts within an existing or proposed Surface Water or Wetland Buffer only upon finding that:
 - (i) The authorized reduction in the width or area of the buffer is the minimum necessary to allow the proposed use to function efficiently on the project site
 - (ii) The reduced buffer, and its associated planting plan, will be sufficient to protect the associated surface water or wetland so as to prevent loss of function or flooding.
 - (iii) Sufficient planting, fencing, or other demarcation will be provided during construction to protect the buffer from activities and damage such as mowing, storage, parking, or snow storage
- (b) Impacts within Surface Water or Wetland Buffers shall include without limitation the following:
 - (i) Construction-phase disturbance, including clearing, grubbing, and disturbance of the surface grade.
 - (ii) The construction of new or expanded structures or impervious surface area
 - (iii) Clearing or mowing, or the establishment of actively maintained vegetation such as turfgrass, planted islands, or landscaped strips.
 - (iv) Permanent or temporary stormwater ponds.
- (c) If a new Surface Water or Wetland Buffer is established at a width less than required in this Article, the difference in surface area between the required and proposed Wetland or Surface Water Buffer shall be mitigated at the required ratio in **Table 15-07.X.**
- (d) **Specific Standards for Surface Water and Wetland Buffer Mitigation.** Where mitigation is approved, in addition to the standards in the City of Franklin Mitigation Guidance, the following specific standards shall be met:



- (i) The perimeter of any existing Surface Water or Wetland Buffer impacted by an approved development, and the perimeter of all new or restored buffers provided as mitigation, shall be established or re-established with plantings, fencing, or a combination thereof.
- (ii) The Plan Commission may approve the restoration or establishment of a new surface water or wetland buffer on an existing developed site within the City of Franklin as mitigation for impacts on a Natural Resource Feature under this Article. The Plan Commission may deviate from the strict numeric requirements of the mitigation ratio where the following conditions apply:
 - (1) The proposed buffer has a minimum width of five feet (5') at its narrowest point and a minimum total area of one hundred fifty square feet (150 SF).
 - (2) In the opinion of the City Engineer, the proposed buffer would provide a material benefit to water quality, flooding, and storm water management.
 - (3) The combination of impervious surface area removed (if any), the amount of impervious surface area draining to the new or restored buffer, the degree of planting provided, and the width and size of the buffer represent, in the opinion of the City Engineer, sufficient benefit to water quality, flood prevention, and stormwater management to offset the development impact.

15-07.05 ADMINISTRATION; SPECIAL EXCEPTION

A) Natural Resource Protection Plan Review Procedures

- 1) Staff shall make a recommendation to the Plan Commission as to the completeness of a Natural Resource Protection Plan and the sufficiency of proposed mitigation, based on the standards and procedures set forth in section 15-07.04 above.
- 2) The Natural Resource Protection Plan and mitigation plan, if applicable, shall be incorporated into the findings of fact and decision for the project and shall be binding on all future approvals, subject to any amendments approved under the provisions of this Article.
- 3) Technical Review.
 - (a) Where the Plan Commission determines that there is a material dispute as to the nature, location, extent, or quality of one or more natural resources present, or on the viability or approach to mitigation proposed, the Plan Commission may contract for review of the Natural Resource Protection Plan by a qualified



professional. [note: under the City's current provisions for a special exception applicants are charged for these costs; see 15-07.05(B)(2)(e)(3) below]

(b) The objective of any such review shall be to establish a factual basis for determining whether a Natural Resource Protection Plan and any proposed mitigation meets the objective standards and ratios in this Article and the City of Franklin Mitigation Guidance.

(c) Where applicable the written report from any such review and the Plan Commission's findings shall be transmitted to the Common Council for use in its review. [IF NEEDED]

B) Special Exception

1) A Special Exception to the provisions of this Article shall be required for:

- (a) Any construction or permanent impacts to shoreland wetlands, wetlands, lakes, ponds, or streams;
- (b) Any permanent, unmitigated impacts to any surface water or wetland buffers not meeting the standards in 15-07.04(F)(8);
- (c) Any reduction in the required mitigation ratios in Table [15-XX REF];
- (d) Any modification of the financial surety requirements in Section [X-X]; and
- (e) Any appeal of a Plan Commission's final determination of a natural resource feature pursuant to 15-07.02.

2) **Common Council Review.** Upon recommendation by the Plan Commission, the Common Council may grant a Special Exception to the provisions of this Article in accordance with the procedures in this Section.

- (a) Burden of Proof. The applicant shall have the burden of proof to present evidence sufficient to support the findings required under sub. 2 below.
- (b) A minimum of one (1) Class II Public Hearing shall be required. The Class II Public Hearing may be conducted by the Plan Commission, with a recommendation made to the Common Council. The Common Council may, at its discretion, warn an additional Class II Public Hearing prior to its action on the Special Exception.
- (c) Criteria for Approval. A Special Exception to the stream, shore buffer, navigable water-related, wetland, wetland buffer and wetland setback regulations of this Ordinance and for improvements or enhancements to a natural resource feature may be granted only upon a finding by the Plan Commission and concurrence by the Common Council:



- (i) That the condition(s) giving rise to the request for a Special Exception were not self-imposed by the applicant (this subsection (i) does not apply to an application to improve or enhance a natural resource feature); and
- (ii) Compliance with the strict provisions of this Article will:
 - (1) be unreasonably burdensome to the applicant and that there are no reasonable practicable alternatives; or,
 - (2) unreasonably and negatively impact upon the applicant's use of the property and that there are no reasonable practicable alternatives; and
 - (3) the Special Exception, including any conditions imposed under this Section will:
 - a. Be consistent with the existing character of the neighborhood; and
 - b. Not effectively undermine the ability to apply or enforce the requirement with respect to other properties; and
 - c. Be in harmony with the general purpose and intent of the provisions of this Article; and
 - d. Preserve or enhance the quality of the natural resource affected.
- (d) In making its recommendation, the Common Council shall consider factors such as:
 - (1) The impact on physical characteristics of the property, including but not limited to, relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks;
 - (2) Any exceptional, extraordinary, or unusual circumstance or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district;
 - (3) The proposed degree of noncompliance with the requirement of this Article to be allowed by the Special Exception;
 - (4) The project's proximity to and character of surrounding property;
 - (5) Purpose of the zoning district of the area in which property is located and neighboring area; and
 - (6) Any potential for negative effects upon adjoining property from the Special Exception if authorized.
- (e) Conditions of Special Exception. Any Special Exception granted under the authority of this Section shall be conditioned upon the applicant first obtaining all other necessary approval(s) from all other applicable governmental agencies and shall also set forth conditions that the Common Council deems necessary, including, but not limited to, conditions that:



- (1) Prescribe the duration of the Special Exception (i.e., permanent, a specified length of time; or a time period during which the property is owned or occupied by a particular person);
- (2) Require additional mitigation beyond measured proposed in the Natural Resource Protection Plan and Mitigation Plan, provided such measures are related to and roughly proportional with the degree of impact authorized;
- (3) Require payment or reimbursement by the applicant to the City of any costs, expenses, professional fees (including the fees of a person recognized with knowledge and experience in natural systems) or legal fees reasonably incurred by the City in reviewing or processing the application for Special Exception. The Common Council may also require the posting of a bond or letter of credit to cover the costs of such expenses and fees. An applicant may obtain the review of the amounts imposed under this Subsection pursuant to Division 15-9-10 of this Ordinance.

DRAFT

Article 8. Subdivision Standards

15-8-01. Intent and Purpose	1
15-8-02. Lots	1
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15-8-08. Cluster Development	2149
15-8-09. Anti-Monotony Standards	2724
15-8-10. Park and Recreation Land and School Site Dedication	2822

Commented [RS1]: Add For Article 8:

15-8.0119 - improvement extend limits of parcel.

15-8.0200 as follows:

15-8.0201 thru 15-8.0203 - back into Article 8

JB to edit 203 (G)(h)(l)

204 - keep existing trees and vegetation

15-8.0205, 15-8.0206, 15-8.0207 - back into Article 8

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15-8-01. Intent and Purpose

A. The purpose of this Article is to:

1. ~~To e~~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. ~~C~~Conserve, protect, and enhance property and property values;
3. ~~T~~to secure the most efficient use of land;
4. ~~To d~~Discourage scattered development that is beyond existing public utilities and to facilitate the adequate provision of public improvements;
5. ~~To e~~Ensure the provision of sufficient utilities with new development;~~To e~~To
6. ~~L~~Limit and control the pollution of the environment that can be caused by inadequate or incomplete development;
7. ~~To p~~Provide common grounds of understanding and a sound working relationship between the City and the subdivider;
8. ~~To i~~Implement the goals and objectives of the City of Franklin Comprehensive Master Plan;
9. ~~P~~Prescribe reasonable rules and regulations governing the subdivision and platting of land; the preparation of plats;

Commented [RS2]: New intent and purpose statements established.

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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. ~~The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the building contemplated. In addition:~~

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B.—

~~1.B. Lot Lines.~~ Lot lines shall follow municipal boundary lines rather than cross them.

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~~2.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.

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~~3.D. Access.~~ ~~Every~~ Each lot shall front or abut ~~for a distance of at least 60 feet on~~ a public street ~~as measured at the right-of-way line and, in the case of a cul-de-sac, as measured at the arc. 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.~~

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~~E. Area and Dimensional Requirements of Lots.~~ ~~Lot a~~ Areas and ~~width dimensions of all lots~~ shall conform to the requirements of ~~the City of Franklin Unified Development Ordinance~~ this UDO ~~for incorporated areas of the City of Franklin or to the applicable town or county zoning ordinance for areas within the City's extraterritorial plat review jurisdiction and under the jurisdiction of the City of Franklin.~~

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~~4.F. Sites Not Served by Sewer.~~ ~~These~~ 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.

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~~5.G. Lot Depth to Width.~~ ~~Lots shall have a minimum lot depth of 110 feet as measured at any point from the front lot line to the rear lot line, or to any floodplain or wetland.~~ ~~Excessive Lots with a lot depth of lots in relation to width shall be avoided. The preferred ratio of depth to width is greater than two (2) to one (1) are prohibited, except for the creation of outlots as approved by the Zoning Administrator.~~ ~~Depth of lots or parcels reserved or laid out for multiple-family development, commercial, institutional, or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated as set forth in Division 15.5.0200 of this Ordinance.~~

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Commented [RS3]: Does the City want to have this 110-foot depth requirement still? Should this be moved to Article 3 as a dimensional standard rather than here. Depth to width ratio is common to have in the subdivision standards.

~~6. Lot Width.~~ Width of lots shall conform to the requirements of the City of Franklin Unified Development Ordinance or other applicable ordinance, ~~as measured at the front setback line.~~

Commented [GU4R3]: Ok for me to move the lot depth to Article 3. RM

~~7.H. Corner Lots.~~ Corner lots shall ~~have a minimum extra width as described by~~ in addition to the lot dimensional requirements of the zoning district in which the lot is located in order to permit adequate building setbacks from side streets and shall have a minimum depth not less than ninety (90) percent% of the minimum required ~~corner~~ lot width.

Commented [RS5R3]: Relocate to Article 3. Definition of outlots - the lot standards wouldn't apply.

Commented [RS6]: The draft of this UDO isn't requiring off-street parking or loading anymore though.

~~C. Plats Abutting a Lake or Stream.~~ All land subject to a subdivision plat shall be fully incorporated into a lot, outlot, or public dedication of land, ~~including but not limited to all land lying between a meander line and the center line of a stream or river, and all land lying between the meander line and the ordinary high water mark of a lake or pond.~~

Commented [GU7R6]: I agree. RM

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~~4.I. 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.~~

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~~D.J. 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.

~~E.K. Large Lots.~~ Where lots are created of a size larger than the minimum lot size required by the underlying zoning district, the Plan Commission may require that lots be twice the minimum area and width required that the plat be so designed as to allow for the possible future resubdivision of such lots into lot sizes compatible compliant with the underlying zoning district.

Commented [RS8]: This isn't precise or enforceable.

Commented [JW9R8]: I've not seen this requirement before, but I do think there is some logic to it. It could be rewritten to be more clear and precise though

~~F.L. Flag Lots Prohibited.~~ Flag-shaped lots, or lots not meeting the minimum frontage-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. Flag lots are

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Commented [RS10]: We'll define flag lots in the definitions.

~~where the rear of the lot is disproportionate in width to the front of the lot width without a gradual widening of the lot as the lot increase in depth (shaped like a flag with the pole being the lot frontage).~~

Commented [GU11R10]: Ok. RM

15-8-02-15-8-03. Street Arrangement

A. **Street Layout to Conform to Official Map and/or Adopted Plans.** In any new ~~s~~Subdivision, ~~c~~Certified ~~s~~Survey ~~m~~Map, or ~~c~~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.

Commented [RS12]: Existing Text from 15-5.0101 Street Arrangement retained. Many of these standards are not measurable. Is there a desire to retain them?

Commented [GU13R12]: I understand that these standards are not measurable, but I prefer to retain them because the city's comprehensive plans and official map refer to this roadway functional classification. RM

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.~~

Commented [RS14]: Add: Any recreational trail identified in the CORP shall be provided in the subdivision.

Commented [RS15]: Removed per Task Force feedback.

1. ~~Access to Public Streets Required.~~ ~~The Certified Survey Map or Subdivision shall be designed so as to provide each lot with a minimum of 60 feet frontage along a public street.~~

Commented [RS16]: 60 feet of frontage along a public street - this is already stated in 15-8-02(C) above

Commented [GU17R16]: Ok. RM

2.1. **Arterial Streets.** Arterial streets, ~~as hereafter defined,~~ shall be arranged ~~so as~~ 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.

3.2. **Collector Streets.** Collector streets, ~~as hereafter defined,~~ 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, ~~as hereafter defined,~~ 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.

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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.~~

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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, ~~by action in the opinion~~ of the Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the ~~s~~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 ~~s~~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.

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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 ~~commercial and industrial areas~~ 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 d~~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.~~

a-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, Plan Commission, and Common Council. ~~Street names, in general, should conform to the system set forth in Figure 15-5.0404 below.~~

15-8-03-15-8-04. 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 ~~800 five-hundred (500)~~ feet in length.

2. **Adequate Turn-Around Required to be Provided.** Cul-de-sac streets shall terminate in a circular ~~turn-around~~ paved area allowing for vehicular turn around and having a minimum radius of

a. Sixty (60) feet the center of the island to the edge of right-of-way ~~radius of 60 feet and~~

2-b. Forty-five (45) feet from a minimum ~~the center of the island to the~~ outside curb ~~radius of 45 feet.~~

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, ~~c~~Cul-de-sac islands may be designed with ~~shall include a depressed, grassed-vegetated snow storage area or stormwater management area, without vertical c~~Curbing of sufficient size to enable snow plowing 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.

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Commented [RS18]: Question for Task Force discussion. Are alleys appropriate in residential districts? Some differing opinions were expressed during previous meetings.

Commented [GU19R18]: Definitely for Task Force discussion. Thank you for adding the private maintenance provision, it addresses concerns expressed in previous meetings. RM

Commented [RS20R18]: For discussion with the Task Force.

Commented [RS21R18]: Has been a discussion if City should step in and improve alleys. To date, we don't plow them but they are public right-of-way.

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Commented [RS22]: Requirement for private maintenance required per diagnostic memo recommendation.

Commented [JH23]: Are there any current city maintained alleys? Does this apply only to new?

Commented [RS24R23]: Question for City - are there any City-maintained alleys currently?

Commented [GU25R23]: I don't think so. The few alleys in the city are in the St. Martins Village but the majority are unimproved. I'll double check with Engineering. RM

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Commented [RS26]: Cul-de-sacs - limit the number.

Commented [RS27]: Revise to 300

Commented [RS28R27]: It looks like there's a lot of cul-de-sacs in Franklin with a length of ~ 500 feet. Perhaps this is an appropriate limit on length to retain - the average existing in the community is okay but let's not have not longer.

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Commented [RS29]: Standards to require islands with depressed snow storage areas established per diagnostic memo recommendation.

Commented [RS30]: Islands of approximately 20 feet in radius/ 40 feet in diameter exist in Franklin and seem appropriate given the turn around radius provisions specified above.

Commented [JH31]: It's not ALWAYS the best move to make the cul-de-sac a snow storage area - if it's better utilized for stormwater, you don't want to say grass for snow only. Should be left up to the designer and city engineer to sort out.

Commented [RS32R31]: Understood, thank you JB.

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- 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 paved area of adequate width to allow for vehicles to turn-around.~~
- 4. ~~All stub streets shall conform to the City's adopted version of the International Fire Code.~~

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B.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.~~

Commented [JH33]: This MAY be inconsistent with the new floodplain standards. Let's flag this to talk to Glen Morrow about it.

G.D. Street Grades.

- 1. ~~Street grades shall be established wherever practicable to avoid excessive grading, the promiscuous indiscriminate removal of ground cover and tree growth, and general leveling of the topography.~~

~~1.~~

- 2. ~~All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to 15 times the algebraic difference in the rates of grade for arterial streets, and 0.5 this minimum for all other streets. 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.~~

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- 3-4. ~~**Maximum Grade.** Unless necessitated by exceptional topography and subject to the approval of the Plan Commission/City Engineer, the maximum centerline grade of any street or public way shall not exceed the following:~~

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Commented [JW34]: City - Should this be the City Engineer?

Commented [GU35R34]: Good question. I'll ask Glen for his input. RM

- a. ~~**Arterial S**streets: **Five (5) percent**%.~~

- b. ~~**Collector S**streets: **Six (6) percent**%.~~

- c. ~~**Minor S**streets, **A**lleys, and **F**rontage **S**streets: **Six (6) percent**%.~~

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- 4. ~~**Pedestrian W**ways: **Eight (8) percent**% and meeting all applicable "American with Disabilities Act (ADA) Accessibility Guidelines."~~

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~~d.~~

~~Street grades may be varied as provided for in § 15-5.0103(E) approved by the Plan Commission of this Ordinance, but in no case shall any street grade be permitted to exceed eight (8) percent or be less than one-half (0.5) of one (1) percent.~~

Commented [RS36]: This doesn't make sense - the grade stadards are listed above but then the next provision states that they can be varied.

Commented [JW37R36]: Is that code section a process to approve a different slope? That may be necessary in certain circumstances

D.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~~:

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- a. **Arterial Streets and Highways:** ~~Five-hundred (500)~~ feet.
- b. **Collector Streets:** ~~Three-hundred (300)~~ feet.
- c. **Minor Streets:** ~~Two-hundred (200)~~ 100 feet.
- d. **Rural and Suburban Streets:** ~~May~~ be less than ~~two-hundred (200)~~ 100-feet ~~only~~ in areas where natural resource features are to be preserved as determined by the Plan Commission.

Commented [RS38]: Adjusted to 200 feet per City Engineer feedback.

- 2. A tangent at least ~~one-hundred (100)~~ feet in length shall be provided between reverse curves on arterial and collector streets.

E.F. Half-Streets. Where an existing dedicated or platted half-street is adjacent to the tract being subdivided by either a ~~s~~Subdivision ~~p~~Plat or ~~c~~Certified ~~s~~Survey ~~m~~Map, the other half of the street shall be dedicated by the ~~s~~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/Zoning Administrator~~ and/or City Engineer, to serve a subdivision shall be ~~avoided/prohibited~~.

H. Traffic Calming Devices. ~~The use of traffic calming devices such as landscaping bulb-outs and traffic circles are encouraged as alternatives to conventional traffic control measures.~~

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I. Mid-Block Crossings. ~~In the event that a longer block is approved through a variance than is allowed in Section ##-##-##, the developer shall compensate for the longer block by providing a crosswalk at the middle of the block. The mid-block crossing shall be protected with bulb-outs to ensure pedestrian safety.~~

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F-J. 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. ~~In addition:~~

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- 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). The number of streets converging at one intersection shall be reduced to a minimum, preferably not more than two.~~

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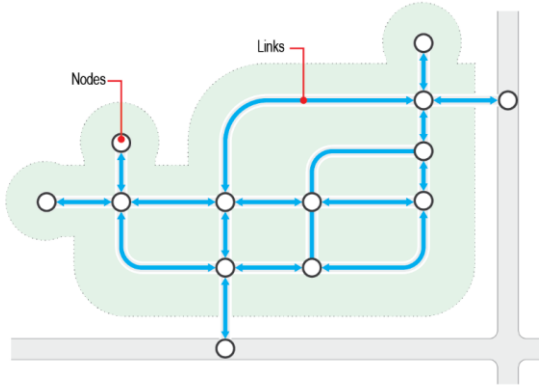
- 3. **Number and Distance Between Intersections Along Arterial Streets and Highways.** ~~The number distance between of street intersections along an arterial streets or and highways shall be held to a minimum. Wherever practicable, the distance between such intersections shall not be less than at least one-thousand two-hundred (1,200) feet.~~

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- 4. **Continuous Alignment of Local/Minor Minor Streets Required at Intersections.** ~~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. Minor streets shall not necessarily continue across arterial or collector streets; but if the centerlines of such minor streets approach the major streets from opposite sides within 250 feet of each other, measured along the centerline of the arterial or collector street, then the location shall be adjusted so that the adjointment across the major or collector street is continuous; thus a jog is avoided.~~

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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).



**EXAMPLE
DIAGRAM ONLY**

Commented [RS39]: Connectivity Index established per diagnostic memo recommendation.

Commented [GU40R39]: Great. RM

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Commented [RS41]: 1.4 increased from 1.2. Increasing this connectivity index figure will help reduce the number of cul-de-sacs. We can also prohibit cul-de-sacs completely within subdivisions. This is a good topic for policy discussion with the Task Force.

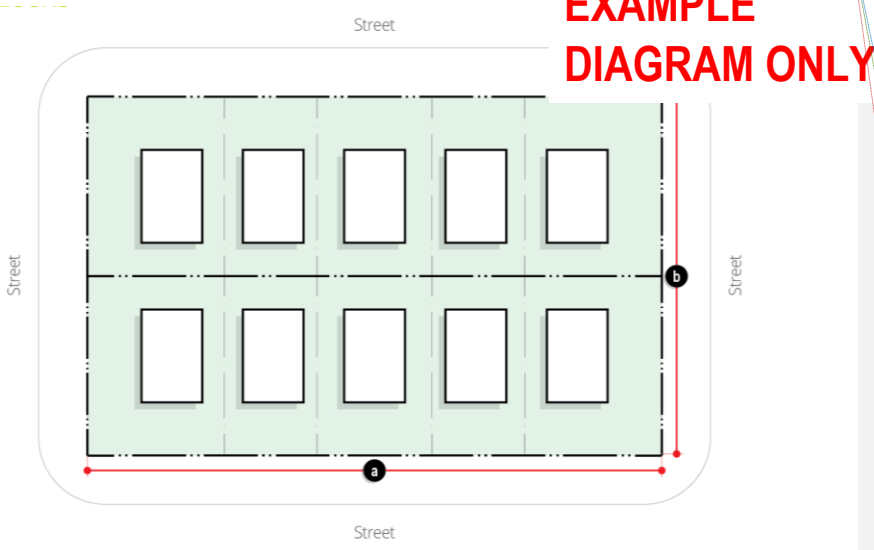
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Blocks. The widths, lengths, and shapes of blocks that are created shall be suited to the planned use of the land, zoning requirements, overall residential density, the need for convenient access, control and safety of street traffic, and the limitations 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, as a general rule, be less than 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. **Pedestrian Ways Required at Center of Blocks Over 900 Feet in Length.** Pedestrian ways (easement or dedicated public right-of-way) of not less than 20 feet in width may be required near the center and entirely across any block over 900 feet in length where deemed essential by the Plan Commission to provide adequate pedestrian circulation or access to schools, parks, shopping centers, churches, or transportation facilities.
3. **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 use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.



4. **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 of Subdivision, Certified Survey Map, or Condominium Plat prior to approval by the City.

Commented [RS42]: To task force comment - this is existing text retained.

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Commented [RS43]: To the Task Force's feedback. 1,500 feet is the existing block length limit from 15-5.0105(A).

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Commented [RS44]: Maximum block length revised to 900 feet. Question for Task Force - is this the appropriate length for blocks for residential uses? This was discussed in the diagnostic phase with mixed opinions.

Commented [RS45R44]: Measuring using google maps - block length of 1,100 feet is relatively common in the City's southern areas in subdivisions surrounding Puetz Road, W Ryan Road, W Drexel Avenue. Is this a more appropriate length to keep?

Commented [GU46R44]: My suggestion is to differentiate among Residential, Commercial and Mixed-Use zoning districts versus the rest of zoning districts (Industrial, Agricultural, Miscellaneous, etc.). For the first group, 800 feet is appropriate for me; and retain 1,500 feet for the rest. RM

Commented [RS47R44]: 600 for residential and commercial/mixed-use.

Other use districts - 1,500 for nonresidential

Commented [JW48]: City - or nonresidential districts/uses?

Commented [GU49R48]: Only to separate between residential and industrial. I prefer that transitions between residential and commercial/mixed-use occur at midblock rather than along streets. RM

Commented [RS50R48]: Or between residential and industrial uses.

- H. ~~Access to Public Streets. This Section sets forth vehicular access requirements for Certified Survey Maps, and Subdivision Plats, Condominiums and proposed site plans for developments which abut both arterial, collector, and minor streets. This Ordinance recognizes that public streets are a public investment which require control mechanisms in order to assure both public safety and functional capacity. Proposed development, Certified Survey Maps, Subdivision Plats, and Condominiums for residential and nonresidential uses shall meet the following requirements:~~
1. ~~Access Standards for All Residential and Nonresidential Uses. All proposed Certified Survey Maps, Subdivision Plats, Condominiums and site plans proposed for residential and/or nonresidential uses located in residential and/or nonresidential zoning districts shall meet the following standards:~~
 - a. ~~Controlled Access to Public Streets. Lot and parcel vehicular access points shall be permitted only at locations in accordance with this Ordinance and other adopted City of Franklin ordinances and plans. The Plan Commission may limit vehicular access to any adjoining arterial, collector, or minor street.~~
 - b. ~~Distance Between Vehicular Access Points. The spacing of vehicular access points from arterial streets and highways to lots and parcels shall be determined as a function of arterial street and highway operating speeds.~~
 - c. ~~Limitation of Access to Interstate, United States, and State Trunk Highways. No new direct vehicular access shall be allowed to interstate, United States, and state trunk highway public rights-of-way unless approved by the Wisconsin Department of Transportation, or Milwaukee County as appropriate, and the City of Franklin Plan Commission.~~
 - d. ~~Temporary Access.~~
 - I. ~~On City streets, the Common Council may grant temporary access to properties and require their closure when access through adjoining properties is acquired upon recommendation by the Plan Commission. Such access shall be temporary, revocable, and subject to any conditions required and shall be issued for a period not to exceed 12 months.~~
 - II. ~~Temporary access to State highway rights-of-way are reviewed and may be approved by the Wisconsin Department of Transportation. It is the Subdivider's or Developer's (as applicable) responsibility to obtain all necessary approvals from the Wisconsin Department of Transportation for all such temporary access points proposed prior to Certified Survey Map, Subdivision Plat, Condominium, or site plan approval by the City.~~
 - e. ~~Area Circulation Plan May Be Required. The City of Franklin Plan Commission may require the preparation of an area circulation plan for the proposed development, Certified Survey Map, Subdivision Plat, Condominium, or site plan or covering several properties in an area surrounding a proposed Certified Survey Map, Subdivision Plat, Condominium, or development. The delineation of the area for the preparation of an area circulation plan shall be determined by the Plan Commission upon recommendation of either the City Engineer or City Planner. Such a plan may require the sharing of access locations or temporary access. All landowners, except those with a previously approved Certified Survey Map, Subdivision Plat, Condominium, or site plan, shall be required to conform to such an area circulation plan once it is adopted by the Plan Commission as a component, or element, of the City of Franklin Comprehensive Master Plan. The Plan Commission may require that such an area circulation plan be prepared based upon the conduct of a traffic impact analysis conducted by a licensed professional engineer with expertise in traffic engineering. The City Engineer and City Planner shall review all such studies and assist the Plan Commission.~~
 - f. ~~Vehicular Nonaccess Reservations Required. The Plan Commission may require that deed restrictions be placed on Certified Survey Maps, Subdivision Plats, Condominiums, or parcels for which a site plan is proposed in order to limit vehicular access to abutting arterial, collector, or minor streets and highways. A landscaped bufferyard of adequate opacity, determined by the Plan Commission or by Division 15-5.0300 of this Ordinance, shall be provided in vehicular nonaccess reservations along the property line abutting a public street right-of-way. In such situations, vehicular access to such lots may be provided by an abutting minor or collector street at designated access driveways. Such vehicular nonaccess reservations shall be graphically so noted on Certified Survey Maps, Subdivision Plats, Condominium Plats, site plans, or as a formal deed restriction formally filed with the Milwaukee County Register of Deeds prior to their approval by the City.~~

Commented [RS51]: I think we can essentially eliminate this Section. The access spacing requirements are already covered in Article 5.

Commented [JW52R51]: agreed

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Commented [RS53]: Doesn't seem necessary

Commented [JW54R53]: agreed

Commented [RS55]: This provision doesn't seem to say much.

Commented [JW56R55]: agreed

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Commented [RS57]: This isn't precise or enforceable, and the intention should be covered under the access spacing requirements.

Commented [JW58R57]: agreed

Commented [RS59]: This is already specified in Section 15-5-02 as drafted.

Commented [GU60R59]: Ok. RM

Commented [RS61]: Can this be relocated to the application requirements?

Commented [JW62R61]: yes

Commented [RS63]: Think this can be shortened and relocated to subdivision application requirements.

Commented [JW64R63]: agreed

g. ~~Arterial Street and Highway Access and Street Intersections.~~ No new direct public or private access shall be permitted to an arterial street or highway within 115 feet of the intersection of the right-of-way lines of another arterial street or highway; and, where lot or parcel size permits, no new direct public or private access shall be permitted to an arterial street or highway within 500 feet of the intersection of the right-of-way lines of another arterial street unless approved by the Plan Commission.

Commented [RS65]: This requirement is already specified in Article 5 as drafted.

Commented [JW66R65]: agreed

2. ~~Minor Streets and Vehicular Access Point Alignments.~~ Minor streets and vehicular access points along both sides of a collector and/or arterial street shall be aligned to assist in reducing the number of driveways needed and to improve safety conditions related to access to the street system.

Commented [RS67]: This seems captured under street alignment in (G)(4) above.

Commented [JW68R67]: agreed

a. ~~Sight Distance and Driveway Placement.~~ Driveway placement on abutting collector and arterial streets and highways shall be such that an exiting vehicle has a safe unobstructed sight distance.

Commented [RS69]: Not enforceable, the PC should be able to assess this to some extent on a case-by-case basis under the subdivision approval criteria.

Commented [JW70R69]: This is covered under the driveway standards and the clear sight triangle standards

3. ~~Access Standards for Nonresidential and Multiple-Family Residential Uses.~~ All proposed Certified Survey Maps, Subdivision Plans, Condominiums, and site plans proposed for nonresidential and multiple family residential uses located in nonresidential and/or multiple family residential zoning districts shall meet the following standards:

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Commented [RS71]: This seems like a provision that the City would want to retain. Should it be relocated to Article 5 - development standards though? This is a consideration for individual lots rather than a subdivision.

a. ~~Maximum Number of Vehicular Access Points Per Lot.~~ Generally, along arterial streets and highways (including lots which abut the frontage roads of said rights of way), where the abutting street frontage is less than 350 feet, a maximum of one vehicular access point shall be permitted to a particular lot from each of any one or two abutting arterial streets and highways. One additional driveway entrance along a single continuous lot with frontage in excess of 400 feet may be permitted by the Plan Commission. When a shared vehicular access point is used by two or more abutting lots, said shared vehicular access point shall be considered as one single vehicular access point for each lot or parcel served.

Article 5 already contains a requirement that driveways be separated by 300 feet along a street unless otherwise approved. Seems like we can merge these two provisions in Article 5.

Commented [JW72R71]: I believe the driveway separation requirement is redundant with this - I agree it should be deleted here but I'm not sure what would need to be updated in Article 5.

b. ~~Provision of Shared Vehicular Access Points Between Lots.~~ Vehicular access points planned to be located along property lines, or within six feet of a property line, shall be shared vehicular access points with the abutting lot or parcel. The vehicular access point centerline may be the property line between two lots or parcels of land or may be a mutually agreed upon land access easement.

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Commented [RS73]: Section 15-5-02 € already contains a provision allowing the driveway setback of 10 feet to be waived for shared driveways between two adjoining properties. It seems like this covers the intent of this provision and would allow us to eliminate it here.

A. ~~Building Setback Lines.~~

1. ~~Plan Commission May Increase Minimum Required Setback Lines.~~ Building setback lines appropriate to the location and type of development contemplated, which are more restrictive than the regulation of the zoning district in which the Subdivision, Certified Survey Map, or Condominium is located, may be required by the Plan Commission.

Commented [JW74R73]: agreed

3. ~~Minimum Required Building Setbacks from Arterial Streets and Highways.~~ Unless a greater setback distance is specified in Divisions 15-3-0200, 15-3-0300, Division 15-3-0400, or elsewhere in this Ordinance, the minimum required setback from the ultimate right-of-way line of all arterial streets and highways (as specified by the City of Franklin Comprehensive Master Plan, Official Map, or components and/or amendments thereto) shall be 40 feet. An exception to this requirement, however, shall be that segment of W. St. Martins Road (CTH MM) within that area defined as the "Village of St. Martins" in the City of Franklin Comprehensive Master Plan.

Commented [RS75]: This isn't a precise or measurable provision - per diagnostic memo we've recommended removing such provisions.

Commented [JW76R75]: Agreed

Commented [RS77]: Is a 40-foot setback of 40 feet from all arterial streets and highways appropriate? If so, I'd recommend ...

Commented [JW78R77]: Good question for staff - we would ...

Commented [GU79R77]: I concur with Jackie. RM

Commented [RS80R77]: Eliminate.

Commented [RS81]: Objective standards for sidewalks, bik ...

Commented [RS82]: Rural road cross-section standards we ...

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Commented [RS83]: From Existing Section 15-8.0101

Commented [RS84]: Removed per Task Force feedback.

I. ~~General Improvement Requirements.~~

1. ~~Payment For Improvements.~~

- a. The improvements prescribed in this Ordinance ~~UDO~~ are required as a condition of approval of a ~~s~~Subdivision, Certified Survey Map, or Condominium.
- b. The required improvements described in this ~~UDO~~ Ordinance shall be installed, furnished, and financed at the sole expense of the Subdivider or Condominium ~~d~~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.

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- c. A contract, or "~~Development Agreement~~Subdivider's Agreement," with the ~~Subdivider and/or Condominium~~ Developer as specified under § 15-2.0303 of this ~~Ordinance~~UDO 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 "Standards and Specifications for Development~~City of Franklin Design Standards and Construction Specifications," and the standards in Chapter 222-1 of the Municipal Code. ~~Where the City has no prescribed standards and specifications, the improvements shall be made in accordance with good best engineering practices, approved prior to the commencement of construction by the City Engineer.~~
 - a.
 - b. ~~Improvements to be Extended to Farthest Limits of Parcel or Lot. AAs set forth in 222-1 of the Municipal Code, any and all improvements or utility services required by this Ordinance, or a municipality's ordinance concerning areas within that municipality's extraterritorial plat jurisdiction, for the Subdivision, Certified Survey Map, or Condominium shall be extended to the farthest limits of the parcel or lot upon which a building permit is requested unless the owner is excused from meeting such requirements exempted by the Plan Commission. Monuments shall be installed at all lot corners no later than upon completion of final utility installation.~~
 - b.
 - c. ~~Financial Sureties for Extension of Improvements Required. 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 ~~222-1 of this Ordinance~~the Municipal Code. ~~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 or~~ as may be required by the City Engineer.
- 4. **Grading and Surfacing of Subdivision Roads.**
 - a. **Right-of-Way and Roadbed Grading.** After the installation of temporary block corner monuments ~~by the Subdivider~~ and establishment of street grades, the Subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated ~~in accordance with plans and standard specifications approved by the City and in conformance with the City Engineer's "Standards and Specifications for Development."~~ The Subdivider shall grade the roadbeds in the street ~~right-of-ways~~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 the lesser, 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 septic field areas from damage.~~
 - ~~Preservation of Existing Trees During Grading. During grading operations, every effort shall be made by the Subdivider or Condominium Developer to preserve and protect from damage those existing trees identified in the "Natural Resource Protection Plan" to be preserved and retained as a part of the sSubdivision, cCertified sSurvey mMap, or cCondominium approval. (See § 15-8.0204 of this Ordinance) shall be protected through the following measures:~~
 - ~~All trees to be retained shall be identified on site by flagging tape. Trees selected for transplanting shall be flagged with a separate distinguishing color.~~

Commented [RS85]: From existing Section 15-8.0102

Commented [JW86]: City - should some of the more detailed standards in 5-8-04 be relocated to this manual? We would recommend it

Commented [GU87R86]: I agree with your recommendation, but I'll check with Glen. RM

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Commented [RS88]: From existing Section 15-8.0119

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Commented [JH89]: Sureties must be posted BEFORE work starts, not "in case" improvements aren't made

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Commented [RS90]: From existing Section 15-8.0103 retained per diagnostic memo recommendation.

Commented [RS91]: This should refer to other City ordinance when engineering is complete with it.

Commented [JH92R91]: Making it clear this is for subdivision roads.

Commented [RS93]: This is already specified in the general standards section above.

Commented [JH94]: So...if the City WANTS to do more to protect trees, here's the language. We can talk to Regulo and Marion about this.

Commented [GU95R94]: It makes sense to me but I'm not an arborist. I'll ask for the City Forester's input. RM

Commented [RS96]: For Discussion with Staff - tree protection during construction.

Commented [RS97]: Relocated to Article 6.

Commented [RS98]: Remove this text.

~~Construction limit fencing shall be erected at the perimeter drip line of all trees to be retained and all protected areas as identified in the Natural Resource Protection Plan. Tree protection devices shall be installed where required over tree roots, branches and/or tree trunks, as identified in the Natural Resource Protection Plan.~~

Commented [RS99]: Change to "a natural resource protection plan..."

~~d. Fences and tree protection devices installed shall be maintained and all construction materials, supplies and equipment shall be kept outside of the protected areas throughout construction.~~

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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. The completion of the base and binder courses of street paving shall take place 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.~~

Commented [RS100]: New language for surfacing added based on discussion with staff.

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5.

a. ~~Roadway Surfacing. After the installation of all required utility and stormwater drainage improvements, the Subdivider shall surface all roadways in streets proposed to be dedicated to the widths prescribed by these regulations and the City of Franklin Comprehensive Master Plan or plan components.~~

Commented [RS101]: Conformance with the Standards and Specifications for Development is already required in the "general standards" section above.

~~b. Required Surfacing Specifications. Said surfacing shall be done in accordance with plans and standard specifications approved by the City including the City Engineer's "Standards and Specifications for Development."~~

6. ~~Curb and Gutter. In all sSubdivisions, cCertified sSurvey mMaps, and cCondominiums the subdivider shall Plan Commission and Common Council shall require the Subdivider to construct concrete curbs and gutters except where an alternative street edge is incorporated as part of an approved stormwater management plan. in accordance with plans and "Standards and Specifications for Development" as approved by the City Engineer. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts.~~

Commented [JH102]: This is important.

7. ~~Traffic Control and Street Name Signs. The Subdivider or Condominium dDeveloper 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 U.S. Department of Transportation.~~

b. ~~Street Name Signs. The Subdivider or Condominium Developer (as applicable) shall install at least two (2) street name signs, of a design and color as approved by the City, at each four-way street intersection proposed to be dedicated and one at each "T" intersection. Signs shall be installed so as to be free of visual obstructions.~~

Commented [JW103]: JB - would appreciate your thoughts on this section

8. ~~Street Trees.~~

Commented [RS104]: Street Trees - to be discussed further with City forester including requirements x linear feet and standard for measuring caliper.

Commented [GU105R104]: I'll ask the city forester. RM

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 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.~~

Commented [RS106]: For Task Force Discussion - In situations where it is not advisable to plant trees due to site constraints, should the City be able to go off site?

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.~~

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8. ~~In all Subdivisions, Certified Survey Maps, and Condominiums the City shall require the Subdivider or Condominium Developer (as applicable) to plant a minimum of one street tree of a City approved species and of a minimum caliper of 1.75 to two inches for each 85 feet of lot frontage on each side of all streets to be dedicated to the public. Said required street trees shall be planted within the public right-of-way curblawn area. All required street trees shall be installed by the Subdivider or Condominium Developer (as applicable) in accordance with plans and specifications, including the City Engineer's "Standards and Specifications for Development," and those plans and specifications approved by the Plan Commission. The species of such trees shall be planted in accordance with the planting plan established by the City of Franklin Engineering Department. In addition:~~

~~I. **Timing of Tree Installation and City Inspection.** Street trees required to be installed shall be installed for a lot or parcel prior to the issuance of an Occupancy Permit for such lot or parcel. All tree installations must be inspected by a representative of the City Engineer.~~

~~b. **Minimum Distance to Utility Poles.** No street trees shall be planted less than 15 feet from a utility pole.~~

~~c. **Minimum Distance to Driveways.** No street trees shall be planted less than five feet from a driveway.~~

~~d. **Minimum Distance to Sidewalks.** No street trees shall be planted less than three feet from a sidewalk.~~

~~I. **Watering of Trees.** The watering of trees during times of insufficient rainfall shall be the responsibility of the Subdivider or Condominium Developer and the costs of such watering shall be borne by the Subdivider or Condominium Developer.~~

~~II. **Street Tree Guarantee Required.** The Subdivider or Condominium Developer (as applicable) shall provide a letter of credit or other financial guarantee sufficient to replace any required street tree not surviving three years from the date of planting. The City shall inspect all trees installed under this Section each Spring and Fall and the Subdivider or Condominium Developer shall replace any trees as required by the City at that time and up to two times per year during the term of the Subdivider's or Condominium Developer's obligation hereunder. The Subdivider or the Condominium Developer shall notify the City Engineer in writing of the completion date of tree installation for each installation. In no case shall the street tree guarantee, as set forth herein, conflict with the surety bond herein and elsewhere described in this Ordinance.~~

~~e. **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. The Subdivider or Condominium Developer shall pay all costs associated with the installation of streetlights by the Wisconsin Electric Power Company along all streets proposed to be dedicated to the public. Said streetlights shall meet the following minimum standards:~~

~~9.~~

~~f. **Pole and Luminaire Design.** The design of the streetlights shall be compatible with the neighborhood and type of development proposed. Street light pole and luminaire design shall meet the requirements set forth in the City Engineer's "Standards and Specifications for Development."~~

~~g. **Distribution and Placement.** Streetlights shall be placed at each street intersection and at each interior block location and other spacing as required by the City Engineer.~~

~~J. **in accordance with the Landscape Standards in Article 4, 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 ##-##-##.**~~

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Commented [JW107]: City - is this before the improvements are accepted by the City or after? If after, it is typical for street trees to be maintained by the municipality. If before, we should clarify.

Commented [JH108R107]: ^^exactly my question - for what period?

Commented [GU109R107]: I'm not sure, I'll ask Glen. RM

Commented [JH110]: Overall comment: has the city forester talked about this? I think we should flag this for discussion with him and his group

Commented [RS111R110]: Understood - this will need to be discussed with the City forester. This is largely the City's existing street tree standards retained.

Commented [JH112]: So, this is my preferred way to go about it - provide the City with a letter of credit so that the City can do the replacement if the trees fail

Commented [JH113]: I think this is easier. However many SF of median, it's the equivalent number of plant points from the table in any combination.

Commented [RS114]: Street Design Requirements matched to the standards in Chapter 7 of the City's Comprehensive Master Plan.

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Commented [RS115]: Required ROW and paving widths are reduced in the tables below based on existing roads widths in the community.,

W Loomis Road - 4-lane Arterial - 44 feet in width per direction
Puetz Road - 2-lane Arterial - 40 feet in width
68th Street - collector - 30 feet in width
116th Street - collector - 20 feet in width
S North Cape Road - collector - 30 feet in width

S 84th St - minor residential -24 feet
W Beacon Hill Drive - minor residential -28 feet in width
Woodbury Drive - minor residential - 26 feet in width
W Anita Lane - minor residential
W Anthony Dr - minor residential - 26 feet in width

Commented [GU116R115]: I suggest to revise this table for consistency with the comprehensive plan. See Transportation Chapter 7, pages 35-40. RM

Commented [GU117R115]: Is it minimum or maximum right-of-way width. The text refers to minimum and the table to maximum. RM

Commented [RS118]: Match with table.

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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>Arterial (Four-Lane Urban)</i>	36 - Dual	130
<i>Arterial (Four-Lane Rural)</i>	24 - Dual	130
<i>Arterial (Two-Lane Urban)</i>	24 - Dual	130
<i>Arterial (Two-Lane Rural)</i>	24 - Dual	130
<i>Collector Street</i>	34	80
<i>Minor Street (Multifamily)</i>	34	66
<i>Minor Street (Typical)</i>	28	60
<i>Minor Street (Low Volume)</i>	28	58
<i>Minor Street (Difficult Terrain)</i>	28	50

9-2. **Required Design Elements.** Required street design elements shall be as established per street type in Table ###-###. All 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. The width of each required street design element in Table ###-### shall be as specified in Table ###-### below.

- a. A "●" indicates an element that is required on both sides of a given street.
- b. A "■" indicates an element that is optional.
- c. 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	Curb Lawn	Shoulder	On-Street Parking	Bicycle Lane	Median/Turn Lane
Freeway or Expressway	As required by the WisDOT						
Arterial (Four-Lane Urban)		●	●				▲
Arterial (Four-Lane Rural)	●			●			▲
Arterial (Two-Lane Urban)		●	●			●	▲
Arterial (Two-Lane Rural)	●			●			▲
Collector Street		●	●		■	●	
Minor Street (Multifamily)		●	●		■	●	
Minor Street (Typical)		●	●		■		
Minor Street (Low-Volume)		●	●				
Terrain)			●				

Commented [RS119]: Change parkway to curb lawn.
 Change sidewalks to required only on one side for minor streets.
 Change symbol to stand out more.
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3. **Required Design Element Width.** The width of each required street design element in Table ###-### shall be as specified in Table ###-### below.

Table 15-8-04(J)(3) Required Street Design Elements Dimesions

Type of Street	Required Street Design Element Minimum Width (feet)						
	Ditch	Sidewalk (each side)	Curb Lawn	Shoulder	On-Street Parking	Bicycle Lane	Median/Turn Lane
Freeway or Expressway	As required by the WisDOT						
Arterial (Four-Lane Urban)		5	10				26
Arterial (Four-Lane Rural)	16			10			18
Arterial (Two-Lane Urban)		5	17			4	24
Arterial (Two-Lane Rural)	23			6			16
Collector Street		5	16		8	4	
Minor Street (Multifamily)		5	9		8	4	
Minor Street (Typical)		5	10		8		
Minor Street (Low-Volume)		5	10				
Terrain)			15				

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K. ~~Improvements Extended to Limits of Parcel.~~

1. ~~Improvements to be Extended to Farthest Limits of Parcel or Lot.~~ Any and all improvements or utility services required by this Ordinance UDO, or a municipality's ordinance concerning areas within that municipality's extraterritorial plat jurisdiction, for the Subdivision, Certified Survey Map, or Condominium shall be extended to the farthest limits of

Commented [RS120]: Existing text from 15-8.0119 Improvements Extended to Limits of Parcel retained.
Commented [JH121R120]: Moving to new 222-1 Construction Standards

the parcel or lot upon which a building permit is requested unless the owner is excused from meeting such requirement by the Plan Commission.

2. ~~Financial Sureties for Extension of Improvements Required.~~ 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 ~~UDO~~ if improvements are not made.

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-Engineer's "Standards and Specifications for Development," and as set forth in **Table 15-5.0103** of this Ordinance.

15-8-04-15-8-05. 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 (in accordance with an approved Natural Resources Protection Plan pursuant to **Division XX-XXXX** of this Ordinance), 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, sSubdivision, cCertified sSurvey mMap, or cCondominium pPlat 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)~~12 feet in width or wider where ~~recommended~~required by the City Engineer.

15-8-05-15-8-06. Water, Sewer, and Stormwater

A. When public sanitary sewer facilities are available to the sSubdivision pPlat, cCertified sSurvey mMap or cCondominium, 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 sSubdivision or cCertified sSurvey mMap or dwelling unit within a cCondominium. In addition:

1. ~~Extent of Required Installation of Lateral Sewer Lines. Sewer laterals shall be installed to the street to the front lot line of each lot served. Plans and Specifications Required. The size, type, and installation of all sanitary sewers and sanitary sewer laterals proposed to be constructed shall be in accordance with plans and standard specifications, including the City Engineer's "Standards and Specifications for Development," approved by the City of Franklin.~~

2. **Costs Associated with Sanitary Sewers Eight Inches or Less in Diameter.** The Subdivider or Condominium cDeveloper (as applicable) shall assume the cost of installing all sanitary sewers that are eight inches in diameter or less.

Commented [RS122]: Diagnostic memo recommendation - An option for a rural road cross-section with a ditch should be established to reduce the quantity of total suspended solids entering. It is recommended that either Muskego's or Fox Point's be used as an example and refined to fit Franklin's UDO in consultation with public works.

JB discussed this with public works and perhaps can provide some guidance. I've looked at Muskego's and Fox Point's subdivision ordinance.

Muskego - <https://ecode360.com/29717557>

Fox Point - <https://ecode360.com/14576152>

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Commented [RS123]: From existing 15-5.0109

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Commented [RS124]: Already covered at beginning of the Article.

3. **Costs Associated with Sanitary Sewers Larger than Eight Inch in Diameter.** If larger than eight (8) inch diameter sanitary sewers are required ~~to handle the contemplated sewage flows,~~ the costs of such larger sewers shall be prorated in proportion to the ratio which the total sewage of the proposed sSubdivision, 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.

4. ~~**Sanitary Sewer Availability and Requirements for Installation.** The Subdivider or Condominium Developer shall install sanitary sewers in accordance with this Ordinance and specifications of the City of Franklin, including the City Engineer's "Standards and Specifications for Development." All sanitary sewers 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.~~

Commented [RS125]: Redundant with previous provisions.

B. Wastewater Holding Tanks. Where public sanitary sewer facilities are not available in the Commercial and Mixed-Use, Industrial and Agricultural, and Miscellaneous B-1, B-2, B-3, B-4, B-5, B-6, M-1, M-2, M-3, L-1, P-1, and L-1 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 ~~so as to~~ make available wastewater holding facilities to the proposed development.

B.C. Stormwater Drainage Management Facilities. The ~~Developer, Subdivider or Condominium~~ Developer shall construct stormwater drainage 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 drainage 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 §222-3.0109, Storm Water Management Plan, shall be prepared by a Wisconsin registered professional engineer for property proposed for development which shall include, but not be limited to, the following submitted.:~~

Commented [JH126]: Section 15-8.0609 already specifies the information required. It's much better NOT to duplicate that and make it more complicated!

Commented [RS127]: Can these requirements be located to application requirements appendix?

Commented [JW128R127]: I believe so, but will defer to JB

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a. ~~Existing and proposed topography at two-foot contour intervals of the proposed sSubdivision, Certified Survey Map, or Condominium.~~

b. ~~Proposed elevations of all streets.~~

c. ~~Proposed drainage swales.~~

d. ~~Proposed storm sewers, manholes, and inlets.~~

e. ~~Construction site erosion facilities.~~

f. ~~A report and map(s) showing the drainage basin for the entire area where the sSubdivision, cCertified sSurvey mMap, or cCondominium is located, including estimates of the total acreage in the drainage basin and percentage of the drainage basin within the proposed sSubdivision, cCertified sSurvey mMap, or cCondominium.~~

g. ~~Location of any planned stormwater quantity and/or quality control facilities and applicable calculations and/or models for their sizing and design.~~

h. ~~Calculations relating to the amount of runoff from the site of the proposed sSubdivision, cCertified sSurvey mMap, or cCondominium prior to development and anticipated runoff following the development of the site.~~

2. **Drainage Facilities.**

a. ~~Required drainage facilities shall include stormwater detention and/or retention basins, structures, and settling basins to prevent erosion and sedimentation where such facilities discharge into streams or lakes.~~

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~~b.a.~~ The design criteria, the size, type, grades, and installation of all stormwater ~~management measures~~ drains and sewers and other cross-section, invert and erosion control paving check dams, flumes, or other energy dissipating structures and seeding and/or sodding of open channels and unpaved road ditches proposed to be constructed shall be in accordance with the plans and standard specifications, including the [City of Franklin Design Standards and Construction Specifications](#) ~~City Engineer's "Standards and Specifications for Development," approved by the City.~~

~~3.2.~~ **Storm Sewers.** The ~~d~~Developer shall assume the cost of installing all required storm sewers within the proposed development.

~~4.3.~~ **Cost Responsibility.** The ~~S~~ubdivider shall be responsible for all City costs to review the ~~s~~Stormwater ~~m~~Management ~~p~~Plan.

~~C-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 ~~s~~Subdivision ~~p~~lat, ~~c~~Certified ~~s~~Survey ~~m~~Map, or ~~c~~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 ~~s~~Subdivider of a ~~s~~Subdivision or ~~c~~Certified ~~s~~Survey ~~m~~Map or ~~c~~Condominium ~~d~~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 ~~front~~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](#) ~~City Engineer's "Standards and Specifications for Development," approved by the City.~~

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 ~~s~~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](#) ~~City Engineer's "Standards and Specifications for Development."~~ 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.

~~D-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 ~~s~~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 ~~s~~Subdivision, ~~c~~Certified ~~s~~Survey ~~m~~Map, or ~~c~~Condominium shall be approved by the City.

15-8-06. Soil Erosion, and Sediment Control, and Clearing

~~The Subdivider or Condominium Developer shall plant those grasses, trees, and vines of a species and size as approved by the Plan Commission to prevent soil erosion and sedimentation. In addition:~~

15-8-07.

~~1. A. Installation of Protective and Rehabilitation Measures Required.~~ The Plan Commission shall require the Subdivider or Condominium Developer to provide or install certain protection and rehabilitation measures to prevent soil erosion and sedimentation, such as fencing, sloping, seeding, rip-rap, revetments, jetties, clearing dredging, snagging, drop structures, brush mats, willow poles, and grade stabilization structures. Protection and rehabilitation measures shall be in conformance with ~~Division 15-8.0300~~ Section 222-1 of this Ordinance and the City Engineer's "Standards and Specifications for Development."

~~A.~~

~~B. Tree Cutting and Shrubbery Clearing Limitations.~~ Tree cutting and shrubbery vegetation clearing shall be conducted in strict accordance with ~~not exceed~~ the requirements set forth in this Ordinance for the specified zoning district, the limitations set forth in this Ordinance for natural resource features protection, ~~the approved Erosion and Sedimentation Control Plan prepared under Section 222-2 of the Municipal Code, and where applicable, the approved "Natural Resource Features Protection Plan" for the property as described in Division 15-4.0100 of this Ordinance, and shall be so~~ conducted as to prevent erosion and sedimentation; preserve and improve scenic qualities; and, during foliation, substantially screen any development from stream or lake users.

~~B.~~

~~C. MC- Maximum Width of Paths and Trails in Wooded and Wetland Areas.~~ Paths and trails in wooded and wetland areas shall not exceed ten (10) feet in width unless otherwise approved by the Plan Commission and shall be so designed and constructed as to result in the least removal and disruption of trees and shrubs and the minimum impairment of natural beauty. Any easements for such paths and/or trails shall meet those minimum requirements as set forth in **Table 15-5.0103** of this Ordinance.

~~2-D. D. Earth Moving.~~ Earth moving, such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channel clearing, ditching, drain tile laying, dredging, and lagooning, shall be so conducted as to prevent soil erosion and sedimentation and to least disturb the natural fauna, flora, water course, water regimen, and topography (also see **Divisions 15-8.0300 and 15-8.0400** of this Ordinance).

Commented [RS129]: Existing text retained.

Commented [JW130R129]: JB - We would appreciate your thoughts on this section.

Commented [JH131R129]: I'm very much of the opinion that this doesn't need to be repeated!

Commented [RS132R129]: Understood and agree.

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~~E. E. **Review of the Conduct of Cutting, Clearing, and Earth Moving.** Review of the conduct of ~~such~~ cutting, clearing, and ~~earth~~ moving may be requested of the County Soil and Water Conservation District, the State District Fish and Game Managers, and the State District Forester by the ~~City Planner~~ Zoning Administrator or the Plan Commission as they deem appropriate.~~

~~15-8-07-15-8-08. **Construction**~~

~~3. **Slope and Terrace Protection. Areas of cuts, fills, and terraces shall be landscaped sufficiently to prevent soil erosion. All roadway slopes steeper than one foot vertically to four feet horizontally shall be planted and stabilized with groundcover appropriate for the purpose and for soil conditions, water availability, and environment as determined by the City Engineer.**~~

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Commented [RS133]: Construction needs to refer to Chapter 220 rather than 222.

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15-8-08. Construction

- A. **Commencement.** No construction or installation of improvements shall commence in a proposed Preliminary Plat, Certified Survey Map, or Condominium until said Preliminary Plat, Certified Survey Map, or Condominium has been approved by the Common Council and the City Engineer has given written authorization to commence work and a pre-construction meeting has been held. Inspection fees shall be required as specified in **Division 15-9.0400** of this Ordinance. All construction standards in 222220-1 of the Municipal Code shall apply.
- B. **Building Permits.** No Building and Zoning Compliance Permits shall be issued for erection of a structure on any lot not of record until all the requirements of this Ordinance and the Subdivision Development Agreement or Development Agreement have been met, including the construction of required streets and sidewalks except as may be provided for under **§ 15.3.0804** of this Ordinance UDO for a model home, model dwelling units and pre-construction sales office, and temporary sales structure.
- C. **Plans and Specifications.** The following plans and accompanying construction specifications, in conformance with the City Engineer's "Standards and Specifications for Development," shall be required by the City before authorization of construction or installation of improvements:
 - 1. **Street Plans and Profiles.** Street plans and profiles showing existing and proposed grades, elevations and typical cross-section(s) of required improvements.
 - 2. **Existing and Proposed Contours.** Existing and proposed contours at vertical intervals of not more than two feet. Elevations shall be marked on such contours based on National Geodetic Vertical Datum of 1929 (mean sea level);
 - 3. **Sanitary Sewer Plans and Profiles.** Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations, and materials of required facilities.
 - 4. **Storm Sewer Plans and Profiles.** Storm sewer plans and profiles showing the locations, grades, sizes, cross-sections, elevations, and materials of required facilities. Also, a stormwater management plan shall be required as set forth in **§ 15.8.0112** of this Ordinance UDO.
 - 5. **Water Main Plans and Profiles.** Water main plans and profiles showing the locations, sizes, elevations, and materials of required facilities.
 - 6. **Gas, Electrical Power, Telephone, and Cable Television Plans.** Plans showing the location and size, where applicable, of all gas, electrical power, telephone, and cable television service.
 - 7. **Erosion and Sedimentation Control Plans.** Erosion and sedimentation control plans that generally follow the guidelines and standards set forth in **Division 15.8.0300** of this Ordinance UDO, the publications U.S.D.A. Conservation Technical Guide, prepared by the U.S. Department of Agriculture, and the Storm Water Construction Technical Standards prepared by the Wisconsin Department of Natural Resources, as amended, showing:
 - a. Those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation;
 - b. The time span that soil will be exposed; and
 - c. Plans to protect existing vegetation (fences, tree wells, etc.);
 - d. A report on how the control will be handled — answering the questions: who, when, and how often?
 - 8. **Protection Against Erosion, Siltation, Sedimentation, and Washing Required.** The Subdivider shall cause all grading, excavations, open cuts, side slopes, and other land surface disturbances to be so mulched, seeded, sodded, or otherwise protected that erosion, siltation, sedimentation, and washing are prevented, in accordance with the plans

Commented [RS134]: Existing standards from Division 15-8.0200 retained.

Commented [JH135R134]: This is now referring to the new consolidated Chapter 222. Introductory and key reference language is retained here.

Commented [RS136]: Existing text from 15-8.0201.

Commented [RS137]: Existing text from 15-8.0202

Commented [RS138]: Existing text from 15-8.0203

Commented [RS139]: JB to revise.

Commented [RS140]: JB to revise.

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and specifications, including the City's "Standards and Specifications for Development," approved by the City and ~~Division 15-8.0300~~ of this Ordinance UDO. In addition:

- a. Sod shall be laid in strips at those intervals necessary to prevent erosion and at right angles to the direction of drainage.
- b. Temporary vegetation and mulching shall be used to protect critical areas, and permanent vegetation shall be installed as soon as practical.
- c. Construction at any given time shall be confined to the smallest practical area and for the shortest practical period of time.
- d. Sediment basins shall be installed and maintained at all drainageways to trap, remove, and prevent sediment and debris from being washed outside the area being developed.
- e. All erosion control procedures must be carried out in conformance with ~~Division 15-8.0300~~ of this UDO Ordinance.

~~9. **Landscape and Planting Plans.** Landscape and planting plans (see ~~Division 15-7.0300~~ of this Ordinance UDO) showing the locations, age, caliper, and species of any required grasses, vines, shrubs, and trees.~~

Commented [RS141]: JB to revise.

~~10. **Record "As-Built" Plans.** After completion of all public improvements and prior to final acceptance of said improvements, the Subdivider or Condominium Developer shall make or cause to be made three complete sets of record "as-built" plans for each of the plans required as set forth in this Section of this Ordinance and showing the actual location of all improvements made as the required by the City Engineer. These plans shall be prepared as specified by the City Engineer and shall bear the signature and seal of a professional engineer registered in Wisconsin. The presentation of the record "as built" plans shall be a condition of final acceptance of the improvements and release of the financial surety assuring their completion. These plans shall be submitted to the City Engineer for permanent filing in the Engineering Department at the City of Franklin Municipal Building. Completed storm water management practices must pass a final inspection by the City of Franklin or its designee to determine if they are in accordance with the approved storm water management plan and ordinance. The City of Franklin or its designee shall notify the responsible party in writing of any changes required in such practices to bring them into compliance with the conditions of this permit.~~

Commented [RS142]: Existing text from 15-8.0203(J)

~~11. **Additional Plans.** Additional special plans or information as required by City Engineer.~~

Commented [RS143]: Existing text from 15-8.0203(K).

~~D.B. **Existing Trees and Flora Vegetation.** The Landscape Plan and Natural Resource Protection Plan shall detail all measures to retain and protect existing trees, vegetation, paths and trails, and drainageways. No Subdivision Plan shall be approved unless the Plan Commission has approved a Landscape Plan, Erosion and Sedimentation Control Plan, and/or Natural Resource Protection Plan pursuant to the standards in ~~15-X.XXXX~~ of this Ordinance.~~

Commented [RS144]: The bulk of this text will be relocated to natural resource standards.

Commented [JH145R144]: Going under NR standards

~~1. The Subdivider or Condominium Developer (as applicable) shall make every effort to protect and retain all existing trees, shrubbery, vines, and grasses not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, paths, and trails. Such trees are to be protected and preserved during construction in accordance with sound conservation practices, including the preservation of trees by well islands or retaining walls whenever abutting grades are altered. Towards that end, the following minimum procedures shall be followed during construction:~~

~~2. **Methodology for Tree Preservation to be Reviewed by Plan Commission.** The Subdivider's or Condominium Developer's (as applicable) proposed method for preserving trees shall be reviewed by the Plan Commission or its staff during the Preliminary Plat, Certified Survey Map, or Condominium approval phase of application to the City. If, in the opinion of the Plan Commission, the Subdivider or Condominium Developer (as applicable) has not taken the necessary precaution in preserving existing trees as required by this Ordinance, no Zoning Compliance Permit or Special Use Permit shall be issued, or plat approved, until such time as the Subdivider or Developer (as applicable), amends the plans for the preservation of such existing trees.~~

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3. **Limitation on Encroachment of Grading and Construction Equipment.** All grading and construction equipment shall be forbidden from encroaching within the tree's drip line.
4. **Material Dumping Prohibited Within Tree Drip Line.** Materials detrimental to the tree shall not be dumped or placed within a tree's drip line or at any higher elevation than the base of the tree where drainage toward the tree could adversely affect the health of the tree. Said materials shall include, but not necessarily be limited to, excess soil, stone or rock, additional fill, equipment, liquids, or construction debris.
5. **Snow Fence Required.** During grading and construction, a snow fence shall be installed at the periphery of the tree's drip line.
6. **Attachments to Trees Prohibited.** No attachments or wires, other than those of a protective or nondamaging nature, shall be attached to any trees to be preserved during construction.
7. **Tree Destruction and Replacement.** In the event that a tree designated on the approved Preliminary Plat, Certified Survey Map, Condominium or "Natural Resources Protection Plan" for preservation should be destroyed or razed during the construction process, the Subdivider or Condominium Developer (as applicable) shall replace such tree of a species approved by the Plan Commission and having a diameter of not less than the tree so destroyed or razed. No one replacement, however, shall exceed six inches in diameter as measured at 12 inches above the ground level. However, several smaller diameter trees having a combined diameter equal to the tree razed or destroyed shall be planted for trees larger than six inches at the ratios set forth in Table 15-8.0204. Said replacement trees shall be placed in the approximate location of the tree, or trees, so destroyed. Said replacement trees shall not be counted toward any mitigation measures which may be required of the Subdivider or Condominium Developer (as applicable) as specified elsewhere in this Ordinance.

Table 15-8.0204		
Minimum Tree Replacement Requirements		
Size of Tree Destroyed or Razed (in DBH)	Replacement Tree Requirements	
	Number of Trees Required (in Caliper)	Minimum Size of Each Tree Required (in Caliper)
8 to 10 inches	4	3 inches
11 to 16 inches	2	3 inches
17 to 24 inches	3	3 inches
25 to 30 inches	4	3 inches
31 to 36 inches	5	3 inches
37 inches or greater	6	3 inches

E. Review of Plans and Specifications by City Engineer; Authorization and Inspection.

C.

1. As set forth in 222-1 of the Municipal Code, the City Engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this Ordinance and other pertinent City ordinances and design standards approved by the City Engineer. If the City Engineer rejects the plans and specifications, the City Engineer shall notify the Subdivider or Condominium Developer who shall cause the modification of the plans or specifications or both accordingly. When the plans and specifications are corrected, the City Engineer shall approve the plans and specifications.

G. Authorization and Inspection.

1. Authorization to Start Construction.

2. Prior to starting the work covered by the approved plans and specifications may commence or proceed except in accordance with the standards and requirements of 222-1.XXXX of the Municipal Code.

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~~— a pre-construction meeting shall be held with the City Engineer before work begins and written authorization to start said work shall be obtained from the City Engineer upon receipt of all necessary and required permits and in accordance with the construction methods prescribed by this Ordinance and Subdivision Development Agreement. Building Permits shall not be issued until all improvements required by this Ordinance and Subdivision Development Agreement are satisfactorily completed.~~

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Commented [JH146]: All of this is moved to new 222-1, construction

~~1. **Inspection.** The Subdivider or Condominium Developer, prior to commencing any work within the Subdivision, Certified Survey Map, or Condominium shall make arrangements with the City to provide for adequate inspection. The City Engineer and/or other City inspectors shall inspect or cause to be inspected and approved all completed work prior to approval of the Final Plat or release of the required financial sureties. During the course of construction, the City Engineer shall make such inspections as deemed necessary to ensure compliance with the approved plans and specifications. The Subdivider or Condominium Developer shall pay the costs incurred by the City for such inspections.~~

~~3. **Completion of the Construction of Required Improvements.** The construction of all improvements required by this Ordinance shall be completed within two years from the date of the Common Council approval of the Preliminary Plat, Certified Survey Map, or Condominium.~~

Commented [JH147]: Except this - does this need to say "or as approved in the applicable Development Agreement"?

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H.D. Financial Sureties Required.

~~1.2 **Form of Financial Sureties.** Financial sureties furnished to the City Attorney by Subdividers or Condominium Developers (as applicable) to ensure performance of obligations and guarantees under the terms of this Ordinance shall only be in a form which the City deems secure, and may include certified checks, irrevocable letters of credit in a form approved by the City Attorney.~~

Commented [JH148]: IMPORTANT: Does the City wish to keep a two year improvements deadline? It seems like this could be well in advance of buildout of some subdivisions.

Commented [JH149]: These should stay under zoning/UDO; 222-1 will make reference to this section.

~~a. **Determination of Financial Surety Amount.** The amount of financial surety shall be one-hundred ten (110) percent% of the City Engineer's estimated full amount of the obligation being ensured (including the costs of inspection), nor for less a period than the work is scheduled to be completed, however, the City shall allow reductions in the amount of the financial surety in proportion to the amounts of the obligations as they are fulfilled.~~

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~~b. **Disputes Over the Amount of Financial Sureties.** In a dispute over the amount of a surety, the estimate prepared by the City Engineer shall be given the greater weight.~~

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~~2.3 **Criteria for Determining Subdivider's or Condominium Developer's Delinquency in Meeting Requirements.** The City Engineer shall give notice by registered mail to the Subdivider or Condominium Developer and the Subdivider's or Condominium Developer's surety, of such delinquency, said notice to specify the corrective measures required if the Subdivider or Condominium Developer:~~

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~~a. Fails to perform the work with sufficient workmen and equipment or with sufficient materials to ensure the completion of said work within the specified time; or~~

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~~b. Performs the work unsuitably, as determined by the City Engineer; or~~

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~~c. Neglects or refuses to supply materials or to perform anew such work as shall be rejected as defective and unsuitable; or~~

~~d. Discontinues the execution of the work; or~~

~~e. For any other cause whatsoever does not carry on the work in an approved manner.~~

~~3.4 **Guarantee of Improvements.** The Subdivider or Condominium Developer shall guarantee all improvements for a period of one year from the date of the acceptance of improvements by the City. To assure such improvement guarantee, the Subdivider or Condominium Developer shall provide an amount of financial surety (performance bond or letter of credit) not to exceed ten (10) percent% of the construction value of said improvements.~~

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4.5 **Common Council Action.** After said notice, the Common Council shall call upon the performance guarantee to have the work completed in accordance with the terms of the performance guarantee.

15-8-09. 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.

Commented [JW150]: JB - We would appreciate your thoughts on this section.

A. **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.

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B.

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B-C. **Maximum Density per Acre.** The gross density of a cluster development shall not exceed the maximum dwelling units per acre detailed in Table ##-##-##.

Commented [RS151]: Maximum density per acre based on the lot size standards established in Article 3.

Table 15-8-09(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

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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.

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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.

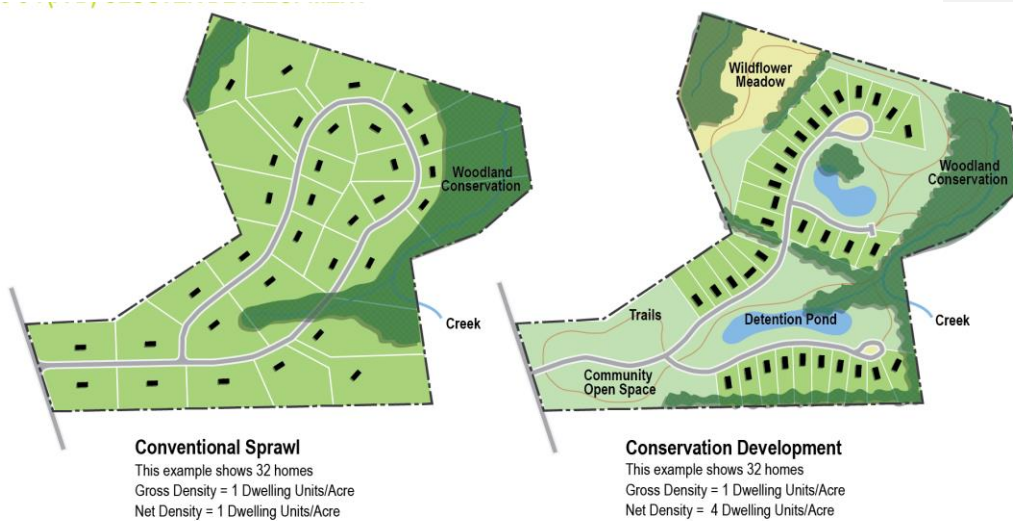
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1. Wetlands.
2. Native Oak Savanna landscapes.
3. Mature tree stands.
4. Prime farmland.
5. Critical habitat, and/or
1. Other as recommended by the Plan Commission and approved by the Common Council.

Commented [JH152]: We will want to sync this up later with the natural resource protection standards.

6.

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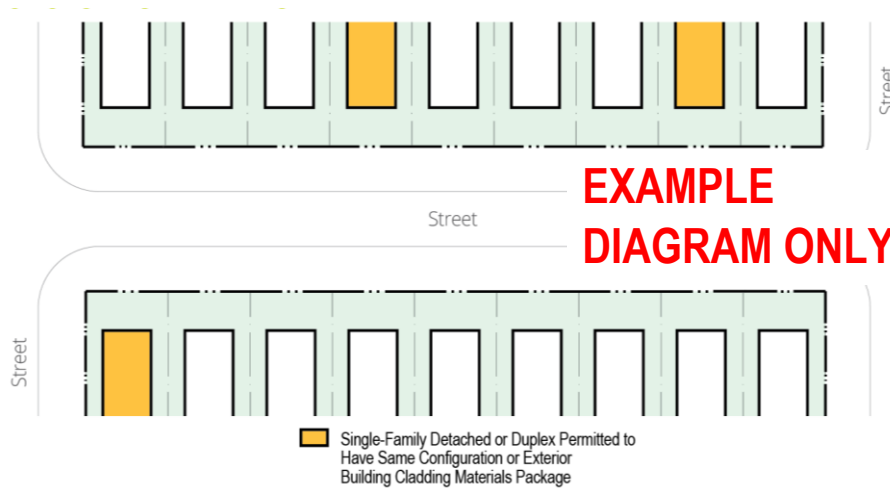
15-8-10. Anti-Monotony Standards

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 as determined by the Plan Commission and Common Council:

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.



Commented [GU153]: Add the Anti-Monotony Standards for task force discussion. RM

Commented [RS154R153]: For task force discussion.

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Commented [JH155]: This might be a little clearer.

Commented [RS156R155]: Agreed.

15-8-11. Park and Recreation Land and School Site Dedication

A. Park and Recreation Land Dedication. In order to ensure that sites for public open spaces and parks, playgrounds and other recreational and municipal facilities may be properly located and preserved as the City of Franklin develops, and in order that the cost of providing public park and recreation sites and facilities necessary to serve the additional families brought into the City by Certified Survey Map, Subdivision, Condominium, ~~any residential special use~~, any residential PDD Planned Development-District, and residential uses in a mixed-use PDD-Planned Development-District, or multiple-family development may be most equitably apportioned on the basis of the additional need created by the individual Certified Survey Map, Subdivision, Condominium, ~~any residential special use~~, any residential PDD-Planned Development-District, and residential uses in a mixed PDD-Planned Development-District, or multiple-family development, and pursuant to ~~§§~~ 236.45(1) and 62.23(7) of the Wisconsin Statutes, the following provisions are established:

B. Parks, Playgrounds, and Other Recreational and Municipal Facilities.

1. Reservation and/or Dedication of Suitable Sites of Adequate Area for Parks and Playgrounds. In the design of a Subdivision Plat, Certified Survey Map, Condominium, ~~any residential special use~~, any residential PDD-Planned Development-District, and residential uses in a or mixed-use PDD-Planned Development-District, or multiple-family dwelling development zoned for agricultural or residential uses, due consideration shall be given to the reservation and/or dedication of suitable sites of adequate area for parks and playgrounds.

- a. If designated on the County development plan or element thereof, City of Franklin Comprehensive Master Plan, plan component, official map, Comprehensive Outdoor Recreation Plan or ~~component detailed~~-planning district plan or neighborhood or subarea development plan, such ~~park areas~~ parks shall be made a part of the Certified Survey Map, Subdivision Plat, Condominium, ~~any residential special use~~, any residential PDD-Planned Development-District, ~~and residential uses in a or mixed-use PDD-Planned Development-District, or multiple-family dwelling development.~~
- b. If not so designated, consideration shall be given in the location of such sites to the preservation of scenic and historic sites, young or mature woodlands, wetlands, lakes and ponds, watercourses, watersheds, drainageways, steep slopes, and ravines.

2. Selection of Options. The Plan Commission shall, at the time of reviewing the Certified Survey Map, Preliminary Plat, Condominium, ~~any residential special use~~, any residential PDD-Planned Development-District, ~~and residential uses in a mixed-use PDD-Planned Development-District, or multiple-family dwelling development~~, recommend to the Common Council one of the following optionsactions detailed in this Section. The Common Council, at the time of reviewing the development and after reviewing the recommendation of the Plan Commission, shall select one of the following options and incorporate same into any approval granted:

- a. Dedicate open space lands designated on the County development plan or component thereof, City of Franklin Comprehensive Master Plan or plan component, or City of Franklin Comprehensive Outdoor Recreation Plan; or
- b. Reserve such open space lands and require a Park, Playground and Other Recreational Facility development fee payment pursuant to Division ## # ##; or
- c. Where no open space lands are directly involved, require a Park, Playground and Other Recreational Facility development fee payment pursuant to Division ## # ##.

3. Exemptions.

- a. Subject to the requirements and provisions of, Division 15-5.0110(F)(4)## # ##, where a lot, parcel or dwelling unit for which dedication or fee in lieu of dedication has once been paid is further divided or additional dwelling units created, dedication or payment in lieu of dedication shall be required only for the additional lots, parcels, or dwelling units created.

Commented [JH157]: We need to ask the City whether there are any fiscal impact or park/rec needs studies before we suggest these ratios - they MAY be ok on park land

Commented [RS158R157]: Let's discuss with staff. The text below is in the 2015 update of the Parks and Recreation plan. I'm not finding an appendix B online though.

It is recommended that the current Section 15-5.0110 titled "Parks, Playgrounds, and Other Recreational and Municipal Facilities" of the City of Franklin Unified Development Ordinance be amended as indicated in Appendix B to better assist in the implementation of the Comprehensive Outdoor Recreation Plan.

Commented [RS159]: From existing 15-5.0110 retained per Task Force discussion.

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Commented [RS160]: This seems unnecessary to say. This section applies only to subdivisions processes.

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b. No lot or dwelling unit which is fully developed for residential purposes at the time of the creation of the Subdivision, Certified Survey Map, Condominium, ~~any residential special use, any residential PDD-Planned Development-District,~~ and residential uses in a mixed-use PDD Planned Development ~~District, or multiple-family dwelling development~~ shall be required to pay a Park, Playground and Other Recreational Facility development fee.

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3-c. Lots or parcels designated as "outlots," as defined by this Ordinance ~~UDO,~~ shall not be counted as lots or parcels for which a land dedication is required or to provide a fee in lieu of dedication. Lots or parcels designated as outlots may, however, be dedicated or reserved as public sites as long as their intended public use is so designated on the face of the Subdivision Plat, Certified Survey Map, Condominium, ~~any residential special use,~~ any residential PDD-Planned Development ~~District,~~ and residential uses in a mixed-use PDD-Planned Development ~~District, or multiple-family dwelling development.~~

4. Dedication/Reservation of Site Option.

a. **Determination of the Amount of Land to be Dedicated.** Whenever a proposed playground, park, or other public recreational or open space land designated on the County's development plan or element thereof, City of Franklin Comprehensive Master Plan, ~~Comprehensive Outdoor Recreation Plan, detailed planning district~~ or neighborhood development or subarea plan, or other comprehensive plan component is encompassed, all or in part, within a tract of land to be divided ~~by either a Certified Survey Map or Subdivision Plat or is a part of a Condominium, any residential special use, any residential PDD-Planned Development District, and residential uses in a mixed PDD Planned Development District, or multiple-family dwelling development,~~ the publicly designated lands shall be made a part of the Certified Survey Map, Preliminary Plat, Condominium, any residential ~~special-~~ Conditional Use, any residential PDD Planned Development District, and residential uses in a mixed PDD Planned Development District, or multiple-family dwelling development and shall be dedicated to the public by the ~~Subdivider or~~ "Developer".

b. Dedication of Land.

i. Where land has been required by the Plan Commission to be reserved or when the Developer owns other land that has been determined by the Plan Commission to be acceptable for park open space and recreation purposes, the Developer may be required to dedicate such land.

ii. The representative cash value of the land to be dedicated shall be determined by the City ~~and Developer~~ 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 Developer, an appraisal board consisting of one appraiser selected by the City at its own expense, one selected by the Subdivider or Developer 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 board. If a majority determination is not made by the appraisal board within 45 days of the date of selection of the third appraiser, the average of the three appraisals shall be the value.~~ If such determination is not made prior to the time required for the payment of fees ~~under Division 15-5-0110(F)(4),~~ such fees shall be paid as required for other development facilities ~~under Division 15-5-0110(F)(5)(b)~~ per the City of Franklin fee schedule;

Commented [RS161]: I'm not sure all this detail is necessary to specify.

iii. The determination as to the feasibility of dedication shall be made by the Plan Commission.

c. **Maximum Period of Land Reservation.** Any such proposed lands in excess of the rate established herein shall be reserved for a period not to exceed five (5) years, unless extended by mutual agreement, for purchase by the public agency having jurisdiction at undeveloped land prices. If the lands in excess of the established rate are not acquired within the five-year period as set forth herein, the land will be released from reservation to the property owner. If the parties are unable to agree on an acquisition price for said reserved lands, 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-year time period.

d. **Stormwater Detention/Retention Areas or Basins, Wetlands, Shoreland Wetlands, and/or Floodplains Not Qualified for Meeting Land Area Requirements.** Areas used or required for stormwater detention or retention areas or basins, wetlands, shoreland wetlands, and/or floodplains shall not qualify for meeting the land area requirements set forth herein for the dedication of suitable public outdoor recreation lands. If such sites are dedicated for public use, they shall be in addition to suitable land area that meets the land area dedication requirements set forth herein.

~~5. **Reservation of Site Options.** Whenever a proposed playground, park, or other public open space land designated on the County's development plan or element thereof, City of Franklin Comprehensive Master Plan, detailed planning district, neighborhood or subarea development plan, or other comprehensive plan component is encompassed, all or in part, within a tract of land to be divided by either a Certified Survey Map or Subdivision Plat or is a part of a Condominium, any residential special use, any residential PDD Planned Development District, and residential uses in a mixed PDD Planned Development District, or multiple-family dwelling development, and whenever the Developer is given the option to dedicate or reserve public sites and open spaces by the Plan Commission, the public lands shall be made a part of the Certified Survey Map, Preliminary Plat, Condominium, any residential special use, any residential PDD Planned Development District, and residential uses in a mixed PDD Planned Development District, or multiple-family dwelling development and reserved for a period not to exceed five years, unless extended by mutual agreement, for purchase by the public agency having jurisdiction at undeveloped land prices.~~

Commented [RS162]: This seems like repeated information from the section above.

~~a. For reserved lands, restrictive covenants shall be placed on plats identifying the outlots reserved along with the date of release from the restrictions.~~

~~b. Reserved lands will be released from reservation to the owner if the lands in excess of the established rate are not acquired within the five-year period.~~

~~6-5. **Fire Protection, Law Enforcement, Library and Emergency Medical.** In order to ensure that sites for fire protection, law enforcement, library and emergency medical may be are property properly located and preserved as the community develops, and in order to ensure that the cost of providing fire protection, law enforcement, library and emergency medical and park, playground and other recreational facilities, necessary to serve the additional families brought into the community residents brought to the community by subdivision development, and development occurring from residential special use, residential and mixed-use residential Planned Developments District and multiple-family approvals, may be most equitably apportioned on the basis of the additional need created by such development, and pursuant to § 236.45(1) and § 62.23(7), WI Stats, the following provisions are established:~~

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~~a. **Reservation of Potential Future Sites.** In the design of the plat, consideration shall be given to the adequate provision of, and correlation with fire protection, law enforcement, library and emergency medical sites and facilities.~~

~~b. **Reservation Timeframe.** When it is determined by the Plan Commission that a portion of the plat is required by such future fire protection, law enforcement, library and emergency medical sites and facilities, the developer may be required to reserve such area for not more than five (5) years, during which 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-year time period.~~

~~c. **Fire Protection, Law Enforcement, Library and Emergency Medical and Park, Playground and Other Recreational Sites and Facilities Development Fee Obligation.** Within the jurisdiction as set forth in Division 15.2.0102 of this UDO Code, the developer shall pay a fee to the City to provide for land and facilities to meet the fire protection, law enforcement, library and emergency medical and park, playground and other recreational needs of the development except as provided in Divisions 15-5.0110C and (D)(2)(b) as they pertain to Park, Playground and Other Recreational Sites and Facilities and Division 15-5.0110(F)(4)(a).~~

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~~d. The amount of the fee to be paid shall be as established in the City of Franklin fee schedule, in the respective amounts per dwelling unit to be provided, added, or created by the proposed development, as follows:~~

Commented [RS163]: Typically we'd recommend establishing these types of fees outside the UDO.

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~~i. Park, Playground and Other Recreational Facilities: \$296~~

~~ii. Fire Protection: \$314~~

~~iii. Law Enforcement: \$246~~

~~iv. Emergency Medical: \$36~~

~~v.d. Library: \$33~~

e. The fee shall be imposed as a condition of approval of any final plat or certified survey map and development occurring ~~from residential special use, residential and mixed use,~~ residential Planned Development ~~District and multiple family approvals~~, and the payment thereof shall be made to the City prior to the issuance of building permits.

~~f. Such fees collected shall be placed in a special fund for sites and facilities development, which shall be separate from the general fund of the City, and said special fund and all interest earned thereon shall be exclusively for the acquisition and capital improvement of fire protection, law enforcement, library and emergency medical sites and facilities within the City.~~

~~g.f.~~ When a lot or parcel for which payment has once been made is further divided, payment shall be required only for the additional lot(s) or parcel(s) created.

~~h.g.~~ No payment shall be required on any outlot or lot which supports a residential structure existing prior to the approval of the final plat or certified survey map.

~~i. Such fees shall be expended by the City for the aforesaid purpose within 10 years of the date of payment or such fee amount paid shall be refunded to the then owner(s) of the property upon which such fee was collected.~~

~~7. Dedication of Land.~~

~~a. Where land has been required to be reserved pursuant to Division 15-5.0110(F)(1) above, or when the developer owns other land that has been determined by the Plan Commission to be acceptable for park, playground and other recreational sites and facilities purposes, the developer may be required to dedicate such land as part of the fee payment.~~

~~b. The representative cash value of the land to be dedicated shall be determined by the City and developer 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 developer, an appraisal board consisting of one appraiser selected by the City at its own expense, one selected by the other two appraisers at City expense, shall determine the value upon a consensus of a majority of the board. If a majority determination is not made by the appraisal board within 45 days of the date of selection of the third appraiser, the average of the three appraisals shall be the value. If such determination is not made prior to the time required for the payment of fees under this section, such fees shall be paid as required, subject to a credit refund to be made upon the value determination. Any credit or credit refund hereunder shall be granted to the fee payor(s) obligation, determined by the proportion of the total credit to the total fee obligation to be imposed upon the proposal development.~~

~~c. The determination as to feasibility of dedication shall be made by the Plan Commission.~~

~~8. Development Fee Deduction. Any development fee imposed under this section shall be reduced to compensate for capital costs otherwise imposed and collected by the City, upon the land development subject to this section for the same public facilities for which development fee has been imposed under this section, including by way of special assessments, special charges, impact fees or any other items of value. Development fees imposed under this section shall also be reduced to compensate for monies received from the Federal or State Government specifically to provide or pay for the public facilities for which the development fees under this division are imposed. The payment of a~~

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Commented [RS164]: This shouldn't be necessary to say in the UDO.

Commented [RS165]: This seems either more detailed than is needed or is restating something from earlier in the section.

development fee imposed under § 30.09 of the municipal Code, as amended, for any site or facility for which a development fee is imposed under this division shall satisfy such development fee obligation under this section.

9. ~~Development Fee Administration and Review.~~ All fees collected and special accounts maintained under this section, shall be subject to administration by the City Business Administrator. Commencing upon the effective date of this section, the City Business Administrator shall report annually to the Common Council with regard to all deposits, withdrawals and fund balances in these accounts. The purpose of the annual report is to provide the Common Council with information necessary to determine that all funds collected are spent within the time required for the purposed intended and that the amount of fees imposed continues to represent an equitable and reasonable apportionment of the cost of public improvements and requirements generated by land development. Upon such considerations and for such purposes, the Common Council may make reasonable adjustments to the amount of such fees and determine whether there exists any reasonable need for refund of fees previously collected. The development fees imposed under this division shall be adjusted annually each December, with any adjustment to be effective on the January 1 next following, upon and equal to any change from one year prior in the latest available Engineering News Record Construction Cost Index — Chicago/Minneapolis Average, 1913 Base. The City Business Administrator or designee shall determine and make such adjustment and maintain a copy of the index upon which such adjustment was made in the Office of the City Clerk.

10. ~~Appeal.~~ Any developer, upon whom development fee is imposed under this section, shall have the right to contest the amount, collection or use of the development fee to the Common Council, provided that the developer files a written notice of appeal in the City Clerk's Office within 15 days of the development approval upon which the impact fee is imposed. Such notice of appeal shall be entitled "Notice of Appeal of Development Fee" and shall state the developer's name, address, telephone number, and legal description of the land development upon which the development fee is imposed, and a statement of the nature of and reasons for the appeal. The Business Administrator shall schedule the appeal for consideration by the Common Council at a regular meeting as soon as reasonably practicable under the circumstances and shall notify the developer of the time, date and place of such meeting in writing by regular mail, deposited in the mail no later than at least three days before the date of such meeting. Upon review of such appeal, the Common Council may adjust the amount, collection or use of the development fee upon just and reasonable cause shown.

44-6. ~~Suitability.~~

- a. The location and suitability of all land to be dedicated ~~are is~~ subject to review and final acceptance by City of Franklin or the municipality or town in which the lands are located.
- b. Lands unsuitable for residential development or conventional construction methods may be dedicated to fulfill required obligations only upon written approval by the City of Franklin Common Council ~~or the appropriate municipality.~~

42-7. ~~Public Pedestrian Access.~~

- a. In addition to those requirements set forth under Division 15-2.0301(E) of this Ordinance, where a Certified Survey Map, Preliminary Plat, Condominium, any residential special use, any residential PDD Planned Development District, and residential uses in a mixed-use PDD Planned Development District, ~~or multiple-family dwelling development~~ abuts a public use area, such as a park, lake, stream, hunting grounds, or any similar type of public recreational area, the Developer, at the ~~option discretion~~ of the City of Franklin ~~and/or the appropriate municipality~~ shall provide a pedestrian access easement at least ~~twenty (20)~~ feet wide at approved distance intervals connecting such public area with a public street.
- b. If it is deemed to be in the public interest by City of Franklin ~~or the appropriate municipality~~ to reserve additional area for proper development of the public access thoroughfare, the Developer ~~of a Certified Survey Map, Preliminary Plat, Condominium, any residential special use, any residential PDD Planned Development District, and residential uses in a mixed PDD Planned Development District, or multiple-family dwelling development,~~ shall reserve for acquisition by the City of Franklin or the municipality in which the land is located, a tract of land

Commented [RS166]: Text on fees typically outside the UDO.

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adjacent to the thoroughfare which, in the judgment of the City of Franklin ~~or the appropriate municipality~~, will adequately serve the public interest. Such tract shall be reserved for a period of five (5) years from the date of recordation ~~of the Certified Survey Map, Final Plat, Condominium, any residential special use, any residential PDD-Planned Development District, and residential uses in a mixed PDD-Planned Development District, or multiple family development~~ and if not acquired within that time, it shall be released to the owner.

- c. The dedication of land for public purposes, such as parkways or recreational corridors, parks, playgrounds, open space sites, ~~right-of-ways~~rights-of-way, or easements, becomes effective at the time of approval and/or recording of Certified Survey Map, Preliminary Plat, Condominium, ~~any residential special use, any residential PDD-Planned Development District,~~ and residential uses in a mixed-use PDD-Planned Development District, or multiple family dwelling development.
- d. On lands reserved for eventual public acquisition, no building or development is permitted during the period of reservation.
 - i. The reservation period shall not be longer than five (5) years unless arranged otherwise with the Subdivider.
 - ii. Land so reserved must be clearly delineated and dimensioned ~~(including square footage or acreage)~~ on the Final Plat, Certified Survey Map, Condominium, ~~site plan for residential special use, site plan for residential PDD-Planned Development District, and or site plan for residential uses in a mixed-use PDD-Planned Development District, or multiple family dwelling development plans.~~

~~13. Minimum Site Preparation Required of Dedicated Public Sites. When public sites are dedicated as public sites, as described herein, the Developer shall, at a minimum, be required to:~~

- ~~a. Properly grade and contour the public site for proper drainage and for the anticipated use of the area.~~
- ~~b. Cover areas to be seeded with a minimum of four inches of quality topsoil. Said topsoil furnished for the park site shall consist of natural loam, sandy loam, silt loam, silty clay loam, or clay loam humus-bearing soils adapted to the sustenance of plant life, and such topsoil shall be neither excessively acid nor excessively alkaline.~~
- ~~c. Provide such improvements to the public site as may be agreed upon and as set forth in the "Subdivider's Agreement" between the City and the Developer.~~
- ~~d. If the Developer fails to satisfy the requirements of this Section, the Common Council may take the appropriate action to satisfy the requirements and bill such costs to the Developer following written notice to the Developer of noncompliance. Failure of the Developer to pay such costs may result in the immediate withholding of all Building Permits for the Subdivision, Certified Survey Map, Condominium, any residential special use, any residential PDD-Planned Development District, and residential uses in a mixed PDD-Planned Development District, or multiple-family dwelling development until such costs are paid.~~

C. **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 cCertified sSurvey map, sSubdivision pPlat, or cCondominium, the following provisions are established:

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

- a. In designing the cCertified sSurvey mMap, sSubdivision pPlat, or cCondominium, consideration shall be given to the adequate provision of, and correlation with, public school sites.
- b. When a cCertified sSurvey mMap, sSubdivision pPlat, or cCondominium, is filed with the City for approval, the Zoning Administrator shall notify Franklin Public Schools, Whitnall School District, and Oak Creek-Franklin Joint School District as applicable, and Wwhen it is determined by the School Board of Franklin Public Schools that a portion of the cCertified Survey Map, sSubdivision pPlat, or cCondominium, is required for such future school sites, or that the Plan Commission determines that a portion of the cCertified sSurvey mMap, sSubdivision pPlat,

Commented [RS167]: This seems like it would be covered in the City's construction standards.

Commented [RS168]: School dedication requirements exist in Section 15-5.0111 currently. Amending the section to require a certain quantity. Currently the section just states that school impact should be considered with new subdivisions.

Commented [JW169R168]: Did you check whether other WI municipalities have these detailed of requirements? We should pull from them if so. If not, we may want to go back to their existing language and ask staff if this appropriate. I'm not confident in those generation numbers.

Commented [RS170]: Public School site dedication requirements from 15-5.0110 retained. Question for staff: Are these requirements appropriate to retain?

We've researched and don't see stronger school dedication requirements elsewhere in typical Wisconsin zoning ordinances.

Commented [GU171R170]: I suggest to retain this section. We typically send all subdivision applications to the school districts for comments. RM

or ~~c~~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 (5) years, during which ~~time the school district 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 ~~s~~Subdivider or ~~d~~Developer ~~(as applicable)~~ owns other land that has been determined by the Plan Commission and ~~Franklin Public Schools school district~~ to be acceptable for school site purposes, the ~~s~~Subdivider or ~~c~~Condominium ~~d~~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 ~~s~~Subdivider or ~~Condominium-condominium Developer-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 ~~s~~Subdivider or ~~c~~Condominium ~~d~~Developer (as applicable), an appraisal board consisting of one appraiser selected by the City at its own expense, one selected by the ~~s~~Subdivider or ~~c~~Condominium ~~d~~Developer ~~(as applicable)~~ at his own expense, and a third selected by the other two (2) 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.

~~e.~~—The determination as to the feasibility of dedication shall be made by the Plan Commission.

c.

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The following NEW sections would consolidate general standards for construction (currently under Subdivision, 15-8.0201 et seq.) into Chapter 220 – Standards for Construction; Chapter 223 -Construction Erosion Control; and Chapter 224 - Stormwater Management. These standards apply broadly to land development in Franklin. They are not limited to subdivision approvals. From an administrative standpoint, these provisions are best enforced as municipal code, chiefly by Engineering, rather than under the UDO as zoning violations.

CHAPTER 220 STANDARDS for CONSTRUCTION

220-1 Commencement. No construction or installation of improvements shall commence in a proposed Preliminary Plat, Certified Survey Map, or Condominium until said Preliminary Plat, Certified Survey Map, or Condominium has been approved by the Common Council and the City Engineer has given written authorization to commence work and a pre-construction meeting has been held. Inspection fees shall be required as specified in Division 15-9.0400 of this Ordinance.

Commented [RS172]: Existing text from 15-8.0201.

220-2 Form of Financial Sureties. Financial sureties furnished to the City Attorney by Subdividers or Condominium Developers (as applicable) to ensure performance of obligations and guarantees under the terms of this Ordinance shall only be in a form which the City deems secure, and may include certified checks, irrevocable letters of credit in a form approved by the City Attorney. All financial sureties shall be subject to the requirements and standards of Division 15-X.XXXX of the UDO.

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220-3 Building Permits. No Building and Zoning Compliance Permits shall be issued for erection of a structure on any lot not of record until all the requirements of this Ordinance and the Subdivision Development Agreement or Development Agreement have been met, including the construction of required streets and sidewalks except as may be provided for under § 15-3.0804 of the UDO for a model home, model dwelling units and pre-construction sales office, and temporary sales structure.

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220-4 Improvements Extended to Limits of Parcel.

Commented [RS174]: Existing text from 15-8.0119 Improvements Extended to Limits of Parcel retained.

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1. Any and all improvements or utility services required by the UDO, or by a municipality's ordinance concerning areas within that municipality's extraterritorial plat jurisdiction, for a Subdivision, Certified Survey Map or Condominium, shall be extended to the farthest limits of the parcel or lot upon which a building permit is requested unless the owner is exempted from meeting such requirement by the Plan Commission.

2. Financial Sureties for Extension of Improvements Required. 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 UDO if improvements are not made.

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220-5 Plans and Specifications. The following plans and accompanying construction specifications, in conformance with the City Engineer's "Standards and Specifications for Development," shall be required by the City before authorization of construction or installation of improvements:

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A. Street Plans and Profiles. Street plans and profiles showing existing and proposed grades, elevations and typical cross-section(s) of required improvements.

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B. Existing and Proposed Contours. Existing and proposed contours at vertical intervals of not more than two feet. Elevations shall be marked on such contours based on National Geodetic Vertical Datum of 1929 (mean sea level);

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C. Sanitary Sewer Plans and Profiles. Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations, and materials of required facilities.

D. Storm Sewer Plans and Profiles. Storm sewer plans and profiles showing the locations, grades, sizes, cross-sections, elevations, and materials of required facilities. Also, a stormwater management plan shall be required as set forth in § 222-3 of this UDO.

E. Water Main Plans and Profiles. Water main plans and profiles showing the locations, sizes, elevations, and materials of required facilities.

F. Gas, Electrical Power, Telephone, and Cable Television Plans. Plans showing the location and size, where applicable, of all gas, electrical power, telephone, and cable television service.

G. Landscape and Planting Plans. Landscape and planting plans (see Division 15-7.0300 of this UDO) showing the locations, age, caliper, and species of any required grasses, vines, shrubs, and trees.

Commented [RS176]: JB to revise.

H. Erosion and Sedimentation Control Plans. Erosion and sedimentation control plans that generally follow the guidelines and standards set forth in Chapter 223 of the Municipal Code, the publications U.S.D.A. Conservation Technical Guide, prepared by the U.S. Department of Agriculture, and the Storm Water Construction Technical Standards prepared by the Wisconsin Department of Natural Resources, as amended, showing at a minimum:

Commented [RS177]: JB to revise.

1. Those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation;
2. The time span that soil will be exposed; and
3. Plans to protect existing vegetation (fences, tree wells, etc.), which shall be consistent with the Natural Resource Protection Plan and Landscape and Planting Plan. Tree protection shall be consistent with the standards in Section X-X.XXX of the Natural Resource Protection Standards.
4. A report on how the control will be handled - answering the questions: who, when, and how often?

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I. Additional Plans. Additional special plans or information as required by the City Engineer.

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220-6 Grading. All erosion control practices and procedures shall be carried out in conformance with Section 223 of the Municipal Code. In addition:

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1. 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.

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2. Protection Against Erosion, Siltation, Sedimentation, and Washing Required. All grading, excavations, open cuts, side slopes, and other land surface disturbances shall be mulched, seeded, sodded, or otherwise protected to prevent erosion, siltation, sedimentation, and washing, in accordance with the plans and specifications, including the City's "Standards and Specifications for Development," approved by the City and consistent with Chapter 223 of the Municipal Code. In addition:

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a. Sod shall be laid in strips at those intervals necessary to prevent erosion and at right angles to the direction of drainage.

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b. Temporary vegetation and mulching shall be used to protect critical areas, and permanent vegetation shall be installed as soon as practical.

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c. Construction at any given time shall be confined to the smallest practical area and for the shortest practical period of time.

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d. Sediment basins shall be installed and maintained at all drainageways to trap, remove, and prevent sediment and debris from being washed outside the area being developed.

3. 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.

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220-7 City Engineer to Review for Conformance. The City Engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this Ordinance and other pertinent City ordinances and design standards approved by the City Engineer. If the City Engineer rejects the plans and specifications, the City Engineer shall notify the Subdivider or Condominium Developer who shall cause the modification of the plans or specifications or both accordingly. When the plans and specifications are corrected, the City Engineer shall approve the plans and specifications.

220-8 Authorization and Inspection.

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A. **Authorization to Start Construction.** Prior to starting the work covered by the approved plans and specifications, a pre-construction meeting shall be held with the City Engineer before work begins and written authorization to start said work shall be obtained from the City Engineer upon receipt of all necessary and required permits and in accordance with the construction methods prescribed by this Ordinance and Subdivision Development Agreement. Building Permits shall not be issued until all improvements required by this Ordinance and Subdivision Development Agreement are satisfactorily completed.

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B. **Inspection.** The Subdivider or Condominium Developer, prior to commencing any work within the Subdivision, Certified Survey Map, or Condominium shall make arrangements with the City to provide for adequate inspection. The City Engineer and/or other City inspectors shall inspect or cause to be inspected and approved all completed work prior to approval of the Final Plat or release of the required financial sureties. During the course of construction, the City Engineer shall make such inspections as deemed necessary to ensure compliance with the approved plans and specifications. The Subdivider or Condominium Developer shall pay the costs incurred by the City for such inspections.

220-3220-9 **Record "As-Built" Plans.** After completion of all public improvements and prior to final acceptance of said improvements, the Subdivider or Condominium Developer shall make or cause to be made three complete sets of record "as-built" plans for each of the plans required as set forth in this Section of this Ordinance and showing the actual location of all improvements made as the required by the City Engineer. These plans shall be prepared as specified by the City Engineer and shall bear the signature and seal of a professional engineer registered in Wisconsin. The presentation of the record "as built" plans shall be a condition of final acceptance of the improvements and release of the financial surety assuring their completion. These plans shall be submitted to the City Engineer for permanent filing in the Engineering Department at the City of Franklin Municipal Building. Completed storm water management practices must pass a final inspection by the City of Franklin or its designee to determine if they are in accordance with the approved storm water management plan and ordinance. The City of Franklin or its designee shall notify the responsible party in writing of any changes required in such practices to bring them into compliance with the conditions of this permit.

Commented [RS179]: Existing text from 15-8.0203(J)

CHAPTER 223 CONSTRUCTION EROSION CONTROL

223-1 Purpose and Intent. The City of Franklin finds that runoff from construction sites carries a significant amount of sediment and other pollutants to the waters of the State and of the City of Franklin, including from sites where the only development activity is grading, filling, and/or excavating, independent of or prior to building construction. It is the purpose of this Division to help preserve the natural resources; to protect the quality of the waters of the State and of the City; and to protect and promote the health, safety and welfare of the people, to the extent practicable, by minimizing the amount of sediment and other pollutants carried by runoff or discharged from construction sites to lakes, streams, nature conservancy areas and wetlands, by minimizing the amount of airborne dust and by preventing the destruction of natural resources intended to be preserved by this ordinance, through the administration and enforcement of the permit, plan, control measure and maintenance requirements of this Division.

223-2 Authority.

- A. This ordinance is adopted under the authority granted by § 62.234, Wis. Stats. This ordinance supersedes all provisions of an ordinance previously enacted under § 62.23, Wis. Stats., that relate to construction site erosion control. Except as otherwise specified in § 62.234, Wis. Stats., § 62.23, Stats., applies to this ordinance and to any amendments to this ordinance. [Amended 6-7-2016 by Ord. No. 2016-2218]
- B. The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the City of Franklin Common Council.
- C. The City of Franklin Common Council hereby designates the City Engineer or designee to administer and enforce the provisions of this ordinance.
- D. The requirements of this ordinance do not preempt more stringent erosion and sediment control requirements that may be imposed by any of the following:

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1. Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under §§ 281.16 and 283.33, Stats.
 2. Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under s. NR 151.004, Wis. Adm. Code.
- E. This Division is additionally intended to further the purposes of and is made pursuant to the authority granted under §§ 62.23(7), 62.234 and 236.45, Stats.

223-3 Applicability and Jurisdiction

A. **Applicability.** This Section applies to the following sites of land disturbing construction activities, except as provided under Sub. B.:

1. Construction site (1/4 or more acres; 25 or more cubic yards). A construction site, which has one-quarter or more acres of land disturbing construction activity or upon which 25 or more cubic yards of dirt, sand or other excavation or fill material is excavated or filled by the land disturbing construction activity.
2. **Subdivision Plats.** Those requiring a Subdivision Plat approval or the construction of residential or commercial, industrial or institutional buildings on lots of approved Subdivision Plats.
3. **Certified Survey Map.** Those requiring a Certified Survey Map approval or the construction of residential or commercial, industrial or institutional buildings on lots of an approved Certified Survey Map.
4. **Street, Highway, Road, or Bridge Construction, Enlargement, Relocation or Reconstruction.** Those involving street, highway, road, or bridge construction, enlargement, relocation or reconstruction.
5. **Laying, Repairing, Replacing or Enlarging of an Underground Pipe or Facility.** Those involving the laying, repairing, replacing or enlarging of an underground pipe or facility for a distance of 300 feet or more.
6. **Supporting or Adjoining Natural Resource Features.** Those areas, which are within 100 feet of any natural resource feature listed in [Table 4.0100 of the Natural Resource Protection Standards](#).
7. Adverse Drainage Impacting. Notwithstanding Subs. 1. through 6. above, this ordinance applies to construction sites of any size that, in the opinion of the City Engineer or designee, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation particulate matter or that endangers property or public safety.

Commented [JH180]: Here's where the link to the natural resource standards will go - can also connect to removal of trees.

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B. **Non-applicability.** This ordinance does not apply to the following:

1. Land disturbing construction activity that includes the construction of a building and is otherwise regulated by the Wisconsin Department of Commerce under s. Comm 21.125 or 50.115, Wis. Adm. Code.
2. A construction project that is exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under chapter 40, Code of Federal Regulations, part 122, for land disturbing construction activity.
3. Nonpoint discharges from agricultural facilities and practices.

4. Nonpoint discharges from silviculture activities.
5. Routine maintenance for project sites under five acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.

C. Jurisdiction. This Division of this Ordinance applies to land disturbing and land development activities on lands within the boundaries and jurisdiction of the City of Franklin and the public and private lands subject to extraterritorial review under Chapter 236 of the Wisconsin Statutes. This Division 15-8.0300 is not applicable to activities conducted by a state agency, as defined under s. 227.01 (1), Stats., but also including the office of district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under s. 281.33 (2), Stats.

223-4 Definitions

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- A. ADMINISTERING AUTHORITY — The City of Franklin City Engineer or designee, under § 62.234, Wis. Stats., that is hereby designated by the Common Council to administer this ordinance.
- B. AGRICULTURAL FACILITIES AND PRACTICE — Has the meaning in § 281.16(1), Stats.
- C. AVERAGE ANNUAL RAINFALL — A calendar year of precipitation, excluding snow, which is considered typical.
- D. BEST MANAGEMENT PRACTICE or BMP — Structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.
- E. BUSINESS DAY — A day the office of the Franklin City Engineer or other office designated by the Common Council is routinely and customarily open for business.
- F. CEASE AND DESIST ORDER — A court-issued order to halt land disturbing construction activity that is being conducted without the required permit.
- G. CONSTRUCTION SITE — An area upon which one or more land disturbing construction activities occur, including, but not limited to areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan.
- H. DIVISION OF LAND — Where the title or part thereof of land is transferred by the execution of a land contract, an option-to-purchase, an offer-to-purchase and acceptance, a deed, a Subdivision Plat, or a Certified Survey Map.
- I. EROSION — The detachment and movement of soil, sediment or rock fragments by water, wind, ice, or gravity.
- J. EROSION AND SEDIMENT CONTROL PLAN — A comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.
- K. EXTRATERRITORIAL — The unincorporated area within three miles of the City of Franklin.
- L. FILL — Earth, clay, soil, ground, or any mixture or combination of the foregoing. Stones, rocks or broken concrete, not exceeding 18 inches in diameter, need not be removed from fill, if not constituting more than 5% of the individual load. At no time shall stones, rocks, or broken concrete be used in any degree of concentration as fill, except as aforesaid. No asphalt/bituminous products are allowed as fill material. Unusable topsoil from grubbing operation(s) cannot be used for fill.
- M. FINAL STABILIZATION — That all land disturbing construction activities at the construction site have been completed and

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that a uniform perennial vegetative cover has been established, with a density of at least 70 percent of the cover, for the unpaved areas and areas not covered by permanent structures, or that employ equivalent permanent stabilization measures.

- N. GOVERNING BODY — The City of Franklin Common Council, or as to any other governmental agency, the town board of supervisors, county board of supervisors, city council, village board of trustees or village council.
- O. LAND DISTURBING CONSTRUCTION ACTIVITY — Any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling, and grading activities.
- P. LANDOWNER — Any person holding fee title, an easement, or other interest in property, which allows the person to undertake cropping, livestock management, land disturbing construction activity, or maintenance of storm water BMPs on the property.
- Q. MEP or MAXIMUM EXTENT PRACTICABLE — A level of implementing best management practices in order to achieve a performance standard specified in this Division, which takes into account the best available technology, cost-effectiveness, and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties, and geographic features. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.
- R. PERFORMANCE STANDARD — A narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
- S. PERMIT — A written authorization made by the City of Franklin to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.
- T. POLLUTANT — Has the meaning given in s. 283.01 (13), Wis. Stats.
- U. POLLUTION — Has the meaning given in s. 281.01 (10), Wis. Stats.
- V. RESPONSIBLE PARTY — Any person or entity holding fee title to the property or performing services to meet the performance standards of this ordinance through a contract or other agreement.
- W. RUNOFF — Storm water or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.
- X. SEDIMENT — Settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.
- Y. SEPARATE STORM SEWER — A conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:
 - 1. Is designed or used for collecting water or conveying runoff.
 - 2. Is not part of a combined sewer system.
 - 3. Is not draining to a storm water treatment device or system.

- 4. Discharges directly or indirectly to waters of the state.
- Z. SILVICULTURE ACTIVITY — Activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and grubbing of an area of a construction site is not a silviculture activity.
- AA. SITE — The entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application.
- BB. STOP WORK ORDER — An order issued by the City of Franklin, which requires that all construction activity on the site be stopped.
- CC. TECHNICAL STANDARD — A document that specifies design, predicted performance, and operation and maintenance specifications for a material, device, or method.
- DD. TRANSPORTATION FACILITY — A highway, a railroad, a public mass transit facility, a public-use airport, a public trail, or any other public work for transportation purposes such as harbor improvements under s. 85.095(1)(b), Wis. Stats. "Transportation facility" does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Department pursuant to s. 281.33, Wis. Stats.
- EE. WATERS OF THE STATE — Has the meaning given in s. 281.01(18), Wis. Stats.

223 Applicability of Maximum Extent Practicable.

- A. Maximum extent practicable applies when a person who is subject to a performance standard of this ordinance demonstrates to the City Engineer's satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the responsible party shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

223-6 Technical Standards

[Amended 6-7-2016 by Ord. No. 2016-2218]

- A. **Design Criteria, Standards, and Specifications.** All BMPs required to comply with this ordinance shall meet the design criteria, standards, and specifications based on any of the following:
 - 1. Design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under subchapter V of chapter NR 151, Wis. Adm. Code.
 - 2. Soil loss prediction tools (such as the Universal Soil Loss Equation (USLE)) when using an appropriate rainfall or runoff factor (also referred to as the R factor) or an appropriate design storm and precipitation distribution, and when considering the geographic location of the site and the period of disturbance.

Note: The USLE and its successors RUSLE and RUSLE2, utilize an R factor which has been developed to estimate annual soil erosion, averaged over extended time periods. The R factor can be modified to estimate monthly and single-storm erosion.

- B. **Other Standards.** Other technical standards not identified or developed in Sub. A. immediately above, may be used provided that the methods have been approved by the City Engineer or designee.

223-7 Performance Standards

- A. **Responsible Party.** The responsible party shall implement an erosion and sediment control plan, developed in accordance with Section 15-8.0307, that incorporates the requirements of this Section.

- B. **Plan.** A written plan shall be developed in accordance with Section 15-8.0307 and implemented for each construction site.

Note: The written plan may be that specified within s. NR 216.46, the erosion control portion of a construction plan or other plan.

- C. **Erosion and Other Pollutant Control Requirements.** The plan required under Sub. B. immediately above, shall include the following:

1. **For Construction Sites Under One Acre.** Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:

- a. The deposition of soil from being tracked onto streets by vehicles.
- b. The discharge of sediment from disturbed areas into on-site storm water inlets.
- c. The discharge of sediment from disturbed areas into adjacent waters of the state.
- d. The discharge of sediment from drainage ways that flow off the site.
- e. The discharge of sediment by dewatering activities.
- f. The discharge of sediment eroding from soil stockpiles existing for more than seven days.
- g. The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision.

2. **For Construction Sites of One Acre or More:**

- a. **Erosion and Sediment Control Practices.** Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:
 - i. The deposition of soil from being tracked onto streets by vehicles.
 - ii. The discharge of sediment from disturbed areas into on-site storm water inlets.
 - iii. The discharge of sediment from disturbed areas into adjacent waters of the state.
 - iv. The discharge of sediment from drainage ways that flow off the site.

- v. The discharge of sediment by dewatering activities.
 - vi. The discharge of sediment eroding from soil stockpiles existing for more than seven days.
 - vii. The discharge of sediment from erosive flows at outlets and in downstream channels.
 - viii. The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision.
 - ix. The transport by runoff into waters of the state of untreated wash water from vehicle and wheel washing.
- b. **Sediment Performance Standards.** In addition to the erosion and sediment control practices under subd. a, the following erosion and sediment control practices shall be employed:
- i. BMPs that, by design, discharge no more than five tons per acre per year, or to the maximum extent practicable, of the sediment load carried in runoff from initial grading to final stabilization.
 - ii. No person shall be required to employ more BMPs than are needed to meet a performance standard in order to comply with maximum extent practicable. Erosion and sediment control BMPs may be combined to meet the requirements of this paragraph. Credit may be given toward meeting the sediment performance standard of this paragraph for limiting the duration or area, or both, of land disturbing construction activity, or for other appropriate mechanisms.
 - iii. Notwithstanding subd. i, if BMPs cannot be designed and implemented to meet the sediment performance standard, the erosion and sediment control plan shall include a written, site-specific explanation of why the sediment performance standard cannot be met and how the sediment load will be reduced to the maximum extent practicable.
- c. **Preventive Measures.** The erosion and sediment control plan shall incorporate all of the following:
- i. Maintenance of existing vegetation, especially adjacent to surface waters whenever possible.
 - ii. Minimization of soil compaction and preservation of topsoil.
 - iii. Minimization of land disturbing construction activity on slopes of 20% or more.
 - iv. Development of spill prevention and response procedures.
3. **Natural Resource Protection Standards.** All natural resource features shall be preserved and protected at all times, pursuant to the requirements of **Part 4 of this Unified Development Ordinance**, which is specifically applied to land disturbance, whether such land disturbance is independent of, prior to, or associated with any other development, including, but not limited to, those setting forth any buffer or setback requirements. Every application for a Construction Site Erosion Control Permit shall contain a statement that the proposed land disturbance area is not within 100 feet of a natural resource feature, if true, which shall be confirmed by the City Engineer or designee by inspection. ~~Every application for such permit~~

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for a land disturbance within 100 feet of a natural resource feature shall include the submission by the applicant of a Natural Resource Protection Plan pursuant to Division 15-7.0200 of this Unified Development Ordinance or such permit shall not be granted. All defined Protected Natural Resources will be protected with a double row of silt fence and a single line of four-foot orange construction fence.

D. **Location.** The BMPs used to comply with this section shall be located prior to runoff entering waters of the state.

Note: While regional treatment facilities are appropriate for control of post-construction pollutants, they should not be used for construction site sediment removal.

E. **Implementation.** The BMPs used to comply with this section shall be implemented as follows:

1. Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin.
2. Erosion and sediment control practices shall be maintained until final stabilization.
3. Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.
4. Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.
5. BMPs that are no longer necessary for erosion and sediment control, including but not limited to silt fence, shall be removed and the site restored by the responsible party.

F. **Alternate Requirements.** The City of Franklin may establish storm water management requirements more stringent than those set forth in this Section if the City Engineer or designee determines that an added level of protection is needed for sensitive resources.

223-8 Construction Site Erosion Control Permit Required and Application

A. **Permit Required.** No responsible party, landowner, occupant, land user, person, or entity may commence, continue, and no responsible party, landowner, or occupant may suffer or allow to continue, a land disturbing construction activity subject to this Division, without receiving prior approval of a control plan for the site and a Construction Site Erosion Control Permit, from the City Engineer or designee, excepting when the disturbance or activity is made under a single family home building permit or other development approval which provides the control measures required under this Division, i.e., Subdivision Development Agreement, Special Use Resolution, and the like. Any person or entity desiring to undertake a land disturbing construction activity subject to this Division shall obtain the submission of an application for a Construction Site Erosion Control Permit, together with a control plan, and pay an application fee. Notwithstanding the foregoing, land disturbing activities may be permitted under a Construction Site Erosion Control Permit without the prior approval of a control plan, for an Adverse Drainage Impacting land disturbing construction activity for which an erosion and sediment control plan statement is required in lieu thereof, under Section 15-8.0307B. of this Division, and for a Class 1 (as described below) application; in lieu of a control plan, a Class 1 applicant may submit a plat of survey depicting the area and describing any volume of and the nature of the land disturbing construction activity, and the restoration to be performed, if any, together with such other information as reasonably required by the City Engineer or designee to further the purposes and intent of this Division.

Note: The application fee shall be included in the fee for building permits and other applicable development approvals, where constituting the exception set forth above.

B. **Permit Application and Fees.** An application for a Construction Site Erosion Control Permit shall be signed by the owner of the land involved, as a responsible party, together with the person applying for the permit, if other than the owner, who shall also be

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a responsible party by reason of such application. The applicant shall also pay an application fee at the time of filing the application. There shall be three classes of applications for the setting of application fees and in part, for applying the control plan requirements. A Class 1 application is an application involving land disturbing construction activities upon a construction site of 1/4 acre up to 1/2 acre or supporting 25 cubic yards up to 100 cubic yards of fill or excavation activities, for which the application fee is \$50.00. A Class 2 application is an application involving land disturbing construction activities upon a construction site of 1/2 acre up to two acres or supporting 100 cubic yards up to 500 cubic yards of fill or excavation activities, any land disturbing construction activity Supporting or Adjoining Natural Resource Features, and any Adverse Drainage Impacting land disturbing construction activity, for which the application fee is \$100.00. A Class 3 application is an application involving land disturbing construction activities upon a construction site of two or more acres or supporting 500 or more cubic yards of fill or excavation activities, for which the application fee is \$250.00, plus an additional \$50.00 for each 500 cubic yards or portion thereof in addition to the base 500 cubic yards. The application shall accurately describe the construction site area and the type of land disturbing construction activity applied for, shall provide the tax key number(s) and available address(es) of property upon which the site is located, and the volume by cubic yards of any filling or excavation activities. In all other respects, the application shall provide for and contain such information as may be reasonably required by the City Engineer or designee, to further the purpose and intent of this Division. An application fee for land disturbing construction activity commenced prior to the issuance of a permit and applicable approval of a control plan shall be doubled. By submitting an application, the applicant is authorizing the City Engineer or designee to enter the site to obtain information required for the review of the erosion and sediment control plan.

C. **Review and Approval of Permit Application.** The City Engineer or designee shall review any permit application that is submitted with an erosion and sediment control plan and the required fee. The following approval procedure shall be used:

1. If the permit application and plan are approved, the City Engineer or designee shall issue the permit.
2. If the permit application or plan is disapproved, the City Engineer or designee shall state in writing the reasons for disapproval.
3. The City Engineer or designee may request additional information from the applicant.

D. **Surety Bond.** As a condition of approval and issuance of the permit, the City Engineer or designee may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved erosion control plan and any permit conditions.

E. **Permit Requirements.** All permits shall require the responsible party to:

1. Notify the City Engineer or designee within 48 hours of commencing any land disturbing activity.
2. Notify the City Engineer or designee of the completion of installation of any control measures within three days after their installation.
3. Obtain permission in writing from the City Engineer or designee prior to modifying the control plan.
4. Install all control measures as identified in the approved control plan.
5. Maintain all road drainage systems, storm water drainage systems, control measures, and other facilities identified in the control plan and document repairs in a site erosion control log.
6. Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land developing or disturbing activities and document repairs in a site erosion control log.

7. Inspect the construction control measures after each rain of 0.5 inches or more and at least once each week and make needed repairs and undertake such other or additional inspecting and activities as recommended in the Storm Water Construction Technical Standards prepared by the Wisconsin Department of Natural Resources.
 8. Conduct any filling activity so that at the end of each day the surface shall be graded to drain and be free from broken concrete and relatively free from gravel, and that the upper four inches thereof shall be of soil suitable for growing grass. The surface of said filling shall be kept free from dust at all times during the filling activity and thereafter.
 9. Allow the City Engineer and/or designee and/or City representatives to enter the site for the purpose of inspecting compliance with the control plan or for performing any work necessary to bring the site into compliance with the control plan.
 10. Keep a copy of the control plan on the site.
- F. **Permit Conditions.** Permits issued under this Section may include conditions established by the City Engineer or designee, in addition to the requirements set forth in Sub. E. above, where reasonably necessary to assure compliance with the performance standards in Section 15-8.0305.
- G. **Permit Duration.** Permits shall be valid for a period of one year unless otherwise shown on the permit, or the length of the building permit or other construction authorizations, whichever are longer, from the date of issuance. The City Engineer or designee may extend the period one or more times for up to an additional 180 days. The City Engineer or designee may require additional control measures as a condition of the extension if they are necessary to meet the requirements of this Division.
- H. **Maintenance.** All sedimentation basins and all other control measures required by this Division shall be maintained by the land owner, land occupant, and all persons and entities performing development activities upon or adjacent or near the property upon which the control measures are installed in a manner to ensure their intended performance and to prevent nuisance conditions, during the period of land disturbance and land development of the site, and thereafter for control measures intended to perform thereafter for an extended period of time or permanently.
- I. **Erosion and Sediment Control Plan, Statement, and Amendments.**
1. An erosion and sediment control plan shall be prepared and submitted to the City Engineer or designee.
 2. The erosion and sediment control plan shall be designed to meet the performance standards in Section 15-8.0305 and other requirements of this ordinance.
 3. The erosion and sediment control plan shall address pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site. The erosion and sediment control plan shall include, at a minimum, the following items:
 - a. The name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact at such firm. The application shall also include start and end dates for construction.
 - b. Description of the site and the nature of the construction activity, including representation of the limits of land disturbance on a United States Geological Service 7.5 minute series topographic map.

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- c. A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
 - d. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by construction activities.
 - e. Estimates, including calculations, if any, of the runoff coefficient of the site before and after construction activities are completed.
 - f. Calculations to show the expected percent reduction in the average annual sediment load carried in runoff as compared to no sediment or erosion controls.
 - g. Existing data describing the surface soil as well as sub soils.
 - h. Depth to groundwater, as indicated by Natural Resources Conservation Service soil information where available.
 - i. Name of the immediate named receiving water from the United States Geological Service 7.5 minute series topographic maps.
 - j. Calculations to show compliance with the performance standard in Section 15-8.0305.
4. **The erosion and sediment control plan shall include a site map.** The site map shall include the following items and shall be at a scale not greater than 100 feet per inch and at a contour interval not to exceed two feet.
- a. Existing topography, vegetative cover, natural and engineered drainage systems, roads and surface waters. Lakes, ponds, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site shall be shown. Any identified 100- year flood plains, flood fringes and floodways shall also be shown.
 - b. Boundaries of the construction site.
 - c. Drainage patterns and approximate slopes anticipated after major grading activities.
 - d. Areas of soil disturbance.
 - e. Locations and dimensions of all temporary soil or dirt stockpiles and areas where construction equipment will be stored on site.
 - f. Location of major structural and non-structural controls identified in the plan.
 - g. Location of areas where stabilization practices will be employed.
 - h. Areas which will be vegetated following construction.
 - i. ~~Areal extent of wetland acreage on the site and locations where storm water is discharged to a surface water or~~

wetland.

- j. Locations of all surface waters and wetlands within one mile of the construction site.
 - k. An alphanumeric or equivalent grid overlying the entire construction site map.
5. Each erosion and sediment control plan shall include a description of appropriate controls and measures that will be performed at the site to prevent pollutants from reaching waters of the state. The plan shall clearly describe the appropriate control measures for each major activity and the timing during the construction process that the measures will be implemented. The description of erosion controls shall include, when appropriate, the following minimum requirements:
- a. Description of interim and permanent stabilization practices, including a practice implementation schedule. Site plans shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized.
 - b. Description of structural practices to divert flow away from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from the site. Unless otherwise specifically approved in writing by the City Engineer or designee, structural measures shall be installed on upland soils.
 - c. Management of overland flow at all sites, unless otherwise controlled by outfall controls.
 - d. Trapping of sediment in channelized flow.
 - e. Staging construction to limit bare areas subject to erosion.
 - f. Protection of down slope drainage inlets where they occur.
 - g. Minimization of tracking at all sites.
 - h. Clean up of off-site sediment deposits.
 - i. Proper disposal of building and waste materials at all sites.
 - j. Stabilization of drainage ways.
 - k. Control of soil erosion from dirt stockpiles.
 - l. Installation of permanent stabilization practices as soon as possible after final grading.
 - m. Minimization of dust to the maximum extent practicable.
6. The erosion and sediment control plan shall require that velocity dissipation devices be placed at discharge locations and along the length of any outfall channel, as necessary, to provide a non-erosive flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.

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Note: The plan requirements of this subsection will meet the erosion control plan requirements of s. NR 216.46, Wis. Adm. Code, when prepared in accordance with good engineering practices and the design criteria, standards, and specifications outlined in the Storm Water Construction Technical Standards prepared by the Wisconsin Department of Natural Resources.

J. **Erosion and Sediment Control Plan Statement.** For each construction site identified under Section 15-8.0302(A)(7), an erosion and sediment control plan statement shall be prepared. This statement shall be submitted to the City Engineer or designee. The control plan statement shall briefly describe the site, including a site map. Further, it shall also include the best management practices that will be used to meet the requirements of the ordinance, including the site development schedule.

K. **Amendments.** The applicant shall amend the plan if any of the following occur:

1. There is a change in design, construction, operation, or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the state and which has not otherwise been addressed in the plan.
2. The actions required by the plan fail to reduce the impacts of pollutants carried by construction site runoff.
3. The City Engineer or designee notifies the applicant of changes needed in the plan.

L. **Tree Preservation and Replacement Provisions.**

1. Where a tree preservation plan has been prepared as part of a Subdivision, Condominium, or Site Plan pursuant to the Unified Development Ordinance, or where a Natural Resource Protection Plan has been prepared in conjunction with the above, the plan shall be incorporated into the Erosion and Sediment Control Plan pursuant to Section 222-2-X.XXXX above. Where such a plan has been approved, the following additional provisions shall apply:
 - a. Snow Fence Required at Periphery of Drip Line. The Plan shall identify the drip line of all trees to be protected and preserved. During grading and construction, a snow fence shall be installed at the periphery of the tree's drip line.
 - b. Limitation on Encroachment of Grading and Construction Equipment. All grading and construction equipment shall be forbidden from encroaching within the tree's drip line.
 - c. Material Dumping Prohibited Within Tree Drip Line. Materials detrimental to the tree shall not be dumped or placed within a tree's drip line, nor at any higher elevation than the base of the tree where drainage toward the tree could adversely affect the health of the tree. Such materials shall include, but not necessarily be limited to, excess soil, stone or rock, additional fill, equipment, liquids, or construction debris.
2. Attachments to Trees Prohibited. No attachments or wires, other than those of a protective or nondamaging nature, shall be attached to any trees to be preserved during construction.
3. Tree Destruction and Replacement. In the event that a tree designated for preservation should be destroyed or razed during the construction process, the Subdivider or Condominium Developer (as applicable) shall replace the tree of with species approved by the City Forester, and having a diameter at breast height of not less than the tree so destroyed or razed. No one replacement, however, shall exceed six inches in diameter as measured at 12 inches above the ground level. At the discretion of the City Forester, several smaller diameter trees having a combined diameter equal to the tree razed or destroyed shall be planted for trees larger than six inches at the ratios set forth in Table X. Said replacement trees shall be placed in the approximate location of the tree, or trees, so destroyed. Such replacement trees shall not be counted toward any supplemental measures which may be required of the Subdivider or Condominium Developer (as applicable) as specified elsewhere in the Unified Development Ordinance.

Commented [JH181]: Ok! Here's my first stab at an option for putting the tree preservation standards within the EPSC ordinance. This language is lightly modified from the existing subdivision regulations.

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Table X

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Size of Tree Destroyed or Razed (in DBH)	Minimum Tree Replacement Requirements	
	Number of Trees Required (in Caliper)	Minimum Size of Each Tree Required (in Caliper)
8 to 10 inches	1	3 inches
11 to 16 inches	2	3 inches
17 to 24 inches	3	3 inches
25 to 30 inches	4	3 inches
31 to 36 inches	5	3 inches
37 inches or greater	6	3 inches

223-9 Fee Schedule

The fees referred to in other sections of this Division shall be established by the Common Council and may from time to time be modified by resolution. A schedule of the fees established by the Common Council shall be available for review in the office of the City Clerk.

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223-10 Inspection and Enforcement

- A. Inspection. The City Engineer or designee and such City representatives as may be designated by the Common Council may inspect land disturbing construction activity sites as often as necessary to ensure compliance with the control plan. If land disturbing or land development activities are being carried out without a permit, the City Engineer or designee shall enter the land by permission of the landowner or pursuant to the provisions of § 66.0119(1), (2) and (3), Wis. Stats.
- B. Enforcement. Enforcement of this Division shall be accomplished as follows:
 - 1. The City Engineer or designee may post a stop-work order on all building, construction, land disturbing, or land development activities if:
 - a. Any land disturbing activity regulated under this Division is being undertaken without a permit; or
 - b. The control plan is not being implemented in a good faith manner; or
 - c. The conditions of the permit are not being met.
 - 2. If the responsible party or any other person or entity performing or suffering the activity does not cease the activity or comply with the control plan or permit conditions forthwith, the City Engineer or designee may revoke the permit.
 - 3. If the landowner or land user or any other person or entity performing or suffering the activity, where no permit has been issued, does not cease the activity forthwith, the City Engineer or designee may request the City Attorney to obtain a cease and desist order.
 - 4. In addition to the foregoing provisions of this Subsection, this Division may be enforced by way of injunction, the imposition of forfeitures and other available relief pursuant to Division 9.0500 of this Ordinance and the undertaking by the City to cure any defects or complete any plans or measures, with the costs thereof to be assessed against the property owner and entered upon the tax roll pursuant to the procedures for a special charge under § 66.0627, Stats. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings. Any violation of this Division is hereby declared to be a public nuisance.

223-11 Appeals.

- A. Board of Zoning and Building Appeals. The Board of Public Works Zoning and Building Appeals:

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1. Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the City Engineer or designee in administering this ordinance except for cease and desist orders obtained.
 2. Upon appeal, may authorize variances from the provisions of this ordinance which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship; and
 3. Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.
- B. **WHO MAY APPEAL.** Appeals to the Board of **Public Works Zoning and Building Appeals** may be taken by any aggrieved person or by any office, department, board, or bureau of the City of Franklin affected by any decision of the City Engineer or designee.

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223-12 Penalty

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Violations of this Chapter shall be subject to the Penalty provisions of Chapter 1-19 of the City of Franklin Municipal Code.

Chapter 224 STORMWATER MANAGEMENT

224-1 Authority.

~~1.~~ This ordinance is adopted by the Common Council under the authority granted by s. 62.234 Wis. Stats. This ordinance supersedes all provisions of an ordinance previously enacted under s. 62.23 Wis. Stats., that relate to storm water management regulations.

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224-2 Findings of Fact.

The Common Council finds that uncontrolled, runoff has a significant impact upon water resources and the health, safety and general welfare of the community and diminishes the public enjoyment and use of natural resources. Specifically, uncontrolled post-construction runoff can:

- A. Degrade physical stream habitat by increasing stream bank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperature;
- B. Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loading of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens and other urban pollutants;
- C. Alter wetland communities by changing wetland hydrology and by increasing pollutant loads;
- D. Reduce the quality of groundwater by increasing pollutant loading;
- E. Threaten public health, safety, property and general welfare by overtaxing storm sewers, drainage ways, and other drainage facilities;
- F. Threaten public health, safety, property and general welfare by increasing major flood peaks and volumes;
- G. Undermine floodplain management efforts by increasing the incidence and levels of flooding; and
- H. Aggravate excessive infiltration and inflow of water into sanitary sewer connections during peak storm events causing the conveyance system to surcharge, overflow or backup into basements.

224-3 Purpose.

[Amended 6-7-2016 by Ord. No. 2016-2218]

It is the purpose of this Division to establish long-term, post-construction runoff management requirements that will diminish the threats to public health, safety, welfare, and the aquatic environment by integrating local, state, and federal storm water quantity and quality standards. This Division implements the Milwaukee Metropolitan Sewerage District (MMSD) rules on release rates for development creating more than a de minimis amount of new impervious surface to reduce the probability of increased regional floods as the metropolitan area approaches full build-out forecast for 2050. It also incorporates Wisconsin Department of Natural Resources quantity and quality requirements as found in NR 151, Wis. Adm. Code.

224-4 Storm Water Quality and Quantity Management Applicability.

[Amended 6-7-2016 by Ord. No. 2016-2218]

- A. The water quality management duties apply to property development disturbing one or more acres and the water quantity management duties apply to development disturbing one or more acres or increasing impervious surface by one-half acre or more, unless the site is exempt under paragraph (2) or (3).

Note: The one acre land disturbance threshold is consistent with state and federal laws regarding applicability of construction site erosion control permits. The half-acre or more of new impervious surface is the MMSD criteria.

- B. A site meeting any one of the following criteria is exempt from storm water quality requirements:
 - 1. A redevelopment post-construction site with no increase in exposed parking lots or roads.
 - 2. A post-construction site with less than 10% connected imperviousness based on complete development of the post-construction site, provided the cumulative area of all parking lots and rooftops is less than one acre.
 - 3. Nonpoint discharges from agricultural facilities and practices.
 - 4. Nonpoint discharges from silviculture activities.
 - 5. Routine maintenance for project sites under five acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.
 - 6. Underground utility construction such as water, sewer, and fiberoptic lines. This exemption does not apply to the construction of any above-ground structures associated with utility construction.
- C. Water quantity management duties do not apply for:
 - 1. Residential infill where the lot is five acres or less, the development is exclusively residential, the net increase in the area of impervious surface is less than 10% of the area of the site, and each boundary of the site is contiguous to: sites that contain earlier development served by sanitary sewers, streets, or public water supply when the governmental unit receives the plans for the new development or parkland; or other public land, a utility right-of-way, or a watercourse; or,
 - 2. Sites where the area of impervious surface after development will be 5% or less of the total area of the site;
 - 3. Recreational trails if the trail is less than or equal to 10 feet in width and has a continuous pervious buffer at least 5 feet wide on each side, disregarding interruption by streets, driveways, or other impervious surfaces crossing the trail. [; or]
 - 4. Notwithstanding the applicability requirements in paragraph (1), this ordinance applies to post-construction sites of any size that, in the opinion of the City Engineer or designee, is likely to result in runoff that exceeds the capacity of the existing drainage facilities or the level of flooding protection in a watercourse that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter, or that endangers property or public safety.
- D. **Comity.** State agencies should design and incorporate best management practices for surface water quality and storm water quantity management for new impervious surfaces. The runoff management techniques should be the same as flood abatement plans and techniques utilized by local governments in the watershed. The lead agency preparing an environmental assessment for a federal or

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state project should identify the mitigating runoff management techniques to prevent increases in peak flood flows from new impervious areas.

Note: See Trans 400 (Environmental Assessment) and Trans 401 (2003 revisions to conform with NR 151 standards). Wisconsin Department of Transportation (WisDOT) and Wis. DNR have a jurisdictional memorandum of understanding per § 281.33 (2), Wis. Stats., limited to management of pollutants in storm water. Trans 401 is narrowly tailored to BMPs for pollution abatement and design criteria for transportation projects. Neither DNR nor DOT rules address post-construction peak runoff and flooding in fully urbanized areas, but each agency's environmental assessment should consider the impacts of new impervious surfaces and the technical and economically feasible alternatives to mitigate the adverse impacts. More stringent local storm water management requirements for peak runoff do not conflict with the state policy on controlling pollutants discharged from storm water point sources. The state rules address different adverse impacts of storm water runoff based on different probabilities and storm intensity. Finally, Trans 401 allows a de minimis exemption from water quality BMPs for highway improvements of less than 1.5 miles and widening of a roadbed by less than 100 feet. Chapter 13 of MMSD Rules and this local ordinance do not treat impervious highways any different than other impervious surfaces. The same threshold of one-half acre or more of new impervious surface for purposes of water quantity BMPs applies.

224-5 Definitions.

[Amended 6-7-2016 by Ord. No. 2016-2218]

- A. ADEQUATE SOD, OR SELF-SUSTAINING VEGETATIVE COVER — Maintenance of sufficient vegetation types and densities such that the physical integrity of the streambank or lakeshore is preserved. Self-sustaining vegetative cover includes grasses, forbs, sedges and duff layers of fallen leaves and woody debris
- B. ADMINISTERING AUTHORITY — A governmental employee under s. 62.234, Wis. Stats., designated by the Common Council to administer this ordinance.
- C. AGRICULTURAL FACILITIES AND PRACTICES — Has the meaning given in s. 281.16, Wis. Stats.
- D. ATLAS 14 — The National Oceanic and Atmospheric Administration (NOAA) Atlas 14 Precipitation-Frequency Atlas of the United States, Volume 8 (Midwestern States), published in 2013.
- E. AVERAGE ANNUAL RAINFALL — A calendar year of precipitation, excluding snow, which is considered typical.
- F. BEST MANAGEMENT PRACTICE or BMP — Structural or non-structural measures, practices, techniques or devices employed to:
 - ~~4-1.~~ Avoid or minimize sediment or pollutants carried in runoff to waters of the state or
 - ~~5-2.~~ Manage the rate or volume of runoff.
- G. BUSINESS DAY — A day the office of the City Engineer is routinely and customarily open for business
- H. CEASE AND DESIST ORDER — A court-issued order to halt land disturbing construction activity that is being conducted without the required permit
- I. COMBINED SEWER SYSTEM — A system for conveying both sanitary sewage and storm water runoff.
- J. CONNECTED IMPERVIOUSNESS — An impervious surface that is directly connected to a separate storm sewer or water of the state via an impervious flow path.
- K. CRITICAL TIME — The period starting at the time of peak rainfall intensity with a duration equal to the time of concentration of the watershed.
- L. DESIGN STORM — A hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total depth of rainfall.
- M. DEVELOPMENT — Residential, commercial, industrial, or institutional land uses and associated roads.

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- N. DIRECT CONDUITS TO GROUNDWATER — Wells, sinkholes, swallets, fractured bedrock at the surface, mine shafts, non-metallic mines, tile inlets discharging to groundwater, quarries, or depressional groundwater recharge areas over shallow fractured bedrock.
- O. DIVISION OF LAND — Where the title or part thereof of land is transferred by the execution of a land contract, an option-to-purchase, an offer-to-purchase and acceptance, a deed, a Subdivision Plat, or a Certified Survey Map.
- P. EFFECTIVE INFILTRATION AREA — The area of the infiltration system that is used to infiltrate runoff and does not include the area used for site access, berms, or pretreatment.
- Q. EROSION — The detachment and movement of soil, sediment or rock fragments by water, wind, ice, or gravity.
- R. EXCEPTIONAL RESOURCE WATERS — Waters listed in s. NR 102.11, Wis. Adm. Code.
- S. FILTERING LAYER — Soil that has at least a three-foot deep layer with at least 20 percent fines; or at least a five-foot deep layer with at least 10 percent fines; or an engineered soil with an equivalent level of protection as determined by the regulatory authority for the site.
- T. FINAL STABILIZATION — That all land disturbing construction activities at the construction site have been completed and that a uniform, perennial, vegetative cover has been established, with a density of at least 70% of the cover, for the unpaved areas and areas not covered by permanent structures, or employment of equivalent permanent stabilization measures.
- U. FINANCIAL GUARANTEE — A performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the City Attorney by the responsible party to assure that requirements of the ordinance are carried out in compliance with the storm water management plan.
- V. GOVERNING BODY — Common Council.
- W. IMPERVIOUS SURFACE — An area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, gravel or paved parking lots and streets are examples of areas that typically are impervious.
- X. IN-FILL AREA — An undeveloped area of land located within existing development.
- Y. INFILTRATION — The entry of precipitation or runoff into or through the soil.
- Z. INFILTRATION SYSTEM — A device or practice such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or minimal infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.
- AA. KARST FEATURE — An area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps, or swallets.
- BB. LAND DISTURBING CONSTRUCTION ACTIVITY — Any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling, and grading activities.
- CC. LANDOWNER — Any person holding fee title, an easement, or other interest in property, which allows the person to undertake cropping, livestock management, land disturbing construction activity, or maintenance of storm water BMPs on the property.
- DD. MAINTENANCE AGREEMENT — A legal document that provides for long-term maintenance of storm water management practices.

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- EE. MEP or MAXIMUM EXTENT PRACTICABLE — A level of implementing best management practices in order to achieve a performance standard specified in this ordinance which takes into account the best available technology, cost effectiveness, and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties, and geographic features. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.
- FF. NEW DEVELOPMENT — Development resulting from the conversion of previously undeveloped land or agricultural land uses.
- GG. NRCS MSE3 or MSE4 DISTRIBUTION — A specific precipitation distribution developed by the United States Department of Agriculture, Natural Resources Conservation Service, using precipitation data from Atlas 14.
- HH. OFF-SITE — Located outside the property boundary described in the permit application.
- II. ON-SITE — Located within the property boundary described in the permit application.
- JJ. ORDINARY HIGH-WATER MARK — Has the meaning given in s. NR 115.03(6), Wis. Adm. Code.
- KK. OUTSTANDING RESOURCE WATERS — Waters listed in s. NR 102.10, Wis. Adm. Code.
- LL. PERCENT FINES — The percentage of a given sample of soil which passes through a #200 sieve.

Note: Percent fines can be determined using the "American Society for Testing and Materials," volume 04.02, "Test Method C117-95 Standard Test Method for Materials Finer than 75-um (No. 200) Sieve in Material Aggregates by Washing." Copies can be obtained by contacting the American Society for Testing and Materials, 100 Barr Harbor Drive, Conshohocken, PA 19428-2959, or phone 610-832-9585, or on line at: <http://www.astm.org>.

- MM. PERFORMANCE STANDARD — A narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
- NN. PERMIT — A written authorization made by the City Engineer to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.
- OO. PERMIT ADMINISTRATION FEE — A sum of money paid to the City Engineer by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.
- PP. PERVIOUS SURFACE — An area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests or other similar vegetated areas are examples of surfaces that typically are pervious.
- QQ. POLLUTANT — Has the meaning given in s. 283.01(13), Wis. Stats.
- RR. POLLUTION — Has the meaning given in s. 281.01(10), Wis. Stats.
- SS. POST-CONSTRUCTION SITE — A construction site following the completion of land disturbing construction activity and final site stabilization.
- TT. PRE-DEVELOPMENT CONDITION — The extent and distribution of land cover types present before the initiation of land disturbing construction activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner.
- UU. PREVENTIVE ACTION LIMIT — Has the meaning given in s. NR 140.05(17), Wis. Adm. Code.
- VV. PROTECTIVE AREA — An area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the greatest of the following widths, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface.
- WW. RECREATIONAL TRAIL — A path that is:
 - 1. Distinctly set apart from a roadway, street, or sidewalk;

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2. Designed for activities such as jogging, walking, hiking, bird-watching, bicycle riding, roller skating, or similar recreational activities not involving the use of motorized vehicles; and
 3. Not a sidewalk according to sec. 340.01(58), Wis. Stats
- XX. REDEVELOPMENT – New construction, modification, or replacement of older development
- YY. RESPONSIBLE PARTY — Any entity holding fee title to the property or other person contracted or obligated by other agreement to implement and maintain post-construction storm water BMPs.
- ZZ. SEPARATE STORM SEWER — A conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels, or storm drains, which meets all of the following criteria:
1. Is designed or used for collecting water or conveying runoff;
 2. Is not part of a combined sewer system;
 3. Is not draining to a storm water treatment device or system; and
 4. Discharges directly or indirectly to waters of the state.
- AAA. SHORE BUFFER — All of that land area located within 75 feet landward of the ordinary high water mark of all ponds, streams, lakes, and navigable waters (as determined by the Wisconsin Department of Natural Resources) and parallel to that ordinary high water mark, which is to remain undisturbed as a Natural Resource Feature (including undisturbed natural vegetation). Shore buffers do not include any area of land adjacent to any stream enclosed within a drainage structure, such as a pipe or culvert. The area of shore buffers (in square feet and acres) shall be measured and graphically delineated on the "Natural Resource Protection Plan." A shore buffer is also a setback.
- BBB. SILVICULTURE ACTIVITY — Activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and grubbing of an area of a construction site is not a silviculture activity.
- CCC. SITE — The entire area included in the legal description of the land on which the land disturbing construction activity occurred.
- DDD. STOP WORK ORDER — An order issued by the City Engineer or Building Inspector which requires that all construction activity on the site be stopped.
- EEE. STORM WATER MANAGEMENT PLAN — A comprehensive plan designed to reduce the discharge of pollutants from storm water after the site has undergone final stabilization following completion of the construction activity.
- FFF. STORM WATER MANAGEMENT SYSTEM PLAN — A comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.
- GGG. TECHNICAL STANDARD — A document that specifies design, predicted performance, and operation and maintenance specifications for a material, device, or method.
- HHH. TIME OF CONCENTRATION — Time required for a drop of water to travel from the most hydrologically remote point in the watershed to the point of collection.
- III. TOP OF THE CHANNEL — An edge, or point on the landscape, landward from the ordinary high water mark of a surface water of the state, where the slope of the land begins to be less than 12% continually for at least 50 feet. If the slope of the land is 12% or less continually for the initial 50 feet, landward from the ordinary high water mark, the top of the channel is the ordinary high water mark.
- JJJ. TOTAL MAXIMUM DAILY LOAD or TMDL — The amount of pollutants specified as a function of one or more water quality parameters, that can be discharged per day into a water quality limited segment and still ensure attainment of the applicable water quality standard.

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- KKK. TP-40 — Technical Paper No. 40, Rainfall Frequency Atlas of the United States, published in 1961.
- LLL. TR-55 — The United States Department of Agriculture, Natural Resources Conservation Service (previously Soil Conservation Service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986.
- MMM. TRANSPORTATION FACILITY — A highway, a railroad, a public mass transit facility, a public-use airport, a public trail, or any other public work for transportation purposes such as harbor improvements under s. 85.095(1)(b), Wis. Stats. "Transportation facility" does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Department pursuant to s. 281.33, Wis. Stats.
- NNN. TSS — Total suspended solids.
- OOO. TYPE II DISTRIBUTION — A rainfall type curve as established in the "United States Department of Agriculture, Soil Conservation Service, Technical Paper 149," published 1973. The Type II curve is applicable to all of Wisconsin and represents the most intense storm pattern.
- PPP. WATER QUALITY MANAGEMENT — The storm water standards and duties established under the Clean Water Act, 33 U.S.C. 1251 et seq., parallel state law regulating the discharge of pollutants, and implementing regulations.
- QQQ. WATER QUANTITY MANAGEMENT — Storm water duties and practices to abate peak flood flows during regional storm events pursuant to Chapter 13 of the Milwaukee Metropolitan Sewerage District rules as implemented and enforced by this municipality.
- RRR. WATERS OF THE STATE — Has the meaning given in s. 283.01(20), Wis. Stats.

224-6 Applicability of Maximum Extent Practicable.

[Added 6-7-2016 by Ord. No. 2016-2218]

Maximum extent practicable applies when a person who is subject to a performance standard of this ordinance demonstrates to the City Engineer's satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the responsible party shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

224-7 Technical Standards.

The following methods shall be used in designing the water quality; peak flow shaving and infiltration components of storm water practices needed to meet the requirements of this Ordinance:

- A. Technical standards identified, developed or disseminated by the Wisconsin Department of Natural Resources under subchapter V of chapter NR 151, Wis. Adm. Code.
- B. Where technical standards have not been identified or developed by the Wisconsin Department of Natural Resources, other technical standards may be used provided that the methods have been approved by the City Engineer.

Editor's Note: Former Subsection (3), which stated that the most recent rainfall data available from the Southeastern Wisconsin Regional Planning Commission or more protective data shall be the basis for the analyses required by this Ordinance, and which immediately followed this subsection, was repealed 6-7-2016 by Ord. No. 2016-2218.

224-8 Performance Standards.

[Amended 6-7-2016 by Ord. No. 2016-2218; 6-6-2017 by Ord. No. 2017-2274]

- A. **Responsible Party.** The responsible party shall implement a post-construction storm water management plan that incorporates the requirements of this section.

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- B. **Plan.** A written storm water quality and quantity management plan in accordance with Section 15-8.0609 shall be developed and implemented for each post-construction site.
- C. **Maintenance of Effort.** For redevelopment sites where the redevelopment will be replacing older development that was subject to post-construction performance standards of NR 151 in effect on or after October 1, 2004, the responsible party shall meet the total suspended solids reduction, peak flow control, infiltration, and protective areas standards applicable to the older development or meet the redevelopment standards of this ordinance, whichever is more stringent.
- D. **Requirements.** The water quality and quantity plan required under subd. (2) shall include the following:
- E. **Total Suspended Solids.** BMPs shall be designed, installed, and maintained to control total suspended solids carried in runoff from the post-construction site as follows:
 - 1. For new and in-fill developments, by design, reduce to the maximum extent practicable, the total suspended solids load by 80%, based on the average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed an 80% total suspended solids reduction to meet the requirements of this subdivision.
 - 2. For redevelopment, by design, reduce to the maximum extent practicable, the total suspended solids load from parking areas and roads by 40%, based on the average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed a 40% total suspended solids reduction to meet the requirements of this subdivision.
 - 3. **Maximum Extent Practicable.** If the design cannot meet a total suspended solids reduction performance standard of subs. 1. to 2, the storm water management plan shall include a written, site-specific explanation of why the total suspended solids reduction performance standard cannot be met and why the total suspended solids load will be reduced only to the maximum extent practicable.

Note: Pollutant loading models such as DETPOND, WinSLAMM, P8, or equivalent methodology may be used to evaluate the efficiency of the design in reducing total suspended solids. Use the most recent version of the model and the rainfall files and other parameter files identified for Wisconsin users unless directed otherwise.
 - 4. **Off-Site Drainage.** When designing BMPs, runoff draining to the BMP from offsite shall be taken into account in determining the treatment efficiency of the practice. Any impact on the efficiency shall be compensated for by increasing the size of the BMP accordingly.
- F. **Water Quantity and Management of Peak Runoff.**
 - 1. BMPs shall manage the volume, timing, and peak flow rate of runoff to prevent increases in the regional flood and stream bank erosion rates.
 - 2. These BMPs may be implemented on either a watershed basis or an individual site basis.
 - 3. When implemented on a watershed basis, the BMPs implemented at a particular site shall comply with the findings of the relevant local or regional storm water management plan, rather than subs. 6 and 7.
 - 4. By design, BMPs shall be employed to maintain or reduce the 1-year, 24-hour post-construction peak runoff discharge rate to the 1-year, 24-hour pre-development peak runoff discharge rate, or to the maximum extent practicable.
 - 5. By design, BMPs shall be employed to meet both of the following for the 2-year, 24-hour storm:
 - a. Maintain or reduce the 2-year, 24-hour post-construction peak runoff discharge rate to the 2-year, twenty-four-hour pre-development peak runoff discharge rate, or to the maximum extent practicable (per City of Franklin), and
 - b. Achieve a maximum runoff release rate of 0.15 cubic feet per second per acre or utilize the volumetric design procedure to limit post-development runoff volumes to existing condition runoff volumes during the critical time period (per MMSD).

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- 6. By design, BMPs shall be employed to maintain or reduce the 10-year, 24-hour post-construction peak runoff discharge rate to the 10-year, 24-hour pre-development peak runoff discharge rate, or to the maximum extent practicable.
- 7. By design, BMPs shall be employed to meet the both of the following for the 100-year, 24-hour storm:
 - a. Maintain or reduce the 100-year, 24-hour post-construction peak runoff discharge rate to the 100-year, 24 hour pre-development peak runoff discharge rate, or to the maximum extent practicable (per City of Franklin), and
 - b. The stricter of the following (per MMSD):
 - i. Achieve a maximum runoff release rate of 0.5 cubic feet per second per acre or utilize the volumetric design procedure to limit post- development runoff volumes to existing condition runoff volumes during the critical time period, or
 - ii. A rate determined for the individual site that distributes runoff over the critical time sufficient to comply with sub. 1.

Note: § 13.11(3)(b)(2), MMSD Rules, permits an individual site exemption from the 0.5 cfs release rate if an analysis shows that the runoff will be distributed over the critical time (a defined term) so as not to reduce the level of protection downstream.

- 8. The runoff curve numbers in Table 1 shall be used to represent the actual pre- development conditions. Peak discharges shall be calculated using TR-55 runoff curve number methodology, Atlas 14 precipitation depths, and the appropriate NRCS Wisconsin MSE3 or MSE4 precipitation distribution. On a case-by-case basis, the City Engineer may allow the use of TP-40 precipitation depths and the Type II distribution.

Note: The Natural Resources Conservation Service (NRCS) — Wisconsin has calculated county-specific Atlas 14 precipitation depths and they are to be used in combination with the appropriate NRCS MSE3 or MSE4 precipitation distribution. The NRCS calculated county-specific Atlas 14 precipitation depths and MSE3 and MSE4 precipitation distributions are available at:

http://www.nrcs.usda.gov/wps/portal/nrcs/detail/wi/technical/engineering/ci_d=nrcs142p2_025417.

Table 1. Maximum Pre-Development Runoff Curve Numbers

Runoff Curve Number	Hydrologic Soil Group			
	A	B	C	D
Woodland	30	55	70	77
Grassland	39	61	71	78
Cropland	55	69	78	83

Note: Where the pre-development condition is a combination of woodland, grassland, or cropland, the runoff curve number should be pro-rated by area.

- 9. All storm sewers shall at a minimum be designed to carry the peak flows from a 10-year, 24-hour design storm using planned land use for the entire contributing watershed. All storm sewers shall be designed in accordance with applicable City standards and specifications. The City Engineer may require conveyance of a larger recurrence interval storm for heavily traveled roadways and areas where the City Engineer determines that an added level of protection is needed.
- 10. This subsection of the ordinance does not apply to any of the following:
 - a. A post-construction site where the discharge is directly into a lake over 5,000 acres or a stream or river segment draining more than 500 square miles.
 - b. An in-fill development area less than five acres.

224-9 Permitting Requirements, Procedures and Fees.

[Amended 6-7-2016 by Ord. No. 2016-2218]

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A. **Permit Required.** No responsible party may undertake a land disturbing construction activity without receiving a post-construction runoff permit from the City Engineer prior to commencing the proposed activity and that all provisions of Division 15-4.0100 are complied with.

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B. **Prior to Permit Application.** All Storm Water Management Plans shall be submitted at the time of site plan review or as a condition of approval as required under Section 15-8.0112, and as applicable under Sections 15-7.0103 (P) and 15-7.0501 (J), and shall receive complete review with written letter of approval from the City Engineer and all pertaining State, Federal, and Local approving authorities to assure that all proposed design standards meet the requirements of the City Storm Water Management Plan, and further that as-built will be in compliance of Sections 15-4.0100. Any Plats or CSM's receiving contingent Storm Water Management Plan approval shall submit said letters of written approval with the Permit Application before a permit may be granted.

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C. **Permit Application and Fees.** Any responsible party desiring a permit shall submit to the City Engineer a permit application made on a form provided by the City Engineer for that purpose.

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1. Unless specifically excepted, a permit application must be accompanied by a storm water management plan, a maintenance agreement, and a non-refundable permit administration fee.
2. The storm water management plan shall be prepared to meet the requirements of Sections 15-8.0607 and 15-8.0609, the maintenance agreement shall be prepared to meet the requirements of Section 15-8.0610, the financial guarantee shall meet the requirements of Section 15-8.0611, and fees shall be those established by the Common Council as set forth in Section 15-8.0612.

D. **Review and Approval of Permit Application.** The City Engineer shall review any permit application that is submitted with a storm water management plan, maintenance agreement, and the required fee, as follows:

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1. Within 20 business days of the receipt of a complete permit application, including all items as required by subd. (2), the City Engineer shall inform the applicant whether the application, plan, and maintenance agreement are approved or disapproved based on the requirements of this ordinance.
2. If the storm water permit application, plan, and maintenance agreement are approved, or if an agreed upon payment of fees in lieu of storm water management practices is made, the City Engineer shall issue the permit.
3. If the storm water permit application, plan, or maintenance agreement is disapproved, the City Engineer shall detail in writing the reasons for disapproval.
4. The City Engineer may request additional information from the applicant. If additional information is submitted, the City Engineer shall have 10 business days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either approved or disapproved.
5. Permit Requirements. All permits issued under this ordinance shall be subject to the following conditions, and holders of permits issued under this ordinance shall be deemed to have accepted these conditions. The City Engineer may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action by the City Engineer to suspend or revoke this permit may be appealed in accordance with Section 15-8.0614.
 - a. The responsible party shall design and install all structural or identify non-structural storm water management measures, or both, in accordance with the approved storm water management plan and this permit.
 - b. The responsible party shall notify the City Engineer at least two business days before commencing any work in conjunction with the storm water management plan, and within five business days upon completion of the storm water management practices. If required as a special condition under subd. (5), the responsible party shall make additional notification according to a schedule set forth by the City Engineer so that practice installations can be inspected during construction.
 - c. Practice installations required as part of this ordinance shall be certified "as-built" or "record" drawings by a licensed professional engineer. All depth and size requirements shall be considered a minimum. Completed storm water management practices must pass a final inspection by the City Engineer or its designee to determine if they are in accordance with the approved storm water management plan and ordinance. The City Engineer or its designee shall

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notify the responsible party in writing of any changes required in such practices to bring them into compliance with the conditions of this permit.

- d. The responsible party shall maintain all storm water management practices until the responsibility is transferred to the City of Franklin, or subsequent private owners as specified in the approved maintenance agreement.
- e. The responsible party authorizes the City Engineer to perform, to delegate, or to take any work or operations necessary to bring storm water management measures into conformance with the approved storm water management plan, and consents to a special assessment or charge against the property as authorized under subch. VII of ch. 66, Wis. Stats., or to charging such costs against the financial guarantee posted under 15-8.0611.
- f. If so directed by the City Engineer, the responsible party shall repair at the responsible party's own expense all damage to adjoining municipal facilities, private property, drainage ways, and natural resources caused by runoff, where such damage is caused by activities that are not in compliance with the approved storm water management plan.
- g. The responsible party shall permit property access to the City Engineer or its designee for the purpose of inspecting the property for compliance with the approved storm water management plan and this permit.
- h. Where site development or redevelopment involves changes in direction or increases in the peak rate or the total volume of runoff, the City Engineer may require the responsible party to make appropriate legal arrangements with affected property owners concerning the prevention of endangerment to property or public safety.
- i. Permit Conditions. Permits issued under this subsection may include reasonable and necessary conditions established by the City Engineer in addition to the requirements needed to meet the performance standards in 15-8.0607 or a financial guarantee as provided for in 15-8.0611.

Note: "Reasonable and necessary" is the § 283.63(1), Wis. Stats., standard for permit conditions and duties in Clean Water Act permits.

- E. **Permit Duration.** Permits issued under this section shall be valid from the date of issuance through the date the City Engineer notifies the responsible party that all storm water management practices have passed the final inspection required under subd. (5)(c) not to exceed one year in duration.

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224-10 Storm Water Management Plan.

[Amended 6-7-2016 by Ord. No. 2016-2218]

- A. **Plan Requirements.** In addition to the requirements of 15-8.0112 the following items are required. The storm water management plan required under 15-8.0607(2) shall contain at a minimum the following information:
 - 1. Name, address, and telephone number for the following or their designees: landowner; developer; project engineer for practice design and certification; person(s) responsible for installation of storm water management practices; and person(s) responsible for maintenance of storm water management practices prior to the transfer, if any, of maintenance responsibility to another party
 - 2. A proper legal description of the property proposed to be developed, referenced to the U.S. Public Land Survey system or to block and lot numbers within a recorded land subdivision plat.
 - 3. **Pre-Development Site Conditions.** A description of the existing conditions of the site, including:
 - a. A topographic and cadastral map of the site at a scale of one inch equals 100 feet or larger,
 - b. The hydrologic and hydraulic characteristics of the site including drainage flow paths and directions of flow onto, through, and out of the site; related drainage basin boundaries, including off-site tributary areas; times of concentration,
 - c. The location of areas where storm water may collect or percolate into the ground,

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- d. Locations where runoff enters the site from adjacent tributary areas together with the size of those areas, expressed in acres,
 - e. Locations where runoff leaves the site and the contributing watersheds to each of these locations, expressed in acres,
 - f. One-year (per Wisconsin Department of Natural Resources), two-year (per WDNR and MMSD), and 100-year (per MMSD) pre-development runoff rates at each location where runoff leaves the site, expressed in cubic feet per second,
 - g. Ground water elevations,
 - h. Soils by hydrologic group,
 - i. Cover type and condition,
 - j. Location and extent of impervious surfaces, including cover type (genus and species name) and condition of the surfaces,
 - k. Locations and outlines of all buildings or other structures,
 - l. Location of all natural resource features as identified in Table 15-4.0100,
 - m. Information regarding current water quality objectives and current water quality conditions in any intermittent and perennial watercourses located on or within 100 feet of the site,
 - n. Locations, sizes, and elevations of all existing storm sewers, channels, ditches, detention or retention ponds, or other engineered drainage facilities on or within 100 feet of the site, and,
 - o. Locations of any existing water supply wells and wellhead protection areas.
4. Post-Development Site Conditions, describing the alterations proposed at to the site and the resulting proposed post-development conditions, including:
- a. Explanation of the provisions to preserve and use natural topography and land cover features to minimize changes in peak flow runoff rates and volumes to surface waters,
 - b. Explanation of any restrictions on storm water management measures in the development area imposed by wellhead protection plans and ordinances,
 - c. Proposed changes in the planimetry of the site, and in the topography of the site by contours having the same contour interval and referred to the same datum as used to present the topography of the existing site conditions,
 - d. The location and outline of all proposed buildings or other structures,
 - e. Changes in the location, extent and type of impervious surfaces,
 - f. The location, type, and extent of areas where vegetation is to be disturbed or planted,
 - g. Impacts on existing natural storage or infiltration areas,
 - h. Changes in the drainage flow paths into, through, and out of the site, and related changes in drainage basin boundaries,
 - i. The location, elevations, and sizes of all proposed minor and major storm water management facilities; the former including all storm sewers and inlets, the latter including curbed roadways, roadway ditches, culverts, interconnected flow paths, storage facilities, water retention and detention structures, infiltration/biofiltration basins, and other green infrastructure.
 - j. One-year (per Wisconsin Department of Natural Resources), two-year (per WDNR and MMSD), and 100-year (per MMSD) post-development runoff rates at each location where runoff leaves the site, expressed in cubic feet per second,

- k. Any changes to lakes, streams, watercourses, or wetlands on or within 100 feet of the site, and,
- l. The location and widths of required public rights-of-way or easements needed to accommodate the recommended Storm Water management facilities.

5. **Proposed Storm Water Management Facilities and Measures.** A definitive description of the proposed storm water management facilities and measures for the control of the quantity and quality of the anticipated storm water runoff from the proposed development, redevelopment, or land division. The description of the proposed management facilities shall include:

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- a. For storm water quantity and quality control facilities: locations, areas, depths, volumes, inlet and outlet configurations (and elevation of the bottoms), and of key inlet and outlet control structures;
- b. In the design of the storm water quantity and quality control facilities, consideration shall be given to access for maintenance purposes. If possible the facilities should be located adjacent to public property. If it is not possible to locate the facilities adjacent to public property an access easement shall be granted with explicit language such that the abutting property owners shall be aware that the easement is for access to the facilities for maintenance purposes;
- c. For conveyance facilities: locations of inlets and manholes and associated rim and invert elevations, and pipe sizes, slope, and materials; locations, elevations, and cross sections of ditches, swales, and channels; and culvert sizes and inlet and outlet configurations and elevations;
- d. Design computations and all applicable assumptions for the storm water conveyance (open channel, closed pipe, etc.) system;
- e. Detailed drawings including cross-sections and profiles of all permanent storm water conveyance and treatment practices;
- f. Design computations/models and all applicable assumptions for storm water quantity and quality facilities and practices;
- g. Measures to abate any potential pollution of surface and ground waters;
- h. A schedule for the construction of the required storm water management facilities and estimates of attendant capital and operation and maintenance costs;
- i. A maintenance plan developed for the life of each storm water management practice, including the designated and reserved maintenance access route(s), required maintenance activities, and maintenance schedule;
- j. **A landscaping plan in accordance with Chapter 15-X.XXX of the UDO or "The City of Franklin Unified Development Ordinance — Pond Landscaping Guidelines as defined in Appendix "F" of the City of Franklin Storm Water Management update — December 2002; and**
- k. Other information as needed by the City to determine compliance of the proposed storm water management measures with the provision of this Section.
- l. A description and installation schedule for the storm water management practices needed to meet the performance standards in **Section 224-B 15-8.0607.**
- m. A maintenance plan developed for the life of each storm water management practice including the required maintenance activities and maintenance activity schedule.
- n. Cost estimates for the construction, operation, and maintenance of each storm water management practice.
- o. Other information requested in writing by the City Engineer to determine compliance of the proposed storm water management measures with the provisions of this ordinance.
- p. All site investigations, plans, designs, computations, and drawings shall be certified by a licensed professional engineer and be prepared in accordance with accepted engineering practice and requirements of this ordinance.

6. Alternate Requirements. The City Engineer may prescribe alternative submittal requirements for applicants seeking an exemption to on-site storm water management performance standards under 15-8.0607(6)(e).[1]

[1] Editor's Note: Said subsection was superseded 6-6-2017 by Ord. No. 2017-2274.

224-11 Maintenance Agreement.

[Amended 6-7-2016 by Ord. No. 2016-2218]

A. **Maintenance Agreement Required.** The maintenance agreement required under 15-8.0608(3) for storm water management practices shall be an agreement between the Common Council and the responsible party to provide for maintenance of storm water practices beyond the duration period of this permit. The maintenance agreement shall be filed with the County Register of Deeds as a property deed restriction so that it is binding upon all subsequent owners of the land served by the storm water management practices. The development agreement may serve as the maintenance agreement.

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B. **Agreement Provisions.** The maintenance agreement shall contain the following information and provisions and be consistent with the maintenance plan required by 15-8.0609(1)(g):

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1. Identification of the storm water facilities and designation of the drainage area served by the facilities.
2. A schedule for regular maintenance of each aspect of the storm water management system consistent with the storm water management plan required under 15-8.0608(3). The schedule and required maintenance activities shall conform to the requirements as given in the Storm Water Post-Construction Technical Standards prepared by the Wisconsin Department of Natural Resources, as amended. At a minimum, all storm water quantity and quality control facilities shall be inspected once per year by the responsible party and the inspection report submitted to the City Engineer.
3. Identification of the responsible party(ies), organization or city, county, town, or village responsible for long-term maintenance of the storm water management practices identified in the storm water management plan required under 15-8.0608(3).
4. Requirement that the responsible part(ies), organization, or city shall maintain storm water management practices in accordance with the schedule included in subd. (b).
5. Authorization for the City Engineer, its designee, and the Milwaukee Metropolitan Sewerage District to access the property to conduct inspections of storm water management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.
6. Agreement that the party designated under subd. (c), as responsible for long term maintenance of the storm water management practices, shall be notified by the City Engineer of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable time frame as set by the City Engineer.
7. Authorization of the City Engineer to perform the corrected actions identified in the inspection report if the responsible party designated under subd. (c) does not make the required corrections in the specified time period. The City Engineer shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to subch. VII of ch. 66, Wis. Stats.

C. **Pond Maintenance Guidelines.**

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1. **Trees and Brush.** Trees and brush may be permitted on slope surfaces or berms.
2. **Stump Removal and Sprout Prevention.**
 - a. Stumps of trees should be removed so vegetation can be established and the surface mowed. Stumps can either be removed by pulling or with machines that grind them down. All woody material should be removed to about 6 inches below the ground surface. The cavity should be filled with well-compacted soil and grass vegetation established
 - b. Stumps of trees in riprap areas that cannot usually be easily pulled or ground down can be chemically treated so they will not continually form new sprouts. Certain herbicides are effective for this purpose and can even be used near water supply reservoirs if applied by licensed personnel. These products should be painted, not sprayed, on the

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stumps. Other instructions found on the label should be strictly followed when handling and applying these materials. Only a few commercially available chemicals can be used along shorelines or near water.

3. Landscaping.

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- a. Vegetation shall be examined regularly, at least twice a year during the first two growing seasons. Stunted growth of pond vegetation or growth and excessive invasive species indicate that increased maintenance and intervention will be necessary.
- b. Native landscaping prairie area shall be managed by hand removal for invasives during the first 2-3 years of the growing season in order to become well established. Burning, cutting, or selective herbicide for management of invasives and woody species should take place as needed on a two-year cycle after the third growing season. Emergent and submergent vegetation around the perimeter of the pond areas shall be inspected annually and any non-native and invasive species be removed. Herbicides should not be used near open water areas.

4. Structural Inspection and Maintenance.

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- a. After construction and site grading are complete, the pond should be checked by the City Engineer for correct design depth and volume. If sediment has deposited during construction or site grading, the pond shall be re-excavated.
- b. The annual inspection by the City Engineer and/or maintenance of the following items shall include inspection of:
 - i. Pond inlets and outlets for structural integrity and blockage,
 - ii. Riprap at pipe and culvert outlets for placement, integrity, and effectiveness,
 - iii. Inspection of berms for cracks, excessive settlement, or seepage.
- c. Sediment Removal (Dredging). This component includes monitoring of the levels of the sediment on an annual basis. When the sediment in the forebay (or the main basin) reaches a depth of two feet, the material shall be removed so that the original volume of the permanent pool is maintained. In general, pond dredging is expected to occur once every 10 to 15 years. The following practices help ensure dredging is not warranted prematurely:
 - i. Construction site erosion control,
 - ii. As-built survey of the pond at time of completion,
 - iii. Successful re-vegetation and/or restoration of pond surroundings.
- d. Nuisance Waterfowl Control. Nuisance waterfowl control is generally achieved through the use of upland or shoreland buffers consisting of un-mowed tall vegetation. The buffer zone can be mowed in the early summer of the second full growing season. Refer to Appendix "F" of the City of Franklin Storm Water Management Plan Update dated December 2002 by Bonestroo, Rosene, Anderlik and Associates.

D. Constructed Wetlands. The following guidance is provided for the maintenance of constructed wetlands.

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- 1. In some situations, a sedimentation basin followed by a natural wetland buffer (to act as a pre-filter to a natural wetland), a restored wetland, or a constructed wetland "can" be an effective means of removing some suspended solids, nutrients, and other potential pollutants from storm water runoff. The primary function of the sedimentation basin is, as already noted, to remove buoyant debris and suspended solids and the related potential pollutants. Storm water then passes into the restored or constructed wetland where physical (e.g., settling) and biological (e.g., nutrient uptake by vegetation) processes remove additional potential pollutants. The restored or constructed wetland offers opportunities to develop wildlife habitat, education (e.g., self-guided tours), and aesthetic benefits.
- 2. In addition to regular maintenance activities, several design features can be incorporated to ease the maintenance of restored or constructed wetlands. One potential maintenance concern in restored or constructed wetlands is clogging of the outlet. Restored or constructed wetlands should be designed with a non-clogging outlet such as a reverse-slope pipe, or a

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weir outlet with a trash rack. A reverse-slope pipe draws from below the micropool extending in a reverse angle up to the riser and establishes the water elevation of the micropool. Because these outlets draw water from below the level of the micropool, they are less likely to be clogged by floating debris.

3. Restored or constructed wetlands should incorporate design features that make sediment cleanouts of both the forebay and the shallow pool easier. Restored or constructed wetlands should have direct maintenance access to the forebay to allow this relatively routine (five to seven year) sediment cleanouts. In addition, the shallow pool should generally have a drain to draw down the restored or constructed wetland for the more infrequent dredging of the main cell of the restored or constructed wetland.
4. In general, the introduction of natural features in constructed wet detention basins will not only increase pollutant removal capacity, but also result in a new water body that can potentially come to offer wildlife habitat values. In order to help this process, the wet detention ponds must be specially designed to have the appropriate geometry, location, size, and vegetation. Such facilities are called constructed wetlands and have been shown to be effective, successful, and reliable in the long run.
5. Because of their natural appearance, water quality benefits, and need for minimum maintenance, constructed wetlands are preferred and should be encouraged whenever appropriate and/or possible. However, it should be noted that storm water wetlands are designed specifically for the purpose of treating storm water runoff, and typically have less biodiversity than natural wetlands both in terms of plant and animal life.

E. Bioretention Facilities. The following guidance is provided for the maintenance of bioretention facilities

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1. Bioretention areas are landscaping features adapted to treat storm water runoff on the development site. They are commonly located in parking lot islands or within small pockets in residential land uses. Surface runoff is directed into shallow, landscaped depressions. These depressions are designed to incorporate many of the pollutant removal mechanisms that operate in forested ecosystems. Runoff from larger storms is generally diverted past the facility to the storm drain system or another BMP. The remaining runoff filters through a prepared or amended soil mixture which acts as a pollutant removal system. When underlying soils are not conducive to infiltration the filtered runoff is collected in a perforated underdrain and sent to the storm drain system.
2. Bioretention systems can be applied to a wide range of development. Bioretention can be applied in many climate and geologic situations, with some minor design modifications. In cold climates, bioretention areas can be used as a snow storage area. When used for this purpose, or if used to treat parking lot runoff, the bioretention area should be planted with salt-tolerant and non-woody plant species, and the composition of the soil mixture should be designed specifically to accommodate this purpose. Wisconsin Department of Natural Resources Storm Water Post-Construction Technical Standard No. 1004, Bioretention for Infiltration, may be used as a reference for design, operation and maintenance of these facilities.

F. Forebays (Pre-Settlement Basins).

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1. Pre-settlement basins or forebays consist of additional storage space located near a storm water practice inlet that serves to trap incoming coarse sediments before they accumulate in the main treatment area. In general, the surface area of the forebay is typically about 10% of the volume of the main pool.
2. The forebay is designed to settle out coarse sediment particles before they reach the main pool. By trapping these sediments in the forebay, it is possible to greatly reduce the maintenance burden of the pond. Coarse sediments are trapped in the forebay, and these sediments are removed from the smaller pool on a five to seven year cycle.
3. It is recommended that wet detention ponds or constructed wetlands with a total main pool area of greater than 0.5 acres should have a forebay area to create an additional level of sediment removal and maintenance reduction.

G. Miscellaneous Maintenance.

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1. **Debris and Obstructions.** It is important to regularly remove any accumulation of debris, which may act to block the primary outlet, the trash rack leading into the outlet pipe, or the outlet pipe itself. If any of these items become obstructed, a rise in the

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pond level could occur, creating undue stress and endangering the slopes and berms. In addition, debris can promote deterioration of the slopes through abrasive actions.

2. **Animal Burrows.** Animal burrows provide a seepage path for water through the berms. Concentrated seepage can result in slope failure. All burrows should be filled in with soil or grout, topped, and seeded for erosion protection and live trapped and removed if necessary.
3. **Riprap.** Maintenance of riprap areas should be relatively minor.
 - a. Any displaced riprap should be replaced. This may be occurring near the water surface, when ice accumulation can move riprap.
 - b. Riprap is placed over geotextile fabric. Roots from vegetation may act to compromise this fabric, thereby reducing its effectiveness. Therefore, all vegetation in riprap areas should be removed using methods described in subd. (XXX).

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224-12 Financial Guarantee.

- A. **Establishment of the Guarantee.** The Common Council may require the submittal of a financial guarantee; the form and type of which shall be acceptable to the City Attorney. The financial guarantee shall be in an amount determined by the City Engineer to be the estimated cost of construction and the estimated cost of maintenance of the storm water management practices during the period which the designated party in the maintenance agreement has maintenance responsibility. The financial guarantee shall give the City Engineer, upon approval by the Common Council, the authorization to use the funds to complete the storm water management practices if the responsible party defaults or does not properly implement the approved storm water management plan, upon written notice to the responsible party by the administering authority that the requirements of this ordinance have not been met.
- B. **Conditions for Release.** Conditions for the release of the financial guarantee are as follows:
 1. The Common Council shall release the portion of the financial guarantee established under this section, less any costs incurred by the City Engineer to complete installation of practices, upon submission of "as built plans" by a licensed professional engineer. The City Engineer may make provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages.
 2. The Common Council shall release the portion of the financial guarantee established under this section to assure maintenance of storm water practices, less any costs incurred by the City Engineer, at such time that the responsibility for practice maintenance is passed on to another entity via an approved maintenance agreement.

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224-13 Fee Schedule.

The fees referred to in other sections of this ordinance shall be established by the Common Council and may from time to time be modified by resolution. A schedule of the fees established by the Common Council shall be available for review in Office of the City Clerk.

224-14 Enforcement.

- A. Any land disturbing construction activity or post-construction runoff initiated after the effective date of this ordinance by any person subject to the ordinance provisions shall be deemed a violation unless conducted in accordance with the requirements of this ordinance.
- B. The City Engineer shall notify the responsible party of any non-complying land disturbing construction activity or post-construction runoff. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, or additional enforcement action which may be taken. Any technique that effectively provides actual and verifiable notice may be used.
- C. If the violations are likely to result in damage to properties, public facilities, or waters of the state, the City Engineer may enter the land and take corrective actions necessary to prevent such damage. The costs incurred by the City Engineer plus interest and legal costs shall be paid by the responsible party.

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- D. If the City Engineer determines that any person is in violation of this ordinance or a Storm Water permit, the City Engineer or Building Inspector may issue a notice of violation, a stop work order, a cease and desist order, or revoke the permit, or refer the noncompliance to the City Attorney] for civil enforcement, penalties, injunctive orders or other appropriate relief.
- E. Every violation of this ordinance is a public nuisance. Any person who violates this ordinance shall be subject to a forfeiture of not less than \$100 or more than \$2,500 per offense, together with the costs of prosecution. Each day each violation continues shall constitute a separate offense.

Note: Injunctive orders are authorized pursuant to § 62.23, Wis. Stats.

[Amended 6-7-2016 by Ord. No. 2016-2218]

- F. When the City Engineer determines that the holder of a permit issued pursuant to this ordinance has failed to follow practices, or has failed to comply with schedules in a storm water management plan, the City Engineer or a party designated by the City Engineer may enter upon the land and take required action to see the work is performed as necessary to bring the condition of said lands into conformance with requirements of the approved plan. The City Engineer shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any financial security posted pursuant to § 15-8.0644 ~~224-12~~ of this Ordinance. Where such a security has not been established, or where such a security is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon for the year in which the work is completed.

224-15 Appeals.

[Amended 6-7-2016 by Ord. No. 2016-2218]

- A. **Appeals.** ~~The Board of Zoning and Building Appeals, Board of Public Works,~~ created pursuant to section 15-10.0200 of the City of Franklin Uniform Development Ordinance and authorized by § 62.23 (7)(e), Wis. Stats., shall hear and decide appeals where it is alleged that there is error in any order, decision, or determination made by the City Engineer under or in the administration of the regulations set forth in this Division. The Board of **Public Works Zoning and Building Appeals** may affirm, reverse or modify any such order, decision or determination upon written appeal to it, and its reasonable application of the terms and provisions of this Division and any applicable terms and provisions of the Municipal Code and Unified Development Ordinance to the facts of such appeal. Any appeal from any order, decision, or determination made by the Board of **Public Works Zoning and Building Appeals** under or in the administration of the regulations set forth in this Division shall be by way of certiorari to the Milwaukee County Circuit Court. Any appeal aforesaid shall be made within 30 days of the date of the making of the order, decision or determination appealed from. The Board of ~~Zoning and Building Appeals~~ **Public Works** may authorize variances that are not contrary to the public interest, and where owing to special conditions unique to the property, a literal enforcement would be an unnecessary hardship, and only where the literal enforcement of the terms of this Division would result in no reasonable use of the property. Any uncertainty by Staff as to which process should be followed (appeal or variance) upon an application shall be determined by the City Attorney.
- B. **Who May Appeal.** Appeals as set forth under Sub. (1) above may be taken by any aggrieved person or by an officer, department or board of the City of Franklin affected by any decision of the City Engineer or the Board of **Public Works Zoning and Building Appeals**.

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224-16 Stormwater Management Plan.

The City of Franklin Storm Water Management Plan, as amended, shall be incorporated into this Ordinance by reference.

Article 9. Administrative Standards and Procedures

15-9-01. General Application Requirements 1

15-9-02. Zoning Procedures Responsibilities 2

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15-9-11. Subdivision Procedures ~~2825~~

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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 either as printed forms available at City Hall or available online on the City's website.
3. The application shall be filed in such number as the instructions provide.
4. All plans shall be at a scale sufficient to permit a clear and precise understanding of the proposal.
5. 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.

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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. Responsibility for 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 ~~UDQ Unified Development Ordinance. The Said~~ 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-ensure 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.

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c. In the name of the City, and with authorization of the Common Council for matters initiated in Circuit Court and without authorization of the Common 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 Special-Use Permits.
7. **Variances to the Land Division and Platting Provisions of this Ordinance.** The granting of variances to the land division and platting related aspects of this Ordinance shall be the sole charge of the City 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 Building Inspector/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. **Variances and Minor Variances.** To hear and grant applications for variances (~~except variances relating to land divisions~~) pursuant to the provisions of § 62.23(3) of the Wisconsin Statutes as amended ~~from time to time~~ and to hear and grant applications for minor variances pursuant to this Division of this Ordinance. Use variances shall not be granted. No variance shall be granted which may vary any term or provision of this ~~UDO Unified Development Ordinance~~ as it pertains to any property which is subject to a Conditional Special-Use resolution or a Planned Development District/Planned Unit Development ordinance or vary any term of such Conditional/Special Use resolution or Planned Unit Development/Planned Development District ordinance itself, unless the application for such variance is specifically authorized within such Conditional Special-Use resolution or Planned Unit Development/Planned Development District ordinance.

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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 ~~after the City Plan Commission has made a review and recommendation.~~
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 City 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. ~~Unclassified Uses. To hear and grant applications for unclassified and unspecified uses provided that such uses are similar in character to the principal uses permitted in the district and the City Plan Commission has made a review and recommendation.~~
- 6.5. **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 issuance of ~~thee~~ a permit.
- 7.6. **Assistance.** The Board of Zoning and Building Appeals may request assistance from other City officers, departments, commissions, and boards.
8. ~~Area Exceptions. The Board of Zoning and Building Appeals may hear and grant applications for an area exception.~~
- 9.7. **Oaths.** The Chairman of the Board of Zoning and Building Appeals may administer oaths and compel the attendance of witnesses.

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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~~ Building Inspector 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~~ Building Inspector.
 - c. **Officials Oaths.** Officials 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.

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- 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~~Building Inspector~~; 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~~Building Inspector~~ 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 ~~and shall transmit a signed copy of their decision to the applicant and file a copy with the Building Inspector.~~ 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.~~

~~4. **Membership.**~~

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- a. ~~**Membership.** The Historic Preservation Commission shall consist of seven residents of the City appointed by the Mayor subject to confirmation by the Common Council. Memberships shall consist of the following: one shall be a registered architect or graduate architect; one shall be a recognized local historian with qualifications in historic preservation, architectural history, or history; one 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-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 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 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 so as 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 Building Inspector 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.~~~~

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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.** 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. At least 10 days prior to such hearing, the Historic Preservation Commission shall notify the owners of property in whole or in part situated within 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 City Plan Commission on the designation. Notice of such hearing shall also be published as provided in **Division 15-9.0200** and **§ 15-10.0406(D)** of this Ordinance. 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 Building Inspector, and City Plan Commission. Each such department shall respond to the Historic Preservation Commission within 30 days of notification with its comments on the proposed designation or rescission. 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. Within 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 City Plan Commission, or recommend to the City Plan Commission to rescind the designation. 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, Building Inspector 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

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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 Building Inspector, 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.~~

~~15-9-02-15-9-03.~~ Variances to the Land Division and Platting Provisions of this Ordinance. ~~The granting of variances to the land division and platting related aspects of this Ordinance shall be the sole charge of the City Plan Commission [See State ex rel. Westbrook v. City of New Berlin, 120 Wis. 2d 256, 354 N.W.2d 206 (Ct. App. 1984)].~~ **Administrative Procedures**

A. Applications For Zoning Compliance Permit.

1. ~~**Zoning Compliance Permit Required Purpose and Applicability.** In all zoning districts a zoning compliance permit shall be required for except the R-1, R-1E, R-2, R-3, R-3E, R-4, R-5, R-6, and R-7 Districts, any new use or change of use of a building, structure, or land to a use allowed by-right in the governing zoning district and 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.~~
1. ~~occupying an existing building or structure, prior to obtaining a Certificate of Occupancy required in § 15-9.0104, shall receive a Zoning Compliance Permit from the Zoning Administrator if such use complies with the requirements of this Zoning Ordinance and all other applicable City Codes and ordinances, including, but not limited to the Sign Ordinance and Fire Prevention Codes. No Zoning Compliance Permit is required for uses requiring a Special Use Permit.~~
2. ~~**Application.** Application for a Zoning Compliance Permit shall be made to the Zoning Administrator. The Zoning Administrator shall have the authority to require the submittal of information pertaining to the proposed use to support that all applicable City Codes have and will be complied with.~~
3. ~~**Site Plan Review.** Any use necessitating construction of a new building, addition, accessory structure or any other similar expansion of the use on the site, such as additional parking spaces, shall comply with Site Plan Review of this Ordinance.~~
2. ~~**Zoning Administrator Review and Action.**~~

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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.

4.3. **Expiration and Lapse of Approval**~~Zoning Compliance Permit Expiration~~. 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.

a.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 necessitating 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 ##-#-##.

5-2. Standards of Review.

a. **Conformity of Use to Zoning District.** The proposed use(s) conform(s) to the uses permitted as either a "Permitted Use" or "Special Use" (whichever is applicable) 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 Ordinance.

c. ~~**Site Intensity and Site Capacity Calculations to be Reviewed.** The requirements of Division 15-3-0500 of this Ordinance shall be met. In this respect, the necessary worksheets for determining the maximum site intensity, or development capacity, of the site shall be submitted to the Plan Commission for review and approval.~~

d.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.

e.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 in order 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.

f.e. **Impacts 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 ~~and surrounding~~ 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.

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Commented [RS14]: Exemption for single-family and duplex development established per diagnostic memo.

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Commented [RS15]: Site Plan Review standards existing from Division 15-7.0100. Site plan involves standards of review and more discretion for the ZA than in the zoning permit process above. Is this appropriate way of differentiating these two processes?

Commented [GU16R15]: The zoning compliance permit is only to allow for a new business moving into an existing building without exterior improvements. I suggest to clarify this in subsection A.2 in the zoning compliance permit section. RM

Commented [RS17R15]: Revise to Regulo's comment.

Commented [RS18]: I don't think these standards exist in the current UDO draft.

Commented [JH19R18]: We will need a new cross-reference once the natural resource standards are written

g.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 staff and Plan Commission review and approval.

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Commented [GU20]: staff will be recommending approval

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Commented [RS21]: Landscape plan detailed in 15-5-04(H).

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h.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.h. Provision of Emergency Vehicle Accessibility. Land, buildings, and structures are readily accessible to emergency vehicles and ~~the handicapped~~ persons with physical disabilities.

h.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.

k.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 ~~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 the existing structures on adjoining properties.

Commented [GU22]: is this actually our site plan review standard for trash management, or wastewater (septic) systems?

h.k. Consistency with the Intent of the ~~City of Franklin~~ Unified Development Ordinance. The Site Plan is consistent with the intent and purposes of the ~~UDO City of Franklin Unified Development Ordinance which is to promote the public health, safety, and general welfare, to encourage the use of lands in accordance with their character and adaptability, to avoid the overcrowding of population, to lessen congestion on the public roads and streets, to reduce hazards of life and property, to facilitate the implementation of the City of Franklin Comprehensive Master Plan, or component thereof, and those other purposes and intents of this Ordinance set forth in Division 15-1.0400 of this Ordinance as established in~~ **Section ##-#-##** and governing zoning district in **Section ##-#-##**.

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m.l. Consistency with the Intent of the ~~City of Franklin~~ 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. ~~Pursuant to the requirements of § 15-2.0403(B)(3) of this Ordinance,~~ 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

Commented [RS23]: PC review site plans currently but we've discussed an administrative staff process in the recommendations phase. Is Zoning Administrator review of site plans the appropriate process?

There's nothing in Subchapter VIII that prohibits it.

Commented [GU24R23]: Yes, zoning administrator review for site plans as discussed. Please include this in the memo as questions for policy direction. RM

Commented [GU25]: In what situations can the zoning administrator refer a site plan to the Plan Commission? I suggest to add a measurable standard, say new developments with a floor area over 100,000 sf. RM

III. Deny the site plan.

Commented [RS26R25]: Yes for larger development or if required by a PDD.

IV. Plan Commission Referral.

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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.

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4. Expiration and Lapse of Approval. Except in the case of an approved Planned Unit Development/PDD/Planned Development Districts, no site plan approval shall be valid for a period longer than one year/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 Special-Use Permit, or Occupancy Permit is issued and a use commences within that period.

Commented [RS27]: Change expiration to 2 years for site plans and special uses.

5. Minor Site Plan Amendments. Notwithstanding anything to the contrary set forth in this Division 15-7.0100,

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/Planning Manager for administrative approval.

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c. Major Amendment. A major minor amendment is an amendment(s) which results in one (1) of the following is supported by an application request due to a reasonable and bona fide change in circumstances occurring since the prior approval, and which does not: i)

Commented [GU28]: I suggest measurable standards to identify major amendments. RM

Commented [RS29R28]: 5% change in floor area or an increase in parking. Or a change in the quantity of natural resources impacted.

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. significantly alter the character, functionality, safety, or appearance of the development; ii) result in a significant decrease in the amount or quality of the approved amenities; iii) result in significant changes in architectural styles, colors or building materials that are inconsistent with the approved Site Plan; iv)

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iv) result in changes to such items as a phasing plan or developer control, that substantially impact the development or development in the area; or v) result in any amendment that would modify any aspect or portion of an adopted Site Plan for which a specific condition was retained or added from input at a public hearing or other public input of record by the Plan Commission and/or the Common Council. Minor Amendment. A Minor Site Plan amendment is any change that does not qualify as a major site plan amendment per Section # # # above.

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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.

Commented [RS30]: New temporary use permit process for temporary uses specified in Article 3.

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.

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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.

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D. **Sign Permit.**

Commented [RS31]: Sign Permit application established.

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.

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2. **Exemptions.** Signs exempt from a permit are detailed in **Section ###-##-###**.

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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.**

Commented [RS32]: Application requirements for interpretations exist in 15-9.0109 of the existing UDO but I don't find a procedure for it. Establishing one here.

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.

Commented [GU33R32]: I don't think there is a procedure for interpretations in the current UDO. RM

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.

6.4. **Records.** A record of all Interpretations shall be kept on file in the Zoning Administrator's office.

B.F. **Certificate of Occupancy.**

1. **When a Certificate of Occupancy is Required.** A Certificate of Occupancy to be issued by the Director of Inspection Services or his/her designee~~Building Inspector~~ 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 a clear notation of 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~~Zoning Administrator~~.
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 ~~the Building Inspector~~ the Director 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.

Commented [RS34]: Certificate of occupancy retained from Section 15-9.0104

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Commented [RS35]: Existing site intensity and capacity calculations included based on staff comment on existing standards.

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15-9-04. **Site Intensity and Capacity Calculations.**

A. **Site Intensity Calculations.**

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1. **Recognition of Distinctive Site Features.** This Ordinance recognizes that landforms, parcel size and shape, and natural resource features vary from site to site and that development regulations must take into account these variations. The maximum density or intensity of use allowed in any zoning district is controlled by the various district standards set forth for each of the various zoning districts of this Ordinance.
2. **Applicability.**
 - a. Except as set forth under (2)(b) below, the site intensity and capacity calculations set forth in this Division and the Natural Resource Protection Standards set forth in Article 15-07 shall ~~apply be made~~ for each parcel of land to be used or built upon in the City of Franklin including all new Certified Survey Maps, Preliminary Plats, condominiums, multiple-family residential developments, all mixed-use or nonresidential development, and as may be required elsewhere in this Ordinance.
 - b. Natural resource protection shall not be required and the site intensity and capacity calculations set forth in this Division shall not be required for the construction of single-family and duplex residential development located on non-divisible existing lots of record within existing platted Subdivisions (with an approved Final Plat), Certified Survey Maps, and Condominiums existing on **August 1, 1998**, the effective date of this Ordinance or for which a natural resource protection plan and site intensity capacity calculations were filed at the time of division **after August 1, 1998**.
3. **Exclusions (When Natural Resource Protection and Site Intensity and Capacity Calculations Are Not Required).**
 - a. Natural resource protection shall not be required and the site intensity and capacity calculations set forth in this Division shall not be required for the construction of single-family and two-family residential development located on non-divisible existing lots of record within existing platted Subdivisions (with an approved Final Plat), Certified Survey Maps, and Condominiums existing on August 1, 1998, the effective date of this Ordinance or for which a natural resource protection plan and site intensity capacity calculations were filed at the time of division after August 1, 1998
 - b. Notwithstanding any other provision of this Ordinance, natural resource protection and any such related Natural Resource Protection Plan, shall not be required and the site intensity and capacity calculations set forth in this Division shall not be required for any accessory use structure or accessory use development or for an addition or modification to an existing principal structure development which does not increase the existing developed structure and impervious surface area upon the parcel by more than 50% or 2,500 square feet, whichever is smaller, where natural resource feature(s) are not within 100 feet of the area to be disturbed by the new development, upon a parcel supporting an existing principal structure with an existing principal use; determination as to whether natural resource features are within 100 feet of the area to be disturbed, the boundaries of which shall be clearly identified within application materials, shall be made by the City Engineer or designee; however, if any resources identified by the Southeastern Wisconsin Regional Planning Commission in PR 176 or in PR 42, as may be amended from time to time, as Primary or Secondary Environmental Corridor and/or Isolated Natural Resources Area, are located on the site by the City Engineer or designee, but are outside of 100 feet of the area to be disturbed, a written plan shall be provided by the applicant detailing the protective measures that will be implemented to prevent such natural resource feature(s) adverse impacts, which shall be subject to approval by the Plan Commission and shall be installed as may be provided on site as detailed within the plan as a condition of application approval.
4. **Calculation of Area of Natural Resource Protection Land.**
 - a. All land area with those natural resource features as described in Division 15-07.02 ~~15-4.0100~~ of this Ordinance and as listed in Table 15-3.0503 and lying within the base site area (as defined in § 15-3.0502), shall be measured relative to each natural resource feature present, as set forth in Division 15-07.02, Natural Resources Features Determination.

Commented [RS36]: [NOTE: this existing exclusion requires further discussion; it is not clear where or how this applies].

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- b. ~~The sum total of all resource protection land present on the site shall equal the total resource protection land. The total area of Natural Resource Protection Land shall be defined as the net land surface area lying within the boundaries of one or more natural resource features, as set forth in Table 15-3-01, Calculation of Natural Resource Protection Land. Land surface area where two or more natural resource features overlap shall be counted only once for purposes of determining the area of resource protection land. A map shall be submitted indicating the boundaries of each natural resource feature, the size of each feature, and the total area of the site lying within the boundaries of at least one natural resource feature.~~
- c. ~~The land surface area acreage of each natural resource feature permitted to be disturbed and mitigated pursuant to Division 15-07.03 shall be used to determine the extent of mitigation required, as set forth in be multiplied by its respective natural resource protection standard to be selected from Table 15-7.X, City of Franklin Natural Resources Mitigation Ratios. of this Ordinance for applicable agricultural, residential, or commercial, mixed-use, industrial, or miscellaneous districts to determine the amount of resource protection land or area required to be kept in open space in order to protect the resource or feature.~~

Table ###-###-###: Calculation of Natural Resource Protection Land Area	
Resource/Feature	Total land surface area of each Natural Resource feature (acres or square feet; use throughout)
a. SEWRPC Primary Environmental Corridor	
b. SEWRPC Secondary Environmental Corridor	
c. SEWRPC Isolated Natural Resource	
d. Surface Water or Wetland Buffer	
e. Woodland or Forest	
f. Wetland	
g. Degraded Wetland	
h. Lake or Pond	
i. Gross land surface area of natural resource features	(i) = Sum of (a) through (h) above
j. Net Natural Resource Protection Land - Total area of the site lying within the boundaries of at least one Natural Resource feature (a) through (h)	Determine from map; total surface area lying within at least one Natural Resource Feature

- 5. **Calculation of Base Site Area.** The base site area shall be calculated as indicated in Table 15-4-01 for each parcel of land for which development approval is sought that is not exempted under Division 15-03(A)(2)(a).

Commented [RS37]: [note this is essentially equivalent to Section 15-3.0502 in the current regulations]

Table ###-###-###: Calculation of Base Site Area For Development			
Step	Land Area to Be Determined	Calculation	Area (Square feet or acres; use throughout)
a	Total gross site area (SF or acres; use throughout) determined through a boundary survey of the subject property		
b	Land in dedicated public street rights-of-way, land located within the ultimate road right-of-way of existing roads, rights-of-way of utilities, and dedicated public park or school sites		
c	Land reserved for open space as part of a previously approved development or land division		
d	Land area to be reserved for parks and schools		
e	Net Natural Resource Protection Lands, row (j) from Table 15-3-01		
f	Base Site Area for Development = (a) - (sum (b+c+d+e))		

- 6. **Calculation of Site Intensity and Capacity for Residential Uses in Residential Zoning Districts.** The maximum number of dwelling units that may be permitted on a parcel of land in a residential zoning district, as defined in Division 15-2, shall be determined using the Base Site Area for Development, row (f) of Table 15-3-02, as set forth in Table 15-3-03 below:

Commented [RS38]: Note: Because floor area ratio (FAR) is not proposed to be used to manage site intensity for non-residential uses, density and site capacity would be governed instead by the combination of limitations on impervious cover, height limits, and required setbacks. The sections below would be deleted.

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Table ##-##-####: Calculation of Site Capacity For Residential Uses		
Land Area to Be Determined		Area (SF or acres; use throughout)
a. Base Site Area for Development, Row (f) from Table 15-##-##		a = row (f), Table 15-##-##
For multi-family units, if proposed:		
b. Number of units proposed:	c. Minimum lot area per unit (from Section 15-##-##)	d = (b) x (c) Minimum land area required:
For single-family units, if proposed:		
e. Number of units proposed:	f. Minimum lot area per unit (from Section 15-##-##)	g = (e) x (f) Minimum land area required:
Total minimum land area required shall not exceed base site area for development; check that (h) < (a)		h = (d) + (g) Total minimum land area required:

7. ~~Calculation of Site Intensity and Capacity for Non-Residential Uses. The maximum floor area that may be permitted on a parcel of land in a non-residential zoning district, as defined in Division 15-2, shall be determined using the Base Site Area for Development calculated using Table 15-4-01, as set forth in Table 15-6-01 below.~~

TABLE 15-6-01. Calculation of Site Intensity and Capacity for Development in Non-Residential Zoning Districts

15-9-05. 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			

Commented [RS39]: Question to staff - would there be any possibility of removing site intensity and capacity standards for nonresidential uses.

We think the intent of these standards are covered for the most part by standards in other areas of the draft UDO - impervious surface, building height, setbacks in Article 3 and Natural Resource Protection /Mitigation in Article 7. Does staff agree?

My read on the existing site intensity calculations for nonresidential uses in 15-3.0505 is that they are highly dependent on FAR standards. In the draft UDO we've removed FAR standards. My thought is that they'd need to be added back in in order to keep the nonresidential site intensity standards.

Commented [RM40R39]: I agree, I don't see the point of the third table for non-residential. The first two tables should be still required for non-res.

Commented [RS41]: Applications for a Special Exception to Stream, Shore Buffer, Navigable Water-Related, Wetland, Wetland Buffer etc. procedure is in 15-9.0110. Is this something to carry forward?

Commented [GU42R41]: These are now covered under 15-07.05 Administration; Special Exception. Prolly refer to it in here but it's in the NR section.

Commented [RS43]: PUD standards will be covered in a separate article but is mentioned in the summary table.

Commented [RS44]: For Discussion with Staff - potential to have a permit (which Mac has attempted to correct to "merit") process for removing invasives and diseased trees prior to the start of subdivision or site plan review.

Commented [GU45]: I love this table and suggest the following:
 - Add a row for comprehensive plan amendments.
 - Specify the public notice class, I will send a memo with this information.
 RM

Commented [RS46R45]: Add process to amend comprehensive plan when map amendment is made.

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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. Require written notice shall be delivered by regular mail to all owners of properties or portions of properties within five hundred (500) feet of the boundary of the property or properties lands described-involved in the application, mailed not less than ten (10) days prior to the hearing.

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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	D	
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			

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.

Commented [RS47]: Refer to state statute for notices.

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15-9-06. 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 special-conditional uses fall into two categories:

Commented [RS48]: Reviewed for compliance with 60.61 (4e) and Act 67 of 2017. It looks like the review standards and procedure comply with the statutory requirements.

The requirements and conditions described under subd. must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal.

Commented [GU49R48]: Question for policy direction: In order to streamline the application process, is the Plan Commission the appropriate decision making body for conditional uses? Act. 67 doesn't state that the Common Council must be the decision making body. RM

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. Compliance With State Statute. Applications for a Conditional Use shall be filed with, noticed, considered, and acted upon by the City of Franklin in compliance with Wisconsin State Statute as specified in Subchapter 60.61 (4e) of Wisconsin Statutes as amended.

Commented [RS50]: Reference to Statute added per Task Force direction.

B.C. Initiation of Conditional Special 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 special-conditional uses provided for in this UDO Ordinance and in the zoning district in which the land is situated.

Commented [RS51]: Reference to Statute added per Task Force direction.

C-D. Application for Conditional Special-Uses. A ~~special-conditional~~ use application for a ~~special-conditional~~ use, or for the expansion of an existing ~~special-conditional~~ use, shall be filed with the Zoning Administrator or designee on an ~~special-use~~ application form prescribed by the Zoning Administrator. ~~The special-use application shall be accompanied by a legal description of the property for which a special-use permit is being applied for, such plans or data prescribed on the application form, a statement in writing by the applicant, and adequate evidence showing that the proposed special-use will conform to the standards set forth in Division 15-3.0700 of this Ordinance and those other standards set forth in this Ordinance which may also be applicable.~~

Commented [RS52]: Move to application requirements.

E. Notice Required.

Commented [GU53]: Specify public hearing notice class. Class 2 for conditional uses. RM

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 of 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 ~~boundary lands-property or properties involved 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-conditional~~ 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.

Commented [RS54RS53]: Refer to statute in summary table section.

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D-F. Plan Commission Hearing on Special-Use Application. 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.~~

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E-G. Common Council Action. For each application for a ~~special-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 ~~may grant~~shall:

1. ~~Approve the Conditional Use Permit.~~
2. ~~Approve the Conditional Use Permit with conditions, or~~
3. ~~Deny the Conditional Use Permit.~~

F-H. Protest Petition. In the event of written protest against any proposed ~~special-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 landedge of the frontage directly opposite the subject property~~, such ~~special-conditional~~ use shall not be granted except by the favorable vote of ~~three-quarters (3/4)~~ of all the members of the Common Council.

Commented [JW55]: Is it conditional or special? Please take a look at state requirements for conditional uses - they have very specific standards. Oak Creek or Verona would be a good starting point.

G-I. General Standards For Conditional Special-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 ~~Ordinance-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 No-Interference-~~W~~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~~No Traffic Congestion~~.** 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.

5.

~~—~~ **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 by the Plan Commission of a Natural Resource Protection Plan for the proposed use.

~~6. —~~ **Compliance with Standards.** The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Common Council pursuant to the recommendations of the Plan Commission. The proposed use and development shall comply with all additional standards imposed on it by the particular provision of this Division and Ordinance authorizing such use.

~~4.6~~ **Authorization of Special Uses.** For each application for a special 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 may grant or deny any application for a special use; provided, however, that in the event of written protest against any proposed special use, duly signed and acknowledged by the owners of 20% or more either of the areas of the land included in such proposed amendment, or by the owners of 20% or more of the area of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such special use shall not be granted except by the favorable vote of 3/4 of all the members of the Common Council. ~~No application for special use permission pertaining to specific lands which describes the property to be subject to such proposed special use permission so as to create a "buffer zone", which buffer zone is found by the Common Council to have been created to avoid the effect of a protest petition and which buffer zone proposal is not supported by a substantial land use reason or a reasonable zoning practice purpose, shall be approved. The burden of proof with regard to the findings to be made by the Common Council hereunder shall be upon the applicant. A copy of all decisions granting special uses in floodplains shall be transmitted by the Council Secretary to the State Department of Natural Resources and the Region 2 Water Resources Advisory Board within 10 days of such decisions.~~

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Commented [JH56]: I think it's important to have NRPPs be the measure for this criterion, which is one of the places reviews have bogged down

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Commented [RS57]: This seems unnecessary.

H.J. **Effect of Denial of a Conditional Special Use.** No application for a Conditional special 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.

H.K. **Revocation.** In any case where a special-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 special-conditional use authorization shall be null and void. The criteria for determining establishment of a special-conditional use may be set forth by the Common Council in the approving conditional-Special Use Resolution.

H.L. **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

III. An effect on

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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.

A. **Statement of Purpose.** The development and execution of this Unified Development Ordinance is based upon the division of the City into districts, within which districts, the use of land and buildings, and bulk and location of buildings and structures in relation to the land, are mutually compatible and substantially uniform. However, there are certain area and dimensional and bulk specifications that cannot be allowed without consideration, in each case, of the impact of those specifications upon neighboring land or public facilities. Such specifications are classified as area exceptions. The following provisions are thus established to regulate the area exceptions which require special consideration.

B. **Authority of the Board of Zoning and Building Appeals.** The Board of Zoning and Building Appeals, upon review and recommendation of the Plan Commission shall, within a reasonable time, grant or deny any application for an area exception. Prior to the granting of an area exception, the Board shall make findings based upon the evidence presented that the standards herein prescribed are being complied with.

C. **Permitted Area Exceptions.** Area exceptions for front and rear yard setbacks, side yard offsets, minimum side yard on corner lots, lot area, lot width, maximum lot coverage, maximum height of principle and accessory structures and minimum living area per dwelling unit, granted pursuant to the terms and provisions of this Section are permitted, subject to all of the terms and provisions of this Section, in all districts, provided, however, that area exceptions to area

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Commented [JH58]: As evidenced by what? More parking, greater SF?

Commented [RS59R58]: 5% increase in impervious or modification to stormwater management plan.

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Commented [RS60]: Area exceptions procedure retained fr

Commented [GU61R60]: For policy direction. I suggest to

Commented [RS62R60]: Eliminate area exceptions and k

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and dimensional requirements as otherwise set forth in this Unified Development Ordinance may only be granted to those setback and yard and area requirements as specified above, and in no event shall the setback or yard and area requirements be reduced to less than three feet in any residential zoning district or to less than five feet in any other zoning district, and provided further, that area exceptions to bulk requirements as otherwise set forth in this Unified Development Ordinance may only be granted to those building bulk requirements as specified above, and in no event shall the building bulk requirements be increased or decreased by more than 20%. No area exception may be granted to any natural resource protection standard, feature, buffer, setback or other natural resource area or dimensional requirements, such requirements only being subject to exception by way of Special Exception granted pursuant to § 15-10.0208 or as may otherwise be specifically provided in Part 4 of this Unified Development Ordinance.

D. **Eligibility for Area Exception.** Any person, firm, corporation or organization having a freehold interest or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold possessory interest, or an exclusive possessory interest and which is specifically enforceable in the land for which an area exception is sought may file an application for an area exception if one or more of the conditions of eligibility in the applicable district is met.

E. **Application for Area Exception.** An application for an area exception shall be filed with the Office of the Planning Manager. The application shall be accompanied by such plans and other information as may be prescribed by the Planning Manager or the Board of Zoning and Building Appeals and an application fee of \$300. It shall include a statement in writing by the applicant and adequate information to enable the Planning Manager to make a determination on eligibility, based on the requirements for the district in which the property is located, and to enable the Board of Zoning Building Appeals to determine if the standards set forth in Subsection G., below, are met.

F. **Hearing on Application.** Upon receipt of an eligible application for an area exception, the Plan Commission shall hold a public hearing on each application and make a recommendation to the Board of Zoning and Building Appeals. If the Board of Zoning and Building Appeals does not receive a recommendation from the Plan Commission within 45 days of the filing of the application for an area exception, the Board of Zoning and Building Appeals may hold hearings without first receiving the recommendation. 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 500 feet of the lands described in the application, mailed not less than 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.

G. **Standards.** The Board of Zoning and Building Appeals shall grant no area exception unless such Board shall find, upon proof submitted and borne by the applicant, that all of the following conditions are present:

1. That the area exception will not be detrimental to or endanger the public health, safety, comfort or general welfare.
2. That the uses, values and enjoyment of other property in the neighborhood for purposes already established shall be in no foreseeable manner substantially impaired or diminished by the area exception.
3. That the area exception will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. That the area exception will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire within the neighborhood.
5. That the area exception shall be in harmony with the general purpose and intent of this Unified Development Ordinance.

H. **Conditions.** The Board of Zoning and Building Appeals, in considering and granting an application for an area exception, may condition the granting of an area exception on compliance with the standards in Section C. above and with other conditions, including, but not limited to, landscaping, lighting, and site plan changes. In all cases in which area exceptions are granted, the Board of Zoning and Building Appeals shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

Commented [RS63]: Making this a BZBA process rather than a PC-BZBA process per diagnostic memo.

1. ~~Order of the Board of Zoning and Building Appeals. The concurring vote of four members of the Board of Zoning and Building Appeals shall be necessary to grant an area exception. No order of the Board of Zoning and Building Appeals granting an area exception shall be valid for a period longer than one year from the date of such order unless a building permit is obtained within such period, and the erection or alteration of a building is started, or the use is commenced within such period.~~

2. ~~15-9-07. Effect of Denial of Application. No application for an area exception which has been denied wholly or in part by the Board of Zoning and Building Appeals shall be resubmitted for a period of one year from the date of said denial, unless placed on file without prejudice, except on the grounds of new evidence or proof of change of conditions found to be valid by the Board of Zoning and Building Appeals.~~ Variance

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Commented [RS64]: For JB, is the Special Exceptions to Stream, Shore Buffer, Navigable Water-Related, wetland Buffer etc. provisions from Section 15-10-.0208 needed in this section still?

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~~ ~~barring~~ ~~resulting from the a~~ strict application of the regulations of this Ordinance.

A. ~~Authorized Variances. Variances from the regulations of this Ordinance shall be granted by the Board of Zoning and Building Appeals only in accordance with the standards established in this Section, and may be granted only in the following instances and in no others:~~

Commented [RS65]: Authorized variances from existing 15-10.0206 carried forward and adjusted to reflect UDO draft.

Commented [JW66R65]: City - should the authorized variances be carried forward? We would recommend eliminating this section all together and addressing variances on a case by case basis.

Commented [GU67R65]: Jackie, I agree. Please indicate this in the memo for the Plan Commission. My previous suggestion about eliminating the Area Exception process remains. RM

Commented [RS68R65]: Eliminate authorized variances.

Commented [JH69]: Recommend specifying this

1. ~~To permit any yard or setback less than the yard or setback required by the applicable regulations;~~
2. ~~To permit the use of a lot or lots for a use otherwise prohibited solely because of insufficient area or width of the lot or lots, but in no event shall the respective area and width of the lot or lots be less than 90% of the required area and width for the district in which the lot is located;~~
3. ~~To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided the substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week;~~
4. ~~To reduce the applicable off-street parking or loading facilities required by not more than one parking space or loading space or 20% of the applicable regulations, whichever number is greater;~~
5. ~~To increase by not more than 25% the maximum distance that required parking spaces are permitted to be located from the use served;~~
6. ~~To increase by not more than 20% of the gross area of any sign;~~
7. ~~To increase by not more than 10% the maximum gross floor area of any use or principal structure (not including accessory structures) so limited by the applicable regulations;~~
8. ~~To exceed any of the authorized variations allowed under this Section, when a lot of record or a zoning lot, vacant or legally used on the effective date of this Ordinance, is by reason of the exercise of the right of eminent domain by any authorized governmental body or by reason of a nonconveyance under threat of an eminent domain proceeding reduced in size so that the remainder of said lot of record or zoning lot or structure of said lot does not conform with one or more of the regulations of the district in which said lot of record or zoning lot or structure is located.~~

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.

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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:

Commented [RS70]: New review criteria for variances established per diagnostic memo recommendation.

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.

B.D. Hearing on Application.

1. Upon receipt of an eligible application for an area exceptiona variance, 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. Thesaid 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 property or properties 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.

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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:

Commented [GU71]: I suggest to add an "Effect of Denial of Application" subsection. RM

Commented [RS72R71]: Effect of denial - 1 year to reapply.

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.

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15-9-08. Map Amendments

Commented [RS73]: The current procedure for text and map amendments in Division 15-9.0200 is not clearly written, but it's a PC hearing followed by Common Council decision. Essentially re-writing that process here.

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.

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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, ~~as a committee of the Common Council,~~ 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 boundary of the property or properties involved 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.

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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.

15-9-09. 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.

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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.

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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.

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15-9-10. 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.

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15-9-11. 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 boundary of the property or properties 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.

Commented [RS74]: The process for appeals exists in Section 15-10.0205, however the process isn't clear and there's no review criteria. Here, we've replaced the existing text and specified the process with the BZBA more clearly.

Commented [RS75]: Does this really need to go to City Council?

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Commented [RS76]: Land division variances exist in 15-9.0310 and appeals exist in 15-9.0311. Question for City: Are these important to retain? It seems like normal appeal and variance procedures would cover the intent.

Commented [JW77R76]: I would recommend eliminating them

Commented [GU78R76]: I agree with Jackie. RM

Commented [RS79R76]: Note this for policy direction with Task Force. Explain the process change from PC to BZBA.

Commented [RS80]: Existing process from 15-9.0309 retained. The City should be able to make subdivisions resulting in 5 or fewer parcels an administrative review process under Subchapter I (12)(am) rather than review by Plan Commission and Common Council. Is there interest in doing this?

Commented [GU81R80]: In my opinion, I prefer to have minor land divisions as an administrative process. My only concern is with minor land division requiring dedication of land or public improvements, for these cases I suggest Common Council approval. RM

Commented [RS82R80]: If there are easements required the CSM should go to Common Council. Others should stay with PC. Revise as noted otherwise. For Task Force discussion.

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Commented [GU83]: For Minor Land Division and Subdivisions, I acknowledge that the current UDO refers to the City Clerk. However, in practice the City Clerk is involved in the recording process but not in receiving applications. I suggest to replace City Clerk with Department of City Development, except for the recording stage. I'll inform the City Clerk about this change and let you know if she objects to it. RM

Commented [RS84R83]: Change to Zoning Administrator. City Clerk only for recording documents.

15-9-12. Subdivision Procedures

- A. Minor Land Division.
 1. When Required 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 (~~thus not constituting a 'subdivision' as defined in Division 15-11.0400 of this Ordinance~~), the Subdivider shall subdivide by use of a cCertified sSurvey mMap. The cCertified sSurvey mMap shall include all parcels of land in any size.
 2. Filing of a Certified Survey Map. The Subdivider shall prepare the cCertified sSurvey mMap in accordance with Division 15-7.0700 of this Ordinance.
 - a. The Subdivider shall file at least thirty (30) copies of the cCertified sSurvey mMap, "Natural Resource Protection Plan" (if required), "Landscape Plan" for any landscape bufferyard easement areas as required in Section ##-##-## (see Division 15-7.0300 of this Ordinance), and the application with the Zoning Administrator/City Clerk, or their designees 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 City Clerk/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.

~~e. The City Clerk/Zoning Administrator, within two (2) normal work days after filing, transmit the cCertified sSurvey mMap, nNatural rResource pProtection- pPlan, lLandscape pPlan, and application, as follows:~~

~~I. Seven copies to the Plan Commission;~~

~~II. Seven copies to the Common Council;~~

~~III. One copy each to the affected City Commissions or Departments, to the City Planner, and the City Engineer;~~

~~IV. Two copies to Milwaukee County; and~~

~~V. One copy to each school board with jurisdiction.~~

~~VI.c. Additional copies as may be requested by approving authorities and objecting agencies.~~

d. The applicant shall be responsible for transmitting copies of the cCertified sSurvey mMap 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/City Clerk, or prior to the next available meeting.

3. Plan Commission Review and Action or Recommendation.

~~f.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 which affect it.~~

~~b. For all Minor Land Divisions that do not involve the dedication of land or public improvements, tThe Plan Commission shall within sixty (60) days from the date of filing of the cCertified sSurvey mMap either: recommend~~

~~I. Approval,~~

~~II. Conditionally approval, or rejection~~

~~III. Deny of the map, and shall transmit the map along with its recommendations to the Common Council.~~

~~IV. Refer the application to the Common Council for action at the Plan Commission's discretion.~~

~~g.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. Denial/Deny of the map and shall transmit the map along with its recommendations to the Common Council~~

3.4. Common Council Action/Approval. In cases where a cCertified sSurvey mMap 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.

Commented [GU85]: For Minor Land Division and Subdivisions, I suggest to eliminate the details about the quantity of copies, this should be specified in the application forms. RM

Commented [RS86R85]: Relocate to application requirements. Refer to application requirements on website.

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4.5. **Natural Resource Protection Plan Required.** For properties proposed to be divided by ~~c~~Certified ~~s~~Survey ~~m~~Map, and that contain natural resource features as described in ~~Divisions 15-074.0100 and 15-11.0100~~ of this ~~UDO Ordinance~~, a "Natural Resource Protection Plan," as described in ~~Division 15-7.020007~~ of the UDO application manual ~~this Ordinance~~, shall be submitted for review by the ~~City Planner~~Zoning Administrator and Plan Commission.

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5.6. **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~~~~any other~~ easements under the provisions of this Ordinance, the Plan Commission shall require that deed restrictions and/or conservation easements, and ~~landscape~~ ~~bufferyard~~ ~~any other~~ 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.

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6.7. **Contract ("Subdivider's Agreement") 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~~Subdivider's 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.

Commented [GU87]: I'll ask Engineering for their input as they normally review subdivision agreements. RM

7.8. **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.

8.9. **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 ~~fourth~~forth under ~~§ 15-9.0309(B)~~.

Commented [GU88]: let's ask staff if this is necessary. 30 copies in the digital age is A LOT, and a lot of expense.

B. Land Combination Permits.

~~Application for a Land Combination Permit.~~ Applications for a Land Combination Permit shall be made to the City Clerk, or designees for consideration of the Plan Commission. Said Application for a Land Combination Permit shall include the following information:

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Commented [RS89]: Relocate to application requirements handbook.

- a. ~~The name, address, and telephone number of the applicant, property owner(s), owner's agent, and developer.~~
- b. ~~A description of each of the properties involved by lot number, block number, subdivision name or certified survey map number, or by metes and bounds; address of each of the parcels to be combined; the Milwaukee County tax key number of each parcel; the zoning districts within which each parcel to be combined lies; the City of Franklin Comprehensive Master Plan Land Use District designation of each parcel to be combined; the present use of the parcels; the proposed use of the parcels; and the area of each parcel to be combined (acres/square feet).~~

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~~c. B. A metes and bounds description, legal description, and/or boundary survey of the parcels to be combined graphically showing the relationship to street access and to adjoining properties.~~

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2. Review and Consideration.

a.1. **Application Transmittal to Plan Commission.** The ~~City Clerk~~Zoning Administrator 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~~ City Planner and City Engineer and other appropriate City departments for their review, study, and recommendations to the Plan Commission.

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2. Plan Commission Review and Recommendation.

b.a. Review. 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.

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b. Recommendation. The Plan Commission shall make a recommendation to the Common Council to:-

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I. Approve

II. Conditionally approve, or

c.III. Deny the application

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3. Common Council Review and Action. The Common Council shall consider these matters set forth under **§ 2** above and shall take one of the following actions with the Land Combination application:

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a. Approve grant,

b. Conditionally approve grant, or

c. Deny the application Land Combination Permit by resolution.

d.4. Recordation. If granted approved, the City Clerk shall record the resolution with the Milwaukee County Register of Deeds.

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C. Subdivisions.

1. Sketch Plan Required. Prior to the filing of an application for the approval of 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 Zoning Administrator, City Engineer, and affected City Departments in order 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.

Commented [RS90]: Existing procedure from 15-9.0300 retained.

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2. Sketch Plan Review. The Sketch Plan shall be prepared in accordance with **Section ## ## of the UDO application requirements manual** ~~Division 15 7.0400 of this Ordinance~~, 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 Zoning Administrator~~, City Engineer, and all other affected City Departments shall review the "Sketch Plan" and conduct the Pre-Application Conference with the applicant ~~(see § 15-9.0304)~~. In addition:

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a. Copies of "Sketch Plan Review Applications" and Sketch Plan to Affected 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 ~~Zoning Administrator~~ ~~City Planner~~, the City Engineer, or Milwaukee County and affected local utilities for their review and recommendations concerning matters within their jurisdiction.

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I. The recommendations of the City Departments, ~~City Planner Zoning Administrator~~, City Engineer and Milwaukee County and of 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.

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- II. The "Sketch Plan Review Applications" and Sketch Plan shall then be reviewed by the City Planner/Zoning Administrator, 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 Division 15-7.0500 of this Ordinance, and the Subdivider shall file at least thirty-five (35) copies of the Preliminary Plat, "Natural Resource Protection Plan if required" (if required, see Division 15-7.0200 of this Ordinance); "Landscape Plan" for any landscape bufferyard easement areas (see Division 15-7.0300 of this Ordinance) and the application with the City Clerk, or designee/Zoning Administrator 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/Zoning Administrator.** The Zoning Administrator/City Clerk shall, within two (2) normal workdays after filing, transmit copies as required in the UDO application requirements manual:
 - I. Seven copies to the Plan Commission;
 - II. Seven copies to the Common Council;
 - III. Two copies to the City Planner;
 - IV. Four copies to the City Engineer;
 - V. Two copies to the Wisconsin Department of Agriculture, Trade and Consumer Protection;
 - VI. Additional copies to the Wisconsin Department of Agriculture, Trade and Consumer Protection for retransmission of two copies each to:
 - i. The Wisconsin Department of Transportation, if the subdivision abuts or adjoins a State Trunk Highway or a connecting street;
 - ii. The Wisconsin Department of Industry, Labor, and Human Relations, if the subdivision is not served by a public sewer and provision for such service has not been made;
 - iii. The Wisconsin Department of Natural Resources, if shorelands or floodplains are contained within the proposed subdivision;
 - VII. One copy to each school board with jurisdiction;
 - VIII. Four copies to Milwaukee County;
 - IX. Additional copies as may be required by the City Planner for the review of other applicable City Commissions and City Boards;
 - X. Additional copies as may be requested by approving authorities and/or objecting agencies;
 - XI. The applicant shall be responsible for transmitting copies of the Preliminary Plat to all affected utilities for their respective review and comments;
4. **Fees Required by State Agencies to be Transmitted by City Clerk.** Any appropriate fees paid by the Subdivider for the required state agency reviews shall be made payable to the appropriate State agencies by the Subdivider and forwarded by the City Clerk to the Wisconsin Department of Agriculture, Trade and Consumer Protection (see Division 15-9.0400 of this Ordinance).

Commented [GU91]: same comment on the number of copies - is this necessary?

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Commented [RS92]: This will be relocated outside the UDO.

Commented [GU93]: We don't transmit fees to state agencies, we ask applicants to submit the letter of certification from Wisconsin DOA with the Final Plat, listed as a requirement in the application form. RM

Commented [RS94R93]: Remove.

5.4. Copies of Preliminary Plat to be Transmitted by ~~City Clerk~~Zoning Administrator to Affected City Commissions or Departments. The ~~Zoning Administrator~~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, ~~Zoning Administrator~~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.

6.5. Plan Commission Review and Recommendation ~~to Common Council.~~

- 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 a Natural Resource Protection Plan and Landscape Plan as applicable)~~ with the ~~City Clerk~~Zoning Administrator ~~(or other Common Council authorized agent)~~, recommend to the Common Council approval, conditional approval, or ~~rejection-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.

7.6. 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~~Zoning Administrator.
 - 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~~Zoning Administrator shall approve, approve conditionally, or ~~reject-deney~~ 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 ~~rejecteddenied~~, a letter setting forth the conditions of approval or the reasons for ~~rejection 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.

a.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.

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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.

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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 Division 15-7.0600 of this Ordinance and shall file an adequate number of copies of the Final Plat and the application as set forth below:

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a. **Submittal of Final Plat to the Wisconsin Department of Agriculture, Trade and Consumer Protection 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 Agriculture, Trade and Consumer Protection which shall forward, at the Subdivider's expense, the following Administration:

Commented [GU95]: I think this should be Department of Administration. RM

Commented [RS96R95]: Change to DOA.

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 Zoning Administrator.** 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 Zoning Administrator, or designees along with the proper fees in accordance with the requirements of Division 15-9.0400 of this Ordinance 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.

Commented [GU97]: comment again on number of physical copies required

e. **City Clerk Zoning Administrator Transmittal of Final Plat.** The City Clerk Zoning Administrator 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. :-

I. ~~Seven copies to the Plan Commission;~~

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II. ~~Seven copies to the Common Council;~~

III. ~~Two copies to the City Planner;~~

IV. ~~Four copies to the City Engineer;~~

V. ~~One copy to the school board with jurisdiction; and~~

VI. ~~Four copies to Milwaukee County;~~

VII.c. ~~Additional copies that may be requested by the City Planner, or approving authorities and objecting agencies.~~

Commented [RS98]: Relocate to application requirements.

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 component thereof), or other local comprehensive plans and adopted plan components (in the case of a plat located within the City of Franklin's extraterritorial plat jurisdiction area) 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 ("~~Subdivider's Agreement~~") Required.** Prior to installation of any required improvements and prior to approval of the Final Plat, the Subdivider shall enter into a written contract ("~~DevelopmentSubdivider's 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. (~~Also see § 15-2.0303.~~) 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 Zoning Administrator.
 - 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 Zoning Administrator (or other Common Council authorized agent), recommend approval, conditional approval, or ~~rejection-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 Zoning Administrator approve or reject such Final Plat, unless the time is extended by agreement with the Subdivider.
 - a. If the Final Plat is ~~rejecteddenied~~, 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 Zoning Administrator~~ 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 ~~g~~insuring their installation filed, the ~~City Clerk Zoning Administrator~~ 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 Zoning Administrator~~ 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 1/2) miles of the corporate limits of a fourth-class city or village or within three (3) miles of the corporate limits of ~~the 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 Zoning Administrator~~ 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 ~~s~~Subdivider or ~~c~~Condominium ~~d~~Developer ~~(as applicable)~~ 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, ~~so as~~ 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.

15-9-13. 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.

Commented [GU99]: i think this was copied from statute; Franklin is "second class"
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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 ~~Building Inspector~~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.

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Article 10. Planned Development Standards and Procedures

REVIEW GUIDE
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[References to be updated](#)

Style Definition: TOC 1: Tab stops: 6.49",
Right, Leader: ...

15-10-01. Intent and Purpose 1

15-10-02. General Provisions 1

15-10-03. Standards of Review 2

15-10-04. Site Development and Modification Standards..... **Error! Bookmark not defined.**

15-10-05. Procedures 43

15-10-06. Amendments to Planned Developments 84

15-10-01. Intent and Purpose

The purpose of the regulations, standards, and criteria contained in this Article is to provide an alternative procedure under which land can be developed or redeveloped with innovation, imagination, and creative architectural design, when sufficiently justified under the provisions of this Article. The objective of the Planned Development standards is to encourage a higher level of design and amenity than is possible to achieve under otherwise applicable zoning regulations. The end result should fulfill the objectives of City plans and policies, including but not limited to the City of Franklin Comprehensive Master Plan, while departing from the strict application of the regulations of this UDO. The planned development standards are intended to permit and encourage such flexibility and to accomplish the following purposes:

- A. To stimulate creative approaches to the commercial, residential, and mixed-use development of land.
- B. To provide for more efficient use of land.
- C. To preserve natural features and provide open space areas and recreation areas in excess of that required under existing zoning regulations.
- D. To develop new approaches to the living environment through variety in type, design and layout of buildings, transportation systems, and public facilities.
- E. To unify buildings and structures through design.
- F. To promote long term planning, pursuant to the City of Franklin Comprehensive Master Plan and other relevant plans and City policies, which will allow harmonious and compatible land uses or combination of uses with surrounding areas.

15-10-02. General Provisions

- A. Any development containing uses other than single-family residential uses may be approved as a planned development.
- B. A minimum site area of three (3) acres shall be required to file a planned development application.
- C. ~~with an area equal to or~~ Sign standards specified in Article 6 shall not be approved as part of the planned development process.
- D. Each Planned Development should be presented and judged on its own merits. It shall not be sufficient to base justification for approval of a Planned Development solely upon an already existing planned development except to the extent such Planned Development has been approved as part of a development master plan.

Commented [RS1]: Need to work with City Attorney. Planned Development vs. Planned Unit Development.

Commented [RS2]: Question For Staff: Are there any types of development that should be required to go through the planned unit development process or any triggers the City would like to establish?

We've used the triggers in 15-10-02(A) below in communities that want require PUD approval for large-scale development containing nonresidential uses that generate a large quantity of floor area.

Commented [RS3]: ADD: Sign standards shall not be approved as part of PD process.

Commented [JB4]: Did these triggers come from conversations with staff/the diagnostic memo? If not, please add a comment asking staff what they think an appropriate trigger is and give reason for what your recommendation is

E. The burden of providing evidence and persuasion that any Planned Development is necessary and desirable shall rest with the applicant.

15-10-03. Planned Development Relation to Base District Standards

- A. A planned development, if approved, shall constitute an overlay district and all base district designations shall be maintained.
- B. A planned development, if approved, may incorporate modifications to the base district standards that shall become part of the overlay district. All such modifications shall be referred to as site development allowances.
- C. Notwithstanding any limitations on waivers or modifications of standards contained elsewhere in this UDO, site development allowances may be approved provided the applicant specifically identifies each site development allowance in the planned development application and demonstrates how each site development allowance:
 - 1. Would be compatible with surrounding development;
 - 2. Is necessary for development of the site in accordance with the purposes of this section; and
 - 3. Incorporates a minimum of one (1) of the modification standards detailed in Section 15-10-04.
- A.D. All approved site development allowances shall be delineated in the ordinance approving the Planned Development and shall be considered the standards of the Planned Development overlay district as it applies to the subject property.

Commented [JH5]: I would make this clarification.

Commented [JH6]: Make sure this is what we're aiming for - is the idea that any future development within the PDD, such as an additional house or building, would follow the overlay district standards rather than the base district standards?

Commented [RS7R6]: Yes that is the right process.

Commented [JH8]: I think we can ditch this clause and it reads more clearly

15-10-04. Modification Standards

An applicant seeking a site development allowance shall be required to justify each request through the provision of tangible benefits to the City of Franklin by meeting a minimum of one (1) of the modification standards detailed below per requested site development allowance.

- A. Landscape Conservation and Enhancement. The Planned Development preserves, restores, or enhances landscape elements, trees, and natural features, such as rivers, streams, ponds, groves, and landforms.
- B. Sustainable Design. The Planned Development is designed with demonstrable reductions in energy consumption and/or stormwater management as a result of methods of site design and building location, architectural design of individual buildings, and landscaping design.
- C. Public Gathering Space. The Planned Development includes public gathering space open to and available for use by the general public, the amount of which is proportional to the size of buildings or number of dwelling units. The public gathering space is activated through the use of elements or features such as moveable tables and chairs, a fountain or other water feature, a sculpture or other public art feature, benches, seat walls, raised landscape planters, or pedestrian scaled and celebratory or decorative lighting. The public gathering space is integrated into the overall design of the planned development, and has a direct functional or visual relationship to the main building(s), and is not of an isolated or leftover character.
- D. Mix of Uses. The Planned Development is comprised of a mix of non-residential uses and/or a mix of two (2) or more housing unit types.
- E. Placemaking. The Planned Development has a distinctive identity and brand that is carried through design features in a manner that fosters a cohesive visual character for the public areas, incorporated in the design of features including but not limited to sign designs, unique streetscape elements, architectural features, the creation of public gathering spaces, the incorporation of natural areas, parks, and trails, and other elements of site design.
- F. Affordability. The Planned Development includes at least fifteen (15) percent of the total residential dwellings that are deed restricted for households that make less than or equal to eighty (80) percent of the area median income as defined by the US Department of Housing and Urban Development.

Commented [RS9]: Keep text from traditional neighborhood development in the existing UDO.

Commented [RS10]: For Worksession: Include an example.

Commented [RS11]: To the general public. Perhaps ask for policy direction.

Commented [JH12]: How many units for this to apply?

Commented [RS13R12]: For staff consideration. Right now, the quantity would be up to the PC to approve on a case-by-case basis. Perhaps a percentage such as 15% of the total dwelling units would be appropriate?

- G. **Universal Design.** The Planned Development includes buildings and site features designed with accessible features such as level access from the street and/or zero entry thresholds.
- H. **High-Quality Building Materials.** The Planned Development uses time- and weather-tested building materials that are of a higher quality than what is otherwise required by this UDO.
- I. **Traditional Neighborhood Development.** The Planned Development includes design features described as Traditional Neighborhood Development in Wisconsin Statutes § 66.1027 (1)(c), as amended. The document identified as A Model Ordinance for Traditional Neighborhood Development dated April 2001 as published by the University of Wisconsin Extension pursuant to Wisconsin Statutes § 66.1027(2), serves as the guidebook to further define the various aspects and elements of the form of urban design, along with such other sources of guidance the Plan Commission and Common Council chooses to consult.

15-10-05. Standards of Review

The following standards for review shall be utilized in the review of a Planned Development application as a whole, including any requested site development allowances and the modification standards proposed to justify those requests. No application for a planned development shall be approved unless the Common Council finds that the application meets all of the following standards:

- A. **Plan and Policy Alignment.** The Planned Development is consistent with the goals, objectives, and policies set forth in the Comprehensive Master Plan and other adopted plans and policy documents of the City.
- B. **Placemaking.** The planned development has a distinctive identity and brand that is carried through the sign designs, unique streetscape features, architecture, public gathering spaces, open spaces, etc.
- C. **Integrated Design with Identifiable Centers and Edges.** The Planned Development shall be laid out and developed as a unit in accordance with an integrated overall design, in which the various land uses included function as a cohesive whole and support one another. The design shall provide identifiable centers, which form focus areas of activity in the development, and edges, which define the outer borders of the development, through the harmonious grouping of buildings, uses, facilities, public gathering spaces, and open space.
- D. **Public Welfare.** The Planned Development is designed, located, and proposed to be operated and maintained so that it will not impair an adequate supply of light and air to adjacent property, will not generate undue off-site impacts such as noise on adjacent properties, and will not substantially increase the danger of fire or otherwise endanger the public health, safety, and welfare.
- E. **Compatibility with Adjacent Land Uses.** The Planned Development includes uses which are generally compatible and consistent with the uses of adjacent parcels. If the uses are not generally compatible, all adverse impacts have been mitigated through screening, landscaping, public open space, and other buffering features that protect uses within the development and surrounding properties.
- F. **Impact on Public Facilities and Resources.** The Planned Development is designed so that adequate utilities, road access, drainage, and other necessary facilities will be provided to serve it.
- G. **Archaeological, Historical or Cultural Impact.** The Planned Development does not substantially adversely impact an archaeological, historical, or cultural resource, included on the local, state, or federal register, located on or off the parcel(s) proposed for development.
- H. **Fiscal Impact.** The Planned Development will generate revenue and require costs in terms of public services in a way that contributes to the long-term fiscal sustainability of the City of Franklin.
- I. **Drives, Parking and Circulation.** The Planned Development makes adequate provision to provide necessary parking. Principal vehicular access is from dedicated public streets, and access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. With respect to vehicular and pedestrian circulation (including walkways, interior drives, and parking), special attention has been given to the location

Commented [JH14]: So how would this work - you want a side yard setback, that's one; you want a height waiver, that's two... Would it be more that the overall development must incorporate three or more of these? It doesn't seem like a big lift!

Commented [RS15R14]: Yes it would be a one for one trade off as you mentioned. Any one deviation from the base standards could be approved when the PC and CC find that one of the modification standards are satisfied.

Commented [RS16]: New standards of review established per diagnostic memo recommendation.

Commented [RS17]: Include 15-3.0401 (D) in standards of review.

Commented [JH18]: jes' making sure basic street lights don't count as "placemaking"

Commented [JH19]: Isn't this separately covered by the City's impact fee ordinance?

and number of access points to public streets, the width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, adequate provision for service by emergency vehicles, and arrangement of parking areas that are safe, convenient, and do not detract from the design of proposed buildings and structures and the neighboring properties. Access points are limited through the use of cross access connections.

15-10-06. Procedures

A. Pre-Filing Administrative Review Conference(s). A prospective applicant, prior to submitting a formal application for a Planned Development, shall meet for a pre-filing conference(s) with staff. The purpose of the conference(s) is to help the applicant understand: City plans and policies; the UDO; site development allowances; the standards by which the application will be evaluated; and the application requirements.

Commented [RS20]: Existing procedure from 15-9.0208 retained.

Commented [RS21]: Impact on public facilities. Cash flow analysis should be part of the approval process.

A.

B. Pre-Filing Project Introduction (Optional). After the initial pre-filing conference, the prospective applicant may introduce their project to the Plan Commission and Common Council. The Plan Commission and Common Council may provide non-binding feedback to the applicant based on materials presented. Feedback from the Plan Commission and Common Council is intended to provide the applicant with an initial impression relative to the character, appropriateness, and intensity of the proposed development, prior to the applicant officially filing for a planned development. Any comments and feedback from the Plan Commission ~~at this meeting~~ and Common Council ~~at this stage~~ is non-binding. The applicant is expected to provide a brief narrative and development concept plan sufficient to communicate the character of the proposed development.

Commented [RS22]: For Policy Direction; should this step go to Common Council rather than Plan Commission.

C. Application Requirements Waiver Request. After completing the pre-application conference the applicant may request a waiver of any application requirement which in the applicant's judgment should not apply to the proposed planned development. Such request shall be made in writing prior to the submission of the formal application documents. A final determination regarding the waiver shall be made by the Zoning Administrator and given to the prospective applicant following the decision. An appeal of the determination of the Zoning Administrator may be brought to the Plan Commission for consideration.

B. Application for a PDD Planned Development-DistrictPlanned Development. Following the pre-application conference, the owner or his agent may file an application with the ~~City Clerk~~Zoning Administrator for an Planned Development amendment to the Unified Development Ordinance text and map for the creation of a PDD Planned Development District pursuant to the requirements of Division 15-9.0200 of this Ordinance. Such application shall be accompanied by all required fees. In addition, the following materials shall be attached to the application for a PDD Planned Development District:

C. A statement describing the relationship of the PDD Planned Development District to the City of Franklin's Comprehensive Master Plan, detailed neighborhood or planning district plans, general character of and the uses to be included in the proposed PDD Planned Development District, and the following:

Commented [RS23]: Relocate application requirements for PUDs to application requirements manual.

D. Total area to be included in the PDD Planned Development District, area of open space, residential density computations, proposed number of dwelling units, population analysis, availability of or requirements for municipal services, and any other similar data pertinent to a comprehensive evaluation of the proposed development.

E. A general summary of the estimated value of structures and site improvement costs, including landscaping and special features.

F. A general outline of the organizational structure of a property owner's or management's association which is proposed to be established for the purpose of providing necessary private services.

G. A general development plan which meets all of the Site Plan requirements set forth in Division 15-7.0100 of this Ordinance and also including:

H. A complete legal description of the boundaries of lands included in the proposed PDD Planned Development District and the PDD District's relationship to surrounding properties.

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- I. ~~The location of public and private roads, driveways, and parking facilities.~~
 - J. ~~The size, arrangement, and location of individual building sites and proposed building groups on each individual site.~~
 - K. ~~The location of recreational and open space areas and areas reserved or dedicated for public uses, such as school, park, drainage, etc.~~
 - L. ~~The type, size, and location of structures.~~
 - M. ~~General landscape treatment.~~
 - N. ~~Architectural drawings and sketches illustrating the design and character of proposed structures.~~
 - O. ~~The location of public sanitary sewer and water supply facilities.~~
 - P. ~~Existing topography on the site.~~
 - Q. ~~Anticipated uses of adjoining lands in regard to roads, surface water drainage, and compatibility with existing adjacent land uses.~~
 - R. ~~A Landscape Plan meeting the requirements set forth under Division 15-7.0300 of this Ordinance. Any required bufferyard easements shall be so noted on the Landscape Plan.~~
 - S. ~~If natural resource features are present on the subject property, as defined in Divisions 15-4.0100 and 15-11.0100 of this Ordinance, a Natural Resource Protection Plan meeting the requirements set forth in Division 15-7.0200 of this Ordinance.~~
 - T.D. ~~Site Intensity and Capacity Calculations meeting the requirements set forth in Division 15-3.0500 and in the prescribed format set forth in the City's application form.~~
 - U.E. **Referral to Plan Commission.** The application and staff report for a ~~PDD~~ Planned Development District ~~Planned Development~~ shall be referred to the Plan Commission for its review and recommendation, including any additional conditions or restrictions which it may deem necessary or appropriate.
- ~~— **Public Hearing Required.** The Plan Commission, before formulating its recommendations to the Common Council, shall hold a public hearing pursuant to the provisions of § 15-9.0205. Notice for such hearing shall include reference to the development plans filed in conjunction with the requested zoning change.~~
- F. **Hearing and Recommendation by the Plan Commission.** Upon receipt of a completed application, the Zoning Administrator will schedule a public hearing at the Plan Commission. The Plan Commission, before formulating its recommendations to the Common Council, shall hold a public hearing pursuant to the provisions of § 15-9.0205. Following the public hearing, the Plan Commission shall consider the proposed planned development, the staff report, and the public comment and make a recommendation to the Common Council to make one of the following recommendations base:
 1. Recommend approval of the Planned Development,
 2. Recommend approval of the Planned Development with conditions, or
 3. Recommend denial of the Planned Development based on the applicable review standards.
 - G. **Action by Common Council.** The Zoning Administrator, on behalf of the Plan Commission, shall transmit a report containing the Plan Commission's recommendation to approve, approve with conditions, or deny the application to Common Council. Common Council shall consider the staff report, public comment received at the public hearing, and recommendation of the Plan Commission and shall take one of the following actions:
 1. Approve the Planned Development,
 2. Approve the Planned Development with conditions,

3. ~~Deny the Planned Development.~~
4. ~~Refer the Planned Development back to the Plan Commission for further review.~~
2. **Basis for Approval.** The Plan Commission in making its recommendation, and the Common Council in making its determination, shall give consideration to the following:

~~**Intent to Start Construction Within a Reasonable Period.** That the applicant for the proposed PDD Planned Development District has demonstrated that the applicant intends to start construction within a reasonable period following the approval of the change in zoning districts and that the development will be carried out according to a reasonable construction schedule satisfactory to the City.~~

~~**Consistency with Unified Development Ordinance and Comprehensive Master Plan Required.** That the proposed PDD Planned Development District is consistent in all respects to the purpose of this Section and to the spirit and intent of this Ordinance; is in conformity with the Comprehensive Master Plan, and elements thereof, for community development; is in conformity with, or serves to implement, the appropriate detailed planning district or neighborhood unit development plan, including amendments thereto; would not be contrary to the general welfare and economic prosperity of the City or the immediate neighborhood, and that the benefits and improved design of the resultant development justifies the establishment of a PDD Planned Development District. The Plan Commission in making its recommendations, and the Common Council in making its determination, shall further find that:~~

~~The proposed site shall be provided with adequate drainage facilities for surface and storm water.~~

~~The proposed site shall be accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the proposed development.~~

~~The proposed development shall not impose any undue burden on public services and facilities, such as fire and police protection.~~

~~The streets and driveways on the site of the proposed development shall be adequate to serve the residents of the proposed development and shall meet the minimum standards of all applicable ordinances of the City.~~

~~Water and sewer facilities shall be provided.~~

~~The application for a PDD Planned Development District shall be filed jointly by all of the owners of all of the lands to be included in the Planned Development District. The PDD Planned Development District shall be considered as one tract, lot or parcel, and the legal description must define the PDD Planned Development District as a single parcel, lot or tract and be recorded as such upon approval with the Register of Deeds for Milwaukee County. Subsequent to the recording of a PDD Planned Development District, the lands therein shall not be divided unless the Common Council determines that such division will not adversely affect improved properties within or the character of the Planned Development District and that the division 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.~~

~~**Standards for Residential PDD Planned Development Districts.** In the case of proposed residential PDD Planned Development Districts:~~

~~That such development will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation space, and coordination with overall plans for the neighborhood.~~

~~That the total average residential density within the PDD Planned Development District will be compatible with the City of Franklin Comprehensive Master Plan, elements thereof, and the detailed planning district or neighborhood unit development plan prepared for the area.~~

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~~That the population composition of the development will not have an adverse effect upon the community's capacity to provide needed school or other municipal service facilities.~~

~~That adequate guarantee is provided for permanent preservation of open space areas as shown on the approved site plan either by private reservation or by dedication to the public.~~

~~**Standards for Commercial and Institutional PDD Planned Development Districts.** In the case of proposed commercial PDD Planned Development Districts:~~

~~That the economic practicality of the proposed development can be justified.~~

~~That the proposed development will be adequately served by off-street parking and truck service facilities.~~

~~That the locations for entrances and exits have been designed to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets, and that the development will not create an adverse effect upon the general traffic pattern of the surrounding neighborhood.~~

~~That the architectural design, landscaping, control of lighting, and general site development will result in an attractive and harmonious service area compatible with and not adversely affecting the property values of the surrounding neighborhood.~~

~~That the total average intensity of development within the PDD Planned Development District will be compatible with the City of Franklin Comprehensive Master Plan, elements thereof, and the detailed planning district or neighborhood unit development plans prepared for the area.~~

~~**Standards for Industrial PDD Planned Development Districts.** In the case of proposed industrial PDD Planned Development Districts:~~

~~That the operational character, physical plant arrangement, and architectural design of buildings will be compatible with the latest in performance standards and industrial development design and will not result in adverse effects upon the property values of the surrounding neighborhood.~~

~~That the proposed development will have adequate provision for off-street parking and truck service areas and will be adequately served by rail or highway facilities.~~

~~That the proposed development is properly related to the total transportation system of the community and will not result in an adverse effect on the safety and efficiency of the public streets.~~

~~That the total average intensity of development within the PDD Planned Development District will be compatible with the City of Franklin Comprehensive Master Plan, elements thereof, and the detailed planning district or neighborhood unit development plans prepared for the area.~~

~~**Standards for Mixed-Use PDD Planned Development Districts.** In the case of mixed-use PDD Planned Development Districts:~~

~~That the proposed mixture of uses produces a unified composite which is compatible within itself and which, as a total development entity, is compatible with the surrounding neighborhood and consistent with the standards and objectives of the comprehensive plan.~~

~~That the various types of uses conform to the general requirements as hereinbefore set forth, applicable to projects of such use character.~~

~~That the total average intensity of development within the PDD Planned Development District will be compatible with the City of Franklin Comprehensive Master Plan, elements thereof, and the detailed planning district or neighborhood unit development plans prepared for the area.~~

Determination.

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Common Council Action. The Common Council, after due consideration, may deny the application, approve the application as submitted, or approve the application subject to additional conditions and restrictions.

General and Detailed Approval. The general and detailed approval of an application for rezoning shall be based on and include as conditions thereto the building, site, and operational plans for the development as approved by the Common Council.

General Approval. Plans submitted with the application for a rezoning to the PDD Planned Development District need not necessarily be completely detailed at the time of rezoning provided they are of sufficient detail to satisfy the Plan Commission and Common Council as to the general character, scope, and appearance of the proposed development. Such preliminary plans shall designate the pattern of the proposed streets, and the size and arrangement of individual building sites. The approval of such preliminary plans shall be conditioned upon the subsequent submittal and approval of more specific and detailed plans as each stage of development progresses.

Detailed Approval. Plans submitted for detailed approval shall be sufficiently precise that all factors that need to be identified by the Plan Commission are presented, and that any approvals given are all that would be necessary prior to issuance of a Certificate of Occupancy.

4. Subsequent Change or Addition to the Plans or Use. Any subsequent change or addition to the plans or use shall first be submitted for approval to the Plan Commission and, if in the opinion of the Plan Commission such change or addition constitutes a substantial alteration of the original plan, a public hearing before the Plan Commission shall be required and notice thereof be given pursuant to the provisions of this Division, and said proposal alterations shall be submitted to the Common Council for approval.

15-10-07. Amendments to Planned Developments

A. **Determination.** Upon receiving a Planned Development amendment application, including the information required by the Zoning Administrator, the Zoning Administrator shall determine whether the amendment is a major amendment, or a minor amendment based on the criteria detailed in Section ##-##-## (B) and (C) below.

B. **Major Amendment.** A major amendment is any proposed change to an adopted Planned Development that results in one (1) or more of the following changes:

1. Increase in density;
2. A ten (10) percent increase in impervious surface or modification to the approved stormwater management plan.
3. Reduction of open space by more than ten (10) percent;
4. Modification of the proportion of housing types;
5. Increase in the approved gross floor area by more than three-thousand (3,000) square feet;
6. Alteration of the alignment of roads, utilities, or drainage;
7. Modification of any other site feature inconsistent with any standard or condition imposed by the Common Council in approving the Planned Development, as determined by the Zoning Administrator.

C. **Minor Amendment.** A minor amendment is any proposed change to an approved Planned Development that is consistent with the standards and conditions upon which the Planned Development application was approved and Planned Development adopted, which does not alter the concept or intent of the Planned Development and is not considered a major amendment as detailed in Section ##-##-##.

D. **Approval Processes.**

1. A major amendment to an adopted Planned Development shall follow the procedure set in Section ##-##-##.

Commented [RS24]: Procedure to amend PUDs established per diagnostic memo.

Commented [RS25]: For presentation - emphasize that the minor amendments can be approved by the Zoning Administrator rather than by PC.

Commented [RS26]: This doesn't allow for much: Remove.

Commented [RS27R26]: 3,000 sq ft would allow for a small commercial office or tenant space.

Commented [RS28]: Remove "utilities or drainage".

Commented [JH29]: Same question as below about "Ordinance"

Commented [RS30]: Question for policy direction.

Commented [RS31]: That affects the entire PDD.

Commented [JH32]: Is "Ordinance" the right word here? Or is it just PDD?

Commented [RS33]: A proposed change that is consistent with the approved PDD but only impacts a single site or building shall be approved as a site plan as specified in Section ##-##-##. For Policy Direction: Can staff approve or should in be Board and Commission.

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4-2. A minor amendment to an approved Planned Development may be approved by the Zoning Administrator.

REVIEW GUIDE

Existing Text

New Text

Deleted or Moved Text

References to be updated

Article 11. Nonconforming Buildings, Structures, and Uses

11-101. Title **Error! Bookmark not defined.**

15-11-01. Existing Nonconforming Uses

- A. The lawful nonconforming use of a structure, land, or water existing at the time of the adoption or amendment of this Ordinance-UDO may be continued although the use does not conform with the provisions of this UDO Ordinance-provided that:
1. **Portion of the Land or Water in Actual Use May Be Continued.** Only that portion of the land or water in actual use may be so continued and the nonconforming use may not be extended, enlarged, substituted, or moved, except when required to do so by law or order or so as to comply with the provisions of this UDO Ordinance.
 2. **Substitution of New Equipment.** Substitution of new equipment may be permitted by the Board of Zoning and Building Appeals if such equipment will reduce the incompatibility of the nonconforming use or structure with the neighboring uses.
 3. **Conforming ConditionalSpecial Uses.** See Division ##-#-## for uses existing at the effective date of this UDO Ordinance, which would be classified as Conditional Special Uses under the provisions of this OrdinanceUDO.

Commented [RS1]: From existing 15-3.1001

Commented [RS2]: Circle back to nonconformities analysis.

Circle back on nonconforming uses and use table.

Reiterate the tie back to the scope of the process.

Tie back to diagnostic and recommendations report.

Reiterate that no nonconforming uses are created.

Mention for any copy edits - Task Force members should submit a marked-up copy.

Commented [RS3]: Give an example.

15-11-02. Existing Nonconforming Structures

- A. The lawful nonconforming use of a structure existing at the time of the adoption or amendment of this UDO Ordinance may be continued although the structure's size or location does not conform with the established building setback line along streets or the yard, height, parking, loading, access, floor-area-ratio, and lot area or lot area per dwelling unit provisions of this UDO Ordinance provided that:
1. **Total Structural Repairs or Alterations.** Total structural repairs or alterations to a nonconforming structure shall not exceed fifty (50) percent% of the municipality's equalized assessed value of the structure unless it is permanently changed to conform to the use provisions of this UDO Ordinance.
 2. **Substitution of New Equipment.** Substitution of new equipment may be permitted by the Board of Zoning and Building Appeals if such equipment will reduce the incompatibility of the nonconforming use or structure with the neighboring uses.
 3. **Repairs and Alterations.** Repairs and alterations permitted under the provisions of this Ordinance to nonconforming buildings and structures located in floodplains shall include floodproofing to those portions of the building or structure involved in such repairs or alterations. Certification of floodproofing shall be made to the Zoning Administrator and shall consist of a plan or document certified by a registered professional engineer that the flood-proofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the one-hundred-year recurrence interval flood level for the particular area.

Commented [RS4]: From existing 15-3.1002

Commented [RS5]: For City: I'd like legal review on this provision for compliance with (5e)(a)(2) "An ordinance may not prohibit, limit based on cost, or require a variance for the repair, maintenance, renovation, rebuilding, or remodeling of a nonconforming structure or any part of a nonconforming structure."

The text in the statute was adjusted slightly as part of Act 67. If 15-11-02(A)(1) complied with the previous legislation, it should continue to comply with the act as amended but please let me know the attorney's thoughts.

15-11-03. Existing Substandard Lots

- A. **Residential Substandard Lots.** A lot located in a residential district which does not contain sufficient area to conform to the dimensional requirements of this UDO Ordinance, but which lot is at least fifty (50) feet wide and six-thousand (6,000) square feet in area, may be used as a single building site provided that:

Commented [RS6]: From existing 15-3.1003

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1. The use is permitted in the ~~zoning-governing~~ district.
 2. The lot is a lot of record in the Milwaukee County Register of Deeds Office prior to the effective date of this ~~UDO Ordinance~~.
 3. The lot has the ability to connect to public sanitary sewer, if less than ~~forty-thousand~~ (40,000) square foot in size.
- B. **Nonresidential District Standard Lots.** A lot located in a ~~nonresidential-commercial and mixed-use, industrial and agricultural, or miscellaneous zoning~~ district which does not contain sufficient area to conform to the dimensional requirements of this ~~Ordinance-UDO~~ may be used as a building site provided that the lot is a lot of record in the Milwaukee County Register of Deeds Office prior to the effective date of this ~~OrdinanceUDO~~.
- C. **Setback and Yard Requirements.** Standard lots granted permits under this ~~Ordinance-UDO~~ shall be required to meet the setback and other yard requirements of this ~~OrdinanceUDO~~. A Building Permit for the improvement of a lot with lesser dimensions and requisites than those stated in ~~Section A Paragraph A~~ of this Section shall be issued only after a variance is granted by the Board of Appeals.
- D. **Two (2) or More Standard Lots with Continuous Frontage Under the Same Ownership.** If two (2) or more standard lots with continuous frontage have the same ownership as of the effective date of this ~~UDO Ordinance~~, the lots involved shall be considered to be an individual parcel for the purpose of this ~~UDO Ordinance~~.

15-11-04. Continuance of Use

Commented [RS7]: From existing 15-3.1004

- A. **Legal Nonconforming Use.** Any lawfully established use of a building or land that does not conform to the use regulations for the district in which it is located at the time of the adoption of this ~~UDO Ordinance~~ shall be deemed to be a legal nonconforming use and may be continued, except as otherwise provided herein.
- B. **Continuation of Legal Nonconforming Uses.** Any legal nonconforming buildings or structures may be continued in use provided there is no physical changes other than necessary maintenance and repair, except as otherwise permitted herein.
- C. **Buildings and Uses for which a Zoning Compliance Permit, Conditional Special-Use Permit, or Building Permit Has Been Granted.** Any building or use for which a Zoning Compliance Permit, ~~Conditional Special-Use Permit~~, or Building Permit has been lawfully granted may be completed in accordance with the approved plans, provided construction is started within ~~ninety~~ (90) days and the exterior of the building or use is completed within six (6) months of the effective date of ~~this UDO Ordinance~~. Such building or use shall thereafter be deemed a lawfully established building or use.

15-11-05. Discontinuance of Use

Commented [RS8]: From existing 15-3.1005

- A. **Building, Structure, or Land Occupied by a Nonconforming Use Changed to or Replaced by a Conforming Use.** Whenever any part of a building, structure, or land occupied by a nonconforming use is changed to or replaced by a conforming use, such premises shall not thereafter be used or occupied by another nonconforming use, even though the building may have been originally designed and constructed for the prior nonconforming use.
- B. **Discontinuance of Nonconforming Use.** Whenever a nonconforming use or part thereof has been discontinued for a period of ~~twelve~~ (12) consecutive months, or whenever there is evidence of a clear intent on the part of the owner to abandon a nonconforming use, such use shall not, after being discontinued or abandoned, be re-established, and the use of the premises thereafter shall be in conformity with the regulations of the zoning district in which the use is located.
- C. **Discontinuance of Nonconforming Use Where No Enclosed Building Is Involved.** Where no enclosed building is involved, discontinuance of a nonconforming use for a period of ~~twelve~~ (12) months shall constitute abandonment, and shall not thereafter be used in a nonconforming manner.
- D. **Nonconforming Uses to be Discontinued.** A nonconforming use not authorized by the provisions of ~~the City of Franklin Unified Development Ordinance~~ ~~this UDO~~ at the time of the adoption of this ~~UDO Ordinance~~ shall be discontinued.

15-11-06. Repairs and Alterations

Commented [RS9]: From existing 15-3.1006

- A. **Normal Maintenance Permitted.** Normal maintenance of a building or other structure containing a nonconforming use is permitted, including necessary nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming use.
- B. **No Structural Alteration.** No structural alteration shall be made in a building or other structure containing a nonconforming use, except in the following situations:
1. When the alteration is required by law.
 2. When the alteration will actually result in elimination of the nonconforming use.
 3. When a building is in a residential ~~zoning~~-district containing residential nonconforming uses, said building may be altered in any way to improve livability, provided no structural alterations are made which would increase the number of dwelling units or the bulk of the building.
 4. When a residential building is non-conforming in terms of insufficient yard setback, the residential building may be expanded only where yard setbacks are conforming and in no situation shall the non-conformance setback be expanded.

15-11-07. Damage and Destruction

Commented [RS10]: From existing 15-3.1007

- A. **Damaged or Destroyed Building, or Other Structure Containing a Nonconforming Use.** If a non-conforming building or other structure, or a building or structure containing a nonconforming use is damaged or destroyed by any means to the extent of ~~fifty (50)%~~ or more of its replacement value at that time, the building or other structure can be rebuilt or used thereafter only for a conforming use and in compliance with the provisions of the ~~zoning~~-district in which it is located. In the event the damage or destruction is less than ~~fifty (50)%~~ of its replacement value, based upon prevailing costs, the building may then be restored to its original condition and the occupancy or use may be continued.
- B. **Reconstruction of Buildings and Structures Located on Floodplains.** Reconstruction permitted under the provision of this Division to building and structures located on floodplains shall include floodproofing to a height two foot above the elevation of the one-hundred-year recurrence interval flood as delineated on large-scale topographic maps prepared by the City or by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) under the Root River Watershed study or as determined through the use of flood profiles and accompanying hydrologic and hydraulic engineering data, to those portions of the building or structure involved in such reconstruction. Certification of floodproofing shall be made to the Building Inspector and shall consist of a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the one-hundred-year recurrence interval flood level for the particular area.

15-11-08. Additions and Enlargements

Commented [RS11]: From existing 15-3.1008

- A. **Nonconforming Building Shall Not Be Extended.** A nonconforming building shall not be extended unless the entire building is thereafter devoted to a conforming use and said extension meets all applicable ~~UDO Ordinance~~-requirements, and is made to conform to all the regulations of the ~~zoning~~-district in which it is located.
- B. **Buildings Partially Occupied by a Nonconforming Use.** No building partially occupied by a nonconforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such nonconforming use.
- C. **Limitations on the Expansion of a Nonconforming Use.** No nonconforming use may be extended in such a way as to occupy any required usable open space, or any land beyond the boundaries of the zoning lot as it existed on the effective date of this ~~UDO Ordinance~~, or to displace any conforming use in the same building or on the same parcel of land.
- D. **Building or Structure Nonconforming with Respect to Yards, ~~Setbacks, Floor Area Ratio, or Any Other Element of Bulk.~~** A building or structure which is nonconforming with respect to yard ~~setbacks, floor area ratio,~~ or any other element of

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bulk shall not be altered or expanded in any manner which would increase the degree or extent of its nonconformity with respect to the bulk regulations for the district in which it is located.

E. **Additions and Enlargements Located on Floodplains.** Additions and enlargements permitted under the provisions of this Division to building and structures located on floodplains shall include floodproofing to a height two foot above the elevation of the one-hundred-year recurrence interval flood as delineated on large-scale topographic maps prepared by the City or by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) under the Root River Watershed study or as determined through the use of flood profiles and accompanying hydrologic and hydraulic engineering data, to those portions of the building or structure involved in such additions and enlargements. Certification of floodproofing shall be made to the Building Inspector and shall consist of a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the one-hundred-year recurrence interval flood level for the particular area.

Commented [JH12]: I would like to make sure this is consistent with the new floodplain draft and with ASFP standards - something tells me no - let's make sure to flag this with Marion.

15-11-09. Changes and Substitutions

Commented [RS13]: From existing 15-3.1009

- A. **Nonconforming Use Changed to Conforming Use or Substandard Structure Altered to Comply with this OrdinanceUDO.** Once a nonconforming use has been changed to a conforming use or a substandard structure has been altered so as to comply with this OrdinanceUDO, it shall not revert back to a nonconforming use or substandard structure.
- B. **Substitution of More Restrictive Nonconforming Use for Existing Nonconforming Use.** Once the Board of Zoning and Building Appeals has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the prior existing use shall lose its status as a legal nonconforming use and the substituted use shall become subject to all the conditions required by the Board of Zoning and Building Appeals.

15-11-10. Exempted Buildings, Structures, and Uses

Commented [RS14]: From existing 15-3.1010

- A. Whenever a lawfully existing building or other structure otherwise conforms to the use regulations of the zoning-district in which it is located, but is nonconforming only in the particular manner hereinafter specified, the building and use thereof shall be exempt from the requirements of ~~§15-3.1006Section ###-##-###:-~~
 - 1. **Dwelling Structure Nonconforming Only as to the Number of Dwelling Units Contained.** In any residential zoning district where a dwelling structure is nonconforming only as to the number of dwelling units it contains, provided no such building shall be altered in any way so as to increase the number of dwelling units therein.
 - 2. **Business or IndustrialCommercial and Mixed-Use or Industrial and Agricultural District Where the Use is Less Distant from a Residential Zoning District than Specified.** In any ~~business or industrialcommercial and mixed-use or industrial and agricultural~~ district, where the use is less distant from a residential zoning-district than that specified in the regulations for the district in which it is located.
 - 3. **Other.** In any zoning-district where an established building, structure, or use is nonconforming with respect to the standards prescribed herein for any of the following:
 - a. ~~Floor area ratio including both net floor area ratio (NFAR) and gross floor area ratio (GFAR).~~
 - b.a. Yard setbacks - front, corner-street side, interior side, rear, or transitional.
 - e.b. Off-street parking and loading.
 - e.c. Lot area or lot area per dwelling unit.
 - e.d. Building height.
 - f.e. Gross floor area.
 - g.f. Required landscaping, landscape bufferyards, landscape surface ratio (LSR), and open space ratio (OSR).

Commented [RS15]: FAR no longer used.

Commented [RS16]: This is still relevant as the provision will cover off-street parking maximum.

Commented [RS17]: GFA is established for several uses through use-specific standards so we'll keep it included.

Commented [JH18]: Let's call this "required landscaping." The OSR and LSR definitely should be deleted as those concern coverage and density rather than landscaping.

Commented [RS19R18]: Sounds good to me.

4. **Pre-existing Lot Sizes.** Where a lot size was conforming prior to the most recent adoption of this UDO Ordinance, and subsequent modification to regulates if this UDO Ordinance has revised minimum lot size requirements for a particular zoning district, the lot shall continue to be considered a conforming lot.
5. **Enlargement or Extension of a Nonconforming Use May be Allowed by the Common Council.** The enlargement or extension of a nonconforming use may be allowed by the Common Council, following a public hearing duly noticed and held by the Board of Zoning and Building Appeals, provided that the Board shall determine and set forth in writing:
 - a. Such enlargement or extension is consistent with the public interest.
 - b. Such enlargement or extension will not have an "adverse" effect on property in the surrounding neighborhood on account of visual appearance, increased traffic (pedestrian or vehicular), noise, smoke, odor, or other factors. Further, no such enlargement or extension of a nonconforming use shall be permitted unless all building height, yard, coverage, and off-street parking and loading requirements of this ordinance for the district in which such use is located are adhered to. In the event that a written protest against any enlargement or extension of a nonconforming use, signed and acknowledged by the owners of twenty (20) percent% of the property immediately adjoining or across an alley therefrom, or by the owners of twenty (20) percent% of the frontage directly across the street therefrom, is filed with the Zoning Board of Zoning and Building Appeals, such enlargement or extension shall not be allowed, except by a three-fourths (3/4) vote of the Common Council. No nonconforming use may be enlarged or expanded in floor area or lot area by more than fifty (50)% in the aggregate, based upon its size or scope on the effective date of this amendatory ordinance, whether or not such aggregate enlargement or expansion occurs at one time or at successive times.
 - e. Enlargements or extensions permitted under the provisions of this section to building and structures located on floodplains shall include floodproofing to a height two foot above the elevation of the one-hundred-year recurrence interval flood as delineated on large-scale topographic maps prepared by the City or by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) under the Root River Watershed study or as determined through the use of flood profiles and accompanying hydrologic and hydraulic engineering data, to those portions of the building or structure involved in such enlargements or extensions. Certification of floodproofing shall be made to the Building Inspector and shall consist of a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the one-hundred-year recurrence interval flood level for the particular area.

Commented [JH20]: What is this? I think it needs to be deleted -let's check my final version with City Attorney -

Commented [RS21R20]: Agree. I don't think that text makes sense.

15-11-11. Nonconforming Uses and Structures in the FW, FC, and FFO

A. **Floodplain Nonconforming Use or Structure.** In accordance with § 62.23(7)(h) of the Wisconsin Statutes, no modification to a floodplain nonconforming use or structure shall be permitted that would, over the life of the nonconforming use or structure, exceed 50% of the equalized assessed value of the structure at the time of modification, unless the entire structure is changed to a conforming structure with a conforming use or was damaged or destroyed after March 1, 2006, and meets the requirements of § 62.23(7)(hc) of the Wisconsin Statutes and all of the minimum requirements under 44 CFR Chapter I-Part 60 of the Code of Federal Regulations (CFR), or the regulations promulgated thereunder. The percentage shall be derived from the cost of the modification compared to the structure's equalized assessed value at the time of the modification. Ordinary maintenance repairs are not considered structural repairs or alterations. Such ordinary maintenance repairs include internal and external painting, decorating, and paneling; the replacement of doors, windows, and other nonstructural components; and the maintenance, repair, or replacement of existing sewage systems, water supply systems, or connections to public utilities. Ordinary maintenance repairs do not include any costs associated with the repair of a damaged structure in a floodplain. The cost of elevating a nonconforming building or a building with a nonconforming use to the flood protection elevation is excluded from the 50% provision in this paragraph.

Commented [RS22]: From existing 15-3.1011. For JB - Nonconforming uses in floodplain districts are already drafted in Section 15-3.06 (F) per model floodplain ordinance. I'm thinking we can delete this existing section.

Commented [JH23R22]: YES - same comment as floodproofing above that it needs to be verified with Marion but I agree with your first take

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1. A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure; the alteration will have low flood damage potential and comply with the standards contained in the applicable floodplain districts in §§ 15-3.0319, 15-3.0320, and 15-3.0321; flood-resistant materials are used; and construction practices and floodproofing methods that comply with § 15-3.1112 of this Ordinance are used.

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2. The Building Inspector shall maintain records of all floodplain nonconforming uses and structures, and modifications made to floodplain nonconforming uses and structures. Records shall reflect the current equalized assessed value of nonconforming structures, the costs of any modifications that are permitted, and the percentage of the structure's current value that those modifications represent.

B. Additional Requirements for Nonconforming Uses and Structures in the FW Floodway District. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the floodway, unless such modification or addition complies with the following:

1. Has been granted a permit or variance that meets the requirements of §§ 15-3.0319 and 15-3.0604 of this Ordinance.
2. Contiguous dry land access will be provided for residential, commercial, and institutional uses in compliance with § 15-3.0606B.1.
3. Will not increase the obstruction to flood flows or regional flood height.
4. Any addition to the existing structure shall be floodproofed, pursuant to § 15-3.1112, by means other than the use of fill, to the flood protection elevation, except where paragraph 5 below applies.
5. If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 - a. The enclosed area shall be designed by a registered engineer or architect to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade.
 - b. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials.
 - c. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation.
 - d. The use must be limited to parking or limited storage.
6. No new private onsite wastewater treatment system (POWTS), or addition to an existing POWTS except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the floodway. Any replacement, repair, or maintenance of a POWTS in the floodway shall meet all applicable City ordinances and Chapter Comm 83 of the Wisconsin Administrative Code.
7. No new well or modification to an existing well used to obtain water for ultimate human consumption shall be allowed in the floodway. Any replacement, repair, or maintenance of an existing well in the floodway shall meet all applicable requirements of City ordinances and Chapters NR 811 and 812 of the Wisconsin Administrative Code.

C. Additional Requirements for Nonconforming Uses and Structures in the FC Floodplain Conservancy District and FFO Floodplain Fringe Overlay District. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the floodplain fringe areas, unless such modification or addition complies with the following:

1. Has been granted a permit or variance by the City.
2. The modification or addition shall be placed on fill or floodproofed to the flood protection elevation in compliance with the standards for that particular use in §§ 15-3.0320, 15-3.0321, 15-3.0605, and 15-3.0606, except where paragraph 3 below applies.

~~3. Where compliance with the fill or floodproofing provisions of paragraph 2 above would result in unnecessary hardship, and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Zoning and Building Appeals, using the procedures established in § 15-9.0105, may grant a variance for modifications or additions which are protected to elevations lower than the flood protection elevation provided:~~

- ~~a. No floor is allowed below the regional flood elevation for residential or commercial structures.~~
- ~~b. Human lives are not endangered.~~
- ~~c. Public facilities, such as water or sewer, will not be installed.~~
- ~~d. Flood depths will not exceed two feet.~~
- ~~e. Flood velocities will not exceed two feet per second.~~
- ~~f. The structure will not be used for storage of materials described in § 15-3.0320C.~~

~~4. An addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in the FC and FFO Districts on a one-time basis only, provided that the addition:~~

- ~~a. Has been granted a permit or variance by the City.~~
- ~~b. Does not exceed 60 square feet in area.~~
- ~~c. In combination with other previous modifications or additions to the building, does not exceed 50% of the present equalized assessed value of the building.~~

~~5. All new private onsite wastewater treatment systems (POWTS), or additions to, replacement, repair, or maintenance of a POWTS shall meet all applicable provisions of City ordinances and Chapter Comm 83 of the Wisconsin Administrative Code.~~

~~6. All new wells, or additions to, replacement, repair, or maintenance of a well shall meet all applicable provisions of City ordinances and Chapters NR 811 and 812 of the Wisconsin Administrative Code.~~

~~15-11-12. Wetland Nonconforming Uses~~

~~A.c. Notwithstanding § 62.23(7)(h) of the Wisconsin Statutes, the repair, reconstruction, renovating, remodeling or expansion of a legal nonconforming structure, or any environmental control facility related to a legal nonconforming structure, located in the SW Shoreland Wetland Overlay District and in existence at the time of adoption or subsequent amendment of this Ordinance is permitted pursuant to § 62.231(5) of the Wisconsin Statutes.~~

Commented [RS24]: From existing 15-3.1012. SW Shoreland Wetland District no longer exists in the draft UDO.

Commented [JH25R24]: Yep

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Article 12. Definitions

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15-12-01. "A" Definitions.

- A. A ZONES. Areas of potential flooding shown on the City's "Flood Insurance Rate Maps" which would be inundated by the regional flood as defined herein. These numbers may be numbered as A0, A1 to A99, or be unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
- B. ABANDONMENT. An action to give up one's rights or interests in property.

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- C. ~~ABUTTING. Having a common border with, or with or~~ being separated from such common border by an alley or easement, other than publicly dedicated and approved rights-of-way.
- D. ACCESS. A means of vehicular or non-vehicular approach or entry to or exit from property, a street, or highway.
- E. ~~ACCESS, DRYLAND. A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land which is outside the floodplain, such as a road with its surface above the regional flood elevation and wide enough to accommodate wheeled vehicles.~~

~~A.~~

~~ACCESS, SECONDARY. A means of vehicular or nonvehicular approach or entry to or exit from property from other than a public street or highway (such as an alley). This is not necessarily meant to include a second primary access that might be required for developments.~~

~~E.F. ACCESSORY DWELLING. A small, independent residential dwelling unit located on the same lot as a principal dwelling unit. Internal accessory dwelling units are a partitioned area within the principal dwelling. Attached accessory dwelling units are defined as an accessory structure attached to a principal dwelling unit, while detached accessory dwelling units are defined as accessory structures detached from the principal building.~~

~~G. ACCESSORY RETAIL. The use of a structure on the same lot or tract as the principal structure, used for the accessory retail sale of goods or items produced on the premises.~~

~~H. ACCESSORY STRUCTURE. A structure which is subordinate to and serves a principal structure or use located on the same lot, is subordinate in area, extent, and purpose to the principal structure or use served, and contributes to the comfort, convenience, or necessity of occupants of the principal structure or use served.~~

~~I. ACCESSORY USE. A use which is subordinate to and serves the principal structure or use located on the same lot, is subordinate in area, extent, and purpose to the principal structure or use served, and contributes to the comfort, convenience, or necessity of occupants of the principal structure or use served.~~

~~ACCESSORY STRUCTURE OR USE. An "accessory structure or use" is one which:~~

~~Is subordinate to and serves a principal structure or principal use;~~

~~Is subordinate in area, extent, or purpose to the principal structure or principal use served;~~

~~Contributes to the comfort, convenience, or necessity of occupants of the principal structure or principal use served; and~~

~~Is located on the same zoning lot as the principal structure or principal use served.~~

~~An "accessory use" includes, but is not limited to, the following:~~

~~A children playhouse, garden house, or private greenhouse;~~

~~A garage, shed, or building for domestic storage;~~

~~Incinerators incidental to residential use;~~

~~Storage of merchandise normally carried in stock on the same lot or parcel with any retail service or business use, unless such storage is excluded by the district regulations;~~

~~Storage of goods used in or produced by manufacturing activities on the same lot or parcel of ground with such activities, unless such storage is excluded by the district regulations;~~

~~Off-street motor car parking areas, and loading and unloading facilities;~~

~~Carports;~~

Commented [RS1]: Rewriting these from the existing definitions -- I think having them listed out separately will make them clearer.

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~~Signs (other than advertising signs), in conformity with the provisions of an Ordinance known as the Sign Ordinance, heretofore adopted by the City of Franklin and as amended from time to time;~~

~~Public utility facilities — telephone, electric, gas, water, and sewer lines, their supports and incidental equipment;~~

~~Decks when used as a patio, porch, or platform without any form of enclosing wall or roof structure.~~

~~F. ACREAGE. In the case of plats, any tract or parcel of land having an area of three acres or more which has not heretofore been subdivided or platted.~~

~~G. ACREAGE, NET. The remaining ground area after deleting all portions for proposed and existing streets within a development or subdivision.~~

~~H. ACTIVITY, LAND-DEVELOPING. For the purposes of Division 15-8.0300, the construction of buildings, roads, utilities, parking lots, paved storage areas and similar facilities.~~

~~I. ACTIVITY, LAND-DISTURBING CONSTRUCTION. Any man-made change of the land surface including removing vegetative cover, excavating, filling and grading but not including agricultural land uses such as planting, growing, cultivating and harvesting of crops; growing and tending of gardens; harvesting of trees; and landscaping modifications (if less than 2,000 square feet).~~

~~J. ADJACENT. Nearby, but not necessarily touching or abutting.~~

~~K. ADT. Average daily traffic. The average total number of vehicles traversing a street on a typical day.~~

~~K. ADULT ESTABLISHMENT. An establishment having a significant portion of its sales or stock in trade one or more of the following; or derives a substantial portion of its interior business or advertising to the sale or rental for any form of consideration from one or more of the following:~~

- ~~1. Books, magazines, periodicals, printed matter, photographs, films, motion pictures, video cassettes, slides, or other visual representations which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified anatomical activities or areas.~~
- ~~2. Instruments, devices, or paraphernalia, which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of the user or others.~~
- ~~3. An establishment may have other principal business purposes that do not involve the offering for sale, rental, or viewing of materials depicting or describing specified sexual activities or anatomical areas and can still be categorized as an adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is offering the sale or rental of some form of consideration the specified materials, which depict or describe specified anatomical activities or specified anatomical areas.~~

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~~A-FRAME/SANDWICH BOARD SIGN. A sign designated or intended to be moved easily that is not permanently embedded in the ground or affixed to a building or other structure, including any sign that rests upon the ground, a frame, a building, or other structure.~~

~~L. AGENT, AUTHORIZED. A person or firm duly authorized by the property owner to submit applications on his, her, their, or its behalf.~~

~~M. AGRICULTURE. All of the growing of crops in the open and the raising and feeding of livestock and poultry; including farming, farm buildings, and farm dwellings; truck gardens; flower gardens; apiaries; aviaries; mushroom growing; nurseries; orchards; forestry; dairying; greenhouses; and commercial vegetables. Specific agricultural uses are further defined in § 15-3.0603 of this Ordinance.~~

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- N. AIRPORT. Any area of land or water which is used, or intended for use, for the landing and take-off of aircraft; and any appurtenant areas which are used or intended for use as airport buildings or other airport structures or right-of-way, together with all airport buildings and structures located thereon.
- O. ALLEY. A public way, not more than thirty (30) feet wide, which affords only a secondary means of access to abutting property.
- P. ALTERATION, STRUCTURAL. Any change which would tend to prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams, or girders.
- ~~P. ANIMAL BOARDING FACILITY/KENNEL. Any structure, land, or combination thereof used, designed, or arranged for the boarding, breeding or care of animals.~~
- Q.
- ~~Q-R. ANIMAL HUSBANDRY. The use of land for dairying, animal raising, and pasturage and the necessary accessory uses; provided, however, that such accessory uses shall be secondary to that of normal animal husbandry activities.~~
- R. AMUSEMENT PARK. An area of land, including the structures thereon, which is devoted to a commercial enterprise open to the public, which provides to patrons multiple amusement attractions which include, but not limited to, amusement rides, games of chance, etc.
- S. ANTENNA, SATELLITE. Any antenna designed to receive broadcasts relayed by signals from earth orbiting communications satellites.
- T. APARTMENT. A room or suite of rooms in a multiple family structure, which is arranged, designed, used, or intended to be used, as a single housekeeping unit. Complete kitchen facilities, permanently installed, must always be included for each apartment.
- U. APARTMENTS, COMMERCIAL. An apartment located above the first floor of a commercial building. (See § 15-3.0703(C) of this Ordinance.)
- ~~V.S. APPROVING AGENCIES. The Common Council, Plan Commission, the town wherein the plat is located, and each adjoining city or village in whose extraterritorial plat approval jurisdiction of the subdivision lies and any other governmental agency with applicable approval jurisdiction pursuant to Ch. 236, Stats.~~
- ~~AREA EXCEPTION. A special or unique situation excluding a change in use or a use prohibited in a zoning district, which may be authorized by the Board of Zoning and Building Appeals and is specifically set forth in this Ordinance as an area exception (being a "special exception" as those terms are used within § 62.23(7)(e), Stats., and notwithstanding the definition of "special Exception" otherwise set forth in this Subsection § 15-11.0103 and by that specific definition pertaining only to natural resource regulations) and which may justify the waiver of the regulations applicable to area and dimensional and bulk requirements not involving natural resource regulations and does not necessarily require the demonstration of an unnecessary hardship or practical difficulty. [See Fabyan v. Waukesha County Board of Adjustment, 246 Wis. 2d 851, 632 N.W.2d 116 (Ct. App. 2001)]~~
- T. ARTIFICIAL WETLAND. Engineered systems that use the natural functions of vegetation, soil, and organisms to provide secondary treatment to wastewater.
- ~~W. ARTISAN MANUFACTURING. Small-scale businesses that produce artisan goods or specialty foods, primarily for direct sales to consumers, such as artisan leather, glass, wood, paper, ceramic, textile and yarn products, specialty foods and baked goods. This land use includes the design, processing, fabrication, assembly, treatment and packaging of products; as well as the incidental storage, sales and distribution of such products.~~
- U.

Commented [RS2]: Area exceptions removed from draft Article 9: Removing from definitions in Article 13.

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- ~~V. ARTISAN WORKSHOP. A small-scale workshop located as an accessory use that produces artisan goods or special specialty foods, primarily for direct sales to consumers, such as artisan leather, glass, wood, paper, ceramic, textile and yarn products, specialty foods and baked goods. The land use includes the design, process, fabrication, assembly, treatment, and packaging of products as well as the incidental storage but not the sale of products.~~
- ~~X. ASSISTED LIVING. A combination of housing and maintenance services provided to residents on-site within the same building and in response to the individual needs of residents. Supportive services such as meals, dietary supervision, housekeeping, transportation to shopping and medical appointments, social and recreational activities, educational activities, and security and response systems on-site within the same building to meet resident needs. These services can also include on-site medication management or intermittent health care services from qualified providers located within the same building. Services are furnished in a way that promotes self-direction and participation in decisions that emphasize independence, individuality, and privacy in a residential surrounding.~~
- ~~Y. AUDITORIUM. A room, hall, or building assigned to the gathering of people as an audience, to hear lectures, plays, or other presentations.~~
- ~~Z. AUTO COURT. (See definition of "Hotel-Inn.")~~
- ~~AA. AUTOMOBILE LAUNDRY. A building or portion thereof, where automobiles are washed with the use of a mechanical conveyor and blower or steam-cleaning device.~~
- ~~BB. AUTOMOBILE LOT, NEW. A zoning lot on which new cars, trailers, or trucks are displayed in the open for sale or trade.~~
- ~~CC. AUTOMOBILE LOT, USED. A zoning lot on which used cars, trailers, or trucks are displayed in the open for sale or trade.~~
- ~~DD.W. AUTOMOBILE AUTOMOTIVE REPAIR, MAJOR. Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body frame or fender straightening or repair; and painting of vehicles.~~
- ~~EE.X. AUTOMOBILE AUTOMOTIVE REPAIR, MINOR. Incidental repairs, replacement of parts, and motor service to automobiles but not including any operations specified under Automobile Automotive Repair, Major.~~
- ~~FF. AUTO SALES/RENTAL AND SERVICEAUTOMOBILE SALES-AREA. An open area, other than a street, used for the display or sale of new or used automobiles for sale or rental, and where no minor repair work is done except for minorsuch as the incidental repair of automobiles to be displayed and sold on the premises.~~
- ~~Y.~~
- ~~GG. AUTOMOBILE SERVICE STATION. A place where gasoline, stored only in underground tanks; kerosene; lubricating oil; or grease for operation of automobiles are offered for sale directly to the public, on the premises, and including minor accessories and servicing of automobiles; but not including major automobile repairs; and including washing of automobiles where no chain conveyor, blower, or steam-cleaning device is employed. When the dispensing, sale, or offering for sale of motor fuels or oil is incidental to the conduct of a public garage, the premises shall be classified as a public garage. Automobile service stations shall not include sales, rental, or storage of automobiles or trailers (new or used).~~
- ~~HH. AUTOMOBILE WRECKING YARD. Any place where two or more motor vehicles, not in running condition, or parts thereof, are stored in the open and are not being restored to operation; or any land, building, or structure used for wrecking or storing of such motor vehicles or parts thereof, and including any used farm vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition; and including the commercial salvaging of any other goods, vehicles, or merchandise stored in the open. The open storage of any type of mechanical equipment from which parts can be salvaged shall be classified as salvaging.~~
- ~~AWNING. A root-like cover, temporary in nature, which projects from the wall of a building and overhangs the wall or building.~~
- ~~II.Z. AWNING/CANOPY SIGN. A sign that is located or printed on an awning.~~

15-12-02. "B" Definitions.

- ~~BANNER SIGN. A flexible substrate on which copy or graphics may be displayed.~~
- A. BAR/TAVERN. An establishment or part of an establishment open to the general public primarily devoted to the selling or serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages.
- A.B. BASEMENT. A story wholly underground; or a story of a building, the floor line of which is below lot grade and the ceiling of which is not more than one foot above lot grade; the lot grade being the front center of the garage floor elevation set at time of building permit, or the street centerline, whichever is the highest elevation.
- ~~B. BASEMENT, HALF. That story of the building, the floor line of which is below lot grade and the ceiling of which is greater than one foot above lot grade, with an exterior exposure to provide for living area with safe egress, as determined by the building code. The lot grade shall be the front center of the garage floor elevation set at time of building permit, or the street centerline, whichever is the highest elevation. If any story conforms to the definition of "Living Area, First Floor," or "Basement," that story shall never be considered a half basement. For the purposes of height measurement, a half basement shall be counted as a story where more than one-half of the height is above the average level of the abutting ground elevation.~~
- ~~C. BASIN, DETENTION. A man-made or natural depression below the surrounding grade level designed to collect surface and subsurface water so that it might impede the water flow and to gradually release the same at a rate not greater than that prior to the development of the property, into natural or man-made outlets (i.e., the storm sewer system or stream).~~
- ~~D. BASIN, RETENTION. A man-made or natural body of water of a depth of not less than three feet, designed to contain water at all times, the level of which will be increased as a result of the flow into it of surface and subsurface water, collected therein and released gradually into natural or man-made outlets.~~
- E.C. BEDROOM. Any room other than a living room, dining room, family room, kitchen, bathroom, or utility room, for the purpose of this Ordinance, shall be considered a bedroom. Dens, studies, etc. and similar areas which may be used as bedrooms shall be counted as bedrooms for the purposes of this Ordinance.
- ~~F. BERTH, LOADING. (See definition of "Loading and Unloading Space, Off-Street.")~~
- G.D. BICYCLE LANEPATH. A pathway designed specifically to satisfy the physical requirements of bicycling.
- ~~H. BILLBOARD. Any structure or portion thereof upon which are signs or advertisements used as an outdoor display. This definition does not include bulletin boards used to announce church services, or to display court or other public official notices, or signs offering the sale or lease of the premises on which the sign is located.~~
- ~~I.E. BLOCK. A tract of land bounded by streets or, in lieu of a street or streets, by public parks, cemeteries, railroad rights-of-way, bulkhead lines or shorelines of waterways or corporate boundary lines of municipalities.~~
- J.F. BOARD OF ZONING AND BUILDING APPEALS. Reference to "Zoning Board of Appeals" shall refer to the Board of Zoning and Building Appeals of Franklin, Wisconsin. (See definition of "Zoning Board of Appeals.")
- ~~K. BOARDING HOUSE. A building other than a hotel or restaurant where meals are provided for compensation to four or more persons, but not more than 12, who are not members of the keeper's family.~~
- ~~BOATHOUSE. Any structure designed for the purpose of protecting or storing of boats used in conjunction with a residence for noncommercial purposes, and located on the same lot as the principal building and not for human habitation.~~
- G. BREWERY/WINERY/DISTILLERY. A production-oriented establishment primarily engaged in brewing fermented malt beverages including beer, ale, malt liquors, and nonalcoholic beer (brewery), manufacturing and bottling wine on the premises (winery), or manufacturing, by distillation, intoxicating spirits on the premises (distillery) primarily for sale and not including the consumption on-premises.

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~~L. BREWERY/WINERY/DISTILLERY, TASTING ROOM. A brewery, microbrewery, winery, or distillery in which customers may sample, purchase and consume wine, beer or spirits on the premises.~~

~~H.~~

~~M. BUFFER. (See definition of "Bufferyard.")~~

~~N. BUFFER, SHORE. All of that land area located within 75 feet landward of the ordinary high water mark of all ponds, streams, lakes, and navigable waters (as determined by the Wisconsin Department of Natural Resources) and parallel to that ordinary high water mark, which is to remain undisturbed as a Natural Resource Feature (including undisturbed natural vegetation). Shore buffers do not include any area of land adjacent to any stream enclosed within a drainage structure, such as a pipe or culvert. The area of shore buffers (in square feet and acres) shall be measured and graphically delineated on the "Natural Resource Protection Plan." A shore buffer is also a setback.~~

~~O.J. BUFFER, SURFACE WATER OR WETLAND. All of that land area located within 30 feet landward of a delineated wetland boundary and parallel to that delineated wetland boundary.~~

~~P.K. BUFFERYARD or BUFFER STRIP. An area of land within the boundaries of a lot or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or using trees, shrubs, fences, and/or berms, designed to limit continuously the view and/or sound from the lot or site to adjacent lots or sites. Bufferyards are typically defined by a delineated easement graphically indicated on the face of the Site Plan, Landscape Plan, Certified Survey Map, Subdivision Plat, or Condominium Plat. Bufferyards may be required between zoning districts and/or land uses to eliminate or minimize conflicts between them as set forth in [Division 15-3.0300 of this Ordinance](#).~~

~~L. BUILDABLE AREA. The space remaining on a zoning lot after the minimum [space yard setback](#) requirements of this Ordinance have been complied with.~~

~~Q. BUILDING FRONTAGE. Those building elevations that face upon a road or parking area between the building and the road.~~

~~M.~~

~~R. BUILDING HEIGHT. The vertical distance measured from the [mean elevation of the finished lot grade along the building frontage curb level or its equivalent established grade opposite the middle of the front of the building](#) to the highest point of the roof in the case of a flat or slant roof, to the deck line of a mansard roof, and to the mean height level between eaves and ridge of a gable, or hip, or gambrel roof; provided that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade at the front of the building.~~

~~N.~~

~~S. BUILDING INSPECTOR. The Building Inspector of the City of Franklin, Milwaukee County, Wisconsin.~~

~~BUILDING LINE. The line nearest the front of and across a zoning lot, establishing the minimum setback to be provided between the front line of a building or structure and the street right-of-way line.~~

~~T. BUILDING, COMPLETELY ENCLOSED. A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls, pierced only by windows and normal entrance or exit doors.~~

~~O.~~

~~U. BUILDING, DETACHED. A building surrounded by open space on the same zoning lot.~~

~~BUILDING, PERMANENT. Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no connecting doors, windows, or openings; and which is designed or intended for the shelter, enclosure or protection of persons, animals, or chattels. Any structures with interior areas not normally accessible for human use, such as gas holders, oil tanks, water tanks,~~

Commented [RS3]: I think we've replaced all instances of buffer with bufferyard - JB please correct me if this is incorrect.

Commented [GU4R3]: "BUFFER, SHORE" can be eliminated since the shoreland wetland ordinance will be stand-alone. "Buffer, surface water or wetland" is new.

Commented [SL5]: Might be mentioned in Article 7

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Commented [SL6]: Might be mentioned in Article 7

Commented [GU7]: we may need to search as both of these terms could be used - definition is good -

Commented [RS8]: I think this is more accurate.

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grain elevators, coal bunkers, oil cracking towers, and other similar structures, are not considered as permanent buildings.

~~V.P.~~ BUILDING, PRINCIPAL. A non-accessory building in which the principal use of the zoning lot on which it is located is conducted.

~~W.~~ BUILDING, TEMPORARY. A structure designed, built, created, or occupied for short and/or intermittent periods of time not to exceed one year, including tents, inflatable structures, lunch wagons, dining cars, trailers, and other roofed structures on wheels or other supports used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational, or recreational purposes; or for the enclosure or screening of goods or property; or for the display of signs and advertising. For the purpose of this definition, "roof" shall include an awning or other similar covering whether or not it is permanent in nature.

~~X.Q.~~ BULK. Term used to indicate the size, height, area, density, intensity and location of structures. (See Part 3 of this Ordinance.)

~~Y.R.~~ BUSINESS. An occupation, employment, or enterprise which occupies time, attention, labor, and materials, or wherein merchandise is exhibited or sold, or where services are offered other than home occupations.

15-12-03. "C" Definitions.

~~—~~ CALIPER. A measurement of the diameter of a tree taken six inches from above the ground level for trees up to and including four-inch caliper sizes, and 12 inches above the ground level for larger sizes.

~~A.~~ CAMPGROUND. An area rented to the public for transient occupancy or lodging a camping unit.

~~B.~~ CARWASH. The use of a site for automated or manual washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

~~A.C.~~ CEMETERY. land used or intended to be used for the burial of human or animal remains and dedicated for such purposes, including columbariums, crematoriums, and mausoleums.

~~B.~~ CAMP, RECREATIONAL. An establishment consisting of a permanent building or group of permanent buildings used periodically by an association of persons where seasonal accommodations for recreational purposes are provided only to members of such association and not to anyone who may apply.

~~C.~~ CARPORT. A roofed-over area attached to the principal building for vehicle storage, which may be open on three sides.

~~D.~~ CERTIFIED SURVEY MAP. A plat or map prepared for a minor land division as defined in Division 15-7.0700 of this Ordinance and prepared and recorded as set forth in § 236.34 of the Wisconsin Statutes (also see definition for "Minor Land Division").

~~E.~~ CHANNEL. A natural or artificial watercourse of perceptible extent which periodically or continuously contains moving water, or which forms a connecting link between two bodies of water. It has a definite bed and banks which confine the water.

~~F.~~ CHANNEL (as related to "FLOODPLAINS"). Those floodplains normally occupied by a stream of water under average annual high-water flow conditions while confined within generally well-established banks.

~~G.~~ CHAPTER 980 STATS. SUPERVISED RELEASE AND CRIMES AGAINST CHILDREN SEX OFFENDER USE. An occupancy use of a dwelling unit or a residential use unit pursuant to a plan of the Department of Health and Family Services, a Court order, or as may otherwise result from or be provided for under Chapter 980 of the Wisconsin Statutes, which occupancy use is the supervised release of a sexually violent person (a person having committed a sexually violent offense as those terms are defined in § 167-2, of the Municipal Code) and/or a crimes against children sex offender, or a residential use with or without supervision, by a person now, then or previously a sexually violent person and/or a crimes against children sex offender. A "crimes against children sex offender use" is an occupancy use by an individual who has been convicted of or has been found delinquent of or has been found not guilty by reason of disease or mental defect of any

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of the following offenses set forth within the Wisconsin Statutes, as amended, or the laws of this or any other state or the federal government, having like elements necessary for conviction, respectively:

1. ~~§ 940.225(1)~~ First Degree Sexual Assault;
2. ~~§ 940.225(2)~~ Second Degree Sexual Assault;
3. ~~§ 940.225(3)~~ Third Degree Sexual Assault;
4. ~~§ 940.22(2)~~ Sexual Exploitation by Therapist;
5. ~~§ 940.30~~ False Imprisonment-victim was minor and not the offender's child;
6. ~~§ 940.31~~ Kidnapping-victim was minor and not the offender's child;
7. ~~§ 944.01~~ Rape (prior statute);
8. ~~§ 944.06~~ Incest;
9. ~~§ 944.10~~ Sexual Intercourse with a Child (prior statute);
10. ~~§ 944.11~~ Indecent Behavior with a Child (prior statute);
11. ~~§ 944.12~~ Enticing Child for Immoral Purposes (prior statute);
12. ~~§ 948.02(1)~~ First Degree Sexual Assault of a Child;
13. ~~§ 948.02(2)~~ Second Degree Sexual Assault of a Child;
14. ~~§ 948.025~~ Engaging in Repeated Acts of Sexual Assault of the Same Child;
15. ~~§ 948.05~~ Sexual Exploitation of a Child;
16. ~~§ 948.055~~ Causing a child to View or Listen to Sexual Activity;
17. ~~§ 948.06~~ Incest with a Child;
18. ~~§ 948.07~~ Child Enticement;
19. ~~§ 948.075~~ Use of a Computer to Facilitate a Child Sex Crime;
20. ~~§ 948.08~~ Soliciting a Child for Prostitution;
21. ~~§ 948.095~~ Sexual Assault of a Student by School Instructional Staff;
22. ~~§ 948.11(2)(a) or (am)~~ Exposing Child to Harmful Material-felony sections;
23. ~~§ 948.12~~ Possession of Child Pornography;
24. ~~§ 948.13~~ Convicted Child Sex Offender Working with Children;
25. ~~§ 948.30~~ Abduction of Another's Child;
26. ~~§ 971.17~~ Not Guilty by Reason of Mental Disease of an included offense; and
27. ~~§ 975.06~~ Sex Crimes Law Commitment.

H.G. CITY ATTORNEY. The City Attorney of the City of Franklin, Milwaukee County, Wisconsin.

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- ~~H.~~ CITY CLERK. The City Clerk of the City of Franklin, Milwaukee County, Wisconsin. For application purposes, the term "City Clerk" may include the City Clerk's designee.
- I. CITY ENGINEER. The City of Franklin Engineer.
- ~~I.J.~~ CITY FORESTER. The City of Franklin Forester.
- ~~J.~~ CITY PLANNER. The City of Franklin City Planning and Zoning Administrator.
- K. CLASS 2 NOTICE. Publication of a public hearing notice under the provisions of Chapter 985 of the Wisconsin Statutes in a newspaper of circulation in the affected areas. Publication is required on two consecutive weeks, the last at least seven days prior to the public hearing.
- ~~K.L.~~ CLUSTER DEVELOPMENT. A development pattern or design technique in which lots or buildings are concentrated in specific areas on a site allowing the remaining land to be used for recreation, open space, and/or the preservation of natural resources.
- ~~L.~~ CLINIC. (See definition of "Medical Health Center.")
- ~~M.~~ CLUB, PRIVATE. A nonprofit association of persons, who are bona fide members paying annual dues, which owns, hires, or leases a building or portion thereof, the use of such premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises provided that adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed in conjunction with the operation of a dining room for the purpose of serving food and meals, though such beverages may be served in a separate room or rooms, and provided that such sale of alcoholic beverages is in compliance with the applicable federal, state, and county laws.
- ~~N.M.~~ COMBUSTIBLE MATERIALS. Inflammable and combustible materials shall mean and include oils and oil lights, sweepings from garage floors, barrels, boxes or other containers containing oil or other similar liquids, rags, clothes, paper, shavings, paper or cardboard boxes or cartons, grease, paints, varnish, or other similar substances, any of which are likely to be readily inflammable or combustible. (See definition for "Materials, Inflammable.")
- ~~Q.N.~~ COMMISSION, PLAN. The Franklin City Plan Commission, to be consistent with § 62.23(1) of the Wisconsin Statutes creating a City Plan Commission.
- ~~P.~~ COMMON AREA. Land in a residential development held in common and/or single ownership and not reserved for the exclusive use or benefit of an individual tenant or owner but rather for the benefit of all occupants of the development.
- ~~Q.O.~~ COMMON COUNCIL. The Common Council of the City of Franklin, Milwaukee County, Wisconsin.
- ~~R.P.~~ COMMUNITY. A town, municipality, or a group of adjacent towns and/or municipalities having common social, economic, or physical interests.
- Q. COMMUNITY LIVING ARRANGEMENT. The following facilities licensed, ~~or~~ operated, or permitted under the authority of Wisconsin State Statutes: child welfare agencies under § 48.60, group foster homes for children under § 48.02(7m), and community-based residential facilities under § 50.01; but does not include day care centers, nursing homes, general hospitals, special hospitals, Chapter 980 Stats, supervised release and crimes against children sex offender uses, prisons, and jails. The establishment of a community living arrangement shall be in conformance with §§ 46.03(22), 59.97(15), 62.23(7)(i), and 62.23(7a) of the Wisconsin State Statutes.
- R. COMMUNITY GARDEN. A site where any kind of plant, including flowers, is grown, and several individuals or households cultivate the site. The site may be divided into individual allotments, or gardeners may work together to cultivate the entire property. The land may be publicly or privately owned. The plants are grown for personal use by the gardeners or for donation.

Commented [RS9]: We're using Zoning Administrator in Franklin.

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~~S. COMPOSTING FACILITY. A facility where organic matter that is derived primarily from off-site is to be processed by composting and/or is processed for commercial purposes. Activities of a composting facility may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost.~~

~~S.~~

T. COMPREHENSIVE MASTER PLAN. ~~A document or series of documents prepared by the City Plan Commission and duly adopted by said Commission setting forth policies for the future development or redevelopment of the City of Franklin pursuant to Chapter 62.23 of the Wisconsin Statutes. The master plan shall also include neighborhood and subarea plans, proposals for future land use, open space, streets and transportation, urban redevelopment, and public facilities. Devices for the implementation of these plans, such as zoning, official map, land division and building line provisions, design guidelines, and capital improvement programs shall also be considered a part of the master plan. The master plan can also be termed the "Comprehensive Plan" and/or "Comprehensive Master Plan." (See definition of "Master Plan")~~

Commented [RS10]: I think we can just go with Comprehensive Master Plan.

U. COMPREHENSIVE PLAN. (See definition of "Master Plan" **COMPREHENSIVE MASTER PLAN**)

~~V. CONDOMINIUM. Property subject to a condominium declaration as defined, regulated, and established under Chapter 703 of the Wisconsin Statutes.~~

~~W. CONGREGATE RESIDENCE. Any building or portion thereof which contains facilities for living, sleeping, and sanitation, as required by this Ordinance, and may include facilities for eating and cooking, for occupancy by other than a family. A congregate residence may be a convent, monastery, dormitory, or fraternity or sorority house but does not include jails, hospitals, nursing homes, hotels, or lodging houses.~~

~~V. CONDITIONAL USE. A use allowed only through a Conditional Use Permit in accordance with the provisions of this Ordinance.~~

~~W. CONSTRUCTION. Any or all work or operations necessary or incidental to the erection, demolition, assembling, installing, or equipping of buildings, or any alterations and operations incidental thereto. The term "construction" shall include land clearing, grading, excavating, and filling and shall also mean the finished product of any such work or operations.~~

~~X. CONSTRUCTION RELATED USE. Contractors' office or trailer and equipment shed(s) when accessory to a construction project, provided that no such use will contain any sleeping or cooking accommodations and is strictly limited to a period not to exceed the duration of the active construction phase of the associated project.~~

~~Y. CONSTRUCTION, START OF. The excavation of or installation of foundation footings or grading other than for the installation of materials for road construction.~~

~~Z. CONTIGUOUS. In contact with one or more sides.~~

~~Z-AA. CROP PRODUCTION. The growing of crops such as vegetables, fruit trees, and grain and the packaging or storage of the products produced on the premises.~~

~~AA. COURT, OUTER. An open, unoccupied space opening onto a street, alley, or yard.~~

~~BB. CUL-DE-SAC. A local street with only one outlet and having an appropriate turn-around for the safe and convenient reversal of traffic movement.~~

~~CC. CURB. A vertical or sloping edge of a roadway.~~

~~DD. CUT-OFF. The point at which all light rays emitted by a lamp, light source, or luminaire are completely eliminated (cut-off) at a specific angle above the ground.~~

~~EE. CUT-OFF ANGLE. The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted.~~

~~FF. CUT-OFF TYPE LUMINAIRE. A luminaire with elements such as shields, reflectors, or refractor panels which direct and cut off the light at an angle that is less than 90°.~~

15-12-04. "D" Definitions.

~~A. DAY CARE CENTER. A State licensed facility where a person, other than a relative or guardian, provides care and supervision for four or more children under seven years of age, for less than 24 hours a day and for compensation.~~

~~B. DAY-NIGHT AVERAGE SOUND LEVEL (Ldn). A basic measure for quantifying noise exposure, namely: The A-weighted sound level averaged over a twenty-four hour time period, with a 10 decibel penalty applied to nighttime (10:00 p.m. to 7:00 a.m.) sound levels.~~

~~C.A. dBA. The A-weighting scale of sound measurement as expressed in decibels.~~

~~D. DBH. (See definition of "Diameter at Breast Height.")~~

~~E. DECIBEL. A unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in "decibels."~~

~~F.B. DECK. A structure attached to or closely adjacent to any dwelling unit that is:~~

- ~~1. Designed and intended for the support of persons;~~
- ~~2. Has no permanent or temporary cover or canopy;~~
- ~~3. Is constructed on piers and without continuous foundation or footings;~~
- ~~4. Is a minimum of eight (8) inches above grade; and~~
- ~~5. Is greater than fifty (50) square feet in area.~~

~~G.C. DEDICATION. The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee simple interest or of a less than fee simple interest, including an easement.~~

~~H.D. DENSITY, GROSS (GD). The quotient of the total number of dwelling units on a site divided by the base site area of a site.~~

~~I. DENSITY, NET (ND). The quotient of the total number of dwelling units divided by the net buildable site area of a site.~~

~~J.E. DEVELOPER. The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such land.~~

~~F. DEVELOPMENT. The carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, or the dividing of land into parcels by any person. Any man-made change to improved or unimproved real estate including, but not limited to, construction of or additions or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials.~~

- ~~1. The following activities or uses shall be taken for the purposes of these regulations to involve "development":~~
 - ~~a. A reconstruction, alteration of, or material change in the external appearance of a structure on land or water; or~~
 - ~~b. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or an increase in the floor area or number of businesses, manufacturing establishments, or offices; or~~
 - ~~c. Alteration of a shore or bank of a pond, river, stream, lake, or other waterway; or~~
 - ~~d. Commencement of drilling (except to obtain soil samples), mining, or excavation on a parcel of land; or~~

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- e. Demolition of a structure; or
- f. Clearing of land as an adjunct of construction, including clearing or removal of vegetation, any significant disturbance of vegetation, or any soil manipulation; or
- ~~g. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.~~

~~g. _____~~

- 2. The following operations or uses shall not be taken for the purpose of these regulations to involve "development":
 - a. Work by a highway or road agency or railroad company for the maintenance of a road or railroad track if the work is carried out on land within the boundaries of the right-of-way; or
 - b. Work by any utility, and other persons engaged in the distribution or transmission of gas or water, for the purposes of inspecting, repairing, renewing, or constructing on established rights-of-way sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like. (Exclusive of the activities requiring a Special-Conditional Use Permit as per the requirements of this Ordinance); or
 - c. The maintenance, renewal, or alteration of any structure, where only the interior or the color of the structure or the decoration of the exterior of the structure is affected; or
 - d. The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling; or
 - e. A change in the ownership or form of ownership of any parcel or structure; or
 - f. Work involving the landscaping of a detached dwelling; or
 - g. Work involving the maintenance of existing landscaped areas and existing rights-of-way such as setbacks and other non-natural planting areas; or
 - h. Agricultural land uses such as planting, growing, cultivating, and harvesting crops; growing and tending gardens; or harvesting trees planted and grown for commercial purposes.

~~G. DEVELOPMENT AGREEMENT. An agreement by which the City and the Subdivider agree in reasonable detail as to all of those matters which the provisions of these regulations permit to be covered by the Subdivider's Agreement and which shall not come into effect unless and until an Irrevocable Letter of Credit or other appropriate surety has been issued to the City.~~

~~K. "Development" includes all other activity customarily associated with it unless otherwise specified. When appropriate to the context, "development" refers to the act of development or to the result of development within the City. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of this definition.~~

~~L. DEVELOPMENT, MULTIPLE-FAMILY DWELLING. A residential building designed for occupancy by three or more dwelling units.~~

~~M. DEVELOPMENT, RURAL. Agricultural, residential, recreational, and other open space development at such concentrations and densities not requiring traditional urban services and facilities. Such rural development may be expected to result in minimum disturbance of the land and land cover and, therefore, less impact on the natural environment. (Also see definition for "Rural Area.")~~

~~N. DEVELOPMENT, URBAN. Residential, commercial, industrial, governmental, and institutional development in sufficient concentrations or densities to require a variety and high level of traditional urban services and facilities including but not limited to: full- or part-time municipal police and fire protection, and community administration; additional public streets and highways; neighborhood parks and playgrounds; neighborhood schools; local libraries; public sanitary sewer facilities; public water supply facilities; and public solid waste removal; storm sewers; mass transit facilities; continual street maintenance;~~

Commented [RS11]: I think this seems too long and drawn out.

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curbs, gutters, and sidewalks; street lighting; and neighborhood convenience shopping. Such development may be expected to alter or require the altering of land and land cover and have detrimental impact on the ground and surface waters. (Also see definition for "Urban Area.")

~~H. DIAMETER AT BREAST HEIGHT (DBH). The diameter of the trunk of a tree measured in inches at a point four and one-half (4.5) feet above ground line. This point of measurement is used for established and mature trees.~~

Commented [SL12]: This may be mentioned in Article 7. It is not mentioned anywhere else

~~O. DIRECTOR OF INSPECTION SERVICES. The Director of Inspection Services of the City of Franklin, Milwaukee County, Wisconsin.~~

~~I. _____~~

~~P. _____~~

~~DISTRICT, BASIC. A part or parts of the City for which the regulations of this ordinance governing the use and location of land and buildings are uniform (such as the Residential and Nonresidential District Classifications).~~

~~Q. DISTRICT, OVERLAY. Overlay districts provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the more strict of the conflicting requirements shall apply. DISTRIBUTION FACILITY. A facility located within an enclosed building primarily oriented to the storage and shipping of packaged materials or goods for a single business or a single group of businesses.~~

Commented [SL13]: Not directly mentioned anywhere, but wouldn't Floodplain and Airport Districts be considered Overlay Districts?

~~J. _____~~

~~R. _____~~

~~S. DISTURBANCE, LAND. Any man-made change of the land surface including removing vegetative cover, excavating, filling, and grading but not including agricultural land uses such as planting, growing, cultivating, and harvesting crops; growing and tending gardens; or harvesting trees for commercial purposes. DONATION DROP BOX. Any receptacle used for the purpose of collecting clothing, donated by the public, on an ongoing basis and as part of the regular activity of the operator, which is a charitable organization.~~

~~K. _____~~

~~T. DIVISION OF LAND. Where the title or part thereof of land is transferred by the execution of a land contract, an option to purchase, an offer to purchase and acceptance, a deed, a Subdivision Plat, or a Certified Survey Map.~~

~~U. DRIP LINE. The farthest distance, measured as a radius and the total area encompassed thereby, where the branches of a tree extend from its trunk indicating the extent of the canopy of a tree.~~

~~V. _____~~

~~V. DRIVE-IN AND DRIVE THROUGH (OR DRIVE THRU) ESTABLISHMENT OR FACILITY. A commercial retail, personal service, or service establishment designed or intended to enable a customer in a motor vehicle parked on or moving through the premises to transact business with a person located outside of the motor vehicle including an establishment or facility that by design of physical facilities or by service or packaging procedures encourages or permits customers to receive a service or obtain a product while staying within a motor vehicle. Such establishments include, but are not necessarily limited to, financial institutions, restaurants, and dry-cleaning stores.~~

Commented [RS14]: I suggest that we cut down on this definition.

~~M. _____~~

~~W. DRIVEWAY. A paved or unpaved area used for ingress or egress of vehicles allowing access from a street to a lot or site, use, building, or other structure or facility.~~

~~N. _____~~

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~~X.— DRYLAND ACCESS. A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land which is outside the floodplain, such as a road with its surface above the regional flood elevation and wide enough to accommodate wheeled vehicles.~~

~~Y.— DWELLING. A building or portion thereof, but not including a house trailer or mobile home, designed or used exclusively for residential occupancy, including one-family~~single-family~~ dwelling units, two-family~~duplex~~ dwelling units, and multiple-family~~multifamily~~ dwelling units, but not including hotels, motels, ~~or boarding~~ or lodging houses.~~

O.

~~Z.— DWELLING GROUP. Two or more one-family, two-family, or multiple-family dwellings, or boarding or lodging houses, located on one zoning lot, but not including tourist courts or motels.~~

~~AA.— DWELLING UNIT. One (1) or more rooms in a residential structure, or other structure properly zoned for residential uses, which are arranged, designed, used, or intended for use permanent residence by one household family, plus not more than four lodgers, for living or sleeping purposes, and which includes complete kitchen facilities permanently installed.~~

P.

~~BB.— DWELLING, ATTACHED. A dwelling which is joined to another dwelling at one or more sides by a party wall or walls.~~

~~DWELLING, DETACHED. A dwelling which is entirely surrounded by open space on the same lot.~~

~~CC.— DWELLING, DUPLEX. A row or structure of up to two (2) attached, single-family dwellings joined to one another at one (1) or more sides by a party wall or walls. Each dwelling has a dedicated exterior entrance. A two-family dwelling in which the living quarters are arranged side-by-side or one over the other.~~

Q.

~~DD.— DWELLING, EFFICIENCY. A dwelling unit consisting of one principal room with no separate sleeping rooms.~~

~~DWELLING, MULTIPLE-FAMILY. A building or portion thereof designed or altered for occupancy by three or more families living independently of each other.~~

~~R.— DWELLING, MULTIPLE FAMILY, COMPLEX. A planned residential development with more than two (2) multifamily dwelling buildings on a lot.~~

~~EE.— DWELLING, MULTIPLE FAMILY, BUILDING. A single residential building with multiple dwelling units stacked vertically and horizontally. The building has a common external entrance and units are accessed through internal entrances. DWELLING, ONE-FAMILY. A dwelling unit designed exclusively for use and occupancy by one family.~~

S.

~~T.— DWELLING, SINGLE-FAMILY. A detached building used as one (1) dwelling unit.~~

~~— DWELLING, ROW (PARTY-WALL). A row of two to six attached one-family, party-wall dwellings, not more than 2-1/2 stories in height, nor more than two rooms in depth, measured from the building line.~~

~~FF.— DWELLING, TOWNHOME. A row or structure of three (3) or more attached, single-family, dwellings joined to one another at one (1) or more sides by a party wall or walls. Each dwelling has a dedicated exterior entrance.~~

U.

~~A.— DWELLING, TWO-FAMILY. A building designed or altered to provide dwelling units for occupancy by two families.~~

Commented [RS15]: I don't know that these are important to specify. They're not really mentioned in other Articles.

Commented [RS16]: No longer a regulated use.

15-12-05. "E" Definitions.

- A. EASEMENT. The area of land set aside or over or through which a liberty, privilege, or advantage in land, distinct from ownership of the land, is granted to the public or some particular person or part of the public.
- B. EASEMENT, CONSERVATION. A type of "Protective Covenant" the boundary lines of which are graphically depicted on the face of a Certified Survey Map, Preliminary Plat, Final Plat and/or Condominium Plat used to conserve and preserve a natural resource feature that is protected under the provisions of this Ordinance.
- C. EDUCATIONAL FACILITY. Public, private, parochial, charitable, or nonprofit junior college, college, or university, other than trade or business schools, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants, and other incidental facilities for students, teachers, and employees.
- ~~B-D. ELECTRIC VEHICLE CHARGING STATION. The equipment for charging electric-powered vehicles and the space on a site designated for its use.~~
- C. ~~ELECTROMAGNETIC FIELDS.~~ Fields that arise whenever electrons are moved through a conducting medium. They have two components, one electric, the other magnetic. These fields have regular periodicity, measured in hertz.
- E. EROSION. The detachment and movement of soil, sediment or rock fragments by water, wind, ice, or gravity.
- E. EQUIPMENT RENTAL, SALES, AND SERVICE. Establishments primarily engaged in the sale or rental of tools, trucks, tractors, construction equipment, agricultural implements, and similar industrial equipment, and the rental of mobile homes. Included in this use type is the incidental storage, maintenance, and servicing of such equipment.
- ~~E-F. EXTRACTIVE INDUSTRY.~~ On-site extraction of surface or subsurface mineral products or natural resources. Typical uses are quarries, borrow pits, sand and gravel operation, mining, and soil mining. Specifically excluded from this use is grading and removal of dirt associated with an approved site plan or subdivision or excavations associated with, and for the improvement of, a bona fide agricultural use.
- ~~D-F. EXTRATERRITORIAL PLAT APPROVAL JURISDICTION.~~ The unincorporated area within one and one-half (1.5) miles of a fourth-class city or a village and within three (3) miles of all other cities. Wherever such statutory extraterritorial powers overlap with those of another city or village, the jurisdiction over the overlapping area shall be divided on a line all points of which are equidistant from the boundaries of each community so that not more than one community exercises extraterritorial powers over any area.

15-12-06. "F" Definitions.

- A. ~~FAMILY.~~ A family may consist of a person living alone or any of the following groups living together in a dwelling unit and sharing common living, sleeping, cooking and eating facilities:
 - 1. ~~Any number of people related by blood, marriage, adoption, guardianship or other duly authorized custodial relationships;~~
 - 2. ~~Two unrelated people;~~
 - 3. ~~Two unrelated people and any children related to either of them.~~
 - 4. ~~A family does not include:~~
 - 5. ~~Any society club, fraternity, sorority, association, lodge, combine, federation or other like organization;~~
 - 6. ~~Two or more individuals whose association to each other is temporary and/or seasonal in nature;~~
 - 7. ~~More than one person determined to be a sexually violent person under Chapter 980, Wisconsin Statutes and/or a crimes against children sex offender as defined within this Ordinance;~~

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8. ~~Three or more people who are granted a Special Use Permit as a Functional Family Unit, provided that a Special Use Permit for a Functional Family Unit shall be personal to the Functional Family Unit.~~

- A. ~~FARM. An area which is used for the growing of the usual farm products such as: vegetables, fruit trees, and grain, and for the packing or storage of the products produced on the premises; as well as for the raising thereon of the usual farm poultry and farm animals such as horses and cattle, as secondary to crop raising, subject to distance limitations from residential property, and, The term shall not including-include the commercial feeding of garbage or offal to swine or other animals, the commercial feeding of animals on open lots where no feed is raised on the premises, or the commercial feeding of poultry broilers, or laboratory animals, such as mice, rats, rabbits, etc. Specific farm uses are further defined in § 15-3.0603 of this Ordinance.~~
- B. ~~FARMERS MARKET. The seasonal selling or offering for sale at retail of home-grown vegetables or produce, occurring in a pre-designated area, where the vendors are generally individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale.~~
- C. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA). The federal agency that administers the National Flood Insurance Program.
- D. ~~FENCE: An artificially constructed barrier resting on or partially buried in the ground and rising above ground level, erected for the purpose of providing a boundary or as a means of protection, or to prevent uncontrolled access, or for decorative purposes or to screen from viewers in or on adjoining properties and streets the property or lot upon which the fence is erected. Invisibles fences designed to contain household pets within a property shall be excluded from the definition of fences for the purposes of this UDO.~~
- D. ~~FENCE. A structure which is a barrier or is used as a boundary or means of protection or confinement.~~
- E. ~~FENCE, DECORATIVE. A fence, including gates, which is more than 75% open and less than three feet in height, such as split rail fences used for ornamental purposes. For purposes of this section, chain link and picket fences are not considered to be decorative fences.~~
- F. ~~FENCE, SOLID. A fence, including gates, which conceals from view from adjoining properties, streets, or alleys activities conducted behind it.~~
- G. ~~FILL, SOLID. Solid fill is earth, clay, soil, ground, stones, rocks, and also broken concrete, if the same does not exceed 18 inches in diameter, cinders (consisting of the residue from the combustion of coal and not less than 1/8 inch in diameter), or any mixture or combination of the foregoing.~~
- H. ~~FILLING. (See definition of "Fill.")~~
- E. FINAL PLAT. The final map, drawing or chart on which the Subdivider's plan of subdivision is presented for approval and which, if approved, will be submitted to the Milwaukee County Register of Deeds.
- F. ~~FINANCIAL INSTITUTION. An establishment whose principal use or purpose is the provision of financial services, including, but not limited to, bank facilities for tellers, automated teller machines, credit unions, savings and loan institutions, and currency exchange establishments. This use shall not include establishments whose primary purpose is to accept applications, originate, underwrite, process or service residential or commercial loans secured by mortgage on real property.~~
- I.G. FLAG LOT. A lot not fronting or abutting a public roadway and where access to the public roadway is limited to a narrow private right-of-way.
- J.H. FLOOD. A temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the channel.
- K.I. FLOOD INSURANCE STUDY (FIS). An examination, evaluation, and determination of flood hazards, and if appropriate, corresponding water surface elevations; or an examination, evaluation, and determination of mudslide (i.e., mud flow)

Commented [RS17]: Excluding invisible dog fences from the fence definition per Task Force direction.

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and/or flood-related erosion hazards. Such studies shall result in the publication of a Flood Insurance Rate Map showing the intensity of flood hazards in either numbered or unnumbered A Zones.

- ~~L.J.~~ FLOOD PROFILE. A graph showing the relationship of the floodwater surface elevation of a flood event of a specified recurrence interval to the stream bed and other significant natural and man-made features along a stream.
- ~~M.K.~~ FLOOD PROTECTION ELEVATION. A point two feet above water surface elevation of the one-hundred-year recurrence interval flood. This safety factor, also called "freeboard," is intended to compensate for the many unknown factors that contribute to flood heights greater than those computed. Such unknown factors may include ice jams, debris accumulation, wave action, and obstructions of bridge openings.
- ~~N.~~ FLOOD STAGE. The elevation of the floodwater surface above an officially established datum plane, which is either National Geodetic Vertical Datum (NGVD) or Franklin City Datum, as noted on each sheet of the Official Zoning Map or in any of the flood profiles cited in this Ordinance.
- ~~O.L.~~ FLOOD, REGIONAL. The regional flood is a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics. The flood frequency of the regional flood is once in every 100 years; this means that in any given year, there is a one-percent chance that the regional flood may occur or be exceeded. During a typical thirty-year mortgage period, the regional flood has a twenty-six-percent chance of occurrence.
- ~~P.M.~~ FLOODPLAIN-FRINGE. Those floodplains, outside the floodway, subject to inundation by the one-hundred-year recurrence interval flood. For the purpose of this ordinance, the floodplain fringe includes the Floodplain Conservancy District and the Floodplain Fringe Overlay District.
- ~~Q.N.~~ FLOODPROOFING. Any combination of structural provision, changes or adjustments to properties and structures, water and sanitary facilities, and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.
- ~~R.O.~~ FLOODWAY. A designated portion of the one-hundred-year flood that will safely convey the regulatory flood discharge with small, acceptable upstream and downstream stage increases, limited in Wisconsin to less than 0.01 foot unless special legal measures are provided. The floodway, which provides the channel, is that portion of the floodplain not suited for human habitation. All fill, structures, and other development that would impair floodwater conveyance by adversely increasing flood stages or velocities or would itself be subject to flood damage should be prohibited in the floodway.
- ~~S.~~ FLOOR AREA RATIO, GROSS (GFAR). An intensity measured as a ratio derived by dividing the total gross floor area of a building or structure by the base site area. Where the lot is part of a larger development and has no required buffer yard, that lot area may be used instead of the base site area to calculate the lot's development potential. Also see Division 15-3.0500.
- ~~T.~~ FLOOR AREA RATIO, NET (NFAR). An intensity measured as a ratio derived by dividing the total gross floor area of a building or structure by the net buildable site area. Also see Division 15-3.0500.
- ~~U.~~ FLOOR AREA, GROSS. ~~I~~ For the purpose of determining the floor area ratio, the gross floor area of a building or buildings of structures shall be the sum of the gross horizontal areas of the several floors of such building or buildings-structures measured from the exterior faces of exterior walls or from the centerline of party walls separating two (2) buildings. ~~In particular, "gross floor area"~~ Gross floor area shall include:
- ~~P.~~
1. Basement space if at least half (0.5) of the basement story height is above the established curb or ground level adjoining grade;
 2. Elevator shafts and stairwells at each floor;
 3. Floor space used for mechanical equipment where the structural headroom exceeds seven and one-half (7.5) feet; except equipment, open or enclosed, located on the roof; i.e., bulkheads, water tanks, and cooling towers;

Commented [SL18]: "Floor area ratio" is not mentioned anywhere.

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4. Attic floor space where the structural headroom exceeds seven and one-half (7.5) feet;
5. Interior balconies and mezzanines;
6. Enclosed porches, but not terraces and breezeways;
7. Accessory ~~buildings~~ structures.

~~V. FLOOR AREA, GROSS (FOR DETERMINING REQUIREMENTS FOR OFF-STREET PARKING AND OFF-STREET LOADING). The floor area shall mean the sum of the gross horizontal areas of the several floors of the buildings or portion thereof, devoted to such use, including accessory storage areas located within selling or working space, such as counters, racks, or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, floor area for purposes of measurement for off-street parking spaces shall not include: floor area devoted primarily to storage purposes (except as otherwise noted herein); floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space, or basement floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.~~

Commented [RS19]: Shouldn't be needed any longer - just retaining the one GFA definition.

~~FLOOR AREA, GROUND. The lot area covered by a principal building, measured at grade from the exterior faces of the exterior walls, but excluding open porches or terraces, garages, or carports.~~

~~W. FOOD TRUCK. A motorized vehicle or trailer equipped to cook, prepare, and/or sell food.~~

Q.

R. FOOD TRUCK COURT. A permanently established area designed to accommodate multiple food trucks and offering food and/or beverages for sale to the public as the main use of the property and functioning as a single business.

S. FOREST. See definition for "Woodland, Mature" and "Woodland, Young."

~~X. FOOTCANDLE. A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.~~

Y. FOREST. (See definitions for "Woodland, Mature" and "Woodland, Young.")

~~Z. FOSTER FAMILY HOME. The primary domicile of a foster parent which is for four or fewer foster children and which is licensed under § 48.62 of the Wisconsin State Statutes and amendments thereto.~~

AA-T. FREEWAY. A major highway having no intersections at grade and having fully controlled access, hence, "free" from conflicts and interruptions.

~~BB. FREQUENCY. The number of oscillations per second in a sound wave, measuring the pitch of the resulting sound.~~

~~CC. FRONTAGE. All the property fronting on one (1) side of a street between the nearest intersecting streets or between a street right-of-way, waterway, or other similar barrier.~~

U.

DD. FUNCTIONAL FAMILY UNIT. In R-1, R-1E (as applied to this District, "single" dwelling unit shall mean and be such number of dwelling units lawfully existing upon the property), R-2, R-3, R-3E, R-4, R-5 and R-6 single family residence zoning districts and in R-7 two-family, R-8 general residence, VR Village residence, residential planned development and A-1 and A-2 agricultural zoning districts, a functional family unit shall consist of a group of individuals living together in a single dwelling unit and functioning as a family with respect to those characteristics that are consistent with the purposes of zoning restrictions in single family residential neighborhoods. In determining whether or not a group of unrelated individuals is a functional family unit under this definition, the following criteria must be used:

The occupants must share the entire dwelling unit. A unit in which the various occupants act as separate roomers cannot be deemed to be occupied by a functional family unit.

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The following factors shall be considered in determining whether a functional family exists:

The presence of minor dependent children regularly residing in the household;

Evidence of shared household expenses;

Whether or not different members of the household have the same address for the purposes of voter registrations, drivers' licenses, motor vehicle registrations, summer or other residences and the filing of taxes;

Enrollment of dependent children in local schools and/or home schooled in relation thereto;

Any other evidence reasonably related to whether or not the group or persons have functioned as a family unit as defined in this ordinance.

FUNERAL HOME. An establishment used for undertaking services such as preparing human dead for burial or cremation, display of the deceased and performing human funeral services.

V.

15-12-07. "G" Definitions.

~~A. GARAGE, BUS. Any building used or intended to be used for the storage of three or more passenger motor buses, or motor coaches used in public transportation, including school buses.~~

~~B. GARAGE, BUS OR TRUCK. A building which is used or intended to be used for the storage of motor buses, trucks, truck trailers, tractors, and commercial vehicles exceeding 4.5 tons capacity.~~

~~C.A. GARAGE, PRIVATE. An accessory building structure or an accessory portion of the principal structure building which is intended for and used to store the private passenger vehicles of family or families household or households resident upon the premises, and in which no business, service, or industry connected directly or indirectly with automobile vehicles is carried on; provided that not more than one-half (0.5) of the space may be rented for the private vehicles of persons not resident on the premises, except that all the space in a garage of one or two car capacity may be so rented. Such a garage shall not be used for more than one (1) commercial vehicle and the load capacity of such vehicle shall not exceed one-half (0.5) ton.~~

~~— GARAGE, PUBLIC. A building other than a private garage, used for the care, incidental servicing, and sale of automobile supplies, or where motor vehicles are parked or stored for remuneration, hire, or sale within the structure, but not including trucks, tractors, truck trailers, and commercial vehicles exceeding 4.5 tons capacity.~~

~~B. GENERAL RETAIL. A facility offering the sale of goods, products, or materials directly to a consumer. This shall include, but not be limited to, establishments that sell appliances, books, clothing, computers, electronics, eyeglasses, floral arrangements, furniture, groceries or specialty foods, hardware, jewelry, leather goods, medical supplies, office supplies, pets, toys, and music sale. The term shall not include restaurants or personal service establishment.~~

~~D.C. GENERAL SERVICE. An establishment primarily engaged in rendering services to individuals and business establishments which services cannot be categorized into one of the other defined service use categories in this Title. The services are typically provided without the retail sale of products or which such product sales are incidental to the service-driven purposes of the establishment, such as a beauty salon, day spa, medical massage establishment, or barber shop.~~

~~E. GAUSS. A measure of magnetic flux density. It is used to compare relative strengths of magnetic fields.~~

~~— GOLF COURSE. Public, semi-public, or private grounds over which the game of golf is played, including accessory buildings and land uses incidental thereto, and consisting of at least 120 acres for each standard 18-hole golf course, 60 acres for each standard nine-hole course, and 25 acres for each nine-hole, par three course.~~

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Commented [SL20]: These are not mentioned anywhere should they be kept or deleted?

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~~F. GOVERNMENTAL USES. A facility owned, operated, or occupied by a governmental agency to provide a governmental service to the public.~~

~~D.~~

~~G. GRADE, STREET. The elevation of the established street in front of the building, measured at the center of such front. Where no street grade has been established, the City Engineer shall establish such street grade or its equivalent for the purpose of this Ordinance UDO.~~

~~H. GROUP FOSTER HOME. Any facility operated by a person required to be licensed by the State of Wisconsin under State Statute § 48.62 for the care and maintenance of five to eight foster children.~~

~~I. GUEST HOUSE. Living quarters within a detached accessory building located on the same premises with the principal building for use by temporary guests of the occupants of the premises.~~

~~J. GUTTER. A shallow channel usually set along a curb or the pavement edge of a road for purposes of catching and carrying off runoff water.~~

15-12-08. "H" Definitions.

~~A. HEALTH CARE FACILITY. An establishment where patients are admitted for special study and treatment by two or more licensed physicians practicing medicine together and their professional associates.~~

~~C. HEIGHT, FENCE. The vertical distance measured from the mean elevation of the natural lot grade along the fence to the highest point on the fence, excluding fence posts and supports. Fence posts and supports may protrude an additional six (6) inches above the highest point on the fence.~~

~~C. The height of the fence shall be determined by measuring the vertical distance from the grade to the top of each section of the fence.~~

D. HELIPORT. A heliport that also includes all necessary passenger and cargo facilities, helicopter maintenance and overhaul, fueling service, storage, tie-down areas, hangars, and other necessary buildings and open spaces. Heliports include any of the uses of heliports.

E. HELISTOP. An area designated for the landing and taking off of helicopters for the purpose of picking up or discharging passengers or cargo, not including fueling or service facilities.

F. HERTZ. A unit that measures frequency in all physical systems that have wave pattern. Abbreviated Hz.

~~G. HIGH GROUNDWATER ELEVATION. The highest elevation to which subsurface water rises. This may be evidenced by the actual presence of water during wet periods of the year, or by soil mottling during drier periods. "Mottling" is a mixture or variation of soil colors. In soils with restricted internal drainage, gray, yellow, red, and brown colors are intermingled given a multi-colored effect.~~

~~H. HIGH WATER ELEVATION (SURFACE WATER). The average annual high water level of a pond, stream, lake, flowage, or wetland, referred to an established datum plane or, where such elevation is not available, the elevation of the line up to which the presence of water is so frequent as to leave a distinct mark by erosion, change in, or destruction of, vegetation or other easily recognized topographic, geologic, or vegetative characteristic.~~

~~I. HISTORIC STRUCTURE. Any structure that is:~~

- ~~1. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;~~

Commented [SL21]: Definition taken from "Medical Health Center"

Commented [RS22]: This is the definition for fence height drafted in Section 15-5-08 (B).

Commented [SL23]: These are not mentioned anywhere - would they be mentioned in Article 7?

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- 2. ~~Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;~~
- 3. ~~Individually listed on a local inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or~~
- 4. ~~Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.~~

F. ~~HOME BASED BUSINESS. Any business or commercial activity that is conducted, or proposed to be conducted, from property that is zoned for residential use and is clearly incidental and secondary to the use of the dwelling unit for residential purposes.~~

G. ~~HOME IMPROVEMENT CENTER/LUMBERYARD. An establishment providing for the sale or rental of building supplies, construction equipment, or home decorating fixtures and accessories. This term includes a lumber yard or a contractors' building supply business and may include outdoor storage or tool and equipment sales or rental. This term does not include an establishment devoted exclusively to the retail sale of paint, wallpaper, or hardware or activities classified under vehicle/equipment sales and services, including vehicle towing services.~~

J. ~~HOME OCCUPATION. Any gainful occupation or profession engaged in by an occupant of a dwelling unit as a use which is clearly incidental to the use of the dwelling unit for residential purposes. (See § 15-3.0802 of this Ordinance.)~~

K. ~~HOMEOWNERS' ASSOCIATION. A Wisconsin non-profit membership corporation which serves as an association of homeowners within a Subdivision, Certified Survey Map, or Condominium having shared common interest responsibilities with respect to the costs and upkeep of common private property of a Subdivision, Certified Survey Map, or Condominium. Such common property includes private recreation and open space areas within the Subdivision, Certified Survey Map, or Condominium. For the purposes of this Ordinance, homeowners' associations include condominium associations.~~

L. ~~HOSPITAL. An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care for not less than twenty-four (24) hours in any week of three (3) or more nonrelated individuals suffering from illness, disease, injury, deformity, or other abnormal physical conditions. The term "hospital" as used herein does not apply to institutions operating solely for the treatment of insane persons, drug addicts, liquor addicts, or other types of cases necessitating restraint of patients, and the term "hospital" shall not be used for convalescent, nursing, shelter, or boarding homes.~~

M. ~~HOSPITAL, ANIMAL. A lot, building, structure, enclosure, or premises whereon or wherein three or more dogs, cats, or other domestic animals are kept or maintained and is operated by, or the treatment therein is under direct supervision of, a veterinarian licensed to practice by the State of Wisconsin. A facility rendering surgical and medical treatments to animals, having no limitation to overnight accommodations for such animals. Crematory facilities shall not be allowed in an animal hospital. For the purpose of these regulations, where an animal hospital is permitted, a veterinary clinic or veterinary hospital shall also be permitted.~~

H.

N. ~~HOTEL, APARTMENT. A hotel in which at least 90% of the hotel accommodations are for occupancy by the permanent guests. An apartment hotel having not less than 50 guest rooms may have a dining room open to the public which is accessible only from an inner lobby or corridor.~~

O. ~~I. HOTEL INN. A building containing lodging rooms for rent to transient guests and accessed from a common entrance lobby, and where lodging rooms do not have a doorway opening directly to the outdoors, except for emergencies. An establishment containing lodging accommodations designed for use by transients, travelers, or temporary guests. Facilities provided may include maid service, laundering of linen used on the premises, restaurants including the sale of alcoholic beverages, telephone, and secretarial or desk service.~~

Commented [RS24]: This term is no longer used on the UDO.

Commented [RS25]: No longer used in the draft UDO.

Commented [RS26]: Drawing a distinction between a hotel and motel per use table and diagnostic memo.

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~~J. HOUSEHOLD. A group of individuals, whether related or not, living together within a single dwelling unit.~~

~~—HOUSEHOLDER. The occupant of a dwelling unit who is either the owner or lessee thereof.~~

~~P. HOUSING UNIT. Any building or portion thereof which contains facilities for living, sleeping, and sanitation, as required by this Ordinance, and may include facilities for eating and cooking, for occupancy.~~

Commented [SL27]: Not mentioned anywhere, but probably should be kept.

Commented [RS28]: I think dwelling unit should be used exclusively throughout the rest of the draft UDO.

15-12-09. "I" Definitions.

A. ILLUMINATION, MAXIMUM PERMITTED. The maximum illumination measured in footcandles ~~at the interior bufferyard line~~ at six (6) inches above ground level.

~~B. IMPACT NOISES. Noises whose peak values are more than 6 dBA higher than the values indicated on a sound level meter meeting the requirements of the American National Standards Institute (ANSI S1.4-1961) "American Standard Specification for General Purpose Sound Level Meters," and are of a short duration. Impact noises are generated by sources that do not operate more than one minute in any one-hour period.~~

~~C. IMPERVIOUS SURFACE. An area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Examples of impervious surfaces include, but are not limited to: rooftops, sidewalks, driveways, gravel or paved parking lots, and streets. Impervious surfaces are those which do not absorb water. Impervious surfaces consist of all buildings, parking areas, driveways, roads, sidewalks, decks, and any areas of concrete or asphalt. In the case of lumberyards or similar uses, areas of stored lumber constitute impervious surfaces.~~

~~D. IMPERVIOUS SURFACE RATIO (ISR). A measure of the intensity of land use which is determined by dividing the total area of all impervious surfaces on a site by the base site area (resulting in the gross ISR determination) or the net buildable area (resulting in the net ISR determination).~~

~~E-B. IMPROVEMENT. Any human-made immovable item which becomes part of, is placed upon, or is affixed to real estate.~~

~~F-C. IMPROVEMENT, PUBLIC. Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, curb and gutter, sidewalk, pedestrian way, bicycle path, stormwater detention and retention basins, planting strip, or other utility and/or facility for which the City may ultimately assume the responsibility for maintenance and operation.~~

~~—IMPROVEMENT, SUBSTANTIAL. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the present equalized assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however, include either: (a) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (b) any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society or listed on the National Register of Historic Places. Ordinary maintenance repairs are not considered structural repairs, modifications, or additions; such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other nonstructural components.~~

Commented [RS29]: This isn't included in the draft UDO text any longer.

~~D. INDOOR AGRICULTURE. A facility used for animal production, aquaculture, chicken egg production, crop production, dairy cattle and milk production, greenhouses as a principal use, other animal production, other poultry production, poultry hatchery, turkey production.~~

~~E. INDUSTRY, HEAVY. Manufacturing or other enterprises with significant external effects, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process.~~

~~G-F. INDUSTRY, LIGHT. A use that involves the manufacturing, production, processing, fabrication, assembly, treatment, repair, or packaging of finished products, predominantly from previously prepared or refined materials (or from raw materials that do not need refining). Warehousing, wholesaling, and distribution of the finished products produced at the site is allowed as part of this use.~~

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~~H.G. INCREASES IN REGIONAL FLOOD HEIGHT/ELEVATION. A calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, determined by comparing existing conditions and proposed conditions and which is directly attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients, and discharge.~~

~~I. INSPECTOR. Inspector shall mean the Zoning Administrator, Building Inspector, Code Enforcement Officer of the City and/or the Sanitarian of the City.~~

Commented [RS30]: I don't think this is necessary to keep - Zoning Administrator, Director of Inspection Services in mentioned more specifically elsewhere in the Ordinance.

~~J. INSTITUTION, EDUCATIONAL. Public, private, parochial, charitable, or nonprofit junior college, college, or university, other than trade or business schools, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants, and other incidental facilities for students, teachers, and employees.~~

~~K. IRREVOCABLE LETTER OF CREDIT. An agreement guaranteeing payment for subdivision improvements, entered into by a bank, savings and loan, or other financial institution which is authorized to do business in this State and which has a financial standing acceptable to the City, and which is approved, as to form, by the City Attorney.~~

15-12-10. "J" Definitions.

~~A. JUNK YARD, INCLUDING AUTOMOBILE WRECKING AND STORAGE. Any lot, building, structure, enclosure, premises or parts thereof used for the storage, keeping, or abandonment of any worn-out, cast-off, or discarded or abandoned article, material, vehicle, automobile, or machinery or parts thereof, which is ready for destruction or sale or has been collected or stored for salvage or conversion to some use, including scrap metal, paper, wood, cordage, or other waste or discarded materials, articles, vehicles, automobiles, and machinery or parts thereof, or vehicles or automobiles without a valid current state registration and license plate issued to said vehicle or automobile, and to the occupant, owner, purchaser, lessor, lessee, or tenant of any lot, building, or structure therein or thereon situated.~~

15-12-11, 15-12-10. "K" Definitions.

RESERVE

~~A. KENNEL, COMMERCIAL. A lot, building, structure, enclosure, or premises whereon or wherein dogs or cats are maintained, boarded, bred, kept, or cared for in return for remuneration, or are kept for the purpose of sale, or are groomed, trained, or handled, for others.~~

Commented [RS31]: This should be covered under Animal Boarding Facility/Kennel definition in the A Section.

~~B. KENNELS, BOARDING. For four or more cats or dogs within Animal Hospitals, for remuneration.~~

15-12-12, 15-12-11. "L" Definitions.

~~A. LABORATORY, COMMERCIAL. A place devoted to experimental study such as testing and analyzing. Manufacturing, assembly, or packaging of products is not included within this definition.~~

~~B.A. LAKE. Any body of water two acres or larger in size as measured by the shoreline at its maximum condition rather than the permanent pool condition, if there is any difference.~~

~~C. LAND USE, AGRICULTURAL. For the purposes of Division 15-8-0300, the use of land for planting, growing, cultivating, and harvesting of crops for human or livestock consumption and pasturing or yarding of livestock.~~

Commented [RS32]: The portion of the code this is referring to and used in is being removed from the UDO.

~~D. LAND USE, COMMERCIAL. For the purposes of Division 15-8-0300, the use of land for the retail or wholesale sale of goods or services. Also included will be manufacturing and industrial development.~~

Commented [RS33]: Same comment as above - construction site erosion, which this is being used in reference to is being removed from the UDO so this definition shouldn't be needed.

~~E. LAND USER. For the purposes of Division 15-8-0300, any person operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes use of his or her land.~~

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~~—LANDFILL. A lot or part thereof used primarily for the disposal by abandonment, dumping, burial, burning, or other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or nontoxic waste material of any kind.~~

~~F. LANDMARK. Any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the City, state, or nation and which has been designated as a landmark pursuant to the provisions of the City of Franklin Municipal Code.~~

~~G.B. LANDOWNER. For the purposes of Division 15-8.0300, any person holding title to or having an interest in land.~~

~~H. LANDSCAPE BUFFERYARD. (See definition for "Bufferyard.")~~

~~I.C. LANDSCAPE PLAN. Shall include the information required in Appendix ##. (See Division 15-7.0301 of this Ordinance.)~~

~~J. LANDSCAPE SURFACE AREA. Surface area of land not covered by any building or impervious surface; impervious surface, and that is maintained as a natural area and left undisturbed or to support plant life.~~

~~K.D. LANDSCAPE SURFACE RATIO (LSR). The ratio derived by dividing the area of landscaped surface by the base site area.~~

~~L.E. LANDSCAPING. Living material, such as grass, groundcover, flowers, shrubs, vines, hedges, and trees; and nonliving durable material such as rocks, pebbles, sand, mulch, wood chips or bark, walls, and fences, but not including paving.~~

~~M.F. LATERAL, SANITARY SEWER. Pipes installed for conducting sewage from the street to the structure on a lot or parcel.~~

~~N.G. LATERAL, WATER. Pipes installed for conducting water from the street to the lot or parcel.~~

~~H. LETTER OF MAP AMENDMENT (LOMA). An official notification from the Federal Emergency Management Agency stating that a Flood Hazard Boundary Map or Flood Insurance Rate Map has been amended. LOMA's are usually issued because a property has been inadvertently mapped as being in the floodplain, but is actually on natural high ground at or above the regional flood elevation (one-hundred-year recurrence interval flood elevation).~~

~~O.I. LOADING AREAS AND PARKING AREAS AS A PRINCIPAL USE. The principal use of a property for off-street parking and loading of motor vehicles as defined in this UDO.~~

~~P. LETTER OF MAP REVISION-BASED ON FILL (LOMR-F). An official notification from the Federal Emergency Management Agency indicating that a structure or parcel has been elevated on fill to or above the regional flood elevation and is, therefore, excluded from being located in the floodplain as initially denoted in the City's Flood Hazard Boundary Map or Flood Insurance Rate Map.~~

~~Q. LEVEL, CURB. The level of the established curb in front of a building or structure, measured at the center of such front. Where no curb level has been established, it shall be deemed to be the established level of the centerline of the street surface in front of a building or structure, measured at the centerline of such front.~~

~~R. LIMOUSINE. A passenger automobile that has a capacity of 10 or fewer persons, excluding the driver; that has a minimum of five seats behind the driver; and that is operated for hire on an hourly basis under a prearranged contract for the transportation of passengers on public roads and highways along a route under the control of the person who hires the vehicle and not over a defined regular route.~~

~~S. [Note: This does not include taxicabs, hotel or airport shuttles or buses, buses employed solely in transporting school children or teachers, vehicles owned and operated without charge or remuneration by a business entity for its own purposes, vehicles used in carpools or van pools, public agency vehicles that are not operated as a commercial venture, vehicles operated as part of the employment transit assistance program under s. 106.26, ambulances or any vehicle that is used exclusively in the business of funeral directing.]~~

~~T. LIMOUSINE SERVICES. Establishments primarily engaged in providing an array of specialty and luxury passenger transportation services via limousine or luxury sedans generally on a reserved basis with a driver.~~

Commented [RS34]: These provisions related to landmarks were removed from Article 9, as Historic Preservation Commission was removed from the UDO.

Commented [RS35]: I think there's no mention of landscape bufferyards anymore, only bufferyards.

Commented [RS36]: Reference to appendix where the landscape plan will be included.

Commented [SL37]: This is not found in our articles - would it be mentioned in Article 7?

Commented [RS38]: This is retained in the Draft of Article 5.

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~~U. LIVING AREA, FIRST FLOOR. Lowest story of a dwelling wholly above ground level. For the purpose of calculating minimum living area in a single family or two family dwelling with three or more stories having finished living area, the living area of any two connecting floors wholly above ground level may be combined to achieve minimum first floor living area. Connecting floors means any two stories with an elevation difference of 4.5 feet or less. The first floor living area shall never conform to the definitions of "Half Basement" or "Basement."~~

~~V.J. LOADING AND UNLOADING SPACE, OFF-STREET. An open, hard-surfaced area of land other than a street or a public way, the principal use of which is for the standing, loading, and/or unloading of motor vehicles, tractors, and trailers, to avoid undue interference with public streets and alleys. Such space shall not be less than 10 feet in width, 35 feet in length, and 14 feet in height, exclusive of access aisles and maneuvering space.~~

Commented [RS39]: I don't think we need to specify a width and length for loading spaces.

~~W. LODGE, PRIVATE. (See definition of "Club, Private.")~~

~~X.K. LODGING HOUSE. A building with not more than five (5) guest rooms where lodging is provided for compensation, pursuant to previous arrangement, but not open on a daily, overnight, or per meal basis to transient guests. (See definition of "Rooming House.")~~

~~Y.L. LOT. A parcel of land legally described as a distinct portion or piece of land of record.~~

~~Z.M. LOT AREA. The area contained within the exterior, or peripheral, boundaries or lot lines of a lot excluding street and land under navigable bodies of water.~~

~~AA. LOT AREA. The area of a horizontal plane bounded by vertical planes containing the front, side, and rear lot lines. For the purpose of this ordinance, the lot area shall be measured from the base setback line.~~

~~BB.N. LOT COVERAGE. The area of a zoning lot occupied by the principal building or buildings, accessory structure(s) and accessory building(s).~~

~~CC.O. LOT DEPTH. The mean horizontal distance between the front and rear lot lines of a lot measured within the lot boundaries.~~

~~DD.P. LOT FRONTAGE. The front of a lot shall be that boundary of a lot along a public street; for a corner lot the owner may elect either street line as the front lot line.~~

Commented [RS40]: I'd suggest relying solely on lot line definitions. Corner lots are often considered to have two frontages.

~~Q. LOT LINE. A property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends to the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way line.~~

~~EE.R. LOT LINE, STREET SIDE: A side lot line which abuts a street and which is not a front lot line or a rear lot line.~~

~~FF.S. LOT LINE, FRONT. The boundary of any lot which is along an existing or dedicated street. Where the lot abuts more than one dedicated street, the shortest of the lot lines that abut a dedicated street shall be the front lot line. The front property boundary line of a zoning lot.~~

Commented [RS41]: Having the front lot line as the one adjoining the street is common practice.

~~GG. LOT LINE, INTERIOR. A side lot line common with another lot.~~

Commented [SL42]: This is not mentioned anywhere, but should it be left in?

~~T. LOT LINE, INTERIOR SIDE: A lot line which abuts another lot and which is not a front lot line or rear lot line.~~

~~HH.U. LOT LINE, REAR. The lot line or lot lines most nearly parallel to and most remote from the front lot line.~~

~~I.V. LOT LINE, SIDE. A lot line other than a front or rear lot line.~~

~~JJ.W. LOT OF RECORD. An area of land designated as a lot on a plat of subdivision or certified survey map recorded or registered pursuant to statute.~~

~~KK.X. LOT WIDTH. The mean horizontal distance between the side lot lines measured within the lot boundaries, or the minimum distance between the side lot lines within the buildable area of a lot.~~

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~~LL. LOT, BUS. Any lot or land area used for the storage or layover of passenger buses or motor coaches.~~

~~MM.Y. LOT, CORNER. A lot situated at the junction of and abutting on two (2) or more intersecting streets.~~

~~NN.Z. LOT, DOUBLE FRONTAGE. A lot, other than a corner lot, with frontage on two parallel or approximately parallel streets, and which is not a corner lot. Double frontage lots shall normally be deemed to have two front yards, two side yards and no rear yard. Double frontage lots shall not generally be permitted unless the lot abuts an arterial highway. Double frontage lots abutting arterial highways should restrict direct access to the arterial highway by means of a planting buffer or some other acceptable access buffering measure. On a "Double Frontage Lot" both street lines shall be deemed front lot lines.~~

Commented [RS43]: I don't think this is necessary to say - there's an allowance for them in very limited circumstances in Article 8 as determined by the PC.

~~OO.AA. LOT, FLAG. A lot, typically not meeting minimum frontage requirements and where access to a public street is by a narrow, private access easement, strip of land, or driveway.~~

~~PP. LOT, INTERIOR. A lot other than a corner lot.~~

Commented [SL44]: This is not mentioned anywhere, but should it be left in?

~~QQ. LOT, THROUGH. (See definition of "Lot, Double Frontage.")~~

~~RR. LOT, ZONING. (See definition of "Zoning Lot.")~~

Commented [SL45]: This seems redundant when we already have "zoning lot"

~~SS. LOUNGE. (See definition of "Tavern.")~~

~~TT.BB. LUMINAIRE. A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.~~

15-42-43, 15-12-12. "M" Definitions.

A. MANUFACTURED HOME. A structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. The term includes, but is not limited to, the definition of "mobile home" as set forth in regulations governing the **Mobile Home Safety and Construction Standards Program. [24 C.F.R. 3282.7(a)]**. Factory-built homes on permanent foundations are considered buildings, and are governed by the **Wisconsin Uniform Dwelling Code**.

B. MANUFACTURED HOME PARK. A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home spaces for rent or lease.

Commented [RS46]: Realphabetized - the term is mobile /manufactured home park now.

~~C. MANUFACTURED HOME SUBDIVISION. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale.~~

~~D. MANUFACTURING. The making of anything by any agency or process.~~

~~E. MASTER PLAN. A document or series of documents prepared by the City Plan Commission and duly adopted by said Commission setting forth policies for the future development or redevelopment of the City of Franklin pursuant to Chapter 62.23 of the Wisconsin Statutes. The master plan shall also include neighborhood and subarea plans, proposals for future land use, open space, streets and transportation, urban redevelopment, and public facilities. Devices for the implementation of these plans, such as zoning, official map, land division and building line provisions, design guidelines, and capital improvement programs shall also be considered a part of the master plan. The master plan can also be termed the "Comprehensive Plan" and/or "Comprehensive Master Plan."~~

Commented [RS47]: I think we can just go with Comprehensive Master Plan.

~~F.C. MATERIALS, INFLAMMABLE. Inflammable and combustible materials shall mean and include oils and oil lights, sweepings from garage floors, barrels, boxes or other containers containing oil or other similar liquids, rags, clothes, paper, shavings, paper or cardboard boxes or cartons, grease, paints, varnish, or other similar substances, any of which are likely to be readily inflammable or combustible.~~

~~D. MATERIALS, TOXIC. A substance (liquid, solid, or gaseous) which, by reason of a deleterious property, tends to destroy life or impair health.~~

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~~E. MICROBREWERY/MICROWINERY. A combination retail, wholesale, and/or small-scale artisan manufacturing business that brews, ferments, processes, packages, distributes, and serves either beer or wine for sale on- or off-site. A microbrewery shall produce no more than one-hundred fifty-five thousand (155,000) gallons of beer per year for sale on the premises for either on-premises or off-premises consumption. These facilities may include an ancillary tasting room and retail component in which guests/customers may sample and purchase the product. Off-site distribution of the beverages shall be consistent with state law.~~

~~F. MICRODISTILLERY. A small scale artisan manufacturing business that blends, ferments, processes, packages, distributes and serves alcoholic spirits on and off the premises and produces no more than fifteen thousand (15,000) gallons per calendar year on-site. The microdistillery facility may include an ancillary tasting room and retail component in which guests/customers may sample and purchase the product. Off-site distribution of the alcoholic beverages shall be consistent with state law.~~

~~G. MEASURE, CONSTRUCTION-SITE CONTROL. A control measure used to meet the requirements of Division 15-8.0300 of this Ordinance.~~

~~H. MEASURE, CONTROL. For the purposes of Division 15-8.0300, a practice or combination of practices to control erosion and attendant pollution.~~

~~I. MEDICAL HEALTH CENTER. An establishment where patients are admitted for special study and treatment by two or more licensed physicians practicing medicine together and their professional associates.~~

~~J. MINI-STORAGE. A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the dead storage of a customer's goods or wares. At least one toilet facility shall be available to customers. No sales, service, or repair activities other than the rental of dead storage units are permitted on the premises. Maximum leasable space per tenant shall be 1,000 square feet. Outdoor storage, or the storage of junk, explosives, or inflammable materials, and other noxious or dangerous materials are specifically prohibited.~~

~~K.G. MINOR LAND DIVISION. Any division of land not defined as a 'subdivision.' Minor land divisions include the division of land by the owner or Subdivider resulting in the creation of two (2), but not more than four (4), parcels of building sites, any one of which is less than 35 acres in size, or the division of a block, lot or outlot within a recorded Subdivision Plat into not more than four (4) parcels or building sites without changing the exterior boundaries of said block, lot, or outlot. Such minor land divisions shall be made by a Certified Survey Map.~~

~~L. MINOR VARIANCE. (See definition of "Variance, Minor.")~~

~~M.H. MIXED-USE. A building, or structure, or site that contains two (2) or more of the following basic land use types: commercial, office, or residential residential, place of assembly, recreation amusement and lodging, retail, service, eating and drinking, or industrial which are vertically integrated, and that are located over each other in whole or in part. Mixed uses may be integrated vertically within a building or structure or horizontally provided that they are physically interrelated by pedestrian areas that are uninterrupted by vehicular traffic. In horizontal integration of mixed uses, the uses may not be separated by roads or parking areas.~~

~~N.I. MOBILE HOME. Any trailer as defined herein used for residential purposes.~~

~~O. MOBILE HOME CAMP. (See definition of "Mobile Home Park.")~~

~~P. MOBILE HOME PARK. Any premises occupied or designed to accommodate one or more families living in a house trailer or mobile home, or the parking of one or more trailers for business or storage purposes. MOBILE/MANUFACTURED HOME PARK. A parcel or contiguous parcels of land divided into two (2) or more manufactured home spaces for rent or lease.~~

~~J.~~

~~Q. MONUMENT SIGN.~~

Commented [RS48]: Minor Variances are removed as a process from Article 9.

Commented [RS49]: Adjusting this to reflect the use types in Article 3.

Commented [RS50]: This shouldn't be needed - we'll rely solely on mobile/manufactured home park definition.

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~~K. MOTEL. A building containing lodging rooms rented temporarily to transient guests where access to each guest room is provided from the building's exterior.~~

~~—A group of attached or detached buildings or facility containing individual sleeping or living units, designed for or used temporarily by automobile tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motels, motor lodges, or other similar type uses. Customary services such as maid service, telephone, linen, and desk service, and the use and upkeep of furniture are provided.~~

~~L. MOTOR LODGE. (See definition of "Motel.")~~ **MULTITENANT SHOPPING CENTER.** A group of commercial establishments which is planned, developed, owned, and managed as a unit.

~~R. MUNICIPAL CODE.~~ The Municipal Code of the City of Franklin, Milwaukee County, Wisconsin.

~~S. MUNICIPALITY.~~ An incorporated village or city or an unincorporated town.

15-12-14, 15-12-13. "N" Definitions.

~~A. NAMEPLATE. A sign indicating the name and address of a building or the name of an occupant thereof and the practice of a permitted occupation therein.~~

~~B. NATIONAL MAP ACCURACY STANDARDS. Standards governing the horizontal and vertical accuracy of topographic maps and specifying the means for testing and determining such accuracy, endorsed by all federal agencies having surveying and mapping functions and responsibilities.~~

~~C. NATURAL RESOURCE PROTECTION PLAN. (See Division 15-7.0100 of this Ordinance.)~~

~~D. NATURAL RESOURCE PROTECTION STANDARD. The proportion of the natural features of a site (excluding land occupied by public street rights-of-way), which shall remain undeveloped and protected and is specifically designated for natural resource protection by deed restriction, protective covenant, zoning, or a combination thereof.~~

~~E. NATURAL RESOURCES. Areas of steep slopes, woodlands and forests (mature and young), lakes, ponds, streams, shore buffer, floodplains, wetlands, shoreland wetlands, and wetland buffers as defined in this Ordinance.~~

~~F. NAVIGABLE LAKE. (See definition of "Navigable Water.")~~

~~G. NAVIGABLE STREAM. Any stream capable of floating any boat, skiff, or canoe of the shallowest draft used for recreational purposes. (Also see definition of "Navigable Water.")~~

~~H. NAVIGABLE WATER. Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages, and other water within the territorial limits of this State, including the Wisconsin portion of boundary waters, which are navigable under the laws of this State. The Wisconsin Supreme Court has declared navigable bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. [Muench v. Public Service Commission, 261 Wis. 492 (1952) & DeGayner and Co., Inc., v. Department of Natural Resources, 70 Wis. 2d 936 (1975)]. Rivers and streams are presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this Ordinance.~~

~~I. NON-EARTH MATERIALS. Materials other than earth, clay, soil, ground, stones, and rock.~~

~~J. NONCONFORMING BUILDING. A building or structure, or portion thereof, lawfully existing at the time of the adoption of this Ordinance, which was designed, erected, or structurally altered for a use that does not conform after the passage of this Ordinance to the use regulations of the district in which it is located.~~

Commented [SL51]: These are not mentioned anywhere - will they be in Article 7?

Commented [SL52]: Will this be found in Article 7?

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~~K.H. NONCONFORMING USE. Any building, structure, or land lawfully occupied by a use or lawfully established at the time of the adoption of this Ordinance or amendments hereto, which does not conform after the passage of this Ordinance, or amendments hereto, with the use regulations of this Ordinance.~~

~~— NOXIOUS MATTER. Material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the psychological, social, or economic well-being of human beings.~~

~~I. NURSERY RETAIL. A place of business where retail and wholesale products and produce are sold to the consumer. These centers, which may include a nursery and/or greenhouses, import most of the items sold, and may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm variety tools and utensils.~~

~~J. NURSERY WHOLESALE. The growing, storage, and sale of garden plants, shrubs, trees, or vines for resale, including incidental retail sales conducted from within a building not exceeding twenty (20) percent of the combined wholesale and retail sales volume during any year.~~

~~L. NURSING CARE. A type of Senior Housing facility wherein for compensation, nursing care is provided for persons suffering from illness, which is not sufficient severity to require hospitalization, or persons requiring further institutional care.~~

~~M. NURSERY SCHOOL. An institution providing day care for children from four to six years of age.~~

~~N. NURSERY, DAY. A building or portion thereof used for the daytime care of preschool-age children.~~

~~O. NURSING HOME. A private home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, but not including facilities for the treatment of sickness or injuries or for surgical care.~~

15-12-15-12-14. "O" Definitions.

A. OBJECTING AGENCIES. The Wisconsin Department of Agriculture, Trade and Consumer Protection; the Wisconsin Department of Transportation; the Wisconsin Department of Natural Resources; the Wisconsin Department of Industry, Labor, and Human Relations and the county planning agency (as defined by **§ 236.02(a) of the Wisconsin Statutes**).

B. OBSTRUCTION. An obstacle, impediment, or hindrance.

C. OBSTRUCTION TO FLOOD FLOW. Any development which blocks the conveyance of floodwaters such that this development by itself or in connection with any future similar development will cause an increase in regional flood height.

~~D. OCTAVE BAND. A means of dividing the range of sound frequencies into octaves in order to classify sound according to pitch.~~

~~E. OCTAVE BAND FILTER. An electrical frequency analyzer, designed according to standards formulated by the American Standards Association and used in conjunction with a sound level meter to take measurements in specific octave intervals (American Standard for Sound Level Meters, A.S.A. No. 244.3-1944).~~

~~F. ODOR THRESHOLD CONCENTRATION. The lowest concentration of odorous matter which will produce an olfactory response in a human being as detected by a panel of healthy observers. Odor thresholds shall be determined in accordance with American Society for Testing and Materials Test Method D1391-57 "Standard Method for Measurement of Odor in Atmosphere (Dilution Method)" (Philadelphia: American Society of Testing and Material, 1957).~~

~~G. ODOROUS MATTER. Solid, liquid or gaseous material which produces an olfactory response in a human being.~~

~~D. OFFICE, GENERAL. Business uses, with little direct contact with customers present at the office, which is engaged in the processing, manipulation or application of business information or professional expertise. This use shall include, but not be limited to, professional offices for nonprofit organizations, accounting, insurance, investment services, computer services, architecture, engineering, legal services, real estate services, and doctors' and dentists' offices, but not medical offices as~~

Commented [RS53]: Overall the existing office use below seems long-winded and lists a lot of outdated, hyper-specific office uses such computer work or over the phone sales. I'd suggest replacing it with a new definition of office.

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defined in this UDO. An office use is not materially involved in fabricating, assembling or warehousing of physical products for the retail or wholesale market, nor is an office engaged in the repair of products or retail services.

~~Any business use conducting clerical and/or professional service activities within a room or group of rooms and generally furnished with desks, tables, file cabinets, computers, phones, communication equipment and/or the like. General office uses may include, but are not limited to: computer work; research; photocopying; filing; over the phone sales; and answering phones or otherwise responding to communications. A minimum of 75% of floor area shall be designated as office space to constitute a general office use. Other uses may include ancillary storage, kitchens; break rooms and other office support spaces. Retail, warehousing and outdoor storage shall be prohibited with a general office use. A general office use includes the addition or relocation on the property of office use, on a legal nonconforming use property, after September 10, 2015, when such office use addition or relocation occupies or shall occupy existing (as of September 10, 2015) building space on the property, which addition or relocation shall not constitute the expansion or enlargement of a legal nonconforming use under Division 15-3.1000 of the Unified Development Ordinance, and which addition or relocation shall be a permitted use. In the event of an aforesaid relocation of office use upon a legal nonconforming use property, the space vacated by such office use within an existing (as of September 10, 2015) building may be otherwise occupied by the legal nonconforming use (if such space is less than 1,000 square feet in area), which occupation of such area shall not constitute the expansion or enlargement of a legal nonconforming use under Division 15-3.1000 the Unified Development Ordinance.~~

~~[Added 9-1-2015 by Ord. No. 2015-2187]~~

~~H. OFFICE, HOME. (See definition of "Home Occupation" and § 15-5.0802 of this Ordinance.)~~

~~E. OFFICE COMPLEX/BUSINESS PARK. A development which contains a number of separate office buildings, accessory and supporting uses, and open space all de-signed, planned, constructed, and maintained on a coordinated basis.~~

~~I.F. OFFICIAL MAP. That document as described by Chapter 62.23(6) of the Wisconsin Statutes, as amended, which shows the location of streets, highways, parkways, parks, playgrounds, railroad rights-of-way, waterways, and public transit facilities in the City of Franklin.~~

~~J. OFFICIAL ZONING MAP. (See definition of "Zoning Map.")~~

~~K.G. OPACITY. The degree of opaqueness of a bufferyard, or relative sight screening value, as measured by levels of intensity of bufferyard foliage or other characteristics of the bufferyard including fencing, earthen berms, or walls.~~

~~L. OPEN SALES LOT. Any land used or occupied for the purpose of buying and selling new or second hand passenger cars or trucks, motor scooters, motorcycles, boats, trailers, aircraft, monuments, farm machinery and equipment, and for the storage of same prior to sale.~~

~~M.H. OPEN SPACE. Any site, parcel, lot, area, or outlot of land or water essentially unimproved and set aside, dedicated, designated, or reserved for the public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Land that is to be used primarily for resource protection, agriculture, recreational purposes, or otherwise left undisturbed and specifically excluding road rights-of-way and lots. Open space land shall not be occupied by nonrecreational buildings, roads, drives, public rights-of-way, or off-street parking areas for nonrecreational uses. Land located within the yards or lots of residential and/or nonresidential properties is not considered open space unless it is deed restricted for open space protection or natural resource features protection. Where lots are above the minimum sizes required and the excess lot area is deed restricted to open space uses it may be counted as open space.~~

~~N. OPEN SPACE RATIO (OSR). The number derived by dividing the open space of the site by the base site area. When applied to natural resource protection, the open space ratio shall include the natural resource feature(s) to be protected. Minimum requirements for open space ratios are set forth for the various zoning districts under individual zoning district requirements §§ of this Ordinance.~~

~~I. OPEN SPACE, PUBLIC. An open space area conveyed or otherwise dedicated to a municipality, municipal agency, public school district, state or county agency, or other public body for recreational or conservational uses. Any publicly owned open~~

Commented [RS54]: This is mentioned in Article 6 subdivision standards.

Commented [RS55]: This seems like a long, however, functional definition for open space, which is included in Article 8.

Commented [SL56]: Would this be found in Article 7?

Commented [RS57R56]: I don't think this is mentioned in the draft UDO anywhere currently.

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area, including, but not limited to, the following: parks, playgrounds, forest preserves, beaches, waterways, and parkways but not including streets or dedicated public rights-of-way.

~~OUTDOOR DINING. Use of an adjacent, outside area by a food or beverage establishment with a liquor license for on-premises consumption, for the same eating and drinking activities that occur within the establishment including, without limitation, the service and consumption of alcoholic beverages.~~

~~J. OUTDOOR ACTIVITY/OPERATION/STORAGE. The subordinate use of a lot for sustained and continuous outdoor use customarily incidental to the primary use of the zoning lot.~~

~~K. OUTDOOR DINING. Use of an adjacent, outside area by a food or beverage establishment with a liquor license for on-premises consumption, for the same eating and drinking activities that occur within the establishment including, without limitation, the service and consumption of alcoholic beverages.~~

~~Q-L. OUTDOOR DISPLAY/SALE OF MERCHANDISE. The display and/or sale of merchandise or equipment outside of an enclosed building by the occupant of the primary building of the lot.~~

~~P. OPTION, DEVELOPMENT. Alternative development types within specific residential zoning districts as set forth in this Ordinance.~~

~~Q. ORDINARY HIGH WATER MARK. The point on the bank or shore of a navigable water up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.~~

Commented [SL58]: Will this be in Article 7?

~~R-M. OUTLOT. A parcel of land, other than a lot or block, so designated on the plat, but not of standard lot size required to adhere to the lot area or width standards of the governing district, which can be either redivided into lots or combined in the future with one or more other adjacent outlots or lots in adjacent subdivisions or minor land divisions in the future for the purpose of creating buildable lots. In addition to the foregoing, an "outlot" may also be any parcel of land depicted upon a plat or certified survey map which has been designated "outlot" as determined necessary by the Common Council to reserve such parcel for a future potential use or as necessary to further the purposes of this Ordinance and such designation as "outlot" shall mean that the designated parcel is unbuildable. An "outlot" designation may be removed by the Common Council upon its determination upon a further division that the reasons for the designation no longer exist or that the purposes of this Ordinance are further served by the removal of such designation.~~

~~S-N. OWNER. Includes the plural as well as the singular and may mean either a natural person, individual, firm, association, syndicate, partnership, private corporation, public or quasi-public corporation, or combination of these having sufficient proprietary interest to seek development of land. For purposes of successive division of a parcel of land by Certified Survey Maps, "owner" shall be taken to include any related person, firm, partnership or corporation, to whom conveyance has been made within two (2) years of application for approval of a Certified Survey Map. "Related" shall mean any natural person related to a transferor by blood or marriage, any person acting in an agency or trust capacity, any partnership in which the transferor is a partner and any corporation in which the transferor is a stockholder, officer or director, or in which related persons are stockholders, officers or directors.~~

~~T. OWNERSHIP, ONE. For the purpose of this Ordinance, lots shall be considered as owned by the same person when they are owned by the same individual or corporation or other single legal entity; an individual and another in joint tenancy, or as tenants in common, and either of said joint or common tenants owns other lots individually or as joint tenant or tenant in common with another; as individual and other lots by his spouse, parent, grandparents, children, grandchildren, or the spouse of any child or grandchild, or a brother or sister or when any of said lots are owned by an individual and other lots are owned by a corporation or other single legal entity in which said individual is an officer or director or controlling stockholder.~~

15-12-16, 15-12-15. "P" Definitions.

- A. ~~PARKING AREA, PRIVATE.~~ An open, hard-surfaced area, other than a street or public way, designed, arranged, and made available for the storage of ~~private passenger automobiles only and/or commercial vehicles under one and one-half (1 1/2) tons capacity,~~ of occupants of the building or buildings for which the parking area is developed and is accessory.
- B. ~~PARKING AREA, PUBLIC.~~ An open, hard-surfaced area, other than a street or public way, intended to be used for the storage of ~~passenger automobiles and commercial vehicles under 1 1/2 tons capacity, and available to the public, whether for compensation, free, or as an accommodation to clients or customers.~~
- ~~C. B. PARKING SPACE, AUTOMOBILE. A surfaced and permanently maintained area on privately or publicly owned property, either within or outside of a building, of sufficient size to store one (1) automobile. Space within a public or private parking area of not less than 180 square feet nine feet by 20 feet, exclusive of access aisles or drives, ramps, columns, or office and work areas, for the storage of one passenger automobile or commercial vehicle under 1 1/2 tons capacity.~~
- D. ~~PARTICULATE MATTER.~~ For the purposes of determining air contaminations, particulate matter is any material other than water which is suspended in or discharged into the atmosphere in a finely divided form as a liquid or solid capable of being airborne or gasborne. Dust is solid particulate matter capable of being airborne or gasborne.
- E. ~~PEDESTRIANWAY.~~ A public way that is intended for the convenience of pedestrians only; it may also provide public right-of-way for utilities.

~~PERFORMANCE STANDARD.~~ A criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat generated by or inherent in uses of land or buildings.
- ~~F. C. PERMIT, FILLING.~~ A filling permit to engage in the act of filling on a specified parcel of land.
- ~~G. D. PERMITTED USE.~~ A use ~~allowed by right which is specifically authorized~~ in a particular zoning district.
- E. ~~PERSON.~~ Includes any natural person, firm, corporation, or partnership.
- F. ~~PLACE OF ASSEMBLY, INDOOR COMMERCIAL.~~ An enclosed building wherein individuals or groups of people gather for an attraction or service used for commercial purposes, such as but not limited to, recreation establishment, theaters, ice rinks, art galleries, live performance theaters, learning centers, clubs or lodges, exhibit halls and experiential retail where merchandise for sale is accessory to the principal use as a gathering place structured around an activity including but not limited to art, live music, or visual displays.
- G. ~~PLACE OF ASSEMBLY INDOOR NON-COMMERCIAL.~~ A building wherein individuals or groups of people gather for an attraction or service not used for commercial purposes such as but not limited to, community centers, learning centers, clubs or lodges, exhibit halls, civic organizations, lodges, libraries, museums, municipal buildings, auditoriums, or religious institutions.
- H. ~~PLACE OF ASSEMBLY OUTDOOR COMMERCIAL.~~ Premises wherein individuals or groups of people gather outside a building for an attraction or service used for commercial purposes, such as but not limited to, outdoor recreation establishment, miniature golf courses, and ice rinks.
- H. ~~_____~~
- I. ~~PLAN COMMISSION.~~ The City of Franklin Plan Commission created by the Common Council pursuant to **§ 62.23 of the Wisconsin Statutes.**
- J. ~~PLAN, CONTROL.~~ A written description of the number, locations, sizes, and other pertinent information of control measures designed to meet the requirements of this ordinance submitted by the applicant for review and approval.

Commented [RS59]: Parking area is the term used throughout the draft UDO. I don't think it makes sense to specify public vs private.

Commented [RS60]: Parking space requirements, including width and length vary per Article 5 - I don't think it'll make sense to specify a set area in the definitions here.

Commented [RS61]: This is used in in Article 8 and seems like an appropriate definition.

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~~K. PLAN, CONTROL. For the purposes of Division 15.8.0300, a graphic and written description of the number, locations, sizes, and other pertinent information of control measures designed to meet the requirements of this ordinance submitted by the applicant for review and approval by the City Engineer or his authorized representative.~~

~~L.J. PLAN, DEVELOPMENT. The Milwaukee County Development Plan (including components thereof including park, recreation, open space, and transportation plans) text and all accompanying maps, charts, explanatory material adopted by Milwaukee County pursuant to § 59.97 of the Wisconsin Statutes, and all amendments thereto.~~

~~M.K. PLAT. The map, drawing, or chart on which the Subdivider's land division or Condominium Developer's condominium is presented to the City of Franklin for approval.~~

~~N.L. POND. All bodies of water less than two acres in area as measured by the shoreline at its maximum condition rather than the permanent pool condition, if there is any difference.~~

~~O. POND, WATER QUALITY. A man-made pond constructed to improve the water quality of an area.~~

Commented [SL62]: Will this be in Article 7?

~~M. PORCH. A roofed-over structure projecting out from the wall or walls of a main-principal structure and commonly open to the weather in part.~~

~~P.~~

~~Q.N. PRELIMINARY PLAT. A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration.~~

~~O. PRINCIPAL USE. The main use of land a lot or buildings as distinguished from a subordinate or accessory use.~~

~~P. PROHIBITED USE. A use not permitted as a by-right, special use, or temporary use in the governing district.~~

~~R. PROJECTING SIGN. A building-mounted sign with the faces of the sign perpendicular to the building fascia.~~

~~S. PROTECTIVE COVENANTS. Contracts entered into between private parties or between private parties and public bodies pursuant to § 236.293 of the Wisconsin Statutes, which constitute a restriction on the use of all private or platted property within a minor land division or subdivision for the benefit of the public or property owners and to provide mutual protection against undesirable aspects of development that would tend to impair stability of values.~~

Commented [SL63]: Article 9 mentions "restrictive covenants" rather than protective covenants

~~T.Q. PUBLIC WAY. Any public road, street, highway, walkway, drainageway, or part thereof.~~

15-12-16. "Q" Definitions.

RESERVE

~~A. QUARTERS, TEMPORARY. A room or rooms located on the property and intended for the temporary use of a watchman, servant, owner, etc. These quarters shall not be used as permanent living quarters.~~

~~15-12-17.~~ "R" Definitions.

~~15-12-18. RAILROAD RIGHT-OF-WAY. A strip of land with tracks and auxiliary facilities for track operation, but not including depot loading platforms, stations, train sheds, warehouses, car shops, car yards, locomotive shops, water towers, etc.~~

~~15-12-19. RECREATION LAND, COMMUNITY LEVEL PUBLIC OUTDOOR. An outdoor recreation site serving several neighborhoods and generally containing more open space and natural resource oriented areas than typical "Neighborhood Level Public Outdoor Recreation Land." Active recreational facilities located in such areas can include, but not necessarily be limited to, baseball, softball, tennis, basketball, playground or playfield (which may be associated with a middle or high school), picnicking, swimming, recreational trails, and passive activity areas, etc. Such recreational land typically serves an area with a radius of from about two to 10 miles and provides sufficient useable land area per capita to meet the standards set forth in § 15-5.0110 of this Ordinance. The size of such areas typically ranges from 25 to 99 acres in area.~~

~~15-12-20. RECREATION LAND, NEIGHBORHOOD LEVEL PUBLIC OUTDOOR. An outdoor recreation site serving a single neighborhood and generally containing less open space and natural resource oriented areas than typical "Community Level Public Outdoor Recreation Land." Active recreational facilities located in such areas can include, but not necessarily be limited to, baseball, softball, tennis, basketball, playground or playfield (which may be associated with an elementary school), picnicking, ice skating area, recreational trails, and passive activity areas, etc. Such recreational land typically serves an area with a radius of from about 0.5 to two miles and provides sufficient useable land area per capita to meet the standards set forth in § 15-5.0110 of this Ordinance. The size of such areas are typically less than 25 acres in area.~~

~~15-12-24, 15-12-17. RECREATION, PASSIVE. Recreational uses, areas, or activities oriented to noncompetitive activities which require no special equipment. Passive recreation areas are generally maintained by mowing. Bicycle riding, hiking, and bird watching are examples of passive recreation activities.~~

A. RAILROAD USE. The occupation and use of land, buildings, and structures for purposes directly connected with rail transportation of articles, goods, and passengers, including such facilities as tracks, sidings, signal devices and structures, shops and yards for maintenance and storage of rail machinery, loading platforms, and passenger and freight terminals, but excluding freight terminals and yards, and similar facilities, which are maintained and operated by the owning railroad or by a lessee for the purposes auxiliary to rail transportation, or by a lessee for the purposes auxiliary to rail transportation; provided, however, that the operation of such facilities as a hobby or as part of an amusement business shall not be considered a railroad use.

B. RECREATION AREA. An outdoor recreation site serving a single or several neighborhood(s) and containing open space and natural resources intended for active and passive recreation. Recreational facilities located in such areas can include, but not necessarily limited to, baseball, softball, tennis, basketball, playground or playfield (which may be associated with a middle or high school), picnicking, swimming, bicycle paths, hiking trails, and bird watching areas, etc.

C. RECYCLING FACILITY. An establishment for the processing (separation and/or recovery) or collection of recyclable materials from solid wastes. Recycling of oil or other liquids may also occur.

A.D. REGISTER OF DEEDS. Milwaukee County Register of Deeds.

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~~B.E. REPLAT. The process of changing, or the map or plat which changes, the boundaries of a recorded Subdivision Plat, Certified Survey Map, or part thereof. The division of a large block, lot or outlot within a recorded Subdivision Plat or Certified Survey Map without changing the exterior boundaries of said block, lot, or outlot is not a replat.~~

~~C.F. RETAINING WALL. Any wall built or designed to retain or restrain lateral forces of soil or other materials, said materials being similar in height to the height of the wall. Other types of walls that are solely aesthetic or decorative in nature and are not intended to retain soil or other materials in place shall not qualify as a retaining wall.~~

~~D. RESIDENTIAL HOUSING FOR OLDER PERSONS. Residential housing:~~

- ~~1. Provided under any State or Federal program that the U.S. Secretary of Housing and Urban Development determines is specifically designed and operated to assist elderly persons (as defined in the State or Federal program); or~~
- ~~2. Intended for, and solely occupied by, persons 62 years of age or older; or~~
- ~~3. Intended and operated for occupancy by at least one person 55 years of age or older per unit. In determining whether housing qualifies as housing for older persons under this definition, the following factors shall be applied:
 - ~~a. The existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; and~~
 - ~~b. That at least 80% of the units are occupied by at least one person 55 years of age or older per unit; and~~
 - ~~c. The publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older.~~~~
- ~~4. Residential housing for older persons includes traditional residential facilities for the elderly as well as assisted living. Such housing is a part of a facility within which residents, with or without minor physical disabilities, live, cook, dine, and recreate and may avail themselves of medical and other services.~~

~~E. REST HOME. A private home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, but not including facilities for the treatment of sickness or injuries or for surgical care. (See definition of "Nursing Home.")~~

~~F.G. RESTAURANT. An establishment at which food is sold for consumption on the premises to patrons seated within an enclosed building located on the premises. Any land, building, or part thereof, other than a boarding house, where meals are provided for compensation, including a cafe, cafeteria, coffee shop, lunch room, tearoom, and dining room; and including the serving of alcoholic beverages when served with and incidental to the serving of meals food.~~

~~G. RESTAURANT, FAST FOOD. An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state for consumption as follows:~~

- ~~1. Within the restaurant building;~~
- ~~2. Within a motor vehicle parked on the premises; or~~
- ~~3. Off the premises as either carry-out orders or orders using a drive through facility.~~

~~The principal method of operation includes the serving of food and/or beverages in paper, plastic, or other disposable containers.~~

~~U. RINGELMANN CHART. A chart which is described in the U. S. Bureau of Mines Information Circular 7718, and on which are illustrated graduated shades of gray for use in estimating the light-obscuring capacity of smoke.~~

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- ~~H. RINGELMANN NUMBER. The number of the area on the Ringelmann Chart that coincides most nearly with the visual density of smoke emission.~~
- ~~H. ROOFLINE. The top or bottom edge of a roof or building parapet, excluding any cupolas, pylons, chimneys, or other minor projections.~~
- ~~J. ROOMING HOUSE. A building with not more than five guest rooms where lodging is provided for compensation, pursuant to previous arrangement, but not open on a daily, overnight, or per meal basis to transient guests.~~
- ~~K. I. RUNOFF. The rainfall, snowmelt, discharge pumping, or irrigation water flowing over the ground surface.~~
- ~~L. RURAL AREA. Those areas of the City of Franklin not within a delineated sanitary sewer service area in conformance with an adopted areawide water quality management plan.~~

~~15-12-22, 15-12-18.~~ **“S” Definitions.**

- ~~A. SALVAGE YARD. A facility or area for storing, keeping, selling, dismantling, shredding, compressing, or salvaging scrap or discarded material or equipment.~~
- ~~B. SANITARY SEWER. A system for the treatment and disposal of sewage in which sewage is conveyed by interceptor to a publicly operated treatment plant and disposed of.~~
- ~~A. SAND AND GRAVEL PITS. Includes the removal of sand or gravel deposits from the land for commercial purposes, regardless of whether or not such operation results in the creation of a depression in the ground.~~
- ~~B. SANITARIUM. (See definition of "Hospital.")~~
- ~~C. SEASONAL SALES. Christmas tree, pumpkins and similar, temporary (typically recurring on an annual basis) sales for a period not to exceed thirty (30) days.~~
- ~~— SEAT. Furniture upon which to sit having a linear measurement not less than 24 inches across the surface used for sitting; intended for use in determining off-street parking requirements.~~
- ~~D. SELF-SERVICE STORAGE FACILITY. A building or group of buildings that are used for the storage of personal property or records, where individual owners or tenants control individual storage spaces.~~
- ~~C. E. SENIOR HOUSING. Housing/accommodations, other than a single-family dwelling, and services designed and staffed to provide housing and services along the continuum of an elderly person's needs, such as assistance for bathing, dressing, medication, meal preparation, or other functions. In addition to housing, this type of facility may also provide convenience services, such as meals, housekeeping, transportation, and community facilities, such as central dining rooms and activity rooms.~~
- ~~F. SENIOR HOUSING, ASSISTED LIVING. A combination of housing and maintenance services provided to residents on-site within the same building and in response to the individual needs of residents. Supportive services such as meals, dietary supervision, housekeeping, transportation to shopping and medical appointments, social and recreational activities, educational activities, and security and response systems on-site within the same building to meet resident needs. These services can also include on-site medication management or intermittent health care services from qualified providers located within the same building. Services are furnished in a way that promotes self-direction and participation in decisions that emphasize independence, individuality, and privacy in a residential surrounding.~~
- ~~D. G. SENIOR HOUSING, NURSING CARE. A type of Senior Housing facility wherein for compensation, nursing care is provided for persons suffering from illness, which is not sufficient severity to require hospitalization, or persons requiring further institutional care.~~
- ~~E. H. SENIOR HOUSING, TOTAL LIFE CARE. A type of Senior Housing facility intended for the elderly including both assisted living and nursing care services.~~

Commented [RS64]: We've eliminated parking requirements that depend on seating or capacity. Think we can remove this definition as well.

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~~F.I. SERVICES, ESSENTIAL. Services provided by the public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services, whether installed underground, at the surface, above ground, or overhead, include installations for gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communications; and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, inlets, manholes, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings. Essential Services include governmental emergency notification systems, including, but not limited to, outdoor warning siren systems, whether installed upon or within buildings, or upon outdoor poles or other support structures. Essential services also includes the removal of any obstruction, vegetative or otherwise, within or adjacent to a stream, watercourse, drainageway, channel, ditch, swale or the like, artificial or natural, or within or adjacent to a natural resource feature supporting surface water drainage, which obstruction impedes the natural or intended drainage of such feature or facility, so as to cause or precipitate flooding, provided that such removal is performed by or under the direction of a governmental agency, or upon private property by the owner of the property, after obtaining all necessary governmental permits. In the case of an emergency which endangers persons or property, including but not limited to storm damage, essential services shall also include the removal of dead or damaged vegetation presenting such danger which is located within a natural resource, provided that such removal is performed by or under the direction of a governmental agency, or upon private property by the owner of the property, after obtaining all necessary governmental permits.~~

Commented [RS65]: I think we can shorten the existing definition.

~~G.J. SETBACK. The minimum required horizontal distance by which any building or structure shall be separated from a lot line, measured along a straight line and at a right angle to such lot line, and the nearest point of a building or structure; and the minimum required horizontal distance by which any building, structure, or development shall be separated from a natural resource (inclusive of any required or mitigated shore buffer or wetland buffer), measured along a straight line and at a right angle to such natural resource, and the nearest point of a building, structure, or development ~~(excluding stormwater management facilities, stormwater quality ponds, and drainage structures such as a pipe or culvert as allowed to be located within that portion of a wetland setback located outside of a wetland buffer under the provisions of § 15-4.0102I. of the Unified Development Ordinance and excluding structural support(s) consisting of piers and/or abutments for bridges allowed to be placed within shore buffers and wetland buffers and setbacks provided that areas of disturbance of natural resource features to provide for said structural supports shall be restored to the restoration standards of § 15-4.0102I. of this Ordinance and pursuant to the requirements of Table 15-4.0100 of this Ordinance.)~~~~

Commented [RS66]: I think we can cut back on the length of this definition as well. The second half of this seems unruly.

H. SETBACK LINE, BASE. The ultimate street line as established by the Master Plan of the City, or component thereof, and/or a highway width ordinance of Milwaukee County or by an Official Map of the City. On all such streets the base setback line shall be located at a distance from the centerline equal to 1.5 of such established width. On all other streets, the base setback line shall be 30 feet from the centerline of such street or 60 feet from the centerpoint of a cul-de-sac, unless specifically designated otherwise by the Common Council of the City. The base setback line of frontage roads shall be located at a distance from the centerline equal to one-half of the right-of-way of said frontage road. All setback lines shall be parallel to and measured at right angles to the centerline of the street or highway. All front-yard building setbacks shall be measured from the base setback lines.

~~I.K. SETBACK LINE, BUILDING. A line parallel to the street/lot line at a distance from it, regulated by the front-yard setback requirements set up in of this Ordinance.~~

Commented [RS67]: I think this is accurate - setback lines exist relative to all yard setbacks, not just the front as currently stated in the current definition.

J. SHELTER, EMERGENCY. Public or private enclosures designed to protect people from aerial, radiological, biological, or chemical warfare, fire, flood, windstorm, riots, and invasions.

~~K. SHOPPING CENTER. A group of commercial establishments which is planned, developed, owned, and managed as a unit.~~

Commented [RS68]: Relocated this to the "M" section, as the definition works for multitenant shopping center.

L. SHORE BUFFER. (See definition of "Buffer, Shore.")

~~L.M. SHORT-TERM RENTAL. A dwelling unit that serves as the owner or renter's primary residence but is leased or rented for a fee for a maximum of thirty (30) consecutive days, such as vacation rentals or homestays, including without limitation rentals offered via web-based home or room sharing services such as AirBNB, VRBO, and HomeAway.~~

Commented [RS69]: This is what the Plan Commission had settled on as the allowed duration in Article 4.

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- M. ~~SHORELAND. Those lands lying within the following distances from the ordinary high water mark of navigable waters: 1,000 feet from a lake, pond, or flowage; and 300 feet from a river or stream, or to the landward side of the floodplain as designated on the adopted City of Franklin Zoning Map; whichever distance is greater. Shorelands shall not include those adjacent to farm drainage ditches where: (a) such lands are not adjacent to navigable stream or river; (b) those parts of such drainage ditches adjacent to such lands were not navigable before ditching or had no previous stream history; and (c) such lands are maintained in nonstructural agricultural use.~~
- N. ~~SIC. Standard Industrial Classification from the 1987 (or latest edition) manual published by the Executive Office of the President, Office of Management and Budget.~~
- N. SIDEWALK. A paved path provided for pedestrian use and usually located at the side of a road within a public street right-of-way but physically separated by distance from the road pavement.
- O. SIGN. Any object, device, display or structure or part thereof which is used to advertise, identify, display, direct or attract the attention to an object, person, institution, organization, business, project, service, event, or location by any means including words, letters, figures, designs, symbols, fixtures, colors, motion illumination or projected images whether affixed to a building or separate from any building.
1. A-FRAME/SANDWICH BOARD SIGN: A temporary or movable sign not secured or attached to the ground or surface upon which it is located and constructed in such a manner as to form an "A" or a tentlike shape with each angular face held at an appropriate distance by a supporting member and which may or may not be hinged at the top.
 2. ATTENTION GETTING DEVICE. Any pennant, flag, valance, banner, propeller, spinner, streamer, searchlight, balloon and similar device or ornamentation designed for purposes of promotion or advertising or attracting attention.
 3. AWNING/CANOPY SIGNS. Shall include any fixed sign, as well as retractable or removable marquee, canopy and awning, respectively, projected over, suspended above or erected upon any public thoroughfare.
 4. BILLBOARDS. A single- or double-faced freestanding sign permanently erected on the premises, including changeable copy signs, used for the display of commercial information not associated with the conduct of a business or enterprise located on the same premises of such sign.
 5. ELECTRONIC MESSAGE BOARDS. A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means. A time and/or temperature sign shall not be considered an electronic graphics sign.
 6. FEATHER SIGNS. A portable sign that is printed on knitted polyester and used for outdoor marketing and advertising purposes.
 7. FREESTANDING SIGN. A sign completely or principally self-supported by a post(s) or other support(s) independent of any building or other structure and anchored in or upon the ground.
 8. INTERNALLY ILLUMINATED SIGNS. A sign, all or any part of the letter or design of which is made of incandescent, neon or other types of lamps; a sign with painted, flush or raised letter lighted by an electric lamp or lamps attached thereto; a sign having a border of incandescent or fluorescent lamps thereto attached and reflecting light thereon; or a translucent sign, whether lighted by electricity or other illuminant.
 9. MARQUEE SIGNS. A sign designed to have changeable copy, either manually or electronically. Marquee signs may be a principal identification sign, a freestanding sign, or a wall sign.
 10. MONUMENT SIGNS. A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles.
 11. OFF-PREMISES SIGNS. A sign which directs attention to or advertises a use, business, commodity, service or activity not conducted, sold or offered upon the premises where the sign is located. This term also includes those signs commonly known as advertising signs, billboards and poster panels.

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12. ON-SITE TRAFFIC DIRECTIONAL SIGNS. Any on-premises sign that includes information assisting in the flow of pedestrian or vehicular traffic such as enter, exit, and one-way.
13. PENNANTS/STREAMERS/PORTABLE SIGNS. sign, with or without a logo, made of flexible materials suspended from one or two corners, used in combination with other such signs to create the impression of a line.
14. POLE/PYLON SIGNS. A freestanding sign that is affixed, attached, or erected on a pole that is not itself an integral part of or attached to a building or structure.
15. POST SIGNS. A sign that consists of one or two posts on either side and is used for municipal or commercial purposes.
16. PROJECTING SIGNS. A sign which projects more than twelve (12) inches (12") from the face of any building or wall which supports said sign. Any sign suspended under a marquee and in a place approximately perpendicular to the wall of the building supporting the marquee shall not be deemed to be a "projecting sign".
17. ROOF SIGNS. A sign erected, constructed or maintained in whole or in part upon or over the roof of a building or structure. Roof signs shall not include those signs maintained upon the lower slope of a mansard roof which do not extend above the uppermost point of the lower slope. Such signs shall be classified as wall signs.
18. TEMPORARY SIGNS. Any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboards, wallboard or other materials, with or without frames, for use for a limited period of time.
19. WALL SIGNS. A sign mounted or attached to and supported by the wall of any part of a building or structure, except the roof, in a plane parallel to that of the supporting wall, consisting of individual or grouped letters and/or symbols. A wall sign may not project more than twelve (12) inches from the plane of the surface to which it is attached.
20. WINDOW SIGNS. Any sign painted on, affixed to or placed against any window or which is placed in a display case for view from the outdoors through a window when such sign is visible from any public right-of-way.
- 4-21. YARD SIGNS. A small advertising sign that is placed on a street-facing lawn.

~~Q. SITE. For the purposes of Division 15 8.0300, the entire area included in the legal description of the land on which the land disturbing or land development activity is proposed in the Construction Site Erosion Control Permit application.~~

~~P. SITE AREA, BASE. (See Division 15-3.0500 of this Ordinance.)~~

~~Q. SITE AREA, NET. The entire land area within the boundaries of a site, less the area of all land required or proposed for public use, open space, or natural resource preservation or protection.~~

~~R. SITE CAPACITY ANALYSIS. A calculation of buildable site area, taking into account its resource protection land, open space, and other lands (see Division 15-3.0500 of this Ordinance).~~

~~S.P. SITE PLAN. A site plan shall contain the requirements specified in Appendix ##. (See Division 15-7.0200 of this Ordinance.)~~

~~T. SITE, LANDMARK. Any parcel of land of historic significance due to substantial value in tracing the history of aboriginal man, or upon which a historic event has occurred, and, which has been designated as a landmark site under the provisions of the City of Franklin Municipal Code, or a parcel of land, or part thereof, on which is situated a landmark and any abutting parcel, or part thereof, used as and constituting part of the premises on which the landmark is situated.~~

~~U.Q. SKETCH PLAN. A site plan shall contain the requirements specified in Appendix ##. (See Division 15-7.0400 of this Ordinance.)~~

~~V.R. SLOPE. The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.~~

~~S. SLOPE, STEEP. Three categories of steep slopes are defined herein for use in this Ordinance. These categories are based upon the relative degree of the steepness of the slope as follows: 10% to 20%, 20% to 30%, and greater than 30%. No land~~

Commented [RS70]: Construction site erosion is again being removed from the UDO, so I think we can remove this definition that relates to that Article.

Commented [RS71]: This was only mentioned in the Historic Commission section of administrative standards and procedures, which has been removed from the draft UDO. I don't think the definition is needed here.

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area shall be considered a steep slope unless the steep slope area has at least a ten-foot vertical drop and has a minimum area of five-thousand (5,000) square feet. Steep slopes exclude man-made steep slopes.

~~W. SMOKE. Small gasborne particles other than water that form a visible plume in air.~~

~~X. SMOKE. Small gasborne particles other than water that form a visible plume in air.~~

~~SMOKE UNITS. The number obtained by multiplying the smoke density in Ringelmann Numbers by the time of emission in minutes. For the purpose of this chart, a Ringelmann Density reading is made at least once every minute during the period of observation; each reading is then multiplied by the time in minutes during which it is observed; and the various products are added together to give the total number of "smoke units" observed during the total period under observation.~~

~~SOIL MAPPING UNIT LINES. The boundaries of soils shown on the operational soil survey maps prepared by the United States Department of Agriculture, Soil Conservation Service for the Southeastern Wisconsin Regional Planning Commission published in the Soil Survey of Milwaukee and Waukesha Counties dated July 1971.~~

~~SOUND LEVEL METER. An instrument standardized by the American Standards Association for measurement of intensity of sound.~~

~~T.~~

~~U. SOLAR ENERGY COLLECTION SYSTEM. All equipment required to harvest solar energy to generate electricity, including storage devices, power conditioning equipment, transfer equipment, and parts related to the functioning of those items.~~

~~V. SOLAR ENERGY COLLECTION SYSTEM, CANOPY. A solar energy collection system consisting of elevated solar panels installed above parking lots, carports and other paved areas.~~

~~W. SOLAR ENERGY COLLECTION SYSTEM, GROUND-MOUNTED. A solar energy collection system and associated mounting hardware that is affixed to or placed upon the ground including but not limited to fixed, passive, or active tracking racking systems and located on a site.~~

~~X. SOLAR ENERGY COLLECTION SYSTEM, ROOF-MOUNTED. A solar energy collection system that is structurally mounted to the roof of a building or other permitted structure, including limited accessory equipment associated with system which may be ground mounted. It is installed parallel to the roof with a few inches gap.~~

~~SPECIAL EXCEPTION. A special or unique situation involving a shore buffer, navigable water-related feature, wetland, wetland buffer, and wetland setback and natural resource feature improvement or enhancement, which may be authorized by the Common Council and is specifically set forth in this Ordinance as a special exception and which may justify the waiver of the regulations applicable to streams, shore buffers, navigable water-related feature, wetland, wetland buffers, and wetland setbacks and does not necessarily require the demonstration of an unnecessary hardship or practical difficulty. [See Fabyn v. Waukesha County Board of Adjustment, 246 Wis. 2d 851, 632 N.W.2d 116 (Ct. App. 2001)]~~

~~Y. SOLAR FARM. A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal or electrical energy.~~

~~Y-Z. SOLID WASTE FACILITY. All contiguous land, including structures, appurtenances, and other improvements on the land, used for processing, storing, or disposing of solid waste. The phrase "solid waste facility" includes a publicly or privately owned facility consisting of one or several processing, storage, or disposal operational units such as landfills, surface impoundments, or a combination of units.~~

~~Z. SPECIAL USE. A use permitted by special zoning certificate in accordance with the provisions of this Ordinance.~~

Commented [RS72]: Special exception has been removed from Article 9 draft.

Commented [RS73]: Replacing this with conditional use under C.

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- ~~AA. STABLE, LIVERY. Any building, other than a private stable, designed, arranged, used, or intended to be used for the storage of horses and horse-drawn livery, or both.~~
- ~~BB. STABLE, PRIVATE. Any building which is located on a lot on which a dwelling is located and which is designed, arranged, used, or intended to be used for housing horses for the private use of occupants of the dwelling.~~
- ~~CC. STACKING REQUIREMENTS. For the purpose of this Ordinance, stacking requirements are the number of cars that must be accommodated in a reservoir space while awaiting ingress or egress to specified business or service establishments.~~
- ~~DD. STAND, ROADSIDE. A farm building used or intended to be used solely by the owner or tenant of the farm on which such building is located, for the sale of the farm products raised on said farm.~~
- ~~AA. STANDARDS AND SPECIFICATIONS FOR DEVELOPMENT. The set of standards and specifications which the City uses, and has established as public policy, for the installation of improvements as set forth in this Ordinance. Said "Standards and Specifications for Development" shall be in printed form and shall consist of the City of Franklin Land Development Handbook as amended and any other additional standards, specifications, and design guidelines which the City may use.~~
- ~~EE-BB. STORAGE YARD. Any site or portion thereof, that is used for the storage of any products or materials, vehicles, equipment, junk, or scrap outside the confines of an enclosed building.~~
- ~~FF-CC. STORY. That portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above, then the space between the floor and the ceiling above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof.~~
- ~~GG. STORY, HALF. A half story is that portion of a building under a gable, hip, or mansard roof, the wall plates of which on at least two opposite exterior walls are not more than 4.5 feet above the finished floor of each story. In the case of one-family dwellings, two-family dwellings, and multiple-family dwellings less than three stories in height, a half story in a sloping room shall not be counted as a story.~~
- ~~HH-DD. STREAM. A course of running water, either perennial or intermittent, flowing in a channel.~~
- ~~II. STREAM, INTERMITTENT. A stream that flows only after rainfall or snow melt and therefore, is dry most of the year.~~
- ~~JJ. STREAM, PERENNIAL. A stream that flows throughout most (that is, greater than 50%) of the year.~~
- ~~EE. STREET. A public way, other than an alley, which affords a primary means of access to abutting property.~~
- ~~KK-FF. STREET GRADE. The elevation of a street in front of a property.~~
- ~~LL-GG. STREET LINE. A line separating a lot, piece, or parcel of land from a street.~~
- ~~MM-HH. STREET, ARTERIAL. A federal-, state-, or county-marked route normally having four lanes for traffic and some form of median marker. May also be a city-designated "arterial street" in the adopted City of Franklin Comprehensive Master Plan or component thereof, or on the Official Map Parking may be banned. A street used, or intended to be used, primarily for fast or heavy through traffic providing for the expeditious movement of through traffic into, out of, and within the community. Arterial streets shall include freeways and expressways as well as standard arterial streets, highways, and parkways. Arterial streets shall be located to minimize the penetration of such streets through existing and proposed residential areas. Arterial streets shall be designed to convey an average daily traffic (ADT) of three-thousand (3,000) and greater.~~
- ~~NN-II. STREET, COLLECTOR. A street used, or intended to be used, to carry traffic from minor streets to the system of arterial streets including principal entrance streets to residential developments and/or activity/employment centers. Collector streets shall be designed to convey an average daily traffic (ADT) of between five-hundred (500) and three-thousand (3,000).~~
- ~~OO-JJ. STREET, FRONTAGE. A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.~~

Commented [SL74]: Will these be mentioned in Article 7?

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~~PP-KK. STREET, MINOR. A street used, or intended to be used, primarily for access to abutting properties. Residential minor streets that are designed as either looped or through streets shall be designed so that no section conveys an average daily traffic (ADT) greater than five-hundred (500). Residential minor land access streets that are designed as permanent cul-de-sac streets shall be designed so that no section conveys an average daily traffic (ADT) greater than two-hundred-fifty (250).~~

~~QQ. STREETScape. Those features of either the man-made or natural environment which abut, face, or are a part of a public street right-of-way including landscaping (materials and plants), street furniture, building facades, and utilities and facilities which are visible to the public such as fire hydrants, storm sewer grates, sidewalk and street paving, etc.~~

~~RR-LL. STRUCTURAL ALTERATIONS. Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, and girders.~~

~~SS-MM. STRUCTURE. Anything constructed or erected which requires location on the ground, including a fence or free-standing wall. A sign, billboard, or other advertising medium, detached or projecting, shall be construed to be a structure.~~

~~TT. STRUCTURE, NONCONFORMING. Any structure which does not conform to the regulations of this Ordinance prescribing the maximum floor area ratio, required yards, coverage, height and setbacks, minimum required spacing between structures on a single lot, or minimum required usable open space for the district in which such structure is located.~~

~~UU-NN. SUBDIVIDER. Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor land division (Certified Survey Map) or replat.~~

~~VV. SUBDIVIDER'S AGREEMENT. An agreement by which the City and the Subdivider agree in reasonable detail as to all of those matters which the provisions of these regulations permit to be covered by the Subdivider's Agreement and which shall not come into effect unless and until an Irrevocable Letter of Credit or other appropriate surety has been issued to the City.~~

~~OO. SUBDIVISION. The division of a lot, parcel, or tract of land by the owners thereof, or their agents, for the purpose of transfer of ownership or building development where the act of division creates five or more parcels or building sites of 1.5 acres each or less in area; or where the act of division creates five or more parcels or building sites of 1.5 acres each or less in area by successive division within a period of five years.~~

~~WW-PP. SUBDIVISION PLAT. The final map and other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision.~~

~~XX. SUBDIVISION, CONVENTIONAL. A residential subdivision which does not provide a designated amount of open space as set forth under the requirements of Division 15-3.0200 of this Ordinance for an "Open Space Subdivision."~~

~~YY. SUBDIVISION, GRID TYPE. A residential subdivision located within the VR District which is characterized by the dominant design feature of the streets, blocks, and lots laid out in a rectilinear fashion with most street rights-of-way lines meeting at 90° angles and with no curvature and generally with lots characterized by parallel front and rear lot lines and parallel side lot lines. (Also see the requirements of Division 15-3.0200 of this Ordinance for the VR District)~~

~~ZZ. SUBDIVISION, OPEN SPACE. A residential subdivision which provides a designated amount of open space as set forth under the requirements of Division 15-3.0200 and § 15-3.0702(A) of this Ordinance.~~

~~AAA-QQ. SUBGRADE. The natural ground lying beneath the structural portion of a road.~~

~~BBB-RR. SURETY BOND. A bond guaranteeing performance of a contract or obligation through forfeiture of the bond if said contract or obligation is unfulfilled by the Subdivider.~~

15-12-23, 15-12-19. "T" Definitions.

~~TAVERN. A building where liquors are sold to be consumed on the premises, but not including restaurants, where the principal business is serving food.~~

Commented [RS75]: Referred to as a "Development Agreement" in draft UDO.

Commented [RS76]: Bar/Tavern is defined under "B"

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- A. ~~TELECOMMUNICATIONS TOWER. A structure that acts as an antennae or to which telecommunications equipment is attached.~~
- B. ~~TEMPORARY USE. A use of a structure, trailer or property for a limited period, for a specific purpose that is not the permanent use of the property. Any temporary facility or use shall be removed at the cessation of the occurrence of the property causing the temporary use.~~
- B.—
- C. ~~TERMINAL, MOTOR FREIGHT. A building in which freight, brought to said building by motor truck, is assembled and sorted for routing in intrastate and interstate shipment by motor truck.~~
- D. ~~THEATER. (See definition of "Auditorium.")~~
- E. ~~TOURIST COURT. (See definition of "Motel.")~~
- F. ~~TOURIST HOME. A dwelling in which accommodations are provided or offered for transient guests.~~
- G-C. ~~TOXIC AND NOXIOUS MATTER. Any solid, liquid, or gaseous matter, including but not limited to, gases, vapors, dusts, fumes, and mists, containing properties which by chemical means are inherently harmful and likely to destroy life or impair health, or capable of causing injury to the well-being of persons or damage to property.~~
- H-D. ~~TRAILER. A vehicle without motor power used or adaptable for living, sleeping, hauling, business, or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirting, which does not meet building code requirements, and has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place. The term "trailer" shall include "camp car" and "house car." A permanent foundation shall not change its character unless the entire structure is erected in accordance with prevailing City codes and Ordinances.~~
- I. ~~TRAILER HOUSE. (See definition of "Mobile Home.")~~
- J. ~~TRAILER PARK. (See definition of "Mobile Home Park.")~~
- K. ~~TRAILER SALES AREA. An open area, other than a street, used for the display or sale of new or used trailers, and where no repair work is done except for minor incidental repair of trailers to be displayed and sold on the premises.~~
- L-E. ~~TREE. Any self-supporting, woody plant together with its root system, growing upon the earth usually with one trunk, or a multi-stemmed trunk system, supporting a definitely formed crown.~~
- M-F. ~~TREE, CANOPY. A tree whose leaves would occupy the upper level of a forest in a natural ecological situation. These trees are often referred to as shade trees.~~
- N-G. ~~TREE, STREET. A tree located in a public place, street, special easement, or right-of-way adjoining a street.~~
- O. ~~TREE, UNDERSTORY. A tree whose leaves would occupy the lower level of a forest in a natural ecological situation. This type of tree is often referred to as an ornamental trees.~~
- P. ~~TRIP. A single or one-way vehicle movement to or from a property.~~
- Q-H. ~~TRUCK PARKING AREA. Any land used or intended to be used for the storage or parking of trucks, trailers, tractors, and including commercial vehicles, while not loading or unloading, which exceed one and one-half (1 1/2) tons in capacity.~~
- R. ~~TRUCK PARKING YARD. (See definition of "Truck Parking Area.")~~

15-12-24, 15-12-20. "U" Definitions.

- A. ~~UNDISTURBED. As the term is used within Part 4 of this Ordinance, "undisturbed" means an area of land not subjected to the removal of vegetative cover and/or earthmoving activities, including filling.~~

Commented [RS77]: I don't think this term is used any longer in the draft.

Commented [SL78]: Will this be mentioned in Article 7?

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- ~~B.~~ URBAN AREA. A delineated sanitary sewer service area in conformance with an adopted areawide water quality management plan.
- ~~G.A.~~ USE. The purpose for which land or a building thereon is designed, arranged, or intended, or for which it is occupied or maintained, let or leased.
- ~~D.B.~~ USE, ACCESSORY. (See definition of "Accessory Structure or Use.")
- ~~E.C.~~ USE, NONCONFORMING. (See definition of "Nonconforming Use.")
- ~~F.D.~~ USE, PERMITTED. (See definition of "Permitted Use.")
- ~~G.E.~~ USE, PRINCIPAL. The main use of land or buildings as distinguished from a subordinate or accessory use.
- ~~H.F.~~ UTILITY, PUBLIC. Any person, firm, corporation, or municipal department duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, transportation, or water.

15-12-25, 15-12-21. "V" Definitions.

- ~~A.~~ VARIANCE. Limited relief from the requirements of this UDO granted by Board of Zoning and Building Appeals to a particular property with special circumstances where strict application of those requirements will create a practical difficulty or particular hardship prohibiting the use of land in a manner otherwise allowed under this chapter. Such limited relief does not change the underlying zoning of the parcel. VARIANCE, MINOR. A variance from the terms and provisions of the Building Code and Unified Development Ordinance which may be granted only as to accessory buildings of 150 square feet or less in area, decks, and fences.
- ~~A.~~ VEHICLE, COMMERCIAL. Any vehicle over 6,000 pounds empty weight.
- ~~B.~~ VEHICLE, COMMERCIAL. Any vehicle over six-thousand (6,000) pounds empty weight.
- ~~C.~~ VEHICLE FUEL SALES. Any lot or parcel of land or portion thereof used partly or entirely for storing or dispensing flammable liquids, combustible liquids, liquified flammable gas, or flammable gas into the fuel tanks of motor vehicles.
- ~~B.D.~~ VETERINARY SERVICES. A lot, building, structure, enclosure, or premises whereon or wherein three or more dogs, cats, or other domestic animals are kept or maintained and is operated by, or the treatment therein is under direct supervision of, a veterinarian licensed to practice by the State of Wisconsin. A facility rendering surgical and medical treatments to animals, having no limitation to overnight accommodations for such animals. Crematory facilities shall not be allowed in an animal hospital.
- ~~C.~~ VETERINARY CLINIC. (See definition of "Hospital, Animal.")
- ~~D.~~ VETERINARY HOSPITAL. (See definition of "Hospital, Animal.")
- ~~E.~~ VIBRATION. Ground transmitted oscillations. The periodic displacement or oscillation of the earth.
- ~~F.~~ VIBRATIONS, IMPACT. Discrete impulses which do not exceed 60 per minute.
- ~~G.~~ VIBRATIONS, STEADY STATE. Vibrations which are continuous, or vibrations in discrete impulses more frequent than 60 per minute.

15-12-26, 15-12-22. "W" Definitions.

- ~~—~~ WALL SIGN. A sign that is in any manner affixed to any exterior wall of a building or structure including signs affixed to architectural projections from a building provided the copy area of such signs remains on a parallel plane to the face of the building facade or to the face or faces of the architectural projection to which it is affixed.

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- A. WAREHOUSE. A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment.
- B. WASTEWATER TREATMENT PONDS AND FACILITIES. A facility designed for the collection, removal, treatment, and disposal of waterborne sewage generated within a given service area.
- C. WATERBORNE TRANSPORTATION USES. Activities which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for: waterborne transportation including ports or marinas; recreation; electrical generating facilities; or water supply.
- D. WATERCOURSE. A permanent or intermittent stream channel.
- A-E. WATER SUPPLY LINES. The system of pipes, structures, and facilities through which a water supply is obtained, treated, and sold or distributed for human consumption or household use.
- B-F. WETLAND. An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.
- G. WETLAND BUFFERS. See definition for Buffer, Wetland.
- H. WETLAND SETBACK. All of that landward land area defined by the minimum required horizontal setback distance of fifty (50) feet from a delineated wetland boundary, and a line parallel thereto. The wetland setback is inclusive of any required wetland buffer area. (Also see § 15-4.0102J. of the Unified Development Ordinance.)
- I. WETLAND, SHORELAND. A wetland, as defined by this Ordinance, which is located within a shoreland area.
- J. WIND FARM. A group of devices, such as a wind charger or wind turbine, which converts wind to a form of usable energy.
- C. ~~WINDOW SIGN. A sign affixed to the surface of a window with its message intended to be visible to and readable from the public way or from adjacent property.~~
- D. ~~WETLAND, SHORELAND. A wetland, as defined by this Ordinance, which is located within a shoreland area.~~
- K. WISCONSIN ADMINISTRATIVE CODE. The rules of administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system as directed by § 35.93 and Chapter 227 of the Wisconsin Statutes, including subsequent amendments to those rules.
- L. WOODLAND, MATURE. An area or stand of trees whose total combined canopy covers an area of one acre or more and at least 50% of which is composed of canopies of trees having a diameter at breast height (DBH) of at least 10 inches; or any grove consisting of eight or more individual trees having a DBH of at least 12 inches whose combined canopies cover at least 50% of the area encompassed by the grove. However, no trees planted and grown for commercial purposes should be considered a mature woodland.
- E-M. WOODLAND, YOUNG. An area or stand of trees whose total combined canopy covers an area of 0.50 acre or more and at least 50% of which is composed of canopies of trees having a diameter at breast height (DBH) of at least three inches. However, no trees planted and grown for commercial purposes shall be considered a young woodland.
- F. ~~WOODLAND, MATURE. An area or stand of trees whose total combined canopy covers an area of one acre or more and at least 50% of which is composed of canopies of trees having a diameter at breast height (DBH) of at least 10 inches; or any grove consisting of eight or more individual trees having a DBH of at least 12 inches whose combined canopies cover at least 50% of the area encompassed by the grove. However, no trees planted and grown for commercial purposes should be considered a mature woodland.~~
- G. ~~WOODLAND, YOUNG. An area or stand of trees whose total combined canopy covers an area of 0.50 acre or more and at least 50% of which is composed of canopies of trees having a diameter at breast height (DBH) of at least three inches. However, no trees planted and grown for commercial purposes shall be considered a young woodland.~~

Commented [SL79]: Will this be in Article 7?

Commented [SL80]: Will this be in Article 7?

Commented [SL81]: Will this be in Article 7?

N. WHOLESALE ESTABLISHMENT. An establishment primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

15-12-27,15-12-23. "Y" Definitions.

A. YARD. An open space on the same zoning lot with a principal building or group of buildings, which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted in this ordinance, and which extends along a lot line and at right angles thereto to a depth or width specified in the yard regulations for the district in which the zoning lot is located.

B. YARD, FRONT. A yard extending along the full length of the front lot line between the side lot lines.

~~B.C. YARD, INTERIOR SIDE. A side yard located immediately adjacent to another zoning lot or to an alley separating such side yard from another zoning lot.~~

~~C.D. YARD, REAR. A yard extending along the full length of the rear lot line between the side lot lines. On a corner lot, the rear yard shall be that yard directly opposite the front yard.~~

~~D. YARD, SHORE. A yard extending across the full width or depth of a lot between the point of the one-hundred-year recurrence interval floodplain or ordinary high water mark of a pond, stream or lake; or a wetland nearest the principal structure and the principal structure nearest the one-hundred-year recurrence interval floodplain or high water mark of a pond, stream or lake, or a wetland.~~

E. YARD, SIDE. A yard extending along a side lot line from the front yard to the rear yard.

~~E.F. YARD, STREET SIDE. The area extending between the front yard and the rear yard or rear street yard and situated between the side street lot line and the face of the principal building which is parallel to, or most nearly parallel to, the side street lot line.~~

15-12-28,15-12-24. "Z" Definitions.

A. ZONING ADMINISTRATOR. The Zoning Administrator of the City of Franklin, Milwaukee County, Wisconsin or a designee as may be authorized by the Common Council.

~~B. ZONING BOARD. Reference to "Zoning Board" shall refer to the Board of Zoning and Building Appeals of Franklin, Wisconsin.~~

~~C.B. ZONING BOARD OF APPEALS. (See definition of "Zoning Board.") Reference to "Zoning Board of Appeals" shall refer to the Board of Zoning and Building Appeals of Franklin, Wisconsin.~~

~~D.C. ZONING COMPLIANCE PERMIT. The permit required by this Ordinance prior to the commencement of a new use allowed by-right in the governing zoning district, and which do not involve the erection, reconstruction, enlargement, or moving of any building or structure, or the construction of, addition, or alteration of an existing single-family detached or duplex use allowed by-right in the governing zoning district or use of a structure, land, or water where such erection or use complies with all provisions of this Ordinance.~~

E. ZONING DISTRICT. As defined by the City of Franklin Unified Development Ordinance and its accompanying maps as amended.

F. ZONING LOT. A single tract of land located within a single block which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. Therefore, a "zoning lot" may or may not coincide with a lot of record.

Commented [SL82]: I can't find "Shore Yard" anywhere - will it be in Article 7?

Commented [RS83]: ZBA eliminated from UDO as a term. Should be replaced with BZBA in all cases.

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ZONING MAP. The map or maps incorporated into this Ordinance as a part hereof, designating and delineating boundaries of zoning districts.

City of Franklin
Plan Commission Meeting
May 9, 2024
Minutes

unapproved

A. Call to Order and Roll Call

Mayor John Nelson called the May 9, 2024 Plan Commission meeting to order at 6:00 p.m. in the Council Chambers at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin.

Present were Mayor John Nelson, City Engineer Glen Morrow, Alderwoman Courtney Day and Commissioners Kevin Haley, Michael Shawgo and Rebecca Specht. Excused was Commissioner Patrick Leon. Also, present were City Attorney Jesse Wesolowski, Principal Planner Régulo Martínez-Montilva, Principal Planner Marion Ecks, Planning Associate Nick Fuchs, Director of Administration Kelly Hersh and Alderpersons Jason Craig and Yousef Hasan.

B. Approval of Minutes – Regular Meeting of April 18, 2024

Commissioner Haley moved and Commissioner Shawgo seconded a motion to approve the April 18, 2024 meeting minutes. On voice vote, all voted ‘aye’; motion carried (5-0-1).

C. Public Hearing Business Matters

- 1. Field 99, Special Use.** Request to operate a soccer training facility upon property located at 11141 W. Forest Home Avenue (704 9990 003).

Planning Associate Fuchs presented the Special Use request. Applicant Kelley Legler was present.

The Official Notice of Public Hearing was read in to the record by Planning Associate Fuchs and the Public Hearing opened at 6:10 pm and closed at 6:14 pm.

Alderwoman Day moved and Commissioner Haley seconded a motion to recommend approval of a Resolution imposing conditions and restrictions for the approval of a Special Use for an indoor and outdoor youth soccer training business use upon property located at 11141 West Forest Home Avenue (Kelley Legler, Field 99, applicant) (Bast Marshall, LLC, property owner), subject to the applicant obtaining a formal parking agreement with the adjacent property owner, Holz Motors. On voice vote, all voted ‘aye’; motion carried (5-0-1).

- 2. Safari Homes, Special Use and Site Plan.** Special Use to allow for multi-family residential use and density increase; as well as Site Plan for five multifamily buildings upon property located 3709 W College Avenue (713 9996 003).

Principal Planner Martínez presented the Special Use request. Applicant Manzur Hassan Khan and applicant’s representative Greg Schumacher were present.

Special Use

The Official Notice of Public Hearing was read in to the record by Principal Planner Martínez and the Public Hearing opened at 6:29 pm and closed at 6:51 pm.

City Engineer Morrow moved and Alderwoman Day seconded a motion to recommend approval of a Resolution imposing conditions and restrictions for the approval of a Special Use for Lake Grove Place, a multi-family development with 38 dwelling units upon property located at approximately 3709 W. College Avenue (Safari Homes Franklin, LLC). On voice vote, 2 voted 'aye' and 3 voted 'nay'; motion failed (2-3-1).

Site Plan

City Engineer Morrow moved and Alderwoman Day seconded a motion to adopt a Resolution approving a Site Plan for Lake Grove Place, a multi-family residential development (3709 W College Avenue) (Safari Homes Franklin LLC, applicant), with the requirement of a sidewalk along College Avenue. On voice vote, 2 voted 'aye' and 3 voted 'nay'; motion failed (2-3-1).

- D. Citizen comment period.** Citizens may comment upon the Business Matter items set forth on this Meeting Agenda.

The citizen comment period opened at 7:28 p.m. and closed at 7:47 p.m. Six citizens were present.

E. Business Matters

- 1. Cape Crossing, Site Plan.** Request to allow construction of a swimming pool, pool house, driveway, fencing, fire pit, playground, landscaping, walking paths, and water fountain within Outlot No. 7 and Outlot No. 8 of the Cape Crossing Subdivision (890 1070 000 and 890 1071 000).

Planning Associate Fuchs presented the Site Plan request.

City Engineer Morrow moved and Alderwoman Day seconded a motion to adopt a Resolution approving a Site Plan for the construction of a swimming pool, pool house, driveway, fencing, fire pit, playground, landscaping, walking paths, and water fountain within Outlot No. 7 and Outlot No. 8 of the Cape Crossing subdivision (Tax Key Nos. 890 1070 000 and 890 1071 000) (Neumann Developments, Inc., applicant), subject to providing a minimum of ten parking spaces, including two ADA compliant spaces. On voice vote, all voted 'aye'; motion carried (5-0-1).

- 2. Rock'n Food Truck Rally, Temporary Use.** Food truck event from May 30 to September 19, 2024 (Thursdays only) at the Umbrella Bar upon property located at 7005 S. Ballpark Drive (744 1003 000).

Principal Planner Martínez presented the Temporary Use request. Applicants Mike Atkins and Carinn Hoffman were present.

City Engineer Morrow moved and Commissioner Specht seconded a motion to adopt a Resolution imposing conditions and restrictions for the approval of a Temporary Use for the Rock'n Food Truck Rally for property located at 7005 S. Ballpark Drive (ROC Ventures, LLC, applicant). On voice vote, all voted 'aye'; motion carried (5-0-1).

- 3. Franklin Field, Temporary Use.** 2024 Milwaukee Milkmen baseball season starting on May 10, and related operations: food and beverage sales, beverage carts, food truck, graduation ceremony and candy drop; upon property located at 7035 S. Ballpark Drive (744 1003 000).

Principal Planner Martínez presented the Temporary Use request. Applicant Mike Atkins was present.

Alderwoman Day moved and Commissioner Shawgo seconded a motion to recommend approval of a Resolution imposing conditions and restrictions for the approval of a Temporary Use for the Franklin Field 2024 baseball season for property located at 7035 S. Ballpark Drive (ROC Ventures, LLC, applicant), draft dated May 9, 2024, with the following additional condition: the applicant must submit a noise monitoring report within 30 days from the date noise monitoring data is live on the city's website. On voice vote, all voted 'aye'; motion carried (5-0-1).

- 4. Home Depot, Temporary Use.** Temporary Use application by Home Depot USA, Inc. for outdoor seasonal trees, shrubs and landscape bagged good sales, for property located at 6489 South 27th Street (714 9996 015).

Principal Planner Martínez presented the Temporary Use request.

Commissioner Haley moved and Commissioner Specht seconded a motion to adopt a Resolution imposing conditions and restrictions for the approval of a Temporary Use for outdoor seasonal tree and shrub sales for property located at 6489 South 27th Street (Home Depot USA, applicant). On voice vote, all voted 'aye'; motion carried (5-0-1).

- 5. Boomtown, Certified Survey Map (CSM).** Request to create four residential lots upon property located at 11607 W Ryan Road (891 9989 005).

Principal Planner Martínez presented the Certified Survey Map request. Applicant Dan Sczap was present.

Commissioner Haley moved and Alderwoman Day seconded a motion to recommend approval of a Resolution conditionally approving a 4 lot Certified Survey Map, being a part of parcel 2 of Certified Survey Map No. 3104 and that part of vacated South 116th Street in the Northeast 1/4 of the Northwest 1/4 of Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin (S.R. Mills, Boomtown, LLC, property owner) (11607 W Ryan Road). On voice vote, 4 voted 'aye', 1 voted 'nay'; motion carried (4-1-1).

- 6. Fox Glen, Temporary Use.** Temporary Use for stockpiling of dirt for up to a five-year duration during remediation of natural resource ordinance violations and development upon property located at 11027 S 27TH ST (978 9998 000) and 0 W South County Line Rd. 99978 9999 001).

Principal Planner Ecks presented the Temporary Use request. Applicant representatives Chris Smith and Sam Schultz were present.

Commissioner Haley moved and Alderwoman Day seconded a motion to grant this Temporary Use [for the purpose of allowing the existing soil stockpile for 180 days] to assist in the conveyance of the subject property for new development purposes within Tax Incremental District No. 8, for the time of 180 days, no enforcement hereunder does not remove, ultimate enforcement of all laws, ultimately federal, state and local, have to be complied with on the property commencing no later than 180 days from the date hereof.

On voice vote, all voted 'aye'; motion carried (5-0-1).

F. Adjournment

Commissioner Specht moved and Commissioner Haley seconded to adjourn the meeting at 10:09 pm. On voice vote, all voted 'aye'; motion carried (5-0-1).

DRAFT

CITY OF FRANKLIN

REPORT TO THE PLAN COMMISSION

Meeting of May 23, 2024

Area Exception and Variance

RECOMMENDATION: City Development staff recommends **denial** of this variance request because the hardship is self-imposed (finding #C) and the variance is not necessary for the preservation of substantial property rights (finding #D) as discussed further in this report.

City Development staff recommends **approval** of this Area Exception request. If the variance request is not approved, the applicant must revise the design to comply with setback requirements.

Project name: Konicek, detached garage
Property Owner: Bridgestone Real Estate XIX, LLC
Applicant: Konicek, Joel
Property Address/TKN: 7102 S Woelfel Road / 754 9993 003
Aldermanic District: District 2
Zoning District: R-3E – Suburban/Estate Single-Family Residence District
Staff Planner: Régulo Martínez-Montilva, AICP, CNUa, Principal Planner
Application number: PPZ24-0046/47
Action requested: Recommendation for the Area Exception
No action requested for the Variance request

Introduction

Area Exception to allow for a 1,080-squarefoot detached garage while the maximum size for accessory structures on this lot is 900 square feet per Unified Development Ordinance (UDO) Section 15-3.0801C2.

Variance to allow for a detached garage encroaching into the corner sideyard while no part of an accessory structure shall be located in a corner side yard abutting a street on a corner lot per Unified Development Ordinance (UDO) Section 15-3.0801B1.

Area Exception

Per Section 15-10.0209, Area Exceptions may be granted to increase the maximum size of an accessory structure by no more than 20%. Section 15-10.0209.G. of the Unified Development Ordinance (UDO) specifically lists Standards to be reviewed to grant or deny an Area Exception,

which the Plan Commission and Board of Zoning and Building Appeals will use to consider the request.

Maximum size for accessory structure calculation:

- The lot area is 47,872 square feet.
- Per UDO Section 15-3.0801.C2, the maximum accessory structure size is 900 square feet on lots exceeding 40,000 square feet.
- The proposed garage would have an area of 1,080 square feet (24 x 45 feet).
- With approval of an Area Exception, the maximum accessory size may be increased up to 20%, resulting in 1,080 square feet. Therefore, the applicant’s request falls within the allowable increase if the Area Exception is granted.



View of the corner sideyard where the subject garage is being proposed, looking east. Rawson Avenue behind landscape screening to the left.

Photo by City Development staff

Variance

Section 15-10.0206-C(1) of the City of Franklin Unified Development Ordinance specifically lists Findings and Factors to be reviewed by the Board of Zoning and Building Appeals to grant or deny a Variance or an Appeal. The Findings are attached as completed by the applicant.

In reviewing the application and evidence relating to a variance the Board of Zoning and Building Appeals shall consider the findings statements set forth in Section 15-10.0211 of the Unified Development Ordinance. No variance shall be granted by the Board unless it finds

beyond a reasonable doubt that all the following facts and conditions exist and so indicates in the minutes of its proceedings. The Findings are:

- A. ***Preservation of Intent.*** *Variances shall be consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or special use in that particular district.*

Staff comment: Not applicable for this area variance, no use variance is being requested.

- B. ***Exceptional Circumstances.*** *There shall be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Unified Development Ordinance or Chapter 92 “Building Code” of the City of Franklin Municipal Code should be changed.*

Staff comment: The wedged shape of the subject lot is a special condition that doesn’t apply to most lots in the surrounding area. This lot shape limits the available building footprint, especially on the rear yard (south).



- C. ***Economic Hardship and Self-Imposed Hardship Not Grounds for Variance.*** *Variance shall not be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of the variance.*

Staff comment: The applicant is creating a self-imposed hardship by proposing the detached garage on the corner side yard abutting Rawson Avenue.

- D. ***Preservation of Property Rights.*** *The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.*

Staff comment: This variance is not necessary for the preservation of property rights because the applicant has the option of placing the proposed detached garage within the available building area in compliance with required building setbacks (see figure on next page). For example, this figure depicts two alternative locations for the proposed garage. Staff is not necessarily recommending these alternative locations; the purpose is to illustrate that alternative locations are available without the need of a variance.

Additionally, there is an existing 2.5 car garage attached to the residence. The Unified Development Ordinance requires two parking spaces for single-family dwellings. Therefore, this variance is not necessary to meet parking requirements.

-  Available building area in compliance with setbacks.
-  Alternative locations



Available building area in compliance with setbacks and alternative locations for proposed detached garage
 Prepared by City Development staff on site plan submitted by the applicant.

E. Absence of Detriment. Variances shall not be granted that will create substantial detriment to adjacent property and will materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.

Staff comment: It's unlikely that granting this variance will create a substantial detriment to adjacent property because the proposed garage location is not abutting adjacent residential lots. It's worth noting that the existing berm and vegetation would act as a visual barrier between the proposed garage and Rawson Avenue (see picture on page 2).

No public comments have been received as of writing of this report.

Site Compliance

City Development staff visited this site as part of the review process, no compliance issues were discovered. The existing gazebo is in compliance with setbacks requirements as it's less than 150 square feet.

Staff Recommendation:

City Development staff recommends **denial** of this variance request because the hardship is self-imposed (finding #C) and the variance is not necessary for the preservation of substantial property rights (finding #D) as discussed further in this report.

City Development staff recommends **approval** of this Area Exception request. If the variance request is not approved, the applicant must revise the design to comply with setback requirements.

MEMORANDUM

Date: April 10, 2024
To: Konicek, Joel
From: Régulo Martínez-Montilva, AICP, CNUa, Principal Planner
Department of City Development
RE: Area Exception and Variance requests – 7102 S Woelfel Road

Review comments are as follows for the Area Exception and Variance applications submitted on March 13, 2024:

City Development Department comments

1. The submitted site plan is not properly scaled, please submit 12 copies of a site plan to scale.
2. What is the capacity of the existing attached garage? Is a two-car garage?
3. Please add to the site plan the floor area of the existing gazebo in square feet and the setback to the rear property line.

Engineering Department comments

Engineering has no objections regarding the applicant's request for the area exception and variance.

Remark:

It appears they are adding about 1080 square feet (SF) of new impervious. With this, their cumulative total of net new impervious surface added since 2001 is 1080 SF. This is under the 5,000 SF threshold for stormwater management requirements, however, the property owner should be aware that any future impervious that pushes their total to 5,000 SF or more will require stormwater management facilities.

Note:

For acquiring a building permit a plat of survey must be included for review and approval. Visit the site for the plat of survey submittal, <https://www.franklinwi.gov/Files/Engineering/Plats-of-Survey-Informational-Requirements-2022.pdf>.

Inspection Services Department comments

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

Fire Department comments

No comments from the FD.

Project Summary

-As the Homeowner, we are proposing to build an Accessory Structure at the end of our Driveway in order to accommodate all of our vehicle & property needs.

-The structure is roughly 24 ft x 45 ft with a standard Garage door opening at the front. This would be constructed on the North end of the property adjacent to concrete driveway. The construction of this accessory structure would match the Home as closely as possible in order to look most natural & original.

Any additional details or descriptions feel free to contact Dan at 262.880.8104 or Dan@Konicek.com

Hardships for Accessory structure- 7102 S. Woelfel Rd.

-Current Attached Garage does not allow sufficient parking space for all driver's & vehicles in our household.

-Storage of Real estate posts and signs for Homeowner's business is limited & currently being held at an off-site storage unit which incurs costly monthly rental fees.

-Alternate car used for Business is permanently parked in driveway.

-There have been multiple car thefts in our neighborhood over the course of the past year, including our next door neighbors vehicle.

-Existing Accessory Structure (Gazebo) is corroded & rotting, removal of this structure will limit property/lawn maintenance items.

-We are proposing a detached accessory structure due to the layout of our house and current garage, making an attached garage very challenging and not a functional layout.

-The orientation & size of the proposed Accessory Structure flows in line with our driveway & existing layout in order to look as natural as possible while providing additional storage or parking space.

The gazebo is 13.24 feet from the setback according to the Survey.

The gazebo is 115 total sq ft

The existing garage is a 2.5 car garage.

Standards in the Review of Area Exceptions

Date: 2/26/24

Case No. _____

Property Owner: Bridgestone Capital LLC

Property Address: 7102 S. Woelfel Rd.

Section 15-10.0209G of the City of Franklin Unified Development Ordinance specifically lists Standards to be reviewed by the Board of Zoning and Building Appeals to grant or deny an Area Exception. The Standards are:

1. That the area exception will not be detrimental to or endanger the public health, safety, comfort or general welfare.

True. This will not effect any surrounding properties or pople. It will not negatively effect any public.

2. That the uses, values and enjoyment of other property in the neighborhood for purposes already established shall be in no foreseeable manner substantially impaired or diminished by the area exception.

True. This will only effect our property. The accessory structure is proposed to be built far away from any neighbors or surrounding houses.

3. That the area exception will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

True. This will only effect our property. The area exception will not effect any surrounding properties.

4. That the area exception will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire within the neighborhood.

True. There will be no change to any surrounding property. There will be no increase congestion or traffic because of the accessory structure. It will not impair any light or air.

5. That the area exception shall be in harmony with the general purpose and intent of this Unified Development Ordinance.

True. The general purpose and intent of the Unified Development ordinance will be maintained.

Findings and Factors in the Review of Variances

Date: 2/26/24

Case No. _____

Property Owner: Bridgestone Capital LLC

Property Address: 7102 S. Woelfel Rd.

Section 15-10.0206C(1) of the City of Franklin Unified Development Ordinance specifically lists Findings and Factors to be reviewed by the Board of Zoning and Building Appeals to grant or deny a Variance or an Appeal. The Findings and Factors are:

1. The granting of the Variance is not contrary to the public interest.
True. The structure does not effect the public. The structure is on our property at the end of the driveway; not impacting our neighbors.
2. A literal enforcement of the Ordinance provisions would result in practical difficulties or unnecessary hardship due to special conditions.
True. we have attached another document to show hardships including inability to not store work items and vehicles. There has been a significant increase in auto thefts in the area as well.
3. The spirit of the Ordinance is preserved if the Variance is granted.
True. The building of the accessory structure in no way negatively effects the Ordinance.
4. The granting of the Variance retains the protection of public safety and welfare.
True. There will be no change to public safety and the welfare of others with the building of the accessory structure.

In reviewing the application and evidence relating to a variance the Board of Zoning and Building Appeals shall consider the findings statements set forth in Section 15-10.0211 of the Unified Development Ordinance. No variance shall be granted by the Board unless it finds beyond a reasonable doubt that all the following facts and conditions exist and so indicates in the minutes of its proceedings. The Findings are:

(see Page 2)

1. Variances shall be consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or special use in that particular district.

True. The permitted use of the accessory structure is for use of residential extra garage space for the aforementioned reasons.

2. There shall be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Unified Development Ordinance or Chapter 92 "Building Code" of the City of Franklin Municipal Code should be changed.

True. There shouldn't be a need to change the Municipal Code with the request of our structure. The exception would apply only to our lot and not negatively effect it.

3. Variance shall not be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of the variance.

True. There is no economic gain or loss for our accessory structure. The goal is a functional improvement for our residence.

4. The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.

Yes. There will be no negative impact on the enjoyment of other properties in our surrounding area.

5. Variances shall not be granted that will create substantial detriment to adjacent property and will materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.

Yes. There will be no negative impact on the adjacent properties with the granting of the variance.

6. Additional Requirements in Floodland Districts. Variance shall not be granted where: 1) Filling and development contrary to the purpose and intent of the FW Floodway District and the FC Floodplain Conservancy District would result; 2) A change in the boundaries of the FW Floodway District, FC Floodplain Conservancy District, or the FFO Floodplain Fringe Overlay District would result; 3) A lower degree of flood protection than a point two (2) feet above the one hundred (100) year recurrence interval flood for the particular area would result; 4) Any action contrary to the provisions of Chapter NR 116 of the Wisconsin Administrative Code as amended would result.

Yes. We have no issues with flooding on our property.

Questions to be Answered by the Applicant for Zoning Appeal or Variance

Date: 2/26/24

Case No. _____

Property Owner: Bridgestone Capital LLC

Property Address: 7102 S. Woelfel Rd

Section 15-9.0105 / Section 15-9.0106 of the City of Franklin Unified Development Ordinance specifically lists Questions to be Answered by the Applicant to be reviewed by the Board of Zoning and Building Appeals to grant or deny a Variance or an Appeal. The Questions to be Answered are:

1. Indication of the section(s) of the Ordinance being *appealed* or from which a *variance* is requested.

- Setback to put the accessory structure in corner side yard
- Area exception - size proposed to be 1060 sq. feet.

2. Statement regarding the *appeal* requested, giving distances and dimensions where appropriate; or, in the case of an *appeal* of a decision of the Zoning Administrator or Building Inspector, the circumstances and appeal being requested.

Statement regarding the *variance* requested, giving distances and dimensions where appropriate.

We are requesting a variance to put an accessory structure in corner side yard and an area exception. The structure would naturally go at the end of our driveway. The size is proposed to be 24x45.'

3. Statement of the reason(s) for the request.

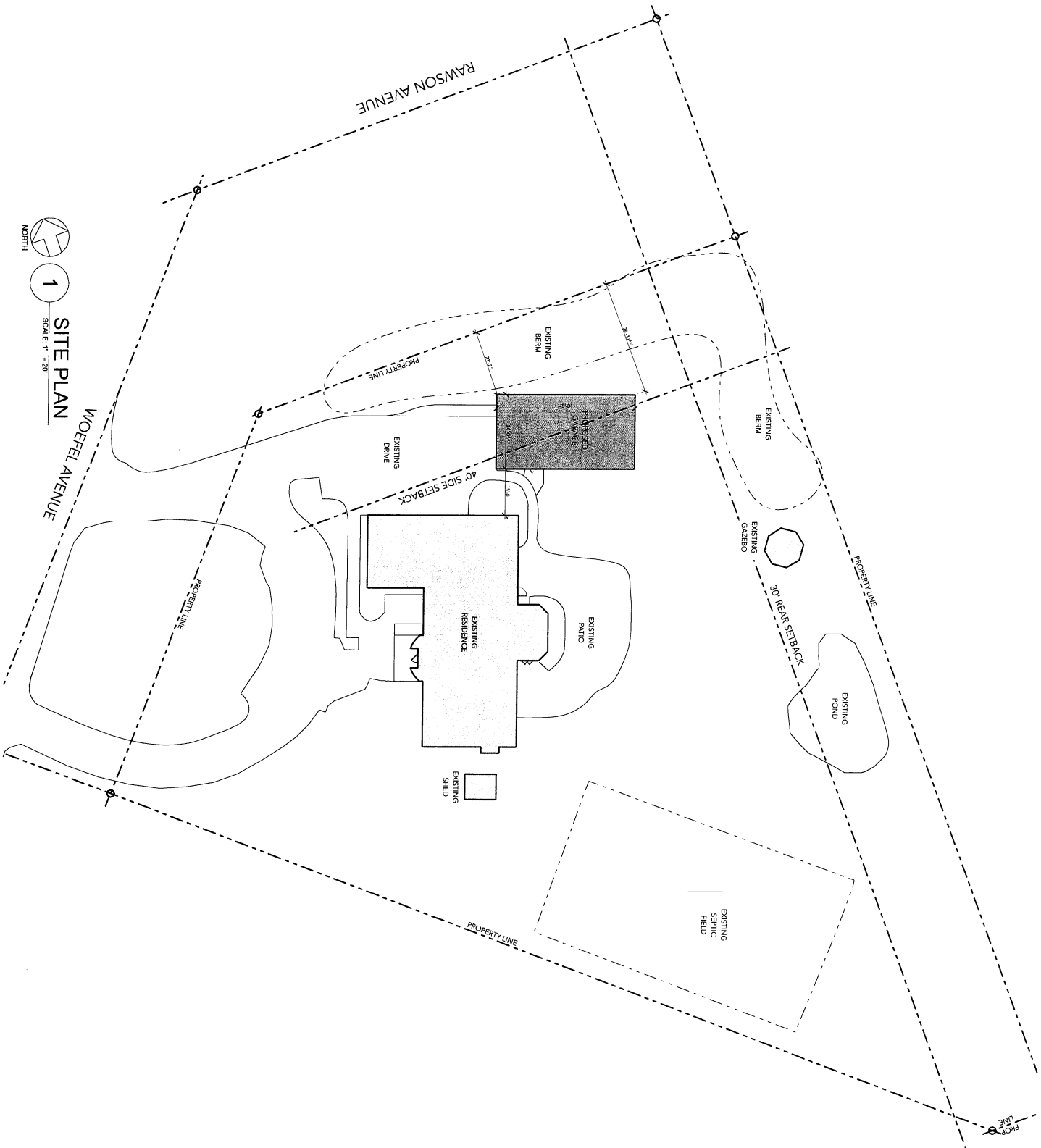
The accessory structure, with current proposed placement, would naturally be built at the end of the existing driveway. The area exception to increase the size of the structure to 1,060 sq feet would be wanted for the goals and needs of our property.

4. Statement of the exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district and which cause the hardship. [Note: Economic hardship and self-imposed hardship are not grounds for the granting of a variance.]

See attachment of hardship summary. Insufficient parking space for all of our vehicles, storage of real estate signs and equipment which we are currently paying to store. See attached summary.

5. Date of any previous application for an appeal/variance and the disposition of the previous application (if any).

NA



1

SITE PLAN

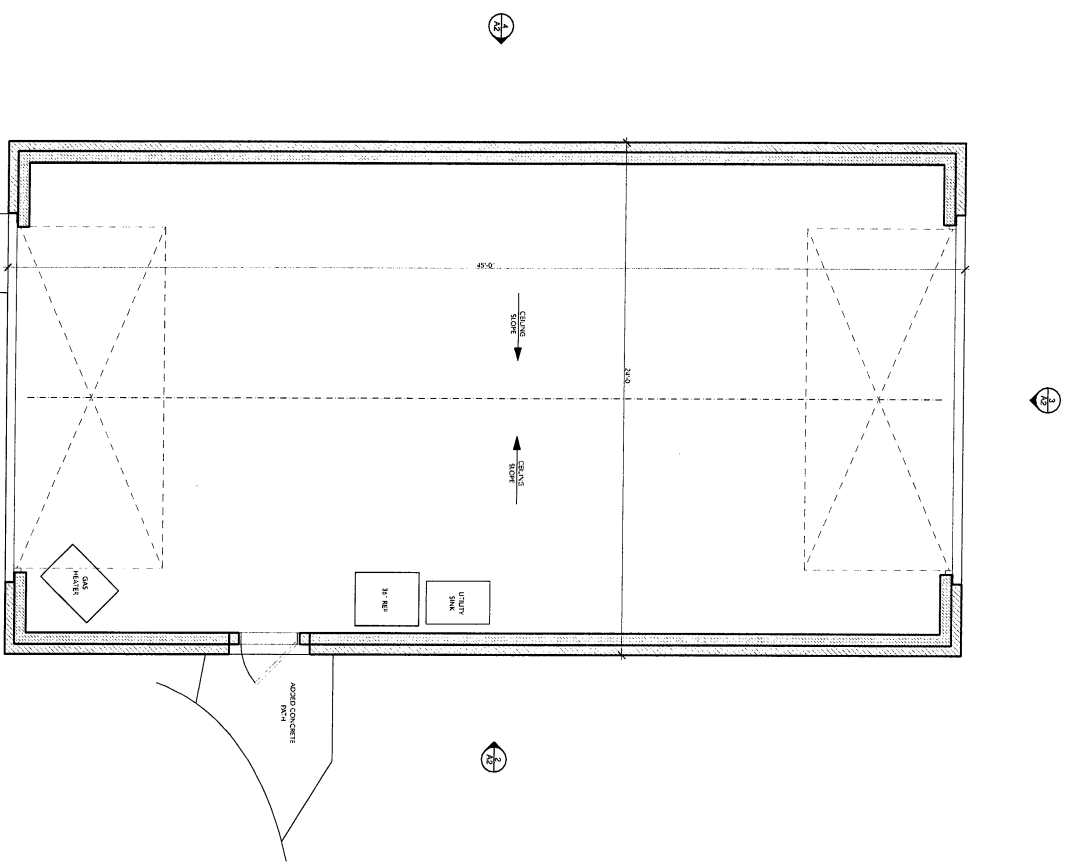
SCALE: 1" = 20'

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C1

Sheet:	
Drawing Title:	SITE PLAN
Issue:	Design Review Set, Jan 17, 2024
Project:	Konck Franklin, WI
Notice:	These drawings and design therein are the exclusive property of CNChambliss Architecture.
Caution:	Do not scale drawings. These are the property of the designer and may only be used in conjunction with this project.





2 GARAGE PLAN
SCALE: 1/4" = 1'-0"

Caution: Do not scale drawings. These are the property of the designer and may only be used in conjunction with this project.

Notice:
These drawings and design therein are the exclusive property of CNChambliss Architecture.

Project:
Konick
Franklin, WI

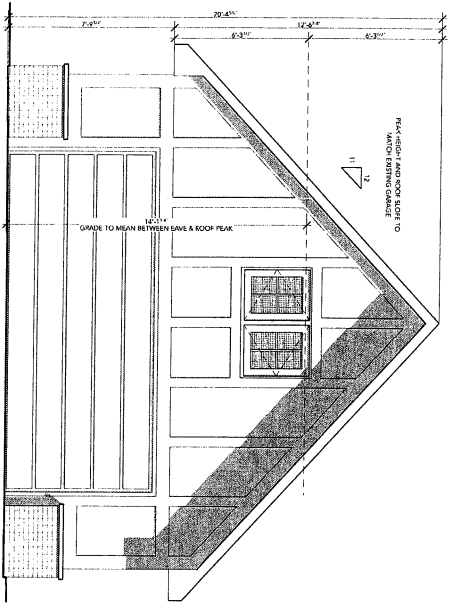
Issue:
 Design Review Set Jan 17, 2024

Drawing Title:
GARAGE FLOOR PLAN

Sheet:

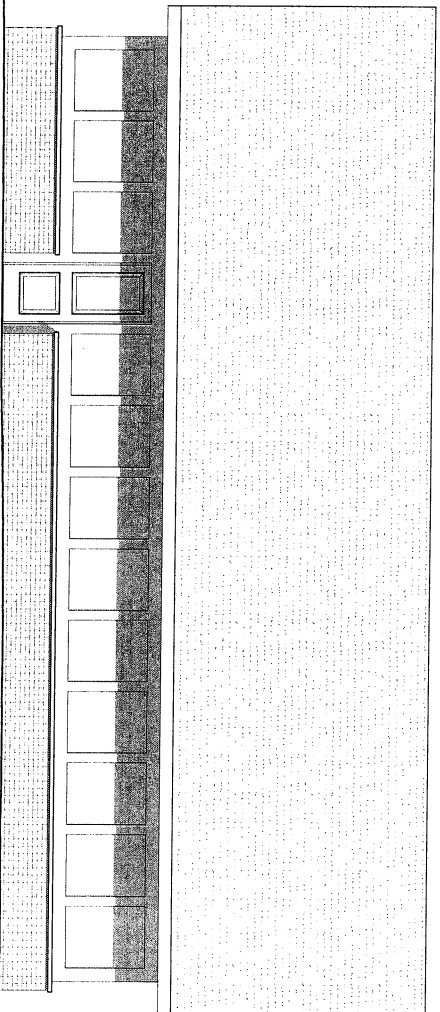
A1

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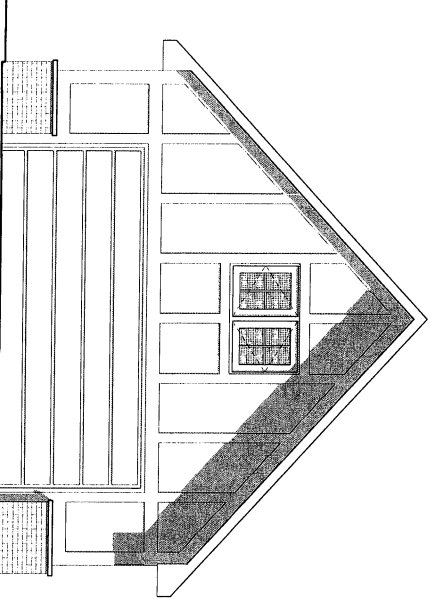
1 West Garage Elevation

SCALE: 1/4" = 1'-0"



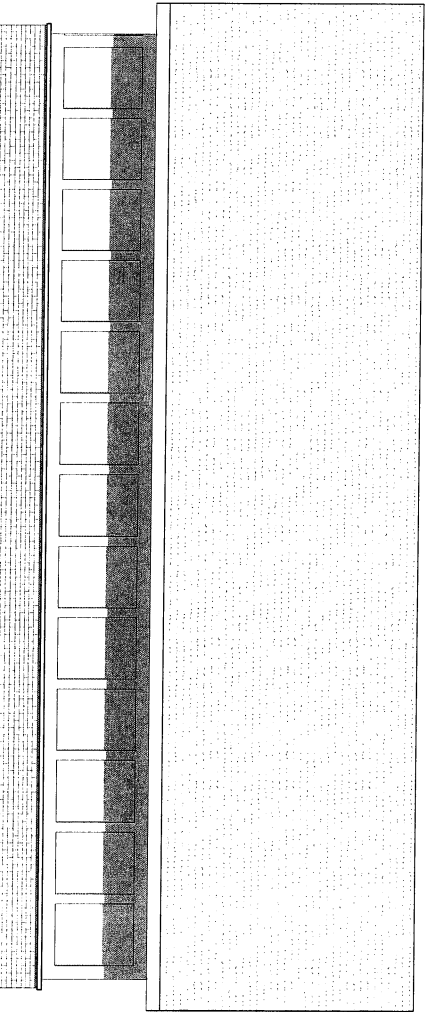
2 South Garage Elevation

SCALE: 1/4" = 1'-0"



3 East Garage Elevation

SCALE: 1/4" = 1'-0"



4 North Garage Elevation

SCALE: 1/4" = 1'-0"

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Project:

Konicek
Franklin, WI

Issue:

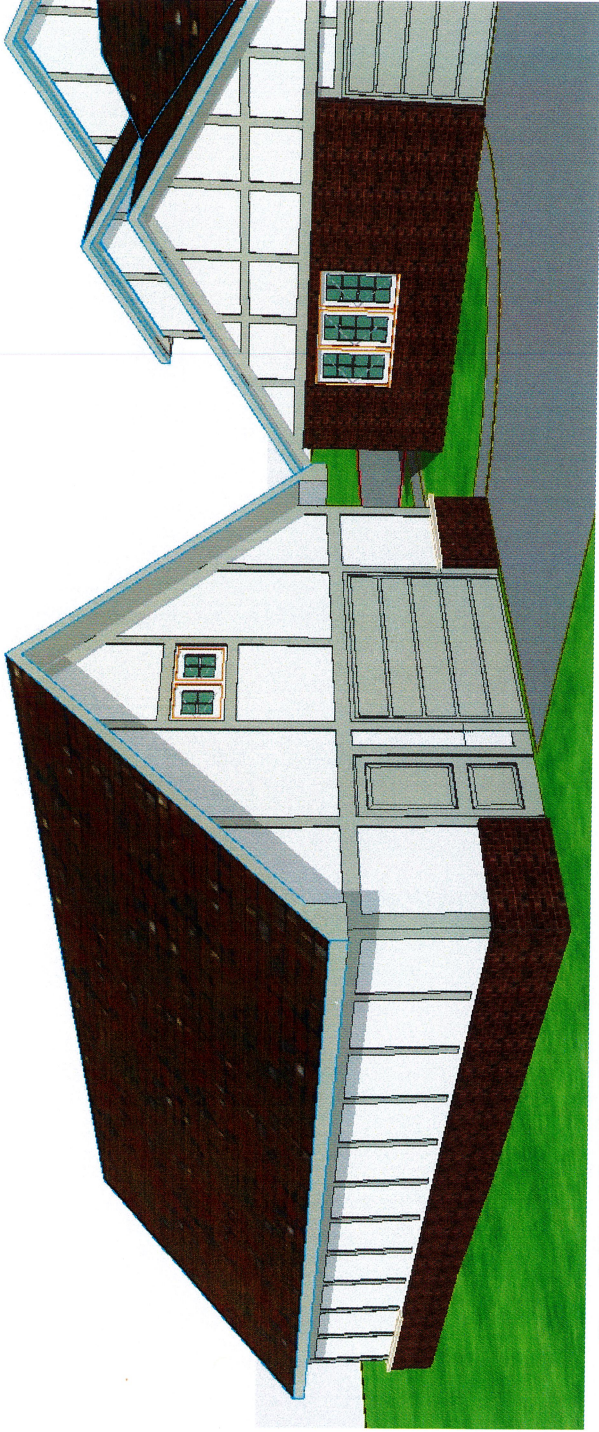
Design Review Set Jan 17, 2024

Drawing Title:

GARAGE EXTERIOR ELEVATIONS

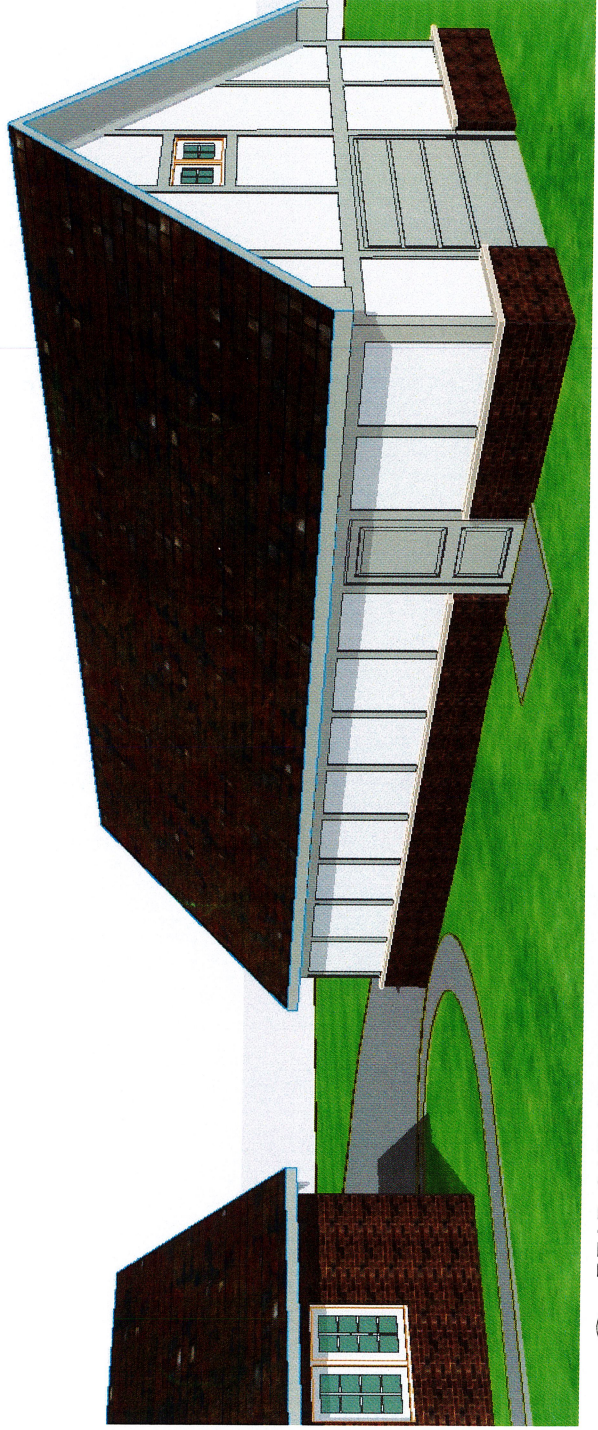
Sheet:

A2



1 GARAGE PERSPECTIVE

SCALE: 1:100



2 REAR GARAGE PERSPECTIVE

SCALE: 1:100

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Project:
Konicek
Franklin, WI

Issue:
 Schematic Set Aug 25, 2023

Drawing Title:
3D VIEWS

Sheet:

A2





ACCESSORY STRUCTURE



Inspection Services

9229 W. Loomis Road, Franklin, WI 53132

414-425-0084 Fax 414-425-7513

e-mail: generalinspection@franklinwi.gov

www.franklinwi.gov

10/12/2023

Konicek, Daniel & Kristin
7102 S WOELFEL RD
Franklin, WI 53132

Project Address: 7102 S WOELFEL RD
Project Type: Accessory Structure

Dear Permit Applicant:

Plans for the referenced project have been placed **ON-HOLD** pending further information.

Revised plans shall be submitted to reflect correction(s) to the following item(s):

Planning Department Review.

1. The proposed accessory structure exceeds the allowed maximum sqft.
2. No part of an accessory structure shall be located in a corner side yard.

The two items above will need to be discussed with the City of Franklin Planning Department. Planning Department 414-425-4024.

Building Plan Review Items.

1. The proposed accessory structure building permit application will require all the following:

Official Plat of Survey with all measurements to lot lines and the dwelling. Also provide lot coverage calculation.

An overhead building plan view drawn to scale not less than 1/4" per foot. Include doors, windows, header info, etc.



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A side elevation view drawn to scale not less than 1/4" per foot for building height.

A footing/foundation plan complying with the building code. Concrete floors shall be not less than four (4) inches in thickness. Detached private garages may be built with a continuous floating slab of reinforced concrete not less than four (4) inches in thickness. The slab shall be provided with a thickened edge all around, eight (8) inches wide and eight (8) inches below the top of the slab. The thickened edge shall have two (2) #4 horizontal reinforcement bars placed at the center. The lower reinforcement bar shall be set two (2) inches above the bottom of the thickened edge and the upper reinforcement bar shall be set six (6) inches above the bottom of the thickened edge. Slab reinforcement shall be a minimum of number ten (10) six by six (6 x 6) inch wire mesh. Exterior wall curbs shall be provided not less than six (6) inches above the finished ground grade adjacent to the garage. Anchor bolts shall meet SPS 321.18(1)(c)3. for size, embedment length, and spacing requirements.

Provide a wall bracing plan drawn to scale not less than 1/4" per foot. The location and construction details of wall bracing on each building side and floor level. The details may consist of the Wall Bracing Compliance Worksheet or a legend showing which wall bracing method is used and the lengths or number of braced wall panels.

Please contact Inspection Services if you have any questions regarding the required plan revisions listed above.

Thank you,

Jason Hendrix
City of Franklin
Inspection Services



REPORT TO THE PLAN COMMISSION

**Meeting of May 23, 2024
Site Plan Amendment**

RECOMMENDATION: City Development Staff recommends approval of the proposed Site Plan Amendment, subject to the conditions of approval in the attached draft resolution.

Project Name:	Jilly’s Car Wash – Special Use Renewal
Submittal Date:	04/10/2024
Property Owner:	Jon Zimmerman, Jilly's LLC
Applicant:	Jon Zimmerman, Jilly's LLC
Property Address/Tax Key Number:	5484 W Rawson Avenue/ 741 9002 000
Aldermanic District:	District 5
Agent:	Caitlin LaJoie, Briohn Building Corporation
Zoning District:	M-1 Limited Industrial and OL-2 Overlay
Use of Surrounding Properties:	M-1 Limited Industrial and OL-2 Overlay (east and west), M-1 Limited Industrial (north), M-2 General Industrial (south)
Application Request:	Site Plan amendment
Staff Planner:	Marion Ecks, AICP

The applicant proposes to develop a Jilly’s Car Wash, which would consist of a structure housing the drive-through car wash and offices, with accessory structures including a booth for payment and a trash area. The development previously received approval of a Site Plan on March 9, 2023 (PC RES 2023-0309) and Special Use approval on March 21, 2023 (RES 2023-7959). They recently obtained approval of an extension of their Special Use Approval to allow for additional development time, as they were unable to commence construction within the required timeframe.

This Site Plan amendment requests an increase in overall square footage and modifications to roofline and office exterior architecture.

CHARACTER OF THE SITE AND SURROUNDING AREA

The subject property is zoned M-1 Limited Industrial and OL-2 General Business Overlay. The surrounding properties share the same zoning. The properties to the east have been developed as a Sendiks, a CVS, and a bank. To the west is a self storage facility, and to the north is an outlot which contains the stormwater facilities for this parcel, as well as the Sendiks development. One of the entrances to the quarry is immediately to the south across Rawson.

PROJECT ANALYSIS

Staff provided the applicant with staff comments on May 2, 2023. The structure meets the setback requirements of the OL-2 zoning district. The applicant has submitted all required elements for site plan review; review comments were provided for the requirements of the OL-2 district.

The prior Site Plan included an 820 Sq. Ft. office and a 5,100 Sq. Ft. structure housing the drive-through car wash, with accessory structures including a booth for payment and a trash area. Customers will proceed through a driveway connected to a private road. They will circulate to the right from the entrance (north) to a cueing and payment area, loop back through the car wash, at which point they may either exit or use the vacuum area which includes parking spaces equipped with vacuums, located to the south of the building along Rawson Ave. The applicant provided exhibits including architectural renders for Commission review.

The applicant requests the following changes:

- Increase in overall square footage to 6,613 SF from 5,920 SF
 - Increase to the size of the office area from 820 SF to 1,004 SF
 - Increase car tunnel from 3,580 SF to 3,874 SF. The building will be 26.5 feet shorter.
- Alterations to building design. Specifically, the roofline and building height will be revised:
 - The Office Building roofline will be lowered by feet, removing transom accents above the windows and lowering the overall building height.
 - The approved east façade of the building included three gables – one over each window into the carwash. These will be removed.
- The paving of the pay attendant area will be reorganized.

Outstanding Conditions of Approval from Site Plan approval PC RES 2023-003 must be resolved. In particular:

- Condition No 5.: The applicant shall provide additional landscape screening of the dumpster enclosure (§15-7.0102 K.).
- Condition No 6.: The applicant shall provide an irrigation system for required landscaping (§15-5.0303 D.).

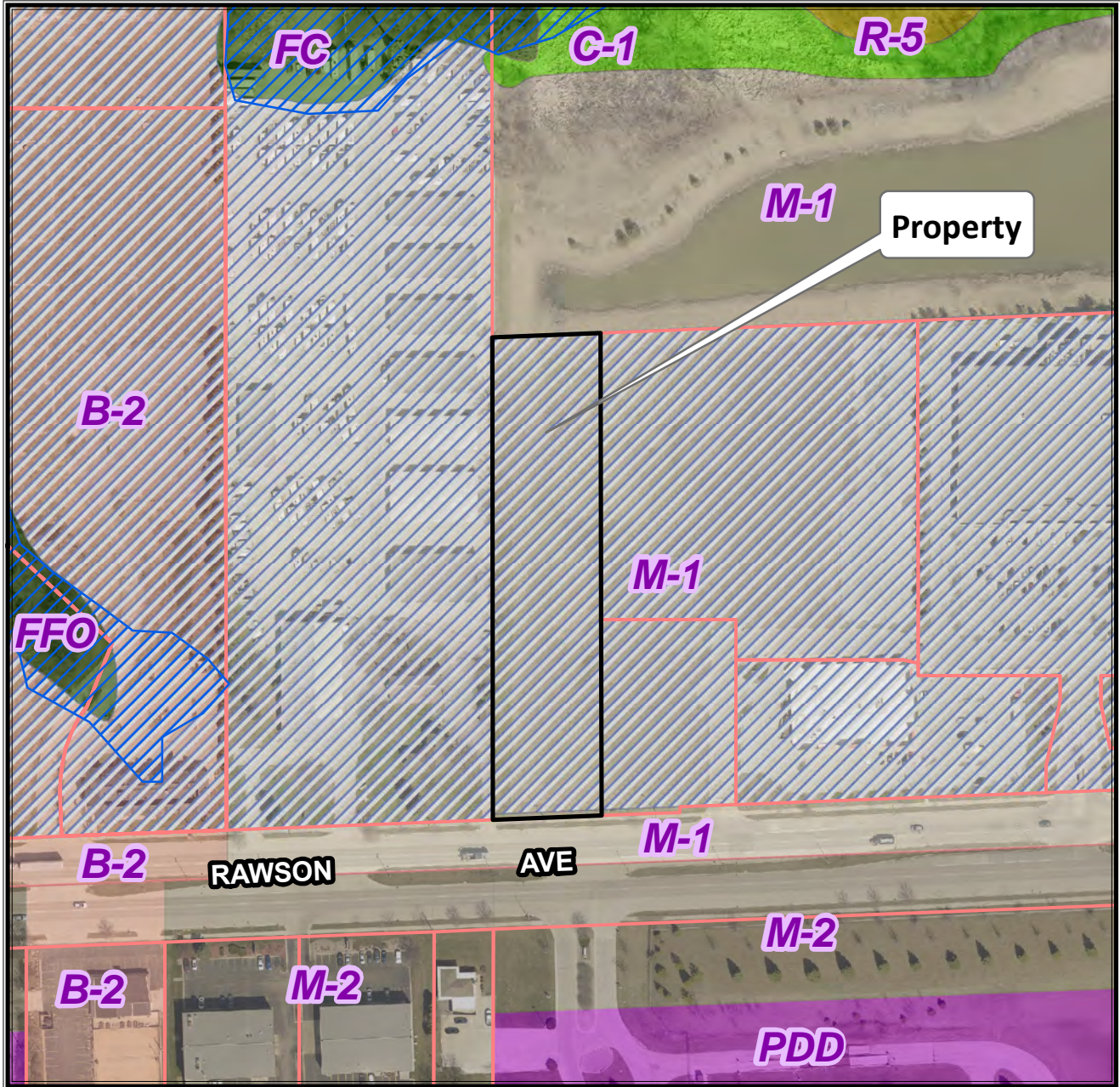
STAFF RECOMMENDATION

City Development Staff recommends approval of the proposed Site Plan amendment, subject to the conditions of approval in the attached draft resolution.

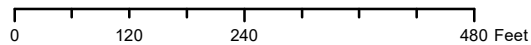
Attachments:

- Site Plan RES
- Applicant Plan Commission Package

5484 W. Rawson Ave.
TKN 741 9002 000

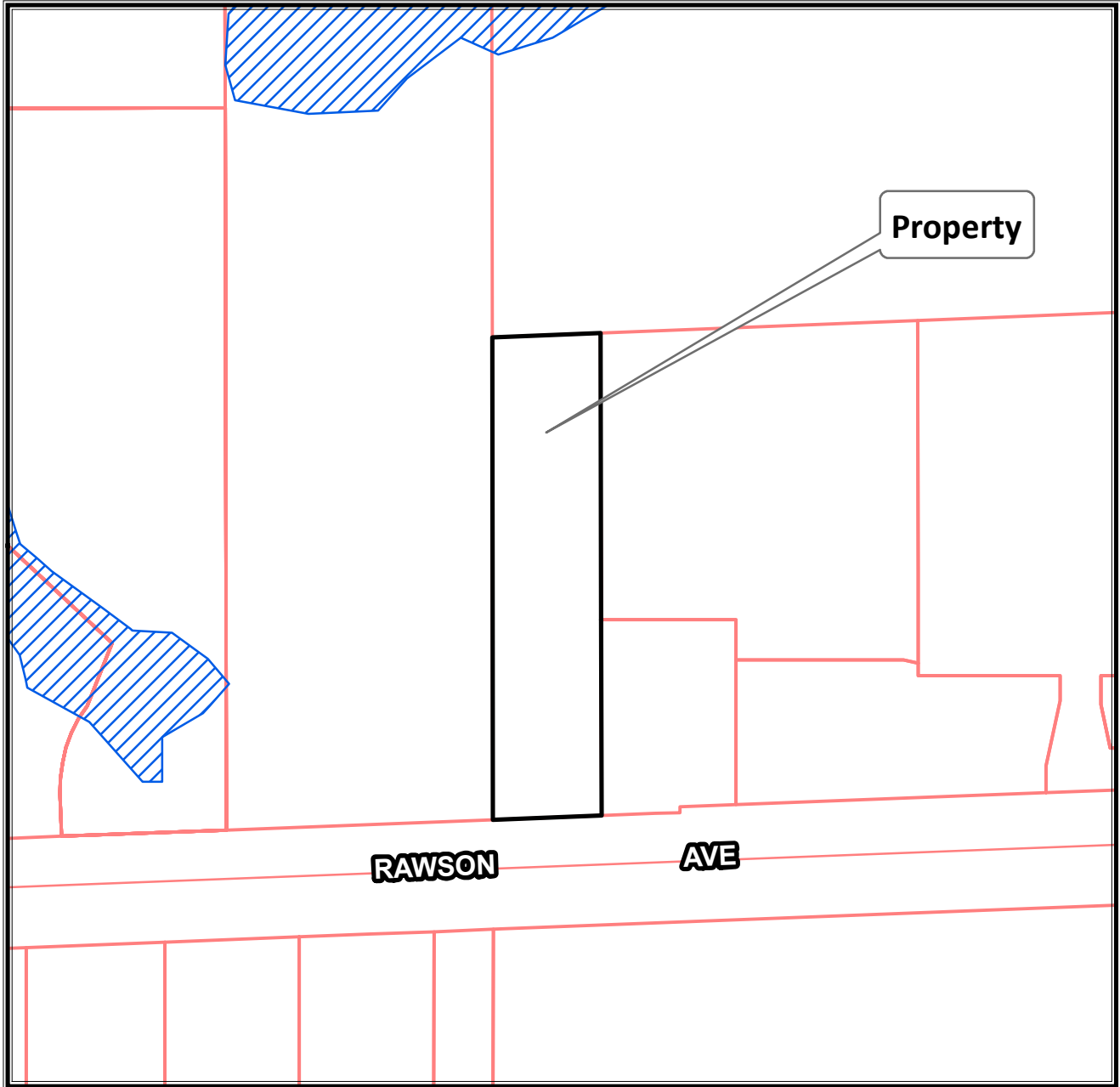


Planning Department
(414) 425-4024

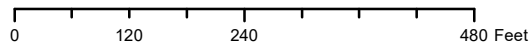


This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.

5484 W. Rawson Ave.
TKN 741 9002 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. 2024-_____

A RESOLUTION APPROVING A SITE PLAN AMENDMENT FOR THE DEVELOPMENT OF A SINGLE-STORY BUILDING HOUSING OFFICES AND A CAR WASH FACILITY (JILLY'S CAR WASH), WITH ADJACENT PARKING (LOCATED AT 5484 WEST RAWSON AVENUE) (JONATHAN J. ZIMMERMAN, PRESIDENT, JILLY'S, LLC, APPLICANT, DEVO PROPERTIES/RAWSON LLC, PROPERTY OWNER)

WHEREAS, Jonathan J. Zimmerman, President, Jilly's, LLC having applied for approval of a proposed site plan amendment for the development of a single-story building housing offices and a car wash facility (Jilly's Car Wash) with adjacent parking for vacuum stalls as well as general parking, and accessory structures, upon property located at 5484 West Rawson Avenue; and

WHEREAS, the Plan Commission having reviewed such proposal and having found same to be in compliance with the applicable terms and provisions of §15-3.0421 of the Unified Development Ordinance 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 Plan Commission of the City of Franklin, Wisconsin, that the Site Plan for the development of a single-story building housing offices and a car wash facility (Jilly's Car Wash), as depicted upon the plans dated May 14, 2024, attached hereto and incorporated herein, is hereby approved, subject to the following terms and conditions:

1. The property subject to the Site Plan shall be developed in substantial compliance with, and operated and maintained pursuant to the Site Plan for the Jonathan J. Zimmerman, President, Jilly's, LLC Jilly's Car Wash facility dated May 14, 2024.
2. Jonathan J. Zimmerman, President, Jilly's, LLC, successors and assigns, and any developer of the Jonathan J. Zimmerman, President, Jilly's, LLC Jilly's Car Wash facility development project, 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 Jonathan J. Zimmerman, President, Jilly's, LLC Jilly's Car Wash facility development project, 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.

JONATHAN J. ZIMMERMAN, PRESIDENT, JILLY’S, LLC – SITE PLAN
RESOLUTION NO. 2024-_____

Page 2

3. The approval granted hereunder is conditional upon the Jonathan J. Zimmerman, President, Jilly’s, LLC Jilly’s Car Wash facility development project for the property located at 5484 West Rawson Avenue: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
4. That the Jonathan J. Zimmerman, President, Jilly’s, LLC Jilly’s Car Wash facility shall be developed and constructed pursuant to such Site Plan 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.
5. Planning Conditions of Approval from Site Plan approval PC RES 2023-003 remain in effect.
6. The applicant shall make any required technical corrections to the site plan (Division 15-7.0100).

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2024.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2024.

APPROVED:

ATTEST:

John R. Nelson, Mayor

Shirley J. Robinson, City Clerk

AYES _____ NOES _____ ABSENT _____



BRIOHN BUILDING
CORPORATION

Briohn Building Corporation
c/o Caitlin LaJoie
3885 N Brookfield Road
Brookfield, WI 53045

May 13, 2024

City of Franklin
9229 W Loomis Road
Franklin, WI 53132

RE: Jilly's Car Wash – Site Plan Amendment Response Letter #1

VIA EMAIL: mecks@franklinwi.gov

Marion & Staff,

Thank you for reviewing and providing feedback on the proposed Jilly's Car Wash located at 5484 Rawson Avenue. Below please find [responses in blue](#). We look forward to continued collaboration with Staff on this exciting development.

[Comments received from the Village on May 2, 2024, in response to the Site Plan Amendment submittal made on April 10, 2024.](#)

Department of City Development

The lot is zoned M-1 Limited Industrial (§ 15-3.0309) and OL-2 General Business Overlay (§15-3.0306.C) Districts. Review comments will be provided for the requirements of that district (§15-7.0102.B).

Please provide the following required information on the site plan (§15-7.0103), and respond to any questions.

1. Different pages of the plan depict different dimensions for buildings. Please clarify which set of dimensions is being requested and reconcile documents.
[RESPONSE: Please refer to the architectural plan for building area; these calculations have been removed from the civil and landscape plans.](#)
2. The proposed lighting plan conforms to the requirements of §15-5.0407 Exterior Lighting Standards.
[RESPONSE: Acknowledged.](#)

DESIGN / BUILD
CONSTRUCTION

ARCHITECTURAL
DESIGN

DEVELOPMENT

PROPERTY
MANAGEMENT

3. The landscape plan exceeds the quantity of required plantings per parking space under §15-5.0302. This calculation included vacuum bays.
RESPONSE: Acknowledged.
4. Are there any changes to Natural Resource depicted on the NRPP?
RESPONSE: No changes to the natural resources depicted on the NRPP exhibit due to the smaller building footprint.
5. Signage requires separate permitting.
RESPONSE: Acknowledged.
6. Planning Conditions of Approval from Site Plan approval PC RES 2023-003 remain in effect:
 - The applicant shall provide additional landscape screening of the dumpster enclosure (§15-7.0102 K.).
RESPONSE: A revised landscape plan screening the dumpster is included with this resubmittal.
 - The applicant shall provide an irrigation system for required landscaping (§15-5.0303 D.).
RESPONSE: An irrigation plan designed by DJ's Lawn Sprinklers is included with this resubmittal.

Inspection Services Comments

7. Structure shall be designed and constructed in accordance with the Wisconsin Commercial Building Code.
RESPONSE: Acknowledged.

Engineering Comments

8. Because of the minor changes of the impervious surface, the applicant must resubmit an updated plans and storm management plan reflecting the changes.
 - The Engineering comments must be satisfied before a building permit is issued, such as the plat of survey must be submitted together with the building permit application for review and approval.
RESPONSE: Please see enclosed stormwater management plan letter as an addendum to the previously approved offsite pond analysis.

Please do not hesitate to contact me with additional questions. We look forward to collaborating with the City of Franklin on this proposed development.

Thank you,



Caitlin LaJoie
Director of Land Development
clajoie@briohn.com
262-307-8792



BRIOHN

DESIGN GROUP, LLC

A DIVISION OF BRIOHN BUILDING CORPORATION

May 13, 2024

Tyler Beinlich, P.E., ENV SP
Assistant City Engineer
City of Franklin
9229 W. Loomis Rd
Franklin, WI 53132

Re: Jilly's Car Wash
5484 W. Rawson Ave.

Dear Tyler,

This letter is an addendum to the previously approved Stormwater Management Report drafted by JSD Professional Service with last revision date June 3, 2023. Said report analyzed the proposed Jilly's Car Wash development impact to the existing regional detention pond. The pond was designed in 2007. The report concluded that Jilly's car wash development is in conformance with the original 2007 stormwater management plan. Since that 2023 JSD report the proposed Jilly's Car Wash site plan have been revised. The current 2024 Jilly's Car Wash plan has a smaller building footprint which resulted in less impervious. The building was reduced from 6,300 square feet to 5,800 square feet and the total site impervious reduced from 40,850 square feet to 39,920 square feet.

The 2023 JSD analysis would remain true to the revised site plan because the composite Curve Number for the water shed remains at 91, after the 2024 proposed revised site plan adjustment.

Table 1: CN comparison.

Surface	2023 Site Plan		2024 Site Plan	
	Area (acres)	Curve Number	Area (acres)	Curve Number
Impervious Cover	0.93	98	0.91	98
Grass, HSG C	0.56	79	0.58	79
Composite	1.49	91	1.49	91
Impervious Ratio	62%		61%	

Lastly, we did a recent site walk through around the regional pond and the recommended improvements noted in the JSD report remains. The outlet structure frame grate to be reset, an upstream pipe end section repositioned, and emergency spillway raised about 10 inches to elevation 714.1.

Please contact me at (262) 790-0501 ext. 404 or riz@briohn.com if you have any question or need additional information.

Regards,

BRIOHN DESIGN GROUP, LLC



Rizal W. Iskandarsjach, P.L.S., P.E.
Civil Engineer

Enclosed: Site plan comparison exhibit
2024 pond photo

2023 BUILDING/SITE PLAN

LOT 3
CSM NO. 9488
OWNER: DEVO PROPERTIES/RAWSON LLC
TAX KEY: 741-9004-000

LOT 2
CSM NO. 9488
OWNER: MCH FRANKLIN RE LLC
TAX KEY: 741-9003-000

S00°05'10"E 592.74'

10' SIDE SETBACK (OL-2)

LOT 1
CSM NO. 9488
78,935 SF
1.8121 AC

OFFICE

CAR WASH BAY

MECH. EQUIP. ROOM

10' SIDE SETBACK (OL-2)

N00°05'10"W 592.48'

GRAVELED PAVEMENT

UNPLATTED LANDS
OWNER: LEONARD & VERNIA FOX
FOX LIVING TRUST DTD 8/97
TAX KEY: 741-9997-000

ASPHALT PAVEMENT

DOG HSE

GARAGE

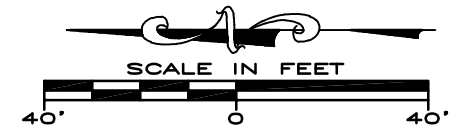
STORAGE BUILDING

STORAGE BUILDING

STORAGE BUILDING

STORAGE BUILDING

STORAGE BUILDING



CONCRETE PAVEMENT

CONC. WALK
S87°47'23"W 133.29'

W. RAWSON AVE. - C.T.H. "BB"



Fig 1: Pond outlet structure (May 6, 2024)



Fig 2: Pond inlet end section located at southeasterly corner of pond (May 6, 2024)

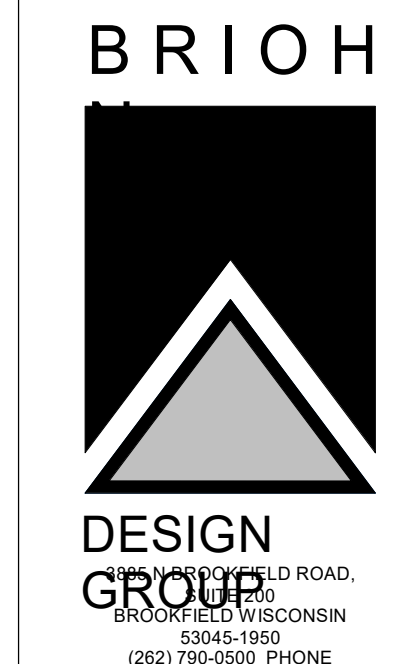
PROPOSED:

JILLY'S CAR WASH

51ST & RAWSON AVENUE
FRANKLIN, WISCONSIN



PC SHEET INDEX	
0 - GENERAL	
T1.1	TITLE SHEET
1 - CIVIL	
CS-1	ALTA/NSPS LAND TITLE SURVEY
C1.0	SITE DIMENSION AND PAVEMENT ID PLAN
C2.0	SITE GRADING PLAN
C3.0	SITE EROSION CONTROL PLAN
C3.1	SITE EROSION CONTROL DETAILS
C4.0	SITE UTILITY PLAN SANITARY SEWER
C4.1	SITE UTILITY PLAN SANITARY AND WATER SERVICES
C4.2	SITE PUBLIC WATERMAIN PLAN AND PROFILE
C5.0	OFF-SITE REGIONAL POND MAINTENANCE REPAIRS
NR-1	NATURAL RESOURCE PROTECTION PLAN
2 - LANDSCAPE	
L1.0	LANDSCAPE PLAN
L2.0	LANDSCAPE DETAILS & NOTES
4 - ARCHITECTURAL	
A0.1	PROPOSED ARCHITECTURAL SITE PLAN
A1.1	PROPOSED FLOOR PLANS
A2.1	REFLECTED CEILING AND ROOF PLANS
A5.1	PROPOSED EXTERIOR ELEVATIONS
A5.2	RENDERINGS
A5.3	RENDERINGS
A5.4	RENDERINGS
A5.5	EXTERIOR RENDERING
A6.1	EXTERIOR MATERIALS
A6.2	EXTERIOR EQUIPMENT
A6.3	SIGNAGE SUMMARY SITE PLAN
7 - ELECTRICAL	
E1.0	PHOTOMETRIC SITE PLAN



TITLE SHEET

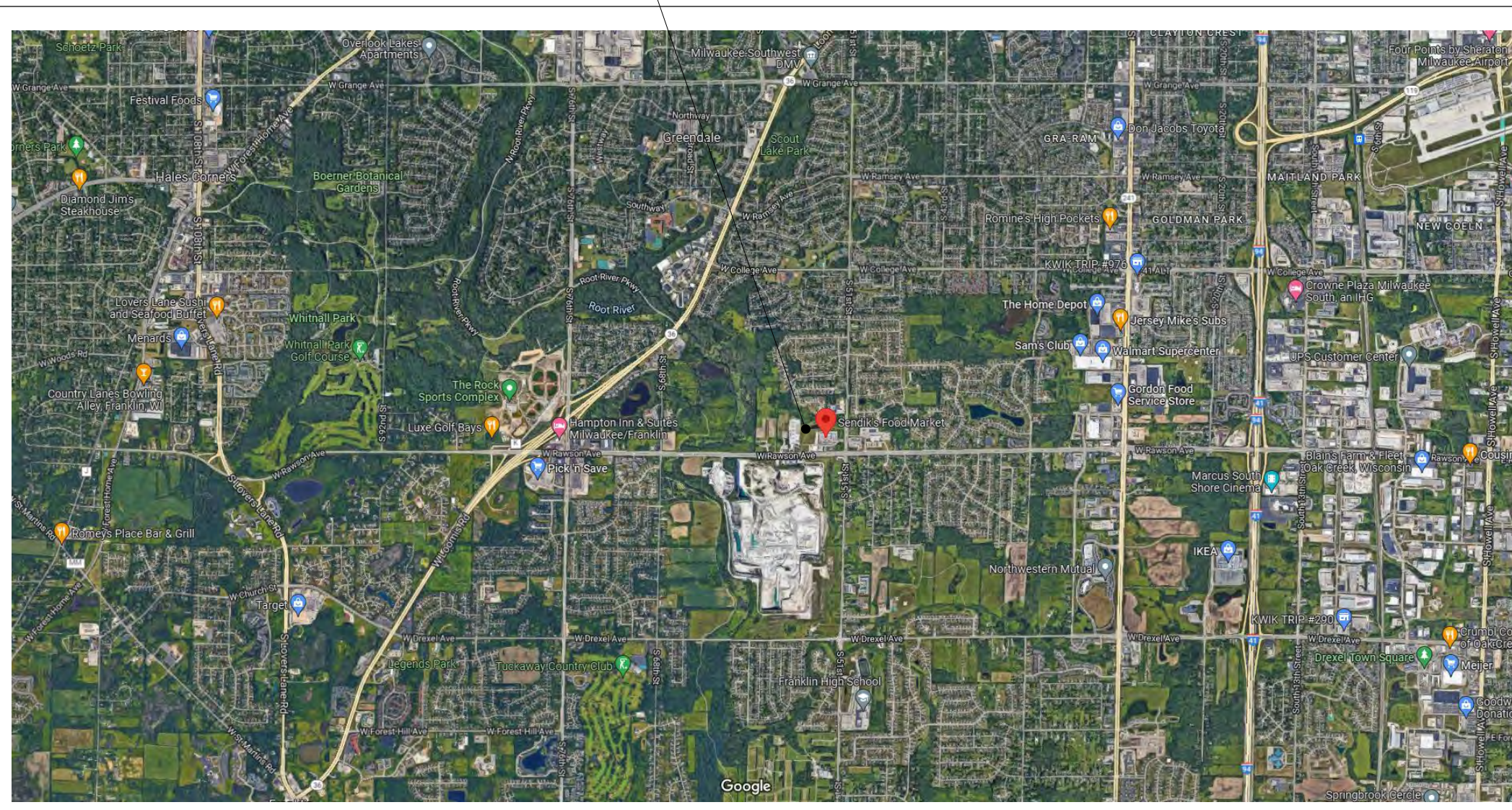
PROPOSED:
JILLY'S CAR WASH
51ST & RAWSON AVENUE
FRANKLIN, WI

PC RESUBMITTAL SET

~~APRIL 8, 2024~~ MAY 13, 2024

OWNER : <u>JILLY'S REAL ESTATE, LLC</u> JON ZIMMERMAN 4419 N. CRAMER WHITEFISH BAY, WI 53211 414-305-9799 PHONE	GENERAL CONTRACTOR : <u>BRIOH BUILDING CORPORATION</u> SHAUN CIURCI 3885 N. BROOKFIELD RD., SUITE 200 BROOKFIELD, WISCONSIN 53045 (262) 790-0500 PHONE (262) 790-0505 FAX	ARCHITECT : <u>BRIOH DESIGN GROUP LLC</u> CHRISTOPHER E. WENZLER, AIA 3885 N. BROOKFIELD RD., SUITE 200 BROOKFIELD, WISCONSIN 53045 (262) 790-0500 PHONE (262) 790-0505 FAX	STRUCTURAL ENGINEERS: <u>BRIOH DESIGN GROUP LLC</u> KEVIN JANKOWSKI, PE CHRIS CLINE, PE 3885 N. BROOKFIELD RD., SUITE 200 BROOKFIELD, WISCONSIN 53045 (262) 790-0500 PHONE (262) 790-0505 FAX
CIVIL ENGINEER: <u>BRIOH BUILDING CORPORATION</u> RIZAL ISKANDARSJACH 3885 N. BROOKFIELD RD., SUITE 200 BROOKFIELD, WISCONSIN 53045 (262) 790-0500 PHONE (262) 790-0505 FAX	LANDSCAPE DESIGNER: <u>JSD PROFESSIONAL SERVICES, INC.</u> KEVIN BYRNE, PLA & LEED AP BD+C W238 N1610 BUSSE ROAD, SUITE 100 WAUKESHA, WISCONSIN 53188 (262) 513-0666 PHONE		

PROJECT LOCATION:



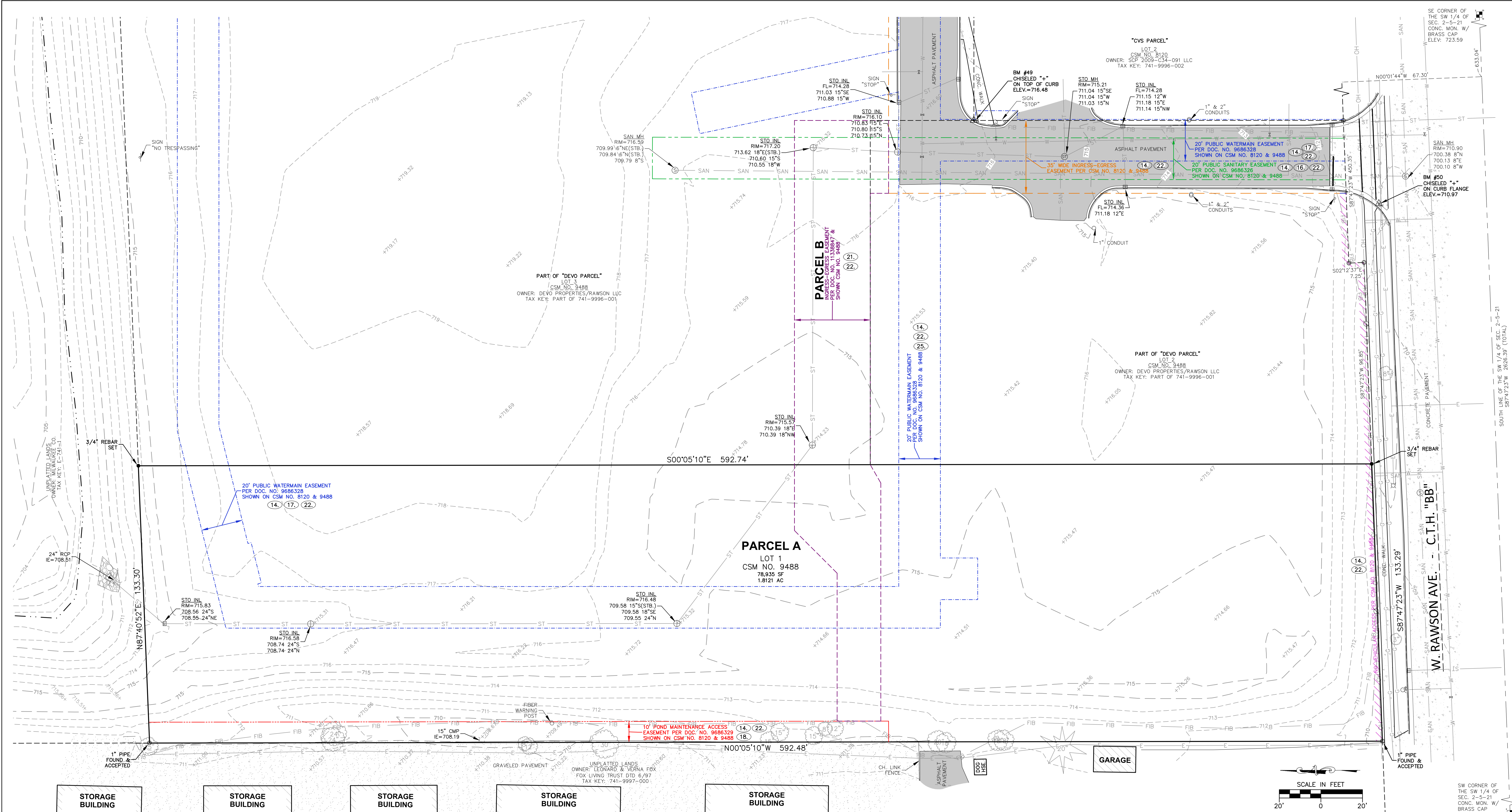
PROJECT BUILDING INFORMATION:

BUILDING CODE: 2015 INTERNATIONAL BUILDING CODE WITH WISCONSIN AMENDMENTS SPS 362 2015 INTERNATIONAL EXISTING BUILDING CODE WITH WISCONSIN AMENDMENTS SPS 366	ACCESSIBILITY CODE: 2015 INTERNATIONAL BUILDING CODE WITH WISCONSIN AMENDMENTS SPS 362 2009 ICC/ANSI A117.1 ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES	ENERGY CODE: 2015 IECC INTERNATIONAL ENERGY CONSERVATION CODE WITH WISCONSIN AMENDMENTS SPS 363	MECHANICAL CODE: 2015 INTERNATIONAL MECHANICAL CODE WITH WISCONSIN AMENDMENTS SPS 364
PLUMBING CODE: 2014 WISCONSIN PLUMBING CODE SPS 381-387	ELECTRICAL CODE: 2017 NFPA 70 NATIONAL ELECTRICAL CODE WITH WISCONSIN AMENDMENTS SPS316	FIRE CODE: SPS 314 FIRE PREVENTION	
OCCUPANCY:	PRIMARY SECONDARY	B OFFICE/BUSINESS S-1 (MODERATE HAZARD STORAGE)	
CLASS OF CONSTRUCTION:	TYPE 5B		
SPRINKLER SYSTEM:	NONE		
FLOOR LEVELS:	1		
NUMBER OF STORIES	1		
BUILDING AREA:	5,180 SF (+437 SF FOR BOOTH)	NOTE: ALL MECHANICAL, ELECTRICAL, PLUMBING AND FIRE SPRINKLER ENGINEERING BY DESIGN-BUILD CONTRACTORS	
ZONING:	M-1/OL-2	LIMITED BUSINESS & INDUSTRIAL PARK	
SETBACKS:	STREET: 25' SIDE: 10' REAR: 20'		
PARKING:	7 1 20	STANDARD STALLS HANDICAPPED STALLS VACUUM STALLS	

Revision	
Date	

JOB: 3455
DRAWN: CW/CJR
CHECKED: CW/
DATE: 2024-05-13
SHEET: T1.1





NOTES:

- Bearings are referenced to Grid North of the Wisconsin State Plane Coordinate System, South Zone, the south line of the Southwest 1/4 of Section 2, Township 5 North, Range 21 East, was used as South 87°27'23" West.
- Vertical Datum: National Geodetic Vertical Datum 1929
Reference Benchmark: Southeast corner of the Southwest 1/4 of Section 2, Township 5 North, Range 21 East, Concrete monument w/ SEWRPC brass cap, Elevation=723.59
- Site Benchmarks
Benchmark #49: chiseled "A" on top of curb marking the northwest corner of Lot 2 of CSM No. 8120, located at the east side of the northern end of the shared private drive. Elevation=716.48
Benchmark #50: chiseled "A" on curb concrete flange, located at the north side of W. Rawson Ave. at the southern end of the shared private drive. Elevation=710.97
- Field survey by JSD Professional Services, Inc on October 28, 2022 with additional walk through on June 16, 2023.
- Parcel "A" boundary based on Lot 1 of Certified Survey Map No. 9488.
- Property has access to West Rawson Avenue (C.T.H. "BB"), a public right-of-way, via the Reciprocal Easement Agreement dated December 19, 2008 and recorded January 22, 2009 as Document No. 9691180, as amended by Supplement to REA and Declaration of Restricted Use dated May 19, 2023 and recorded May 22, 2023 as Document No. 11338847.
- This ALTA/NSPS Land Title Survey was prepared and based on First American Title Insurance Company, Commitment for Title Insurance File No. 50126755-00180366, with a Commitment Date May 22, 2023.

LEGEND

⊙	SANITARY SEWER MANHOLE	⊙	TELEPHONE PEDESTAL	— SAN —	SANITARY SEWER
⊕	STORM MANHOLE	⊙	ELECTRICAL MANHOLE	— W —	WATER MAIN
⊕	CATCH BASIN ROUND	—	SIGN	— ST —	STORM SEWER
⊕	CATCH BASIN SQUARE	—	POWER POLE	— C —	UNDERGROUND GAS
⊕	CLEAN OUT	—	GUY WIRE	— E —	UNDERGROUND ELECTRIC
⊕	FIRE HYDRANT	—	MAIL BOX	— T —	UNDERGROUND TELEPHONE
⊕	WATER VALVE	—	METAL POST	— FIB —	UNDERGROUND FIBER OPTICS
⊕	GAS VALVE	—	BOLLARD	— OH —	OVERHEAD UTILITY
⊕	LIGHT POLE	—	CONIFEROUS TREE	Ⓣ	MAPPED SCHEDULE B-II EXCEPTION
		—	DECIDUOUS TREE		

TABLE A ITEMS:

- At the time of the survey the property is vacant with no posted address number.
- At the time of this survey this property is located within Zone X (Areas determined to be outside the 0.2% annual chance floodplain) per FEMA map panel numbers 55079C0161E, map effective date: September 26, 2008.
- Gross Land Area: 77,039 Sq Ft. (1.7686 ac.)
- At the time of this survey, zoning letter was not provided by owner/client. Property is zoned M-1, Limited Industrial District, and OL-2, General Business Overlay District, per City of Franklin Zoning Map.
Per City Code Chp. 15-3.0309 M-1 zoning has the following building setbacks:
Front Setback: 30 feet
Side Side Offsets: 20 feet
Rear Side Offsets: 15 feet
Per City Code Chp. 15-3.0306C OL-2 zoning has the following building setbacks:
Front Setback: 25 feet
Side Side Offsets: 10 feet
Rear Side Offsets: 20 feet
- (a)(b)(1)(c) No buildings observed at the time of the survey.
- At the time of this survey, the property is vacant and contains no designated striped parking stalls.
- Underground utility locations shown are based on field location markings and utility mapping by "Digger's Hotline", Ticket No. 20224406488 and 20224406503 with a start date of November 11, 2022. Underground utility information is shown for informational purposes only, and is not guaranteed to be accurate or all inclusive. The Contractor/Owner is responsible for making his own determination as to the type and location of underground utilities as may be necessary to avoid damage thereto. Contractor/Owner shall call "Digger's Hotline" prior to the start of any construction activities.
- At the time of this survey there was no observed evidence of current earth moving work, building construction or building.
- At the time of this survey there was no proposed changes in street right of way lines or observed evidence of recent street or sidewalk construction or repair.

SCHEDULE B - PART II EXCEPTIONS

- 2, 9, 10, 11, 13, 15, 19, 23, and 24 Not survey related.
- Easement granted to The Milwaukee Electric Railway and Light Company and other matters contained in the instrument recorded March 30, 1928 as Document No. 1599390. (BLANKET EASEMENT)
- Easement for Highway Purposes granted to Milwaukee County, Wisconsin and other matters contained in the instrument recorded October 4, 1956 as Document No. 3529424. (BLANKET EASEMENT)
- Easement for Highway Purposes granted to Milwaukee County, Wisconsin and other matters contained in the instrument recorded October 23, 1956 as Document No. 3533880. (BLANKET EASEMENT)
- Easement granted to Wisconsin Electric Power Company and Wisconsin Telephone Company and other matters contained in the instrument recorded April 18, 1957 as Document No. 3572149. (BLANKET EASEMENT)
- Easement granted to Wisconsin Electric Power Company and Wisconsin Telephone Company and other matters contained in the instrument recorded April 18, 1957 as Document No. 3572150. (BLANKET EASEMENT)

SCHEDULE B - PART II EXCEPTIONS (continued)

- Easement granted to Wisconsin Electric Power Company and Wisconsin Telephone Company and other matters contained in the instrument recorded April 18, 1957 as Document No. 3572151. (BLANKET EASEMENT)
- Declaration of Restriction, Covenants and Easements and other matters contained in the instrument recorded June 7, 2007 as Document No. 9443065, amended by Amended and Restated Declaration of Restrictions, Covenants and Easements recorded August 30, 2007 as Document No. 9486784, further amended by Amended and Restated Declaration of Restrictions, Covenants and Easements recorded October 25, 2007 as Document No. 9514320, and further amended by First Amendment to Amended and Restated Declaration of Restrictions, Covenants and Easements recorded October 13, 2009 as Document No. 9803220. (INCLUDES OFF-SITE ACCESS EASEMENT LOCATED ON LOT 1 OF CSM NO. 7931, EAST OF "DEVO PARCEL")
- Easements, restrictions and other matters shown on Certified Survey Map No. No. 8120 recorded December 12, 2008 as Document No. 9678892.
- Sanitary Sewer Easement granted to the City of Franklin, a municipal corporation of the State of Wisconsin and other matters contained in the instrument recorded January 5, 2009 as Document No. 9686326.
- Water Main Easement granted to the City of Franklin, a municipal corporation of the State of Wisconsin and other matters contained in the instrument recorded January 8, 2009 as Document No. 9686328.
- Storm Water Management Access Easement granted to the City of Franklin, a municipal corporation of the State of Wisconsin and other matters contained in the instrument recorded January 8, 2009 as Document No. 9686329.
- Undertaking and Indemnification Agreement and other matters contained in the instrument recorded January 13, 2009 as Document No. 9687965. (GENERAL ACCESS EASEMENT ON "DEVO PARCEL")
- Reciprocal Easement Agreement and other matters contained in the instrument recorded January 22, 2009 as Document No. 9691180. As amended by Supplement to REA and Declaration of Restricted Use by Devo Properties/Rawson LLC dated May 19, 2023 and recorded May 22, 2023 as Document No. 11338847. (GENERAL ACCESS AND DRAINAGE EASEMENT ON "DEVO PARCEL" FOR THE BENEFIT OF "CVS PARCEL")
- Easements, restrictions and other matters shown on Certified Survey Map No. 9488 recorded May 12, 2023 as Document No. 11336892.
- It is stipulated that nothing herein is to be construed as insuring that the easement described as Parcel B in Paragraph 3 of Schedule A hereto is open and unobstructed.
- Any rights, easements, interest or claims which may exist by reason of, or reflected by, the following matters as referenced on the ALTA/NSPS Land Title Survey prepared by Rival W. Iskandarsjoch of JSD Professional Services Inc. dated January 12, 2023, and last revised February 1, 2023, as JSD Project No. 22-11936:
 - Rights of utility companies, municipalities and others to access and maintain their facilities and lines located in areas not provided for by recorded easements.
 - Encroachment of gravelled pavement onto the Land along the West lot line.

LEGAL DESCRIPTION:
(First American Title Insurance Company, Commitment for Title Insurance File No. 50126755-00180366, with a Commitment Date May 22, 2023.)

PARCEL A:
Lot 1 of Certified Survey Map No. 9488, recorded in the office of the Register of Deeds for Milwaukee County, Wisconsin, on May 12, 2023 as Document No. 11336892, being a subdivision of all of Lot 1 of Certified Survey Map No. 8120, located in the Southeast 1/4 of the Southwest 1/4 of Section 2, Township 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin.

PARCEL B:
Nonexclusive easement for ingress and egress for the benefit of Parcel A as created by the Reciprocal Easement Agreement dated December 19, 2008 and recorded January 22, 2009 as Document No. 9691180, as amended by Supplement to REA and Declaration of Restricted Use dated May 19, 2023 and recorded May 22, 2023 as Document No. 11338847.

SURVEYOR'S CERTIFICATE:
To Jillly's, LLC, a Wisconsin limited liability company; Devo Properties/Rawson LLC, a Wisconsin limited liability company, and First American Title Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 5, 6(a), 6(b), 7(a), 7(b)(1), 7(c), 8, 9, 11(a), 11(b), 13, 16, and 17 of Table A thereof. The field work was completed on June 16, 2023.

Date of Map: 6/27/2023

Rival Iskandarsjoch
Rival W. Iskandarsjoch, P.L.S.
Professional Land Surveyor, S-2738
JSD Professional Services, Inc.
W238N1610 Bussse Road, Suite 100
Waukegan, WI 53188
262-513-0666

WISCONSIN LAND SURVEYOR

DIGGERS HOTLINE

JSD
CREATE THE VISION TELL THE STORY
jsdinc.com
MILWAUKEE REGIONAL OFFICE
W238 N1610 BUSSSE ROAD, SUITE 100
WAUKEGAN, WISCONSIN 53188
P. 262.513.0666

CLIENT: **BRIORN**
DESIGN GROUP
3885 N BROWNFIELD ROAD, SUITE 200
BROOKFIELD, WISCONSIN 53005-1950
(920) 786-6200 PHONE
(920) 786-6555 FAX

PROJECT: **JILLY'S CARWASH FRANKLIN**

PROJECT LOCATION:
**W. RAWSON AVE. (C.T.H. "BB")
CITY OF FRANKLIN
MILWAUKEE CO., WI**

PLAN MODIFICATIONS:

#	Date	Description
1	06-27-2023	NEW TITLE COMMITMENT
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		

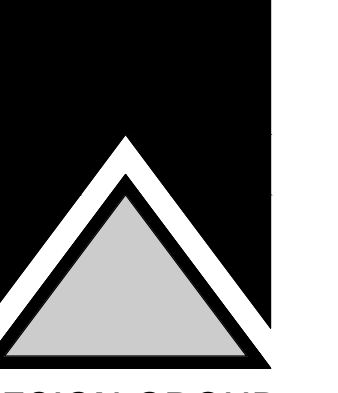
Surveyed By: JFA/RWJ 2023-10-26
Drawn By: RWN 2023-10-26
Approved By: RWN 2023-10-31

SHEET TITLE:
**ALTA/NSPS
LAND TITLE
SURVEY**

SHEET NUMBER:
CS-1

JSD PROJECT NO. 22-11936

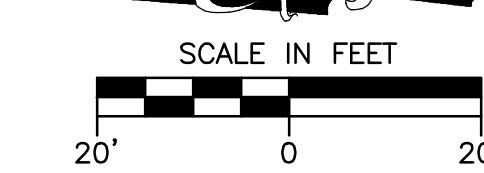
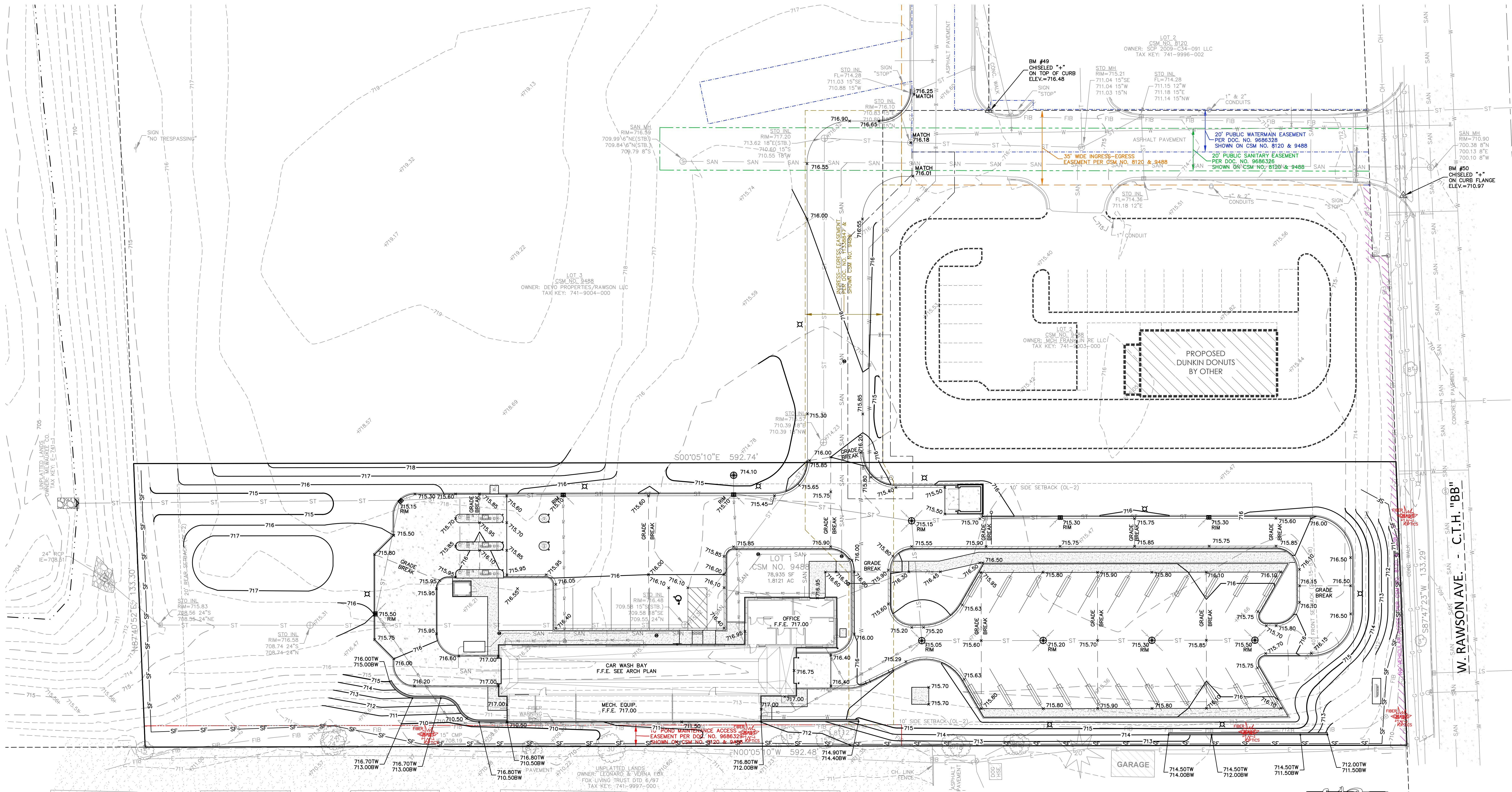
THESE PLANS AND DESIGNS ARE COPYRIGHT PROTECTED AND MAY NOT BE USED IN WHOLE OR IN PART WITHOUT THE WRITTEN CONSENT OF JSD PROFESSIONAL SERVICES, INC.



SITE GRADING PLAN

SHEET TITLE

PROPOSED:
JILLY'S CAR WASH
5484 W. RAWSON AVE.
CITY OF FRANKLIN, WI



GRADING NOTES

- CONTRACTOR SHALL VERIFY ALL GRADES, ENSURE ALL AREAS DRAIN PROPERLY AND REPORT ANY DISCREPANCIES TO JSD PROFESSIONAL SERVICES, INC. PRIOR TO THE START OF ANY CONSTRUCTION ACTIVITIES.
- ALL EXISTING CONTOURS REPRESENT EXISTING SURFACE GRADES UNLESS OTHERWISE NOTED. ALL PROPOSED GRADES SHOWN ARE FINISH SURFACE GRADES UNLESS OTHERWISE NOTED.
- ALL EXCAVATIONS AND MATERIAL PLACEMENT SHALL BE COMPLETED TO DESIGN ELEVATIONS AS DEPICTED IN THE PLANS.
 - CONTRACTOR SHALL ASSUME SOLE RESPONSIBILITY FOR THE COMPUTATION(S) OF ALL GRADING QUANTITIES. WHILE JSD ATTEMPTS TO PROVIDE A COST EFFECTIVE APPROACH TO BALANCE EARTHWORK, GRADING DESIGN IS BASED ON MANY FACTORS, INCLUDING SAFETY, AESTHETICS, AND COMMON ENGINEERING STANDARDS OF CARE. THEREFORE NO GUARANTEE CAN BE MADE FOR A BALANCED SITE.
 - THE CONTRACTOR MAY SOLICIT APPROVAL FROM ENGINEER/OWNER TO ADJUST FINAL GRADES FROM DESIGN GRADES TO PROVIDE AN OVERALL SITE BALANCE AS A RESULT OF FIELD CONDITIONS.
- GRADING ACTIVITIES SHALL BE IN A MANNER TO ALLOW POSITIVE DRAINAGE ACROSS DISTURBED SOILS, WHICH MAY INCLUDE EXCAVATION OF TEMPORARY DITCHES TO PREVENT PONDING, AND IF NECESSARY PUMPING TO ALLEVIATE PONDING. CONTRACTOR SHALL PREVENT SURFACE WATER FROM ENTERING INTO EXCAVATIONS, IN NO WAY SHALL OWNER BE RESPONSIBLE FOR REMEDIATION OF UNSUITABLE SOILS CREATED/ORIGINATED AS A RESULT OF IMPROPER SITE GRADING OR SEQUENCING. CONTRACTOR SHALL SEQUENCE GRADING ACTIVITIES TO LIMIT EXPOSURE OF DISTURBED SOILS DUE TO WEATHER.
- THE CONTRACTOR IS RESPONSIBLE FOR MEETING MINIMUM COMPACTION STANDARDS AS RECOMMENDED BY THE GEOTECHNICAL ENGINEER. CONTRACTOR SHALL REFER TO THE GEOTECHNICAL ENGINEERING SERVICES REPORT PREPARED BY [REDACTED] AND DATED [REDACTED] 2022 FOR SITE COMPACTION REQUIREMENTS. THE CONTRACTOR SHALL NOTIFY ENGINEER/OWNER IF PROPER COMPACTION CANNOT BE OBTAINED. THE PROJECT'S GEOTECHNICAL CONSULTANT SHALL DETERMINE WHICH IN-SITU SOILS ARE TO BE CONSIDERED UNSUITABLE SOILS. THE ENGINEER/OWNER AND GEOTECHNICAL TESTING CONSULTANT WILL DETERMINE IF REMEDIAL MEASURES WILL BE NECESSARY.
- IN THE EVENT THAT ANY MOISTURE-DENSITY TEST(S) FAIL TO MEET SPECIFICATION REQUIREMENTS, THE CONTRACTOR SHALL PERFORM CORRECTIVE WORK AS NECESSARY TO BRING THE MATERIAL INTO COMPLIANCE AND RETEST THE FAILED AREA AT NO COST TO THE OWNER.
- WITH THE AUTHORIZATION OF THE ENGINEER/OWNER, MATERIAL THAT IS TOO WET TO PERMIT PROPER COMPACTION MAY BE SPREAD ON FILL AREAS IN AN EFFORT TO DRY. CONTRACTOR SHALL CLEARLY FIELD MARK THE EXTERIOR LIMITS OF SPREAD MATERIAL WITH PAINTED LATH AND SUBMIT A PLAN TO THE ENGINEER/OWNER THAT IDENTIFIES THE LIMITS, UNDER NO CONDITION SHALL THE SPREAD MATERIAL DEPTH EXCEED THE MORE RESTRICTIVE OF: THE EFFECTIVE TREATMENT DEPTH OF MACHINERY THAT WILL BE USED TO TURNOVER THE SPREAD MATERIAL OR THE MAXIMUM COMPACTION LIFT DEPTH.
- THE CONTRACTOR SHALL IMMEDIATELY NOTIFY ENGINEER/OWNER IF GROUNDWATER IS ENCOUNTERED DURING EXCAVATION.
- CONTRACTOR IS SOLELY RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ADEQUATE AND SAFE TEMPORARY SHORING, BRACING, RETENTION STRUCTURES, AND EXCAVATIONS.
- THE SITE SHALL BE COMPLETED TO WITHIN 0.10-FT (+/-) OF THE PROPOSED GRADES AS INDICATED WITHIN THE PLANS PRIOR TO PLACEMENT OF TOPSOIL OR STONE. CONTRACTOR IS ENCOURAGED TO SEQUENCE CONSTRUCTION SUCH THAT THE SITE IS DIVIDED INTO SMALLER AREAS TO ALLOW STABILIZATION OF DISTURBED SOILS IMMEDIATELY UPON COMPLETION OF INDIVIDUAL SMALLER AREAS.
- CONTRACTOR SHALL CONTACT "DIGGER'S HOTLINE" FOR LOCATIONS OF ALL EXISTING UTILITIES PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION ACTIVITIES AND SHALL BE RESPONSIBLE FOR PROTECTING SAID UTILITIES FROM ANY DAMAGE DURING CONSTRUCTION.
- CONTRACTOR SHALL PROTECT INLETS AND ADJACENT PROPERTIES WITH SILT FENCING OR APPROVED EROSION CONTROL METHODS UNTIL CONSTRUCTION IS COMPLETED. CONTRACTOR SHALL PLACE SILT FENCING AT DOWN SLOPE SIDE OF GRADING LIMITS.
- CONTRACTOR SHALL BE RESPONSIBLE FOR DAMAGE TO ANY EXISTING FACILITIES OR UTILITIES. ANY DAMAGE SHALL BE REPAIRED TO THE OWNER'S SATISFACTION AT THE EXPENSE OF THE CONTRACTOR.
- WORK WITHIN ANY ROADWAY RIGHT-OF-WAY SHALL BE COORDINATED WITH THE APPROPRIATE MUNICIPAL OFFICIAL PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION ACTIVITIES. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FEES. GRADING WITHIN RIGHT-OF-WAY IS SUBJECT TO APPROVAL BY SAID OFFICIALS. RESTORATION OF RIGHT-OF-WAY IS CONSIDERED INCIDENTAL AND SHALL BE INCLUDED IN THE COST OF GRADING. RESTORATION SHALL INCLUDE ALL ITEMS NECESSARY TO RESTORE RIGHT-OF-WAY IN-KIND INCLUDING LANDSCAPING.
- CONTRACTOR SHALL COMPLY WITH ALL CITY AND/OR STATE CONSTRUCTION STANDARDS/ORDINANCES.

CONSTRUCTION SITE SEQUENCING

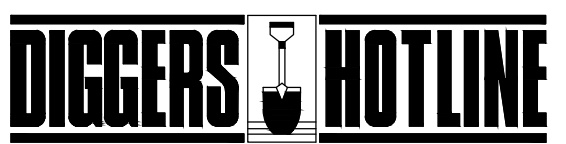
- INSTALL PERIMETER SILT FENCE, EXISTING INLET PROTECTION, AND TEMPORARY CONSTRUCTION ENTRANCE.
 - STRIP AND STOCKPILE TOPSOIL, INSTALL SILT FENCE AROUND PERIMETER OF STOCKPILE.
 - CONDUCT ROUGH GRADING EFFORTS.
 - INSTALL UTILITY PIPING AND STRUCTURES, IMMEDIATELY INSTALL INLET PROTECTION.
 - COMPLETE FINAL GRADING, INSTALLATION OF GRAVEL BASE COURSES, PLACEMENT OF CURBS, PAVEMENTS, WALKS, ETC.
 - PLACE TOPSOIL AND IMMEDIATELY STABILIZE DISTURBED AREAS WITH EROSION CONTROLS.
 - EROSION CONTROL MEASURES SHALL BE REMOVED ONLY AFTER SITE CONSTRUCTION IS COMPLETE WITH ALL SOIL SURFACES HAVING AN ESTABLISHED VEGETATIVE COVER THAT MEETS OR EXCEEDS THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES DEFINITION OF "FINAL STABILIZATION".
- CONTRACTOR MAY MODIFY SEQUENCING AFTER ITEM 1 AS NEEDED TO COMPLETE CONSTRUCTION IF EROSION CONTROLS ARE MAINTAINED IN ACCORDANCE WITH THE CONSTRUCTION SITE EROSION CONTROL REQUIREMENTS.

LEGEND

⊙	SANITARY SEWER MANHOLE	— SAN —	SANITARY SEWER
⊕	STORM MANHOLE	— W —	WATER MAIN
⊕	CATCH BASIN ROUND	— ST —	STORM SEWER
⊕	CATCH BASIN SQUARE	— RD —	ROOF DRAIN
⊕	FIRE HYDRANT	— G —	UNDERGROUND GAS
⊕	WATER VALVE	— E —	UNDERGROUND ELECTRIC
⊕	GAS VALVE	— T —	UNDERGROUND TELEPHONE
⊕	LIGHT POLE	— FIB —	UNDERGROUND FIBER OPTICS
⊕	TELEPHONE PEDESTAL	— OH —	OVERHEAD UTILITY
⊕	ELECTRICAL MANHOLE	— SF —	SILT FENCE
⊕	SIGN		CONIFEROUS TREE
⊕	POWDER POLE		DECIDUOUS TREE
⊕	GUY WIRE		

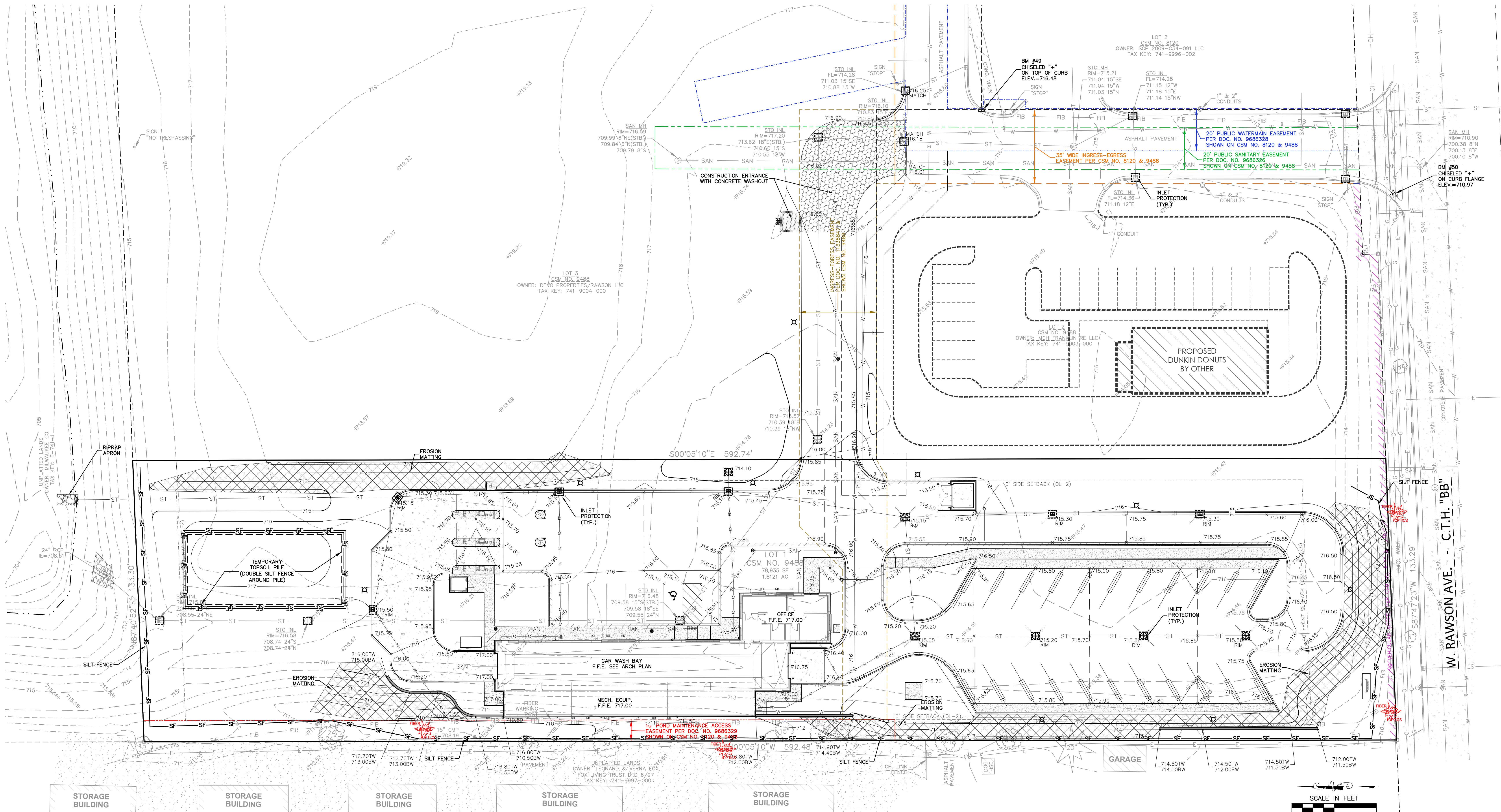
REVISION #1: PROPERTY LINE ADJUSTMENT 2023-01-05
 REVISION #2: CITY RESUBMITTAL 2023-02-22
 REVISION #3: CAR WASH DRAINAGE REVISION 2023-03-14
 REVISION #4: CITY RESUBMITTAL 2023-05-23
 REVISION #5: CITY RESUBMITTAL 2023-05-23
 REVISION #6: CITY RESUBMITTAL 2023-05-23
 REVISION #7: CITY DEVELOPER COMMENTS 2024-05-13

JOB: 223455
 DRAWN: CAB
 CHECKED: RWI
 DATE: 11-23-2022



Call 811 or (800) 242-8511
 Milwaukee Area (262) 433-7910
 Hearing Impaired TDD (800) 542-2289
 www.DiggersHotline.com

C2.0



EROSION AND SEDIMENT CONTROL NOTES:

- ALL CONSTRUCTION SHALL ADHERE TO THE REQUIREMENTS SET FORTH IN WISCONSIN'S NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER GENERAL PERMIT FOR CONSTRUCTION SITE LAND DISTURBANCE ACTIVITIES. ALL EROSION AND SEDIMENT CONTROL MEASURES ARE TO BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES (WDNR) TECHNICAL STANDARDS (REFERRED TO AS BMP'S) AND CITY OF FRANKLIN ORDINANCE. THESE PROCEDURES SHALL BE REFERRED TO AS BEST MANAGEMENT PRACTICES (BMP'S). IT IS THE RESPONSIBILITY OF ALL CONTRACTORS ASSOCIATED WITH THE PROJECT TO OBTAIN A COPY OF, AND UNDERSTAND, THE BMP'S PRIOR TO THE START OF CONSTRUCTION ACTIVITIES.
- THE EROSION CONTROL MEASURES INDICATED ON THE PLANS ARE THE MINIMUM REQUIREMENTS. ADDITIONAL CONTROL MEASURES AS DIRECTED BY JSD PROFESSIONAL SERVICES, INC. (JSD) OR GOVERNING AGENCIES SHALL BE INSTALLED WITHIN 24 HOURS OF REQUEST.
- MODIFICATIONS TO THE APPROVED EROSION CONTROL PLAN IN ORDER TO MEET UNFORESEEN FIELD CONDITIONS ARE ALLOWED IF MODIFICATIONS CONFORM TO BMP'S. ALL MODIFICATIONS MUST BE APPROVED BY JSD/MUNICIPALITY PRIOR TO DEVIATION OF THE APPROVED PLAN.
- 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.
- CONSTRUCTION ENTRANCES SHALL BE INSTALLED AT ALL LOCATIONS OF VEHICLE INGRESS/EGRESS POINTS. CONTRACTOR IS RESPONSIBLE TO COORDINATE LOCATION(S) WITH THE PROPER AUTHORITIES, PROVIDE NECESSARY FEES AND OBTAIN ALL REQUIRED APPROVALS OR PERMITS. ADDITIONAL CONSTRUCTION ENTRANCES OTHER THAN AS SHOWN ON THE PLANS MUST BE PRIOR APPROVED BY THE APPLICABLE GOVERNING AGENCIES PRIOR TO INSTALLATION.
- PAVED SURFACES ADJACENT TO CONSTRUCTION ENTRANCES SHALL BE SWEEP AND/OR SCRAPED TO REMOVE ACCUMULATED SOIL, DIRT AND/OR DUST AFTER THE END OF EACH WORK DAY AND AS REQUESTED BY THE GOVERNING AGENCIES.
- ALL EXISTING STORM SEWER FACILITIES THAT WILL COLLECT RUNOFF FROM DISTURBED AREAS SHALL BE PROTECTED TO PREVENT SEDIMENT DEPOSITION WITHIN STORM SEWER SYSTEMS. INLET PROTECTION SHALL BE IMMEDIATELY FITTED AT THE INLET OF ALL INSTALLED STORM SEWER. ALL INLETS, STRUCTURES, PIPES, AND SMALES SHALL BE KEPT CLEAN AND FREE OF SEDIMENTATION AND DEBRIS.
- EROSION CONTROL FOR UTILITY CONSTRUCTION (STORM SEWER, SANITARY SEWER, WATER MAIN, ETC.) OUTSIDE OF THE PERMETER CONTROLS SHALL INCORPORATE THE FOLLOWING:
 - 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 STORM SEWER OR DITCHES.
- AT A MINIMUM, SEDIMENT BASINS AND NECESSARY TEMPORARY DRAINAGE PROVISIONS SHALL BE CONSTRUCTED AND OPERATIONAL BEFORE BEGINNING OF SIGNIFICANT MASS GRADING OPERATIONS TO PREVENT OFFSITE DISCHARGE OF UNTREATED RUNOFF.
- ALL TEMPORARY AND PERMANENT EROSION CONTROL MEASURES MUST BE MAINTAINED AND REPAIRED AS NEEDED. THE GENERAL CONTRACTOR WILL BE RESPONSIBLE FOR INSPECTION AND REPAIR DURING CONSTRUCTION. THE OWNER WILL BE RESPONSIBLE IF EROSION CONTROL IS REQUIRED AFTER THE CONTRACTOR HAS COMPLETED THE PROJECT.
- TOPSOIL STOCKPILES SHALL HAVE A BERM OR TRENCH AROUND THE CIRCUMFERENCE AND PERIMETER SILT FENCE TO CONTROL SILT. IF TOPSOIL STOCKPILE REMAINS UNDISTURBED FOR MORE THAN SEVEN (7) DAYS, TEMPORARY SEEDING AND STABILIZATION IS REQUIRED.
- EROSION CONTROL MEASURES TEMPORARILY REMOVED FOR UNAVOIDABLE CONSTRUCTION ACTIVITIES SHALL BE IN WORKING ORDER PRIOR TO THE COMPLETION OF EACH WORK DAY.
- MAINTAIN SOIL EROSION CONTROL DEVICES THROUGHOUT THE DURATION OF THIS PROJECT. ALL TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES SHALL BE REMOVED WITHIN THIRTY (30) DAYS AFTER FINAL SITE STABILIZATION IS ACHIEVED OR AFTER THE TEMPORARY MEASURES ARE NO LONGER NEEDED. DISTURBANCES ASSOCIATED WITH EROSION CONTROL REMOVAL SHALL BE IMMEDIATELY STABILIZED.

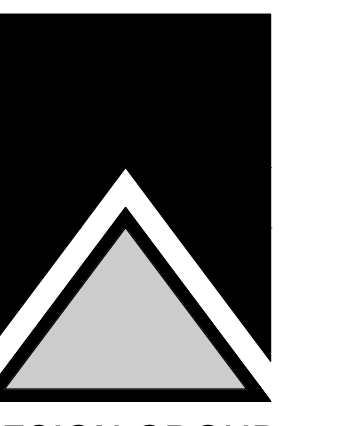
- PUMPS MAY BE USED AS BYPASS DEVICES. IN NO CASE SHALL PUMPED WATER BE DIVERTED OUTSIDE THE PROJECT LIMITS.
- GRADING EFFORTS SHALL BE CONDUCTED IN SUCH A MANNER AS TO MINIMIZE EROSION. EROSION AND SEDIMENT CONTROL MEASURES SHALL CONSIDER THE TIME OF YEAR, SITE CONDITIONS, AND THE USE OF TEMPORARY OR PERMANENT MEASURES. ALL DISTURBED AREAS THAT WILL NOT BE WORKED FOR A PERIOD OF THIRTY (30) DAYS REQUIRE TEMPORARY SEEDING FOR EROSION CONTROL. SEEDING FOR EROSION CONTROL SHALL BE IN ACCORDANCE WITH TECHNICAL STANDARDS.
- ALL DISTURBED SLOPES EXCEEDING 4:1 YET LESS THAN 3:1, SHALL BE STABILIZED WITH NORTH AMERICAN GREEN S75EN EROSION MATTING (OR APPROVED EQUAL) AND DISTURBED SLOPES EXCEEDING 3:1 YET LESS THAN 2:1 SHALL BE STABILIZED WITH NORTH AMERICAN GREEN C125EN (OR APPROVED EQUAL) OR APPLICATION OF AN APPROVED POLYMER SOIL STABILIZATION TREATMENT OR A COMBINATION THEREOF, AS REQUIRED. EROSION MATTING AND/OR NETTING USED ONSITE SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S GUIDELINES.
- DURING PERIODS OF EXTENDED DRY WEATHER, THE CONTRACTOR SHALL KEEP A WATER TRUCK ON SITE FOR THE PURPOSE OF WATERING DOWN SOILS WHICH MAY OTHERWISE BECOME AIRBORNE. THE CONTRACTOR IS RESPONSIBLE FOR CONTROLLING WIND EROSION (DUST) DURING CONSTRUCTION AT HIS/HER EXPENSE.
- DISTURBED AREAS AND AREAS USED FOR STORAGE OF MATERIALS THAT ARE EXPOSED TO PRECIPITATION SHALL BE VISUALLY INSPECTED FOR EVIDENCE OF, OR THE POTENTIAL FOR, POLLUTANTS ENTERING THE DRAINAGE SYSTEM ON A DAILY BASIS.
- QUALIFIED PERSONNEL (PROVIDED BY THE GENERAL/PRIME CONTRACTOR) SHALL INSPECT DISTURBED AREAS OF THE CONSTRUCTION SITE THAT HAVE NOT BEEN FINALLY STABILIZED AND EROSION AND SEDIMENT CONTROLS WITHIN 24 HOURS OF ALL 0.5-INCH, OR MORE, PRECIPITATION EVENTS WITH A MINIMUM INSPECTION INTERVAL OF ONCE EVERY SEVEN (7) CALENDAR DAYS IN THE ABSENCE OF A QUALIFYING RAIN OR SNOWFALL EVENT. REPORTING SHALL BE IN ACCORDANCE WITH PART IV D.4. (g-1), OF THE NPDES GENERAL PERMIT. CONTRACTOR SHALL IMMEDIATELY ARRANGE TO HAVE ANY DEFICIENT ITEMS REVEALED DURING INSPECTIONS REPAIRED/REPLACED.
- ADDITIONAL POLLUTANT CONTROL MEASURES TO BE IMPLEMENTED DURING CONSTRUCTION ACTIVITIES SHALL INCLUDE, BUT NOT BE LIMITED TO THE FOLLOWING:
 - CONSTRUCTION WASTE SHALL BE PROPERLY DISPOSED OF. THIS INCLUDES ALL CONSTRUCTION SITE WASTE MATERIAL, SANITARY WASTE, AND WASTE FROM VEHICLE TRACKING OR SEDIMENTS. THE CONTRACTOR SHALL ENSURE THAT NO MATERIAL WASTES OR UNBUILT BUILDING MATERIALS SHALL BE BURIED, DUMPED, BURNED, OR DISCHARGED TO THE WATERS OF THE STATE. VEHICLES HAULING MATERIAL AWAY FROM THE SITE SHALL BE COVERED WITH A TARP/AULIN TO PREVENT BLOWING DEBRIS.
 - DUST CONTROL SHALL BE ACCOMPLISHED BY ONE OR MORE OF THE FOLLOWING METHODS:
 - A. COVERING SOLE OR MORE OF THE SOIL SURFACE WITH A NON-ERODIBLE MATERIAL.
 - B. ROUGHENING THE SOIL TO PRODUCE RIDGES PERPENDICULAR TO THE PREVAILING WIND. RIDGES SHALL BE AT LEAST SIX (6) INCHES IN HEIGHT.
 - C. PROVIDING GRAVEL OR PAVING AT ENTRANCE/EXIT DRIVES, PARKING AREAS AND TRANSIT PATHS.
 - D. STREET SWEEPING SHALL BE PERFORMED TO IMMEDIATELY REMOVE ANY SEDIMENT TRACKED ON PAVEMENTS.

LEGEND

⊙	SANITARY SEWER MANHOLE	— SAN	SANITARY SEWER
⊕	STORM MANHOLE	— W	WATER MAIN
⊕	CATCH BASIN ROUND	— ST	STORM SEWER
⊕	CATCH BASIN SQUARE	— RD	ROOF DRAIN
⊕	FIRE HYDRANT	— G	UNDERGROUND GAS
⊕	WATER VALVE	— E	UNDERGROUND ELECTRIC
⊕	GAS VALVE	— T	UNDERGROUND TELEPHONE
⊕	LIGHT POLE	— FIB	UNDERGROUND FIBER OPTICS
⊕	TELEPHONE PEDESTAL	— OH	OVERHEAD UTILITY
⊕	ELECTRICAL MANHOLE	— SF	SILT FENCE
⊕	SIGN	⊕	CONIFEROUS TREE
⊕	POWER POLE	⊕	DECIDUOUS TREE
⊕	GUY WIRE		

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REVISION #1: PROPERTY LINE ADJUSTMENT 2023-01-05	JOB NO. 223455
REVISION #2: CITY RESUBMITTAL 2023-02-22	DRAWN: CAP
REVISION #3: CAR WASH DRAINAGE REVISION 2023-03-14	CHECKED: RWI
REVISION #4: CITY RESUBMITTAL 2023-05-23	DATE: 11-23-2022
REVISION #5: CITY RESUBMITTAL 2023-05-08	SHEET: C3.0
REVISION #6: CITY DEVELOPMENT COMMENTS 2024-05-13	



SITE EROSION CONTROL
DETAILS

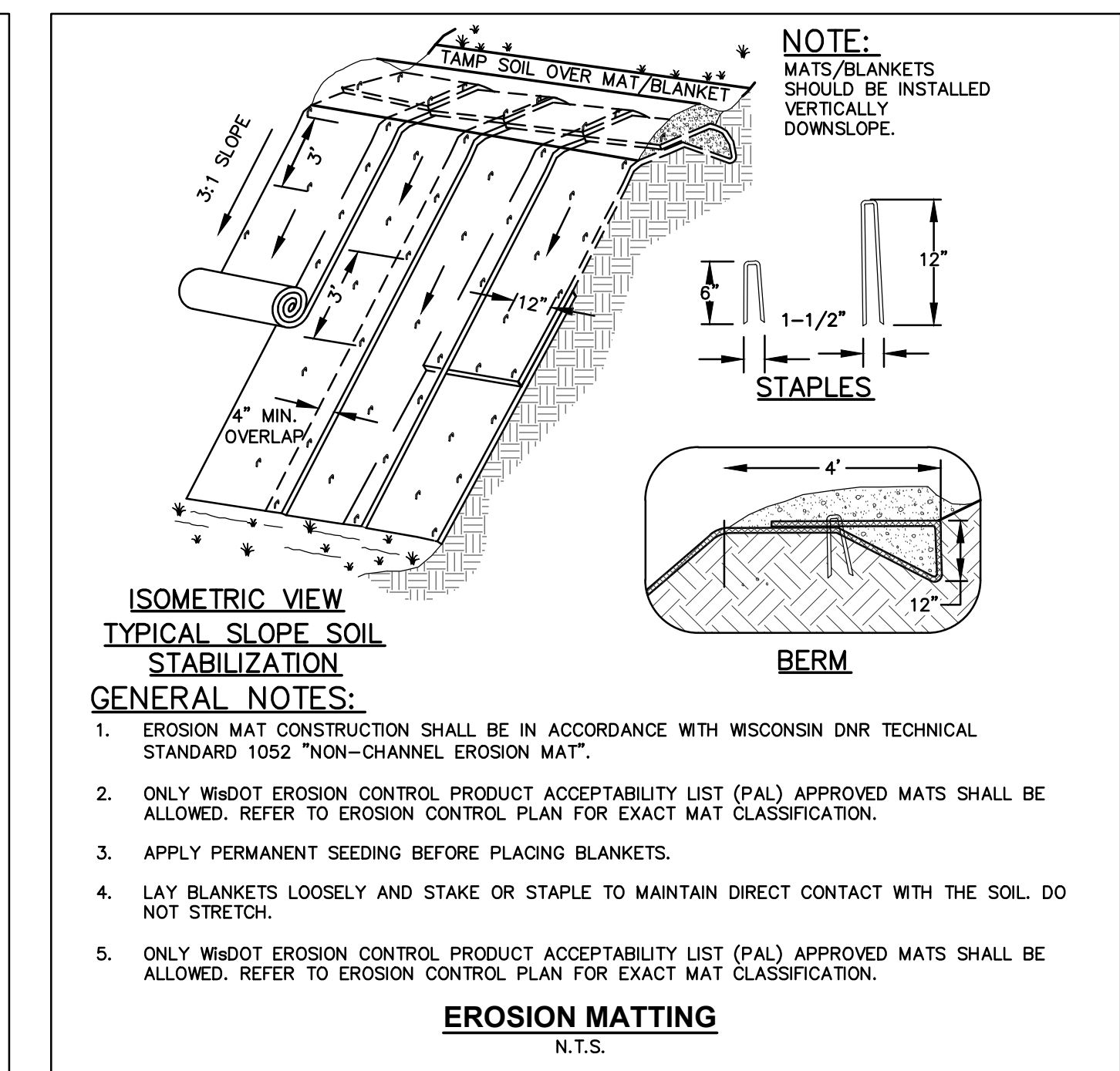
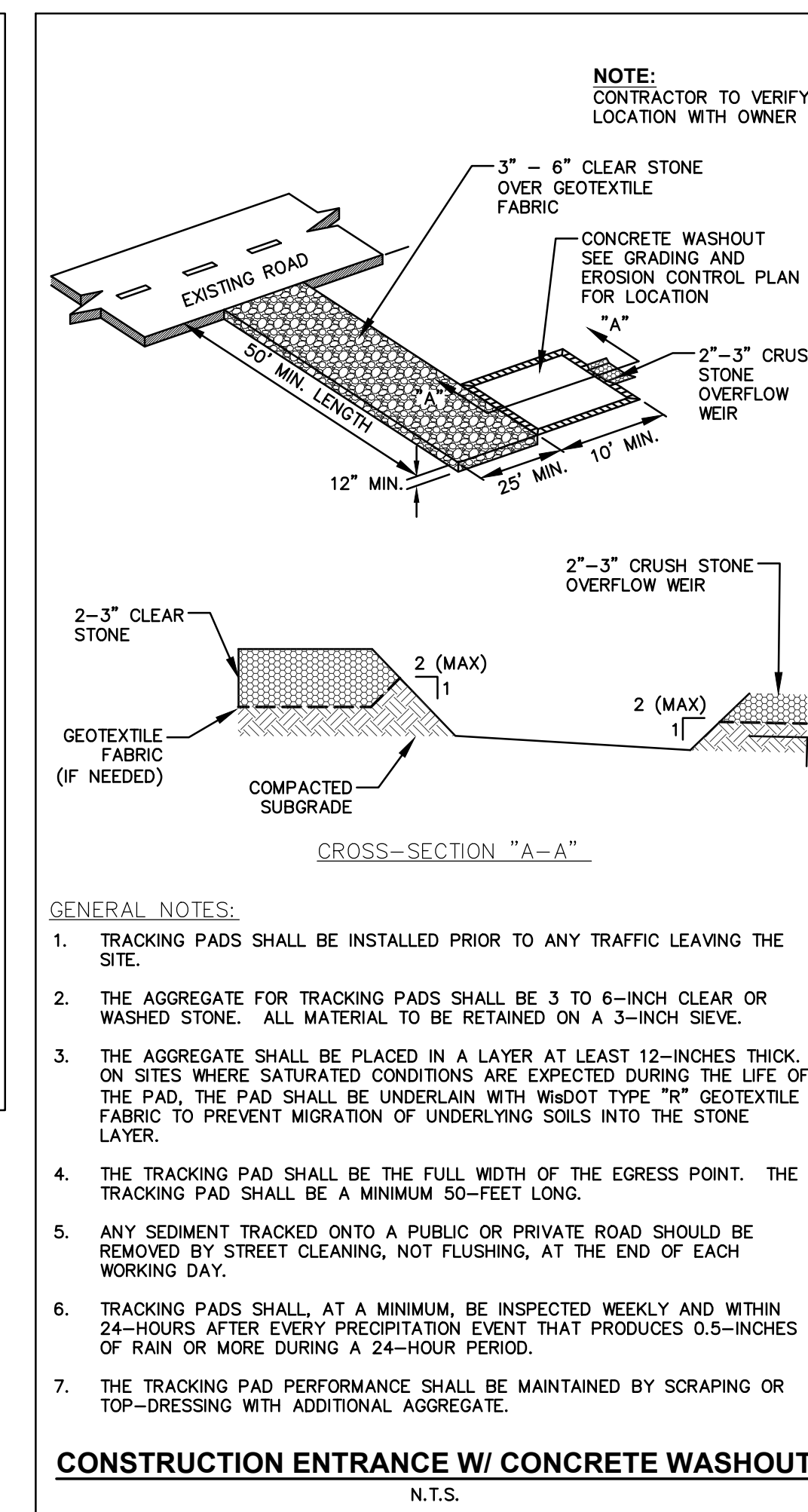
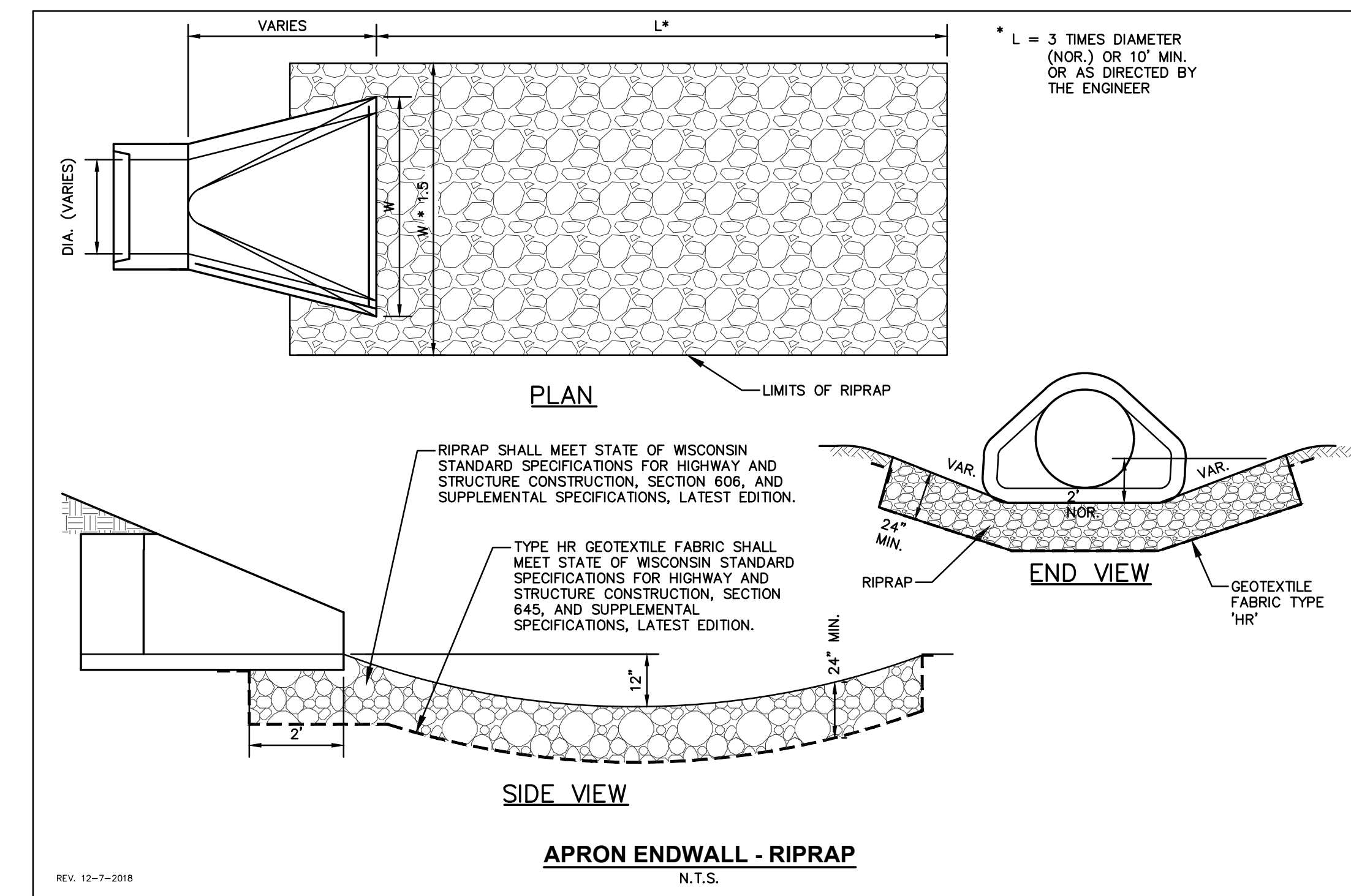
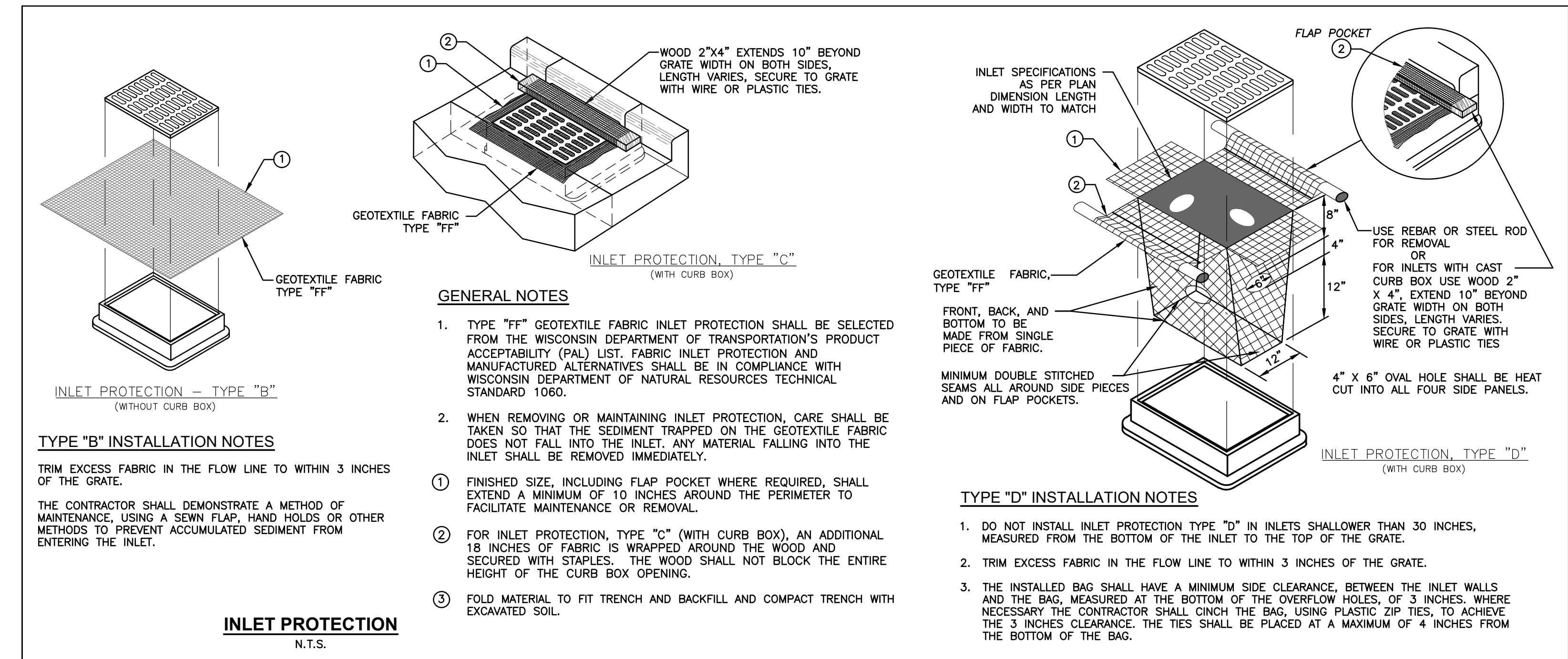
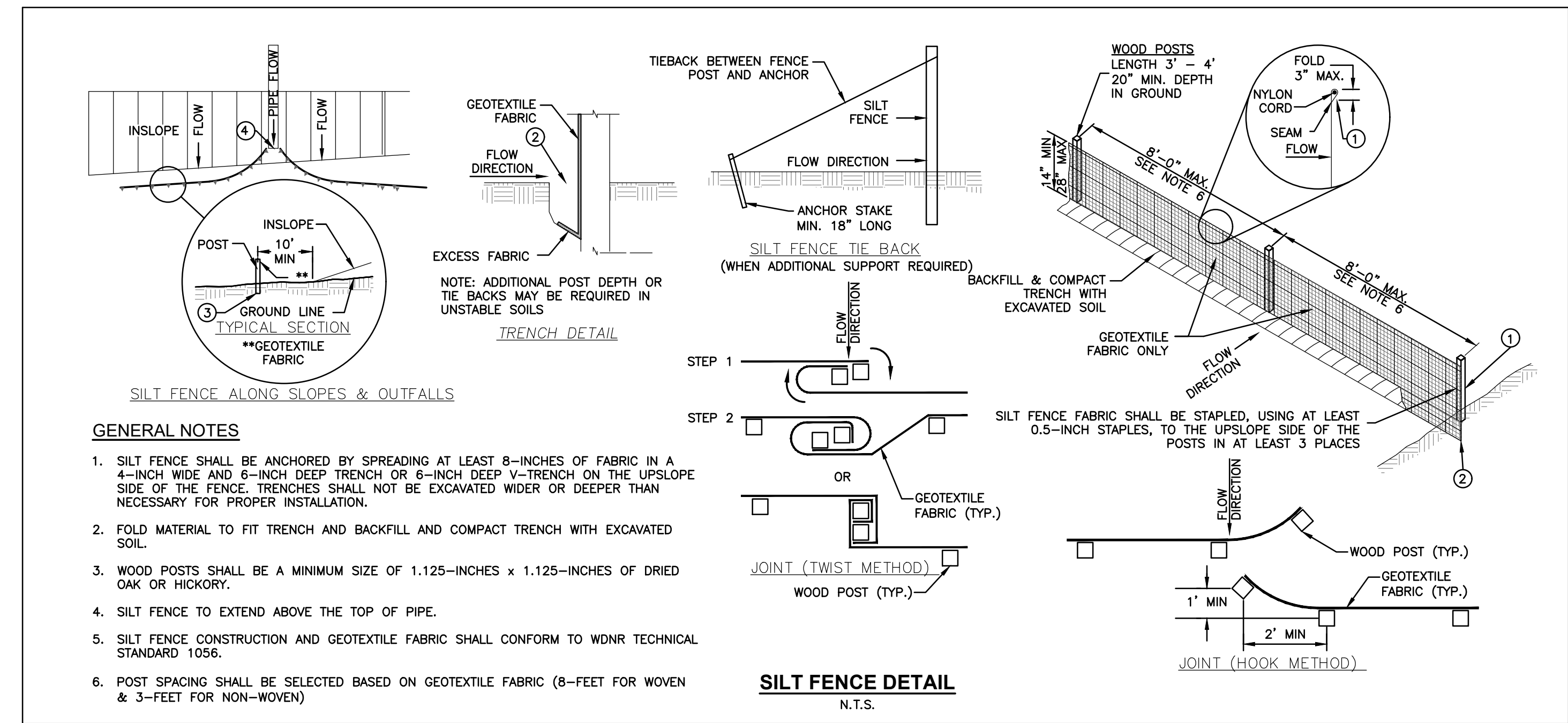
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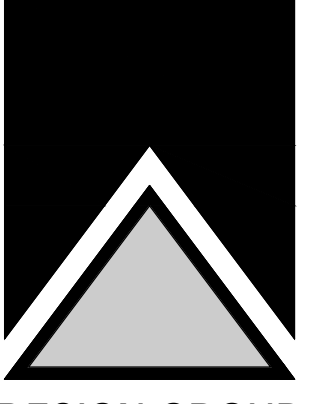
PROPOSED:
JILLY'S CAR WASH
5484 W. RAWSON AVE.
CITY OF FRANKLIN, WI

REVISION #1: PROPERTY LINE ADJUSTMENT 2023-01-05
REVISION #2: CITY RESUBMITAL 2023-02-22
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REVISION #5: CITY RESUBMITAL 2023-05-23
REVISION #6: CITY RESUBMITAL 2023-05-23
REVISION #7: CITY DEVELOPER COMMENTS 2024-05-13

JOB: 223455
DRAWN: CAP
CHECKED: RWI
DATE: 11-23-2022
SHEET:

C3.1

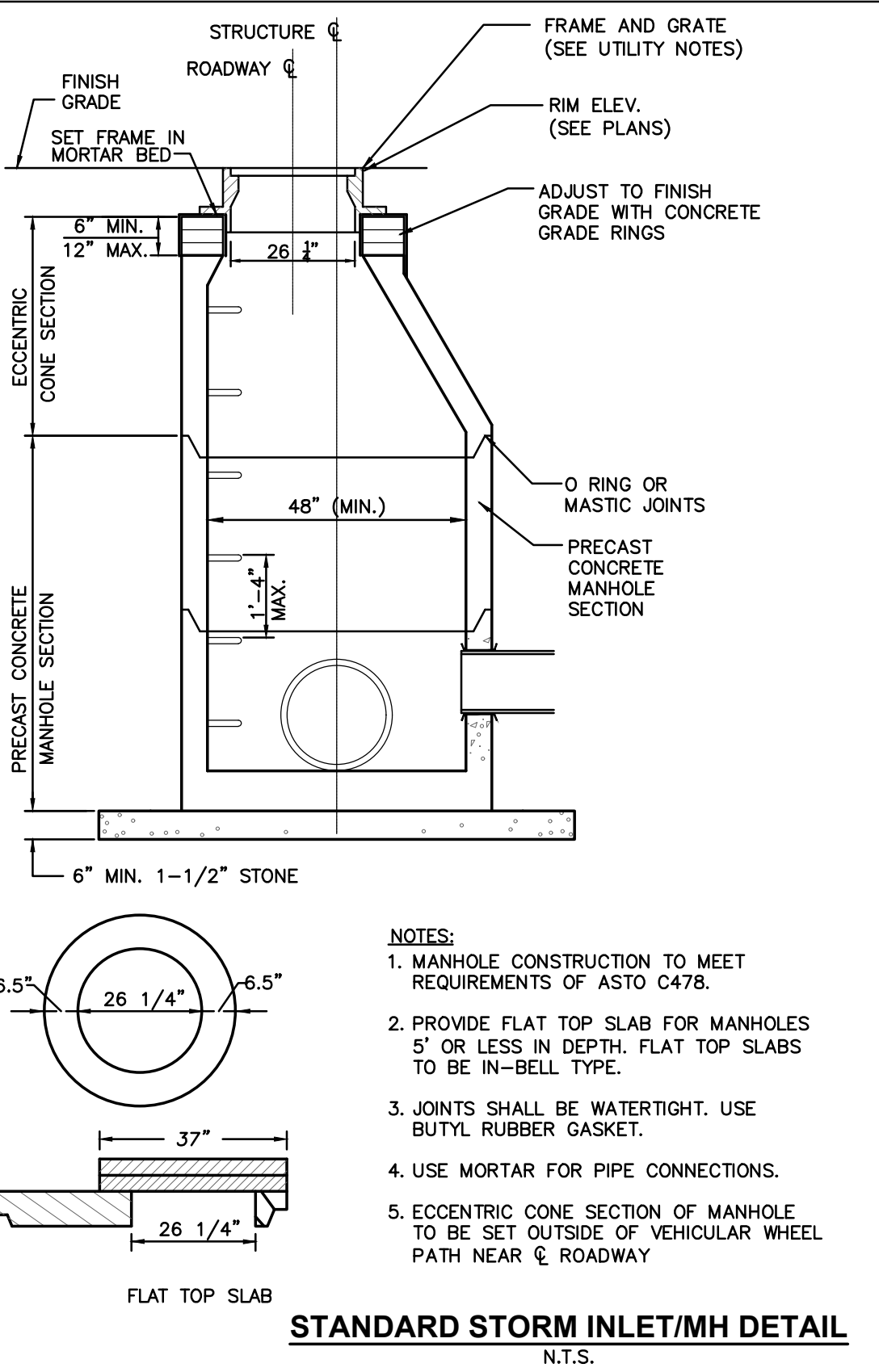
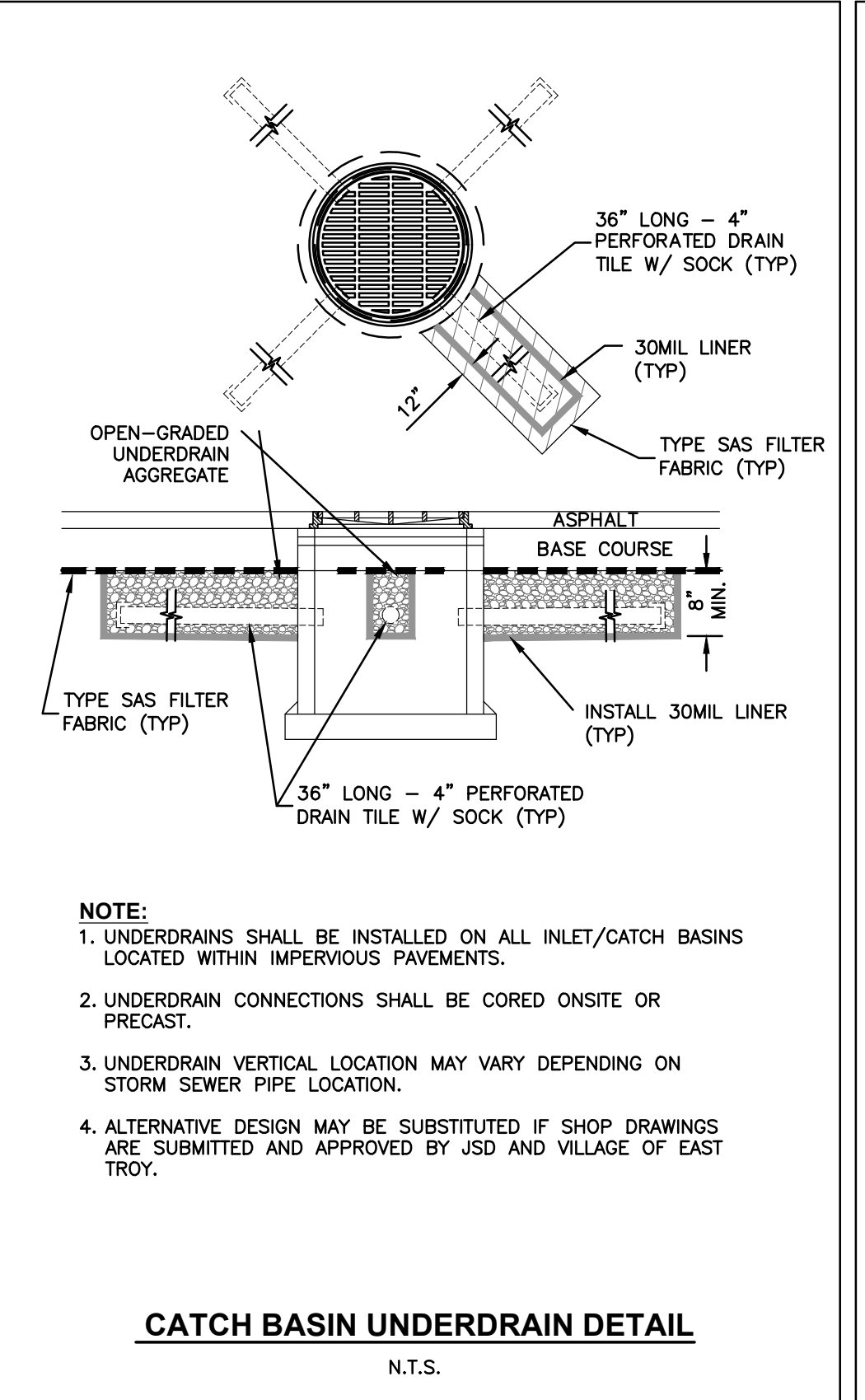
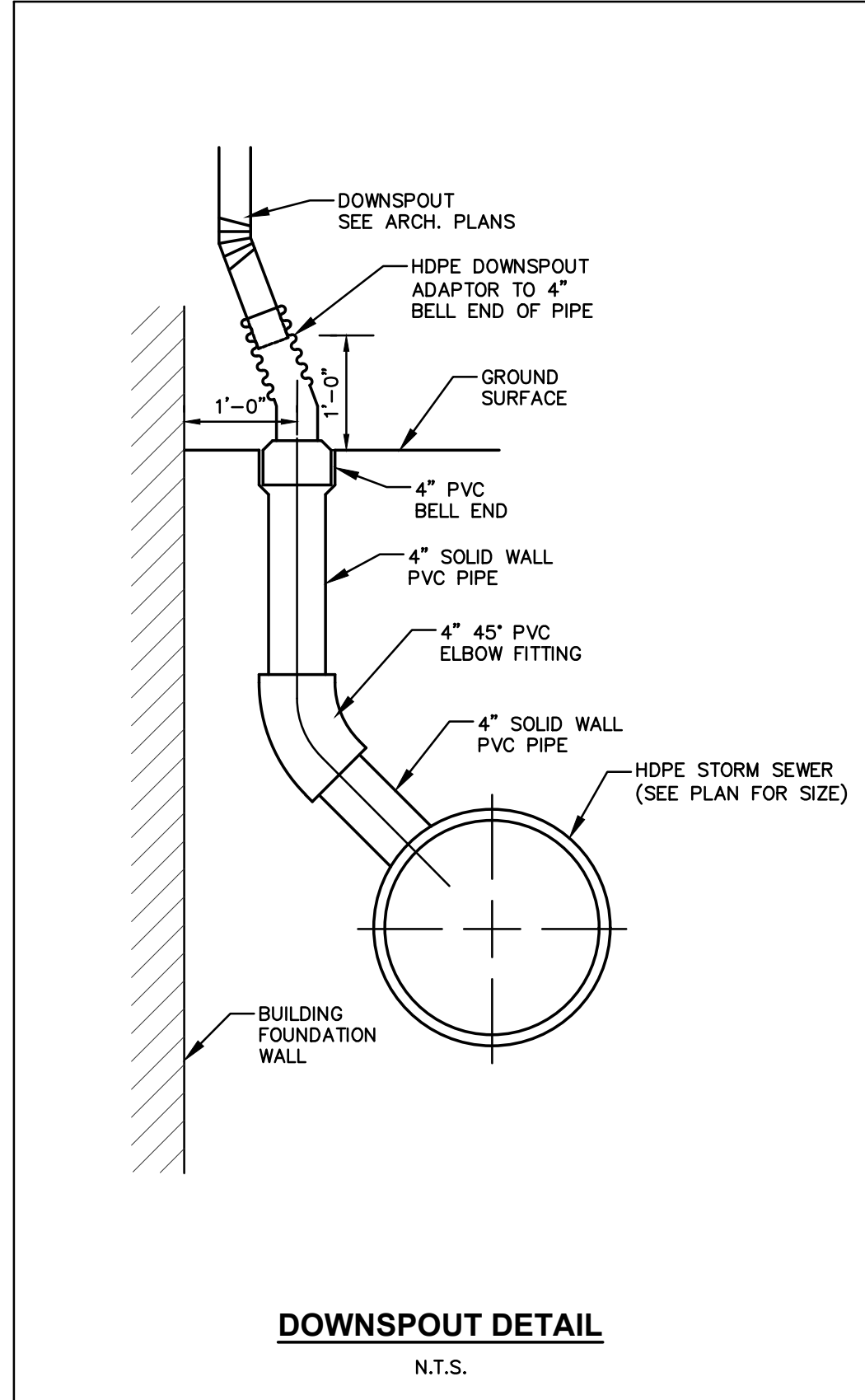
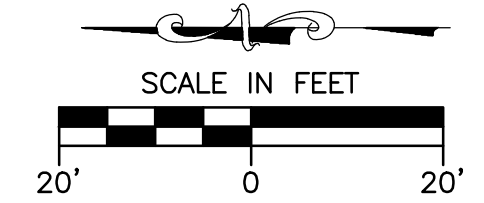
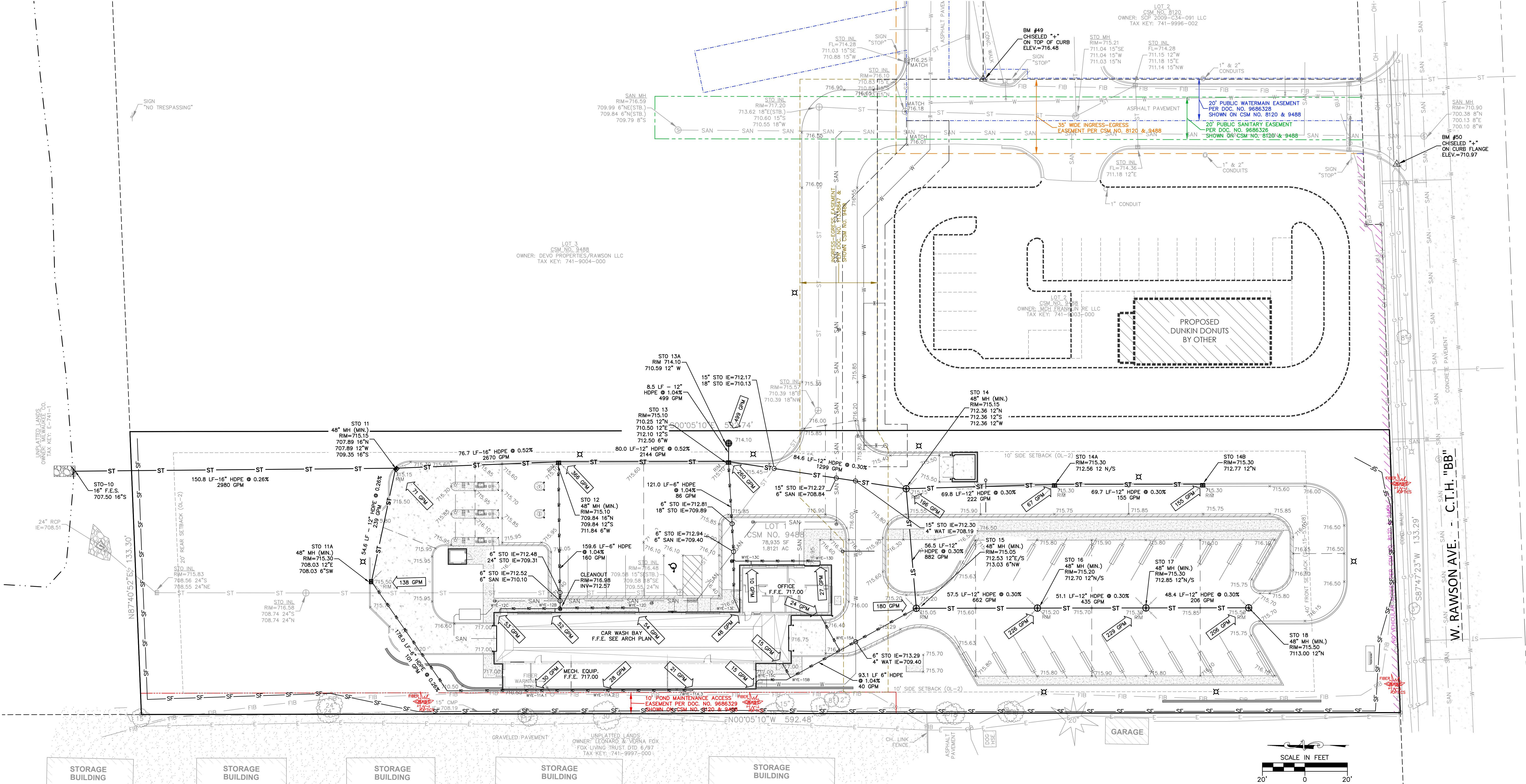




SITE UTILITY PLAN
STORM SEWER

SHEET TITLE

PROPOSED:
JILLY'S CAR WASH
5484 W. RAWSON AVE.
CITY OF FRANKLIN, WI



UTILITY NOTES

- EXISTING UTILITIES ARE SHOWN FOR INFORMATIONAL PURPOSES ONLY AND ARE NOT GUARANTEED TO BE ACCURATE OR ALL INCLUSIVE. CONTRACTOR IS RESPONSIBLE FOR VERIFYING THE TYPE, LOCATION, SIZE AND ELEVATION OF UNDERGROUND UTILITIES AS THEY DEEM NECESSARY FOR PROPOSED UTILITY CONNECTIONS AND/OR TO AVOID DAMAGE THERETO. CONTRACTOR SHALL CALL "DIGGERS' HOTLINE" PRIOR TO ANY CONSTRUCTION.
- ALL UTILITY WORK SHALL BE DONE IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR SEWER AND WATER CONSTRUCTION IN WISCONSIN (LATEST EDITION AND ADDENDUM) AND ALL STATE AND LOCAL CODES AND SPECIFICATIONS. IF IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE WHICH SPECIFICATIONS AND CODES APPLY, AND TO COORDINATE ALL CONSTRUCTION ACTIVITIES WITH THE APPROPRIATE LOCAL AND STATE AUTHORITIES.
- UTILITY CONSTRUCTION AND SPECIFICATIONS SHALL COMPLY WITH THE CITY OF FRANKLIN SPECIAL PROVISIONS AND WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES DSPS 382.
- TRACER WIRES SHALL BE INSTALLED AS NECESSARY IN ACCORD WITH 182.0715(2)(R) OF THE STATE STATUTES AND CITY OF FRANKLIN REQUIREMENTS.
- LENGTHS OF PROPOSED UTILITIES ARE TO CENTER OF STRUCTURES OR FITTINGS AND MAY VARY SLIGHTLY FROM PLAN. LENGTHS ARE SHOWN FOR CONTRACTOR CONVENIENCE ONLY. CONTRACTOR IS SOLELY RESPONSIBLE FOR MODIFICATIONS TO MATERIALS REQUIRED TO COMPLETE WORK. LENGTHS SHALL BE FIELD VERIFIED DURING CONSTRUCTION.
- CONTRACTOR SHALL ADJUST AND/OR RECONSTRUCT EXISTING UTILITY COVERS (SUCH AS MANHOLE COVERS, VALVE BOX COVERS, ETC.) TO MATCH FINISHED GRADES OF THE AREAS DISTURBED DURING CONSTRUCTION.
- CONTRACTOR SHALL VERIFY LOCATIONS, ELEVATIONS, AND SIZES OF PROPOSED UTILITIES AND CHECK ALL UTILITY CROSSINGS FOR CONFLICTS PRIOR TO ATTEMPTING CONNECTIONS AND BEGINNING UTILITY CONSTRUCTION.
- STORM SEWER SPECIFICATIONS -
PIPE - REINFORCED CONCRETE PIPE (RCP) SHALL MEET THE REQUIREMENTS OF ASTO CLASS N (MINIMUM) C-76 WITH RUBBER GASKET JOINTS CONFORMING TO ASTO C-443; HIGH DENSITY DUAL-WALL POLYETHYLENE N-12 CORRUGATED PIPE (HDPE) SHALL BE AS MANUFACTURED BY ADS OR EQUAL WITH WATER TIGHT JOINTS, AND SHALL MEET THE REQUIREMENTS OF ASHTO DESIGNATION M-284 TYPE "S", OR POLYVINYL CHLORIDE (PVC) - CLASS 2548 MEETING ASHTO M278, AS NOTED.
INLETS/CATCH BASINS - INLETS/CATCH BASINS SHALL BE CONSTRUCTED IN ACCORDANCE WITH FILE NO. 25 OF THE "STANDARD SPECIFICATIONS" WITH A 1'-8" X 2'-6" MAXIMUM OPENING. FRAME & GRATE SHALL BE NEENAH R-2504 WITH TYPE G GRATE, OR EQUAL. CURB FRAME & GRATE SHALL BE NEENAH R-3328 WITH TYPE G GRATE, OR EQUAL.
BACKFILL AND BEDDING - STORM SEWER SHALL BE CONSTRUCTED WITH GRAVEL BACKFILL AND CLASS "B" BEDDING IN ALL PAVED AREAS AND TO A POINT 5 FEET BEYOND THE EDGE OF PAVEMENT. TRENCHES RUNNING PARALLEL TO AND LESS THAN 5 FEET FROM THE EDGE OF PAVEMENT SHALL ALSO REQUIRE GRAVEL BACKFILL. LANDSCAPED AREAS MAY BE BACKFILLED WITH EXCAVATED MATERIAL IN CONFORMANCE WITH SECTION 8.4.3.5 OF THE "STANDARD SPECIFICATIONS".
MANHOLE FRAMES AND COVERS - MANHOLE FRAMES AND COVERS SHALL BE NEENAH R-1713 WITH TYPE "B" SELF SEALING LIDS, NON-SMOODING OR EQUAL.
FIELD TILE CONNECTION - ALL FIELD TILE ENCOUNTERED DURING CONSTRUCTION SHALL BE INCLUDED IN THE UNIT PRICE(S) FOR STORM SEWER. TILE LINES CROSSED BY THE TRENCH SHALL BE REPLACED WITH THE SAME MATERIAL AS THE STORM SEWER.
- WATER MAIN SPECIFICATIONS -
PIPE - WATER MAIN SHALL BE POLYVINYL CHLORIDE (PVC) PIPE MEETING THE REQUIREMENTS OF AWMA STANDARD C-900, CLASS 150, DR-18, WITH CAST IRON O.D. AND INTEGRAL ELASTOMERIC BELL AND SPOUT JOINTS. VALVES AND VALVE BOXES GATE VALVES SHALL BE AWMA GATE VALVES MEETING THE REQUIREMENTS OF AWMA C-500 AND CHAPTER 8.27.0 OF THE "STANDARD SPECIFICATIONS". GATE VALVES AND VALVE BOXES SHALL CONFORM TO LOCAL PLUMBING ORDINANCES.
10-GAUGE TRACER WIRE SHALL BE INSTALLED ALONG THE ENTIRE LENGTH OF ALL PRIVATE WATER MAINS, HYDRANT LEADS, FIRE DEPARTMENT CONNECTION LEADS AND LATERALS. THE TRACER WIRE SHALL BE EXTENDED TO THE SURFACE AT THE BUILDING WALL AND ALL OTHER SYSTEM LIMITS AND ENCLOSED IN RISER BOX WITH WATER ON THE COVER.
BEDDING AND COVER MATERIAL - PIPE BEDDING AND COVER MATERIAL SHALL BE SAND, CRUSHED STONE CHIPS OR CRUSHED STONE SCREENINGS CONFORMING TO CHAPTER 8.4.3.2 OF THE "STANDARD SPECIFICATIONS".
BACKFILL - BACKFILL MATERIAL AND INSTALLATION SHALL BE IN ACCORDANCE WITH CHAPTER 2.6.0 OF THE "STANDARD SPECIFICATIONS". GRAVEL BACKFILL IS REQUIRED IN ALL PAVED AREAS AND TO A POINT 5 FEET BEYOND THE EDGE OF PAVEMENT. TRENCHES RUNNING PARALLEL TO AND LESS THAN 5 FEET FROM THE EDGE OF PAVEMENT SHALL ALSO REQUIRE GRAVEL BACKFILL. LANDSCAPED AREAS MAY BE BACKFILLED WITH EXCAVATED MATERIAL IN CONFORMANCE WITH SECTION 8.4.3.5 OF THE "STANDARD SPECIFICATIONS".
SANITARY SEWER SPECIFICATIONS -
PIPE - SANITARY SEWER PIPE MATERIAL SHALL BE POLYVINYL CHLORIDE (PVC) MEETING REQUIREMENTS OF ASTO D 3034, SDR-35, WITH INTEGRAL BELL TYPE FLEXIBLE ELASTOMERIC JOINTS, MEETING THE REQUIREMENTS OF ASTO D-3212.
BEDDING AND COVER MATERIAL - BEDDING AND COVER MATERIAL SHALL CONFORM TO THE APPROPRIATE SECTIONS OF THE "STANDARD SPECIFICATION" WITH THE FOLLOWING MODIFICATION: COVER MATERIAL SHALL BE THE SAME AS USED FOR BEDDING AND SHALL CONFORM TO SECTION 8.4.3.2 (A). BEDDING AND COVER MATERIAL SHALL BE PLACED IN A MINIMUM OF THREE SEPARATE LIFTS, OR AS REQUIRED TO INSURE ADEQUATE COMPACTING OF THESE MATERIALS, WITH ONE LIFT OF BEDDING MATERIAL ENDING AT OR NEAR THE SPRINGLINE OF THE PIPE. THE CONTRACTOR SHALL TAKE CARE TO COMPLETELY WORK BEDDING MATERIAL UNDER THE HAUNCH OF THE PIPE TO PROVIDE ADEQUATE SIDE SUPPORT.
BACKFILL - BACKFILL MATERIAL AND INSTALLATION SHALL BE IN ACCORDANCE CHAPTER 2.6.0 OF THE "STANDARD SPECIFICATIONS". GRAVEL BACKFILL IS REQUIRED IN ALL PAVED AREAS AND TO A POINT 5 FEET BEYOND THE EDGE OF PAVEMENT. TRENCHES RUNNING PARALLEL TO AND LESS THAN 5 FEET FROM THE EDGE OF PAVEMENT SHALL ALSO REQUIRE GRAVEL BACKFILL. LANDSCAPED AREAS MAY BE BACKFILLED WITH EXCAVATED MATERIAL IN CONFORMANCE WITH SECTION 8.4.3.5 OF THE "STANDARD SPECIFICATIONS".
CONTRACTOR SHALL COORDINATE WITH CITY PLUMBING AND BUILDING INSPECTOR WHEN CONNECTING TO EXISTING SANITARY SEWER SUB.
CONTRACTOR SHALL INSTALL PLUG ON THE DOWNSTREAM END OF PROPOSED SANITARY SEWER UNTIL SANITARY SEWER IS CONSTRUCTED. PLUG SHALL BE REMOVED ONCE THE PROPOSED SANITARY SEWER SYSTEM IS CLEANED OUT AND READY FOR OPERATION. CONTRACTOR SHALL CLEAN OUT ALL DEBRIS THAT ENTERS THE SANITARY SEWER SYSTEM.
CONTRACTOR SHALL INSTALL SANITARY LATERAL CONNECTION MEETING CITY OF FRANKLIN STANDARDS.
11. WATER MAIN AND SANITARY SEWER SHALL BE INSULATED WHEREVER THE DEPTH OF COVER IS LESS THAN 6 FEET. INSULATION AND PLACING OF INSULATION SHALL CONFORM TO

- CHAPTER 4.17.0 "INSULATION" OF THE STANDARD SPECIFICATIONS FOR SEWER AND WATER CONSTRUCTION IN WISCONSIN 6TH EDITION UPDATED WITH ITS LATEST ADDENDUM (TYP.).
- TRACER WIRE SHALL BE INSTALLED ALONG THE SANITARY SEWER SERVICE. THE TRACER WIRE SHALL BE CONTINUOUS AND SHALL BE EXTENDED ABOVE GRADE VIA A 4-INCH PVC PIPE WITH SCREW-ON CAP ADJACENT TO THE PROPOSED TERMINATION POINT OF THE LATERAL FOR THE PROPOSED BUILDING.
- ALL NEW ON-SITE SANITARY, STORM AND WATER UTILITIES SHALL BE PRIVATELY OWNED AND MAINTAINED BY THE PROPERTY OWNER.
- PRIVATE HYDRANTS SHALL BE PAINTED YELLOW.

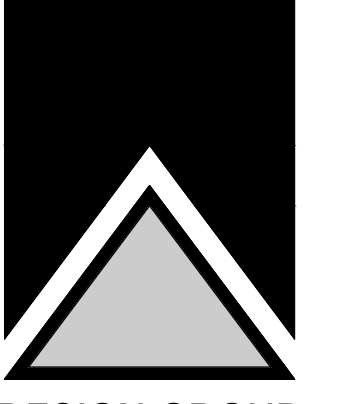
LEGEND

⊙	SANITARY SEWER MANHOLE	— SAN —	SANITARY SEWER
⊕	STORM MANHOLE	— W —	WATER MAIN
⊖	CATCH BASIN ROUND	— ST —	STORM SEWER
⊞	CATCH BASIN SQUARE	— RD —	ROOF DRAIN
⊚	FIRE HYDRANT	— G —	UNDERGROUND GAS
⊛	WATER VALVE	— E —	UNDERGROUND ELECTRIC
⊜	GAS VALVE	— T —	UNDERGROUND TELEPHONE
⊝	LIGHT POLE	— FIB —	UNDERGROUND FIBER OPTICS
⊞	TELEPHONE MANHOLE	— OH —	OVERHEAD UTILITY
⊞	ELECTRICAL MANHOLE	— SF —	SILT FENCE
⊞	SIGN	⊙	CONIFEROUS TREE
⊞	POWER POLE	⊙	DECIDUOUS TREE
⊞	GUY WIRE		

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REVISION #7: CITY DEVELOPMENT COMMENTS	2024-05-13

JOB: 223455
 DRAWN: CAG
 CHECKED: RWJ
 DATE: 11-23-2022
 SHEET: C4.0

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SITE UTILITY PLAN
SANITARY AND
WATER SERVICES

SHEET TITLE

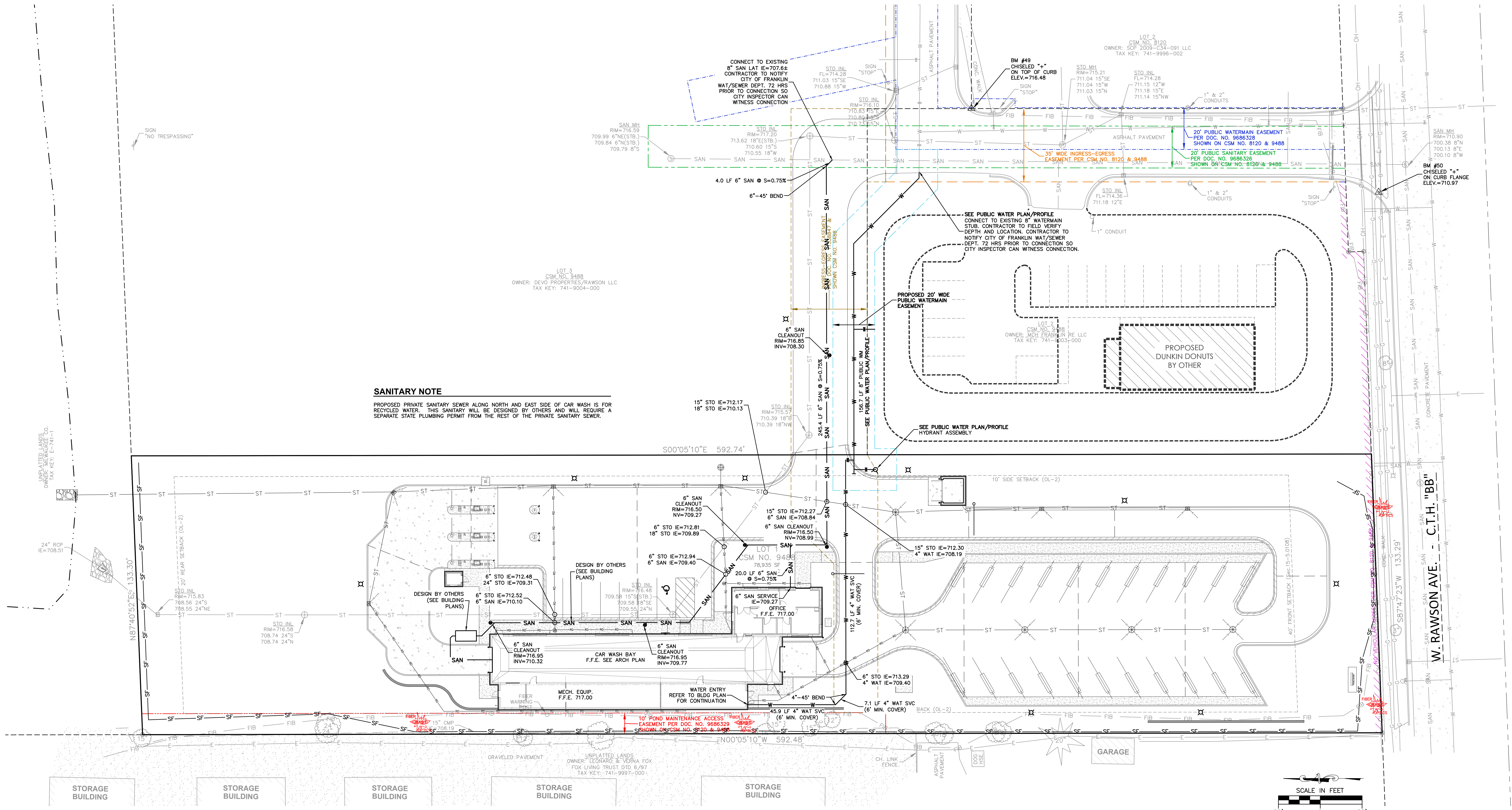
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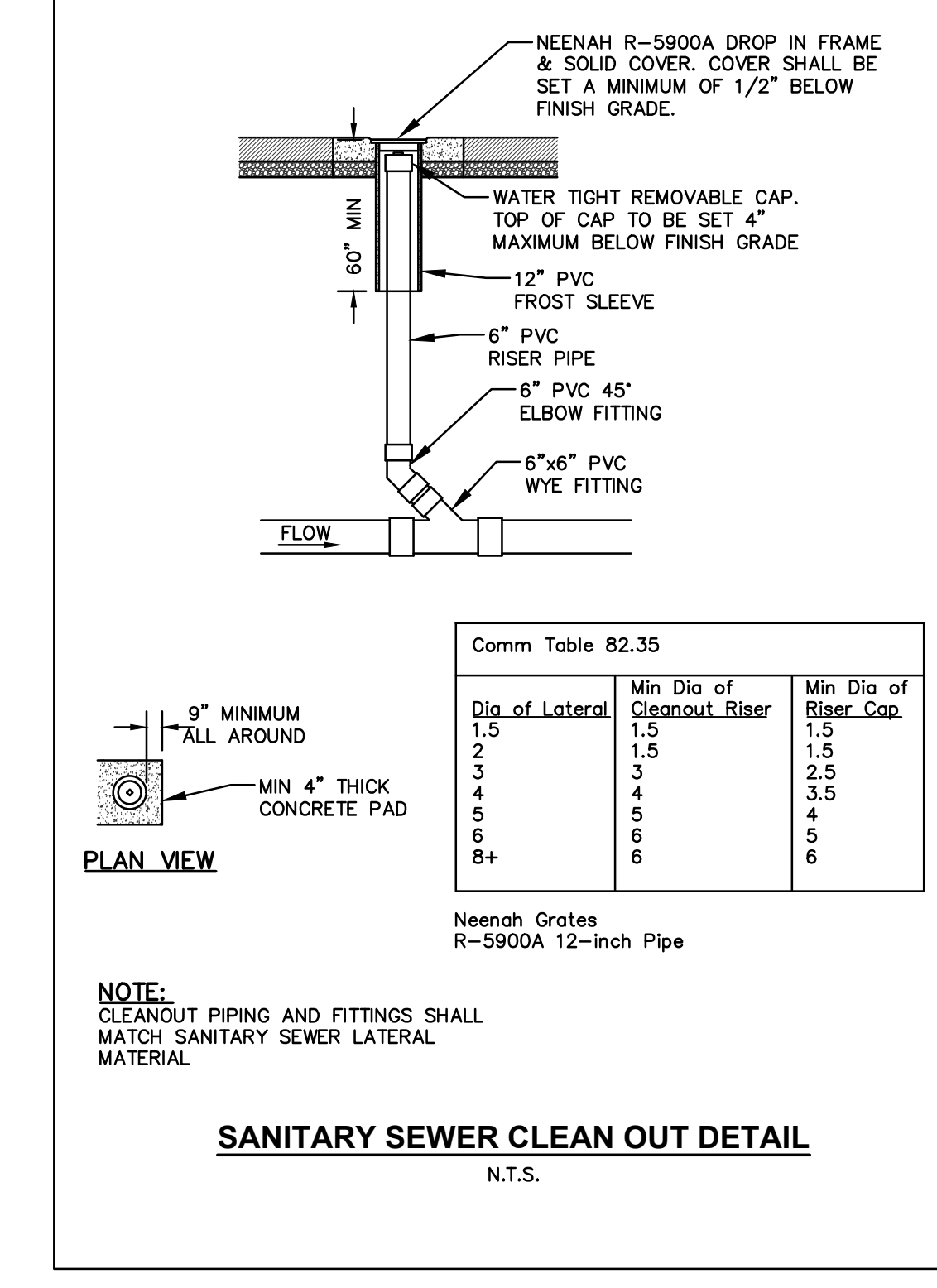
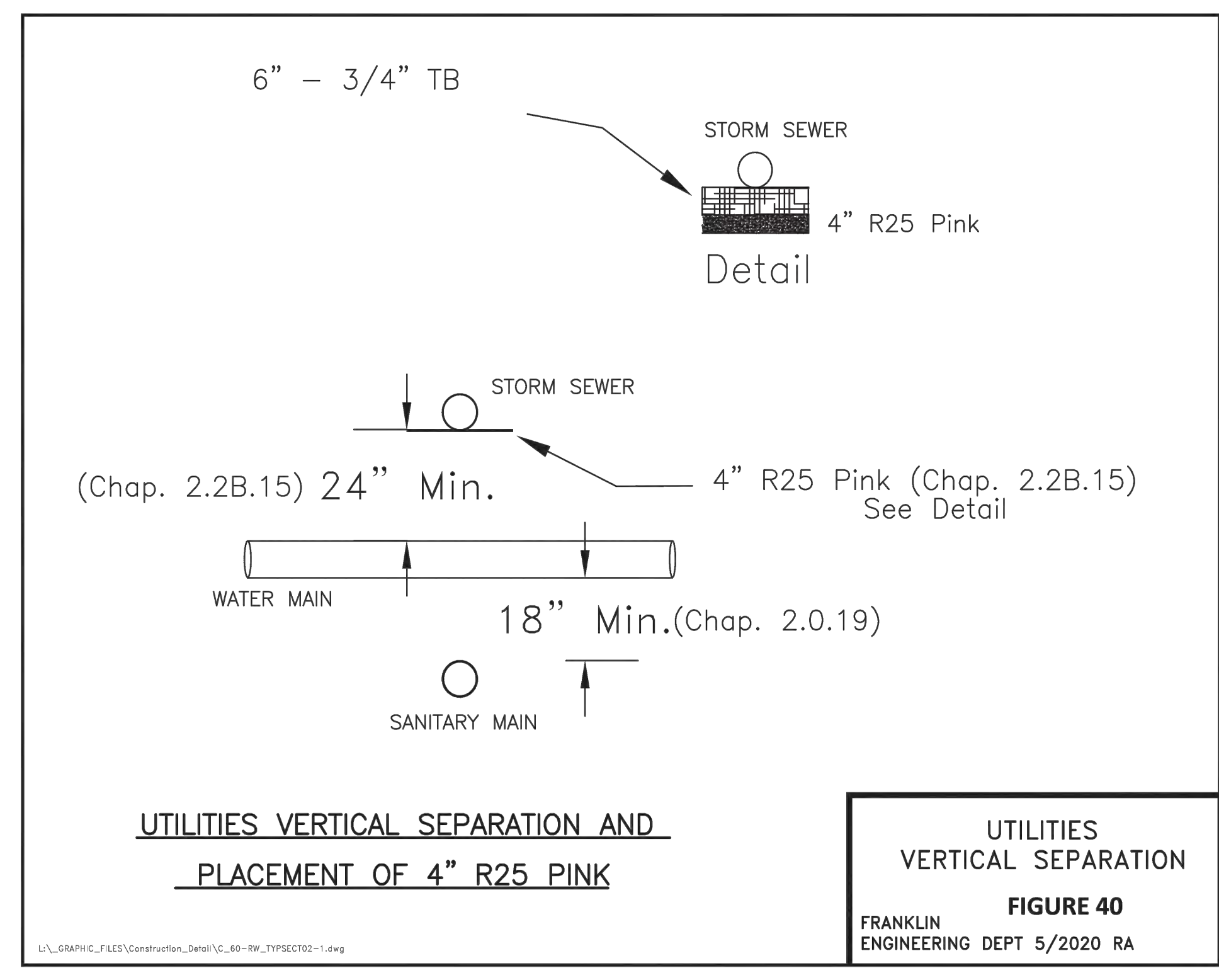
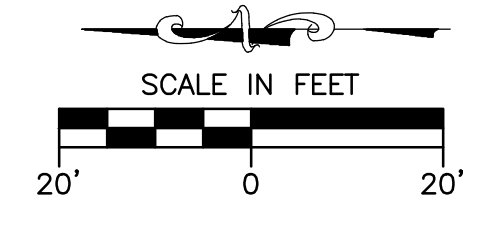
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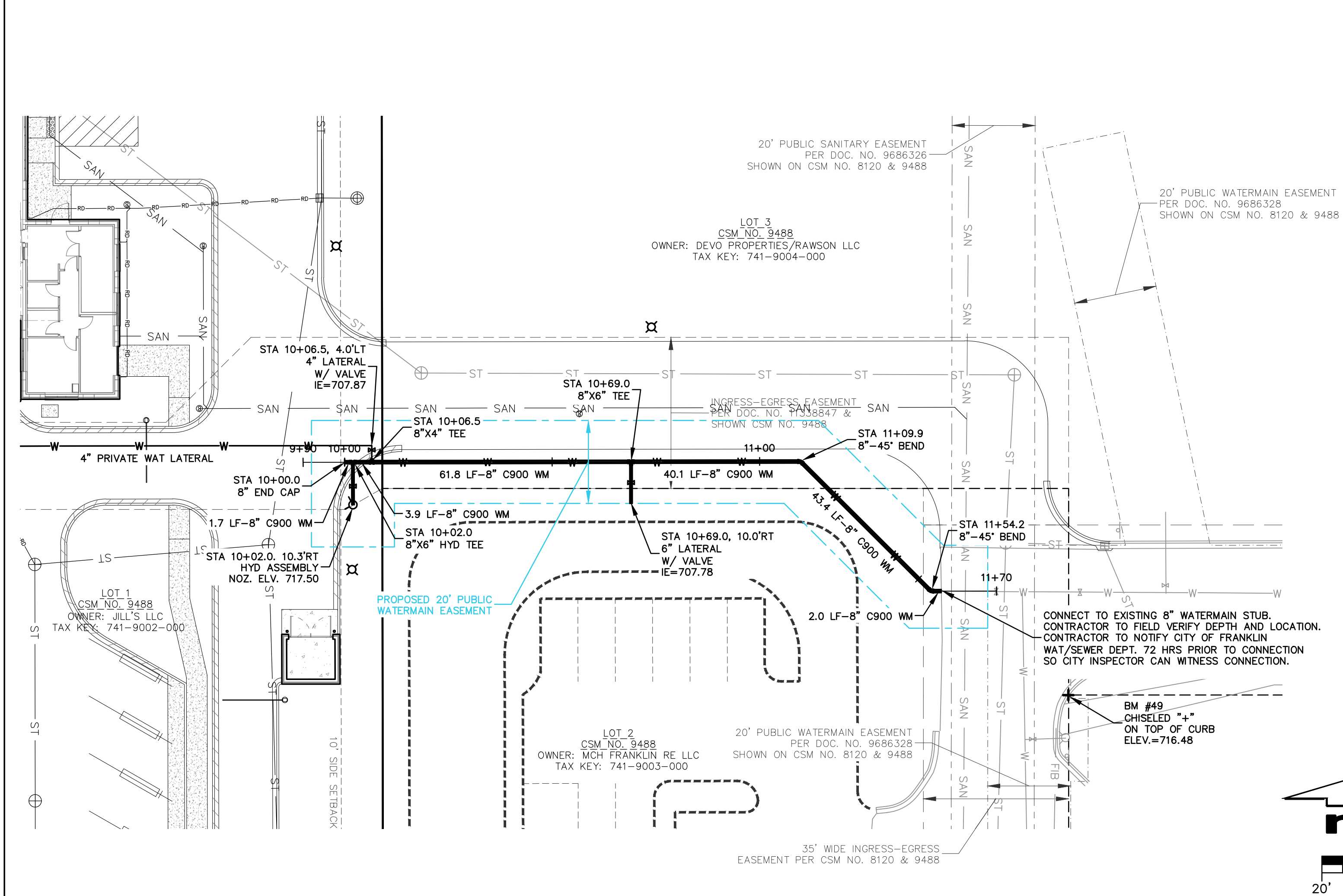
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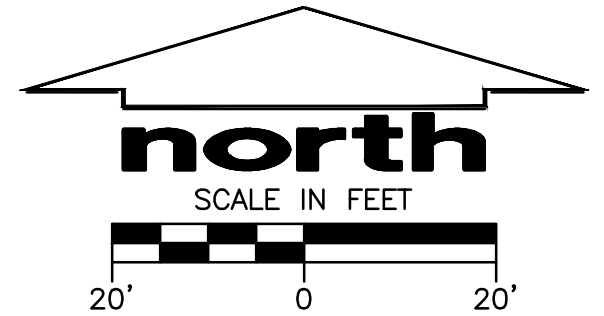
SANITARY NOTE
PROPOSED PRIVATE SANITARY SEWER ALONG NORTH AND EAST SIDE OF CAR WASH IS FOR RECYCLED WATER. THIS SANITARY WILL BE DESIGNED BY OTHERS AND WILL REQUIRE A SEPARATE STATE PLUMBING PERMIT FROM THE REST OF THE PRIVATE SANITARY SEWER.



- LEGEND**
- ⊙ SANITARY SEWER MANHOLE
 - ⊕ STORM MANHOLE
 - ⊕ CATCH BASIN ROUND
 - ⊕ CATCH BASIN SQUARE
 - ⊕ FIRE HYDRANT
 - ⊕ WATER VALVE
 - ⊕ GAS VALVE
 - ⊕ LIGHT POLE
 - ⊕ TELEPHONE PEDESTAL
 - ⊕ ELECTRICAL MANHOLE
 - ⊕ SIGN
 - ⊕ POWER POLE
 - ⊕ GUY WIRE
 - SANITARY SEWER
 - WATER MAIN
 - STORM SEWER
 - ROOF DRAIN
 - UNDERGROUND GAS
 - UNDERGROUND ELECTRIC
 - UNDERGROUND TELEPHONE
 - UNDERGROUND FIBER OPTICS
 - OVERHEAD UTILITY
 - SILT FENCE
 - ☼ CONIFEROUS TREE
 - ☼ DECIDUOUS TREE



ESTIMATE OF QUANTITIES	
8" C900, PVC WATERMAIN	153 LF
8"x6" TEE	2 EA
8"x4" TEE	1 EA
8" 45' ELBOW	2 EA
6" C900, PVC LATERAL W/VALVE	10 LF
4" C900, PVC LATERAL W/VALVE	4 LF
HYDRANT ASSEMBLY	1 EA



SE 1/4 OF SW 1/4 SEC 2, T5N, R21E

SHEET TITLE:
CITY OF FRANKLIN WATERMAIN

LOCATION: RAWSON AVE./SENDIK'S DEVELOPMENT

FROM: STA 10+00

TO: STA 10+57

CONTRACTOR:

MO/YR INSTALLED:

DESIGNED BY: RWI 2024-04-08

CHECKED BY:

SHEET NUMBER:
C-4.2

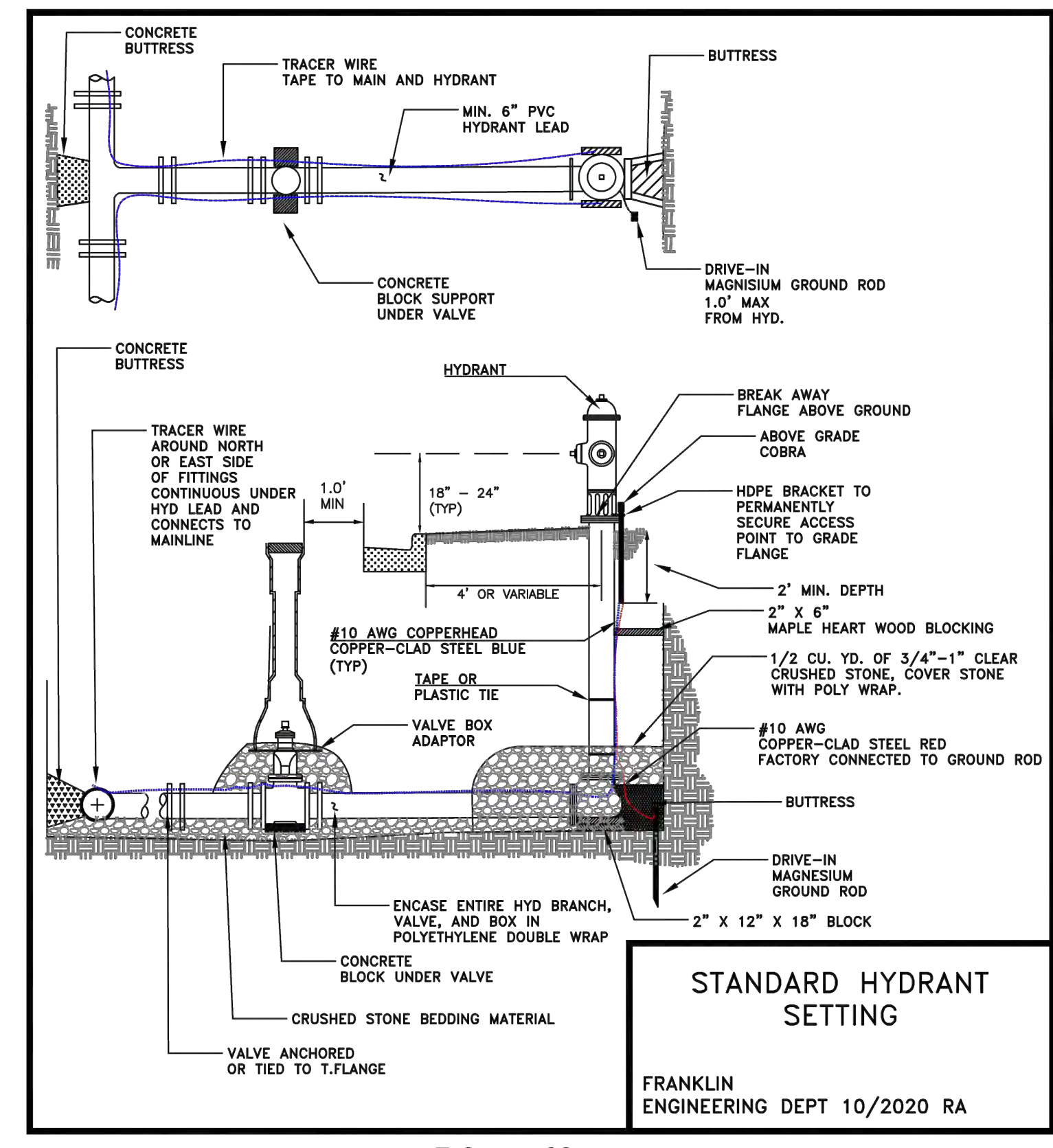
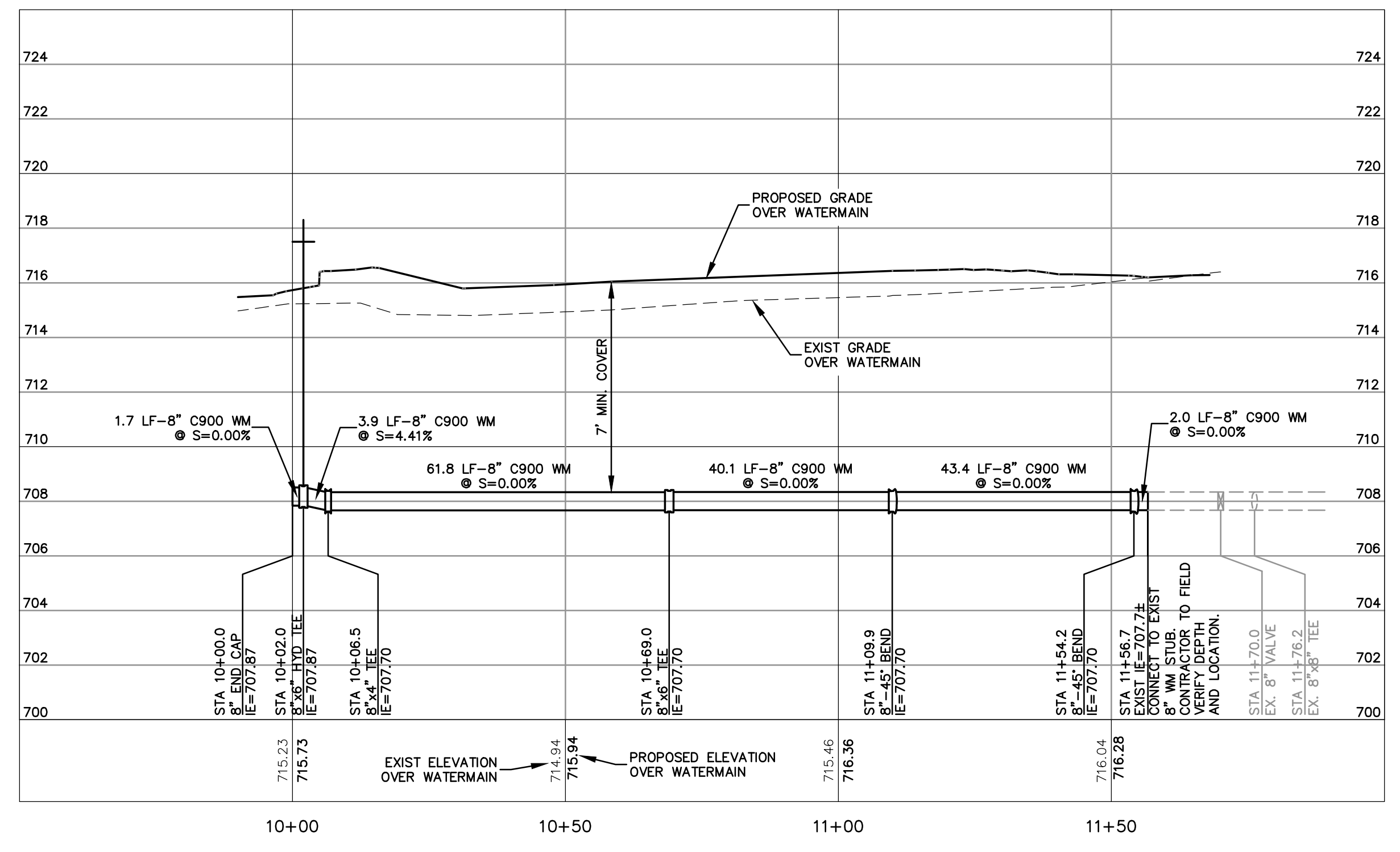


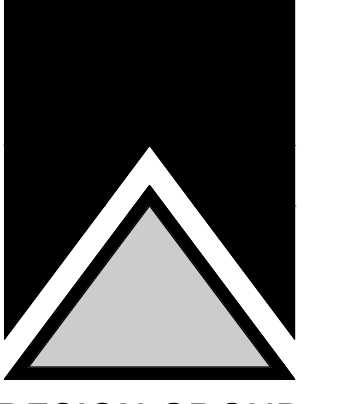
FIGURE 22

PUBLIC WATERMAIN NOTES

- EXISTING UTILITIES ARE SHOWN FOR INFORMATIONAL PURPOSES ONLY AND ARE NOT GUARANTEED TO BE ACCURATE OR ALL INCLUSIVE. CONTRACTOR IS RESPONSIBLE FOR VERIFYING THE TYPE, LOCATION, SIZE AND ELEVATION OF UNDERGROUND UTILITIES AS THEY DEEM NECESSARY FOR PROPOSED UTILITY CONNECTIONS AND/OR TO AVOID DAMAGE THERETO. CONTRACTOR SHALL CALL "DIGGER'S HOTLINE" PRIOR TO ANY CONSTRUCTION.
- ALL UTILITY WORK SHALL BE DONE IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR SEWER AND WATER CONSTRUCTION IN WISCONSIN (LATEST EDITION AND ADDENDUM) AND ALL STATE AND LOCAL CODES AND SPECIFICATIONS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE WHICH SPECIFICATIONS AND CODES APPLY AND TO COORDINATE ALL CONSTRUCTION ACTIVITIES WITH THE APPROPRIATE LOCAL AND STATE AUTHORITIES.
- UTILITY CONSTRUCTION AND SPECIFICATIONS SHALL COMPLY WITH THE CITY OF FRANKLIN SPECIAL PROVISIONS AND WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES DSPS 382.
- TRACER WIRES SHALL BE INSTALLED AS NECESSARY IN ACCORD WITH 182.0715(2R) OF THE STATE STATUTES AND CITY OF FRANKLIN REQUIREMENTS.
- LENGTHS OF PROPOSED UTILITIES ARE TO FITTINGS AND MAY VARY SLIGHTLY FROM PLAN. LENGTHS ARE SHOWN FOR CONTRACTOR CONVENIENCE ONLY. CONTRACTOR IS SOLELY RESPONSIBLE FOR COMPUTATIONS OF MATERIALS REQUIRED TO COMPLETE WORK. LENGTHS SHALL BE FIELD VERIFIED DURING CONSTRUCTION.
- CONTRACTOR SHALL ADJUST AND/OR RECONSTRUCT EXISTING UTILITY COVERS (SUCH AS MANHOLE COVERS, VALVE BOX COVERS, ETC.) TO MATCH FINISHED GRADES OF THE AREAS DISTURBED DURING CONSTRUCTION.
- CONTRACTOR SHALL FIELD VERIFY LOCATIONS, ELEVATIONS, AND SIZES OF PROPOSED UTILITIES AND CHECK ALL UTILITY CROSSINGS FOR CONFLICTS PRIOR TO ATTEMPTING CONNECTIONS AND BEGINNING UTILITY CONSTRUCTION.
- WATER MAIN SPECIFICATIONS -
PIPE - WATER MAIN SHALL BE POLYVINYL CHLORIDE (PVC) PIPE MEETING THE REQUIREMENTS OF AWMA STANDARD C-900, CLASS 150, DR-18, WITH CAST IRON O.D. AND INTEGRAL ELASTOMERIC BELL AND SPOT JOINTS. VALVES AND VALVE BOXES - GATE VALVES SHALL BE AWMA GATE VALVES MEETING THE REQUIREMENTS OF AWMA C-500 AND CHAPTER 8.27.0 OF THE "STANDARD SPECIFICATIONS". GATE VALVES AND VALVE BOXES SHALL CONFORM TO LOCAL PLUMBING ORDINANCES.
10-GAUGE TRACER WIRE SHALL BE INSTALLED ALONG THE ENTIRE LENGTH OF ALL PRIVATE WATER MAINS, HYDRANT LEADS, FIRE DEPARTMENT CONNECTION LEADS AND LATERALS. THE TRACER WIRE SHALL BE EXTENDED TO THE SURFACE AT THE BUILDING WALL AND ALL OTHER SYSTEM LIMITS AND ENCLOSED IN RISER BOX WITH "WATER ON THE COVER".
BEDDING AND COVER MATERIAL - PIPE BEDDING AND COVER MATERIAL SHALL BE SAND, CRUSHED STONE CHIPS OR CRUSHED STONE SCREENINGS CONFORMING TO CHAPTER 8.43.2 OF THE "STANDARD SPECIFICATIONS".
BACKFILL - BACKFILL MATERIAL AND INSTALLATION SHALL BE IN ACCORDANCE WITH CHAPTER 2.6.0 OF THE "STANDARD SPECIFICATIONS". GRAVEL BACKFILL IS REQUIRED IN ALL PAVED AREAS AND TO A POINT 5 FEET BEYOND THE EDGE OF PAVEMENT. TRENCHES RUNNING PARALLEL TO AND LESS THAN 5 FEET FROM THE EDGE OF PAVEMENT SHALL ALSO REQUIRE GRAVEL BACKFILL. LANDSCAPED AREAS MAY BE BACKFILLED WITH EXCAVATED MATERIAL IN CONFORMANCE WITH SECTION 8.43.5 OF THE "STANDARD SPECIFICATIONS".
- WATER MAIN SHALL BE INSULATED WHEREVER THE DEPTH OF COVER IS LESS THAN 6 FEET. INSULATION AND PLACING OF INSULATION SHALL CONFORM TO CHAPTER 4.17.0 "INSULATION" OF THE STANDARD SPECIFICATIONS FOR SEWER AND WATER CONSTRUCTION IN WISCONSIN 6TH EDITION UPDATED WITH ITS LATEST ADDENDUM (TYP.).

REVISION #1: PROPERTY LINE ADJUSTMENT	2023-01-05
REVISION #2: CITY RESUBMITTAL	2023-02-22
REVISION #3: CAR WASH TUNNEL REVISION	2023-03-14
REVISION #4: CITY RESUBMITTAL	2023-05-23
REVISION #5: CITY RESUBMITTAL	2023-05-28
REVISION #6: CITY DEVELOPMENT COMMENTS	2024-05-13

JOB: 223455
DRAWN: CAP
CHECKED: RWI
DATE: 11-23-2022
SHEET:



OFF-SITE REGIONAL
POND MAINTENANCE
REPAIRS

SHEET TITLE

PROPOSED:
JILLY'S CAR WASH
5484 W. RAWSON AVE.
CITY OF FRANKLIN, WI

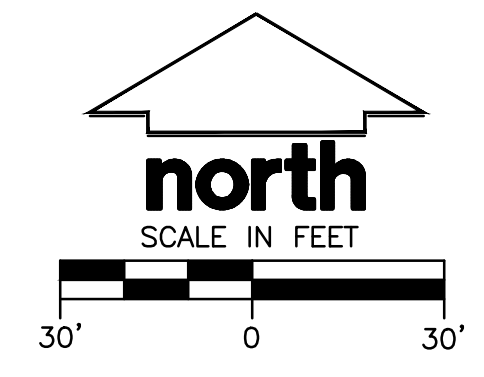


IMAGE 1



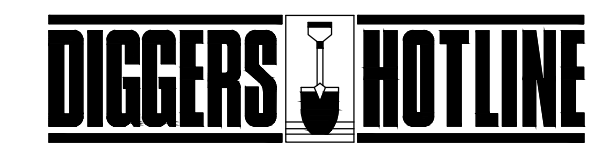
IMAGE 2



IMAGE 3

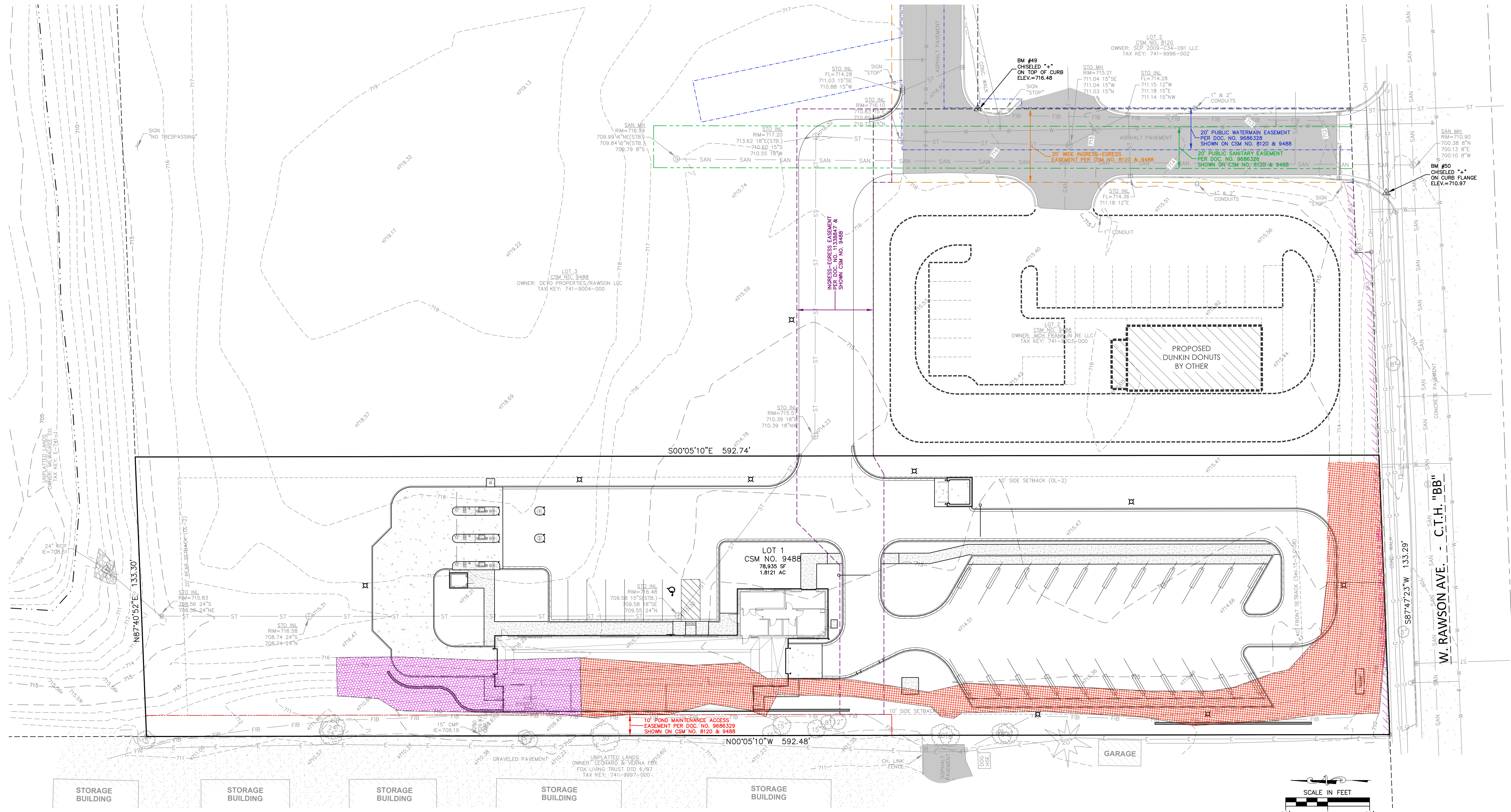
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223455
CAP
RWI
11-23-2022



Call 811 or (800) 242-8511
Missouri Area (262) 433-7010
Hearing Impaired TDD (800) 542-2289
www.DiggersHotline.com

C5.0



**NATURAL RESOURCE
 PREVENTION PLAN**

PROPOSED:
JILLY'S CAR WASH
 5484 W. RAWSON AVE.
 CITY OF FRANKLIN, WI

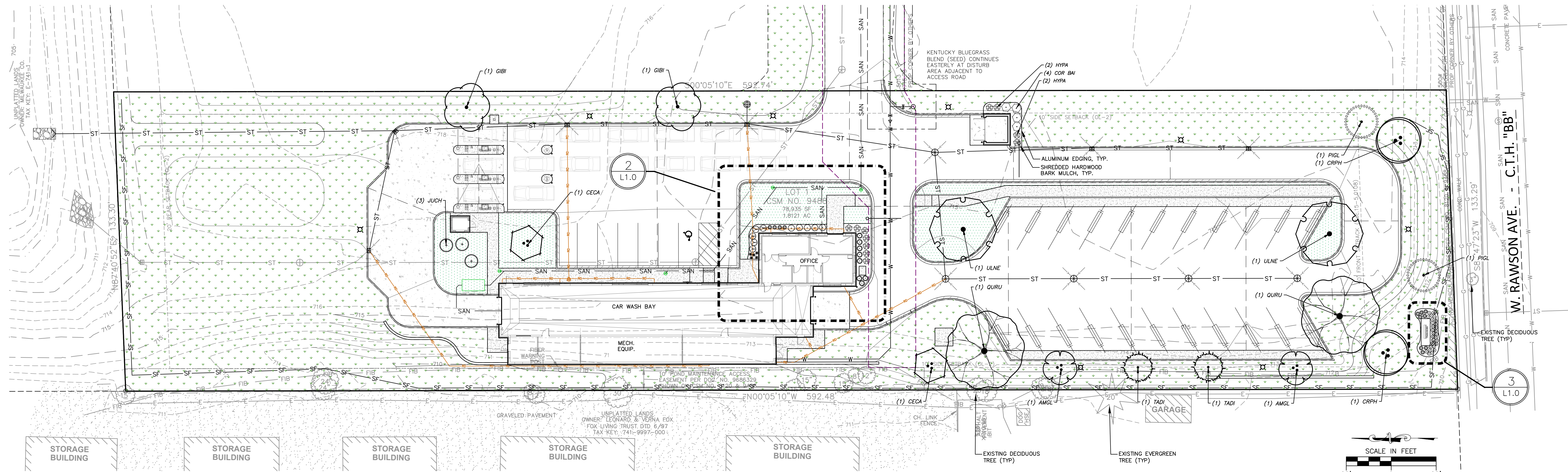
RESOURCE PROTECTION TABLE

Natural Resource Feature	Protection Standard (Based Upon Zoning District Type)			Acres of Land in Resource Feature	Acres of Land Required to be Preserved	Acres of Land to be Impacted	Acres of Land Required to be Mitigated	Acres of Land to be Mitigated*
	Agricultural District	Residential District	Non-Residential District					
Steep Slopes								
10-19%	0	0.6	0.4	X 0.21	0.08	0.21	0.00	N/A
20-30%	0.65	0.75	0.7	X 0.01	0.01	0.01	0.00	N/A
30% +	0.9	0.85	0.8	X 0.00	0.00	0.00	0.00	N/A
Woodlands & Forests								
Mature	0.7	0.7	0.7	X 0.00	0.00	0.00	0.00	N/A
Young	0.5	0.5	0.5	X 0.00	0.00	0.00	0.00	N/A
Lakes & Ponds	1	1	1	X 0.00	0.00	0.00	0.00	N/A
Streams	1	1	1	X 0.00	0.00	0.00	0.00	N/A
Shore Buffer	1	1	1	X 0.00	0.00	0.00	0.00	N/A
Floodplains/Floodlands	1	1	1	X 0.00	0.00	0.00	0.00	N/A
Wetland Buffers	1	1	1	X 0.00	0.00	0.00	0.00	N/A
Wetlands & Shoreland Wetlands	1	1	1	X 0.00	0.00	0.00	0.00	N/A
Wetland Setback	1	1	1	X 0.00	0.00	0.00	0.00	N/A
TOTAL RESOURCE PROTECTION LAND					0.09	0.21268	0.00	Acres

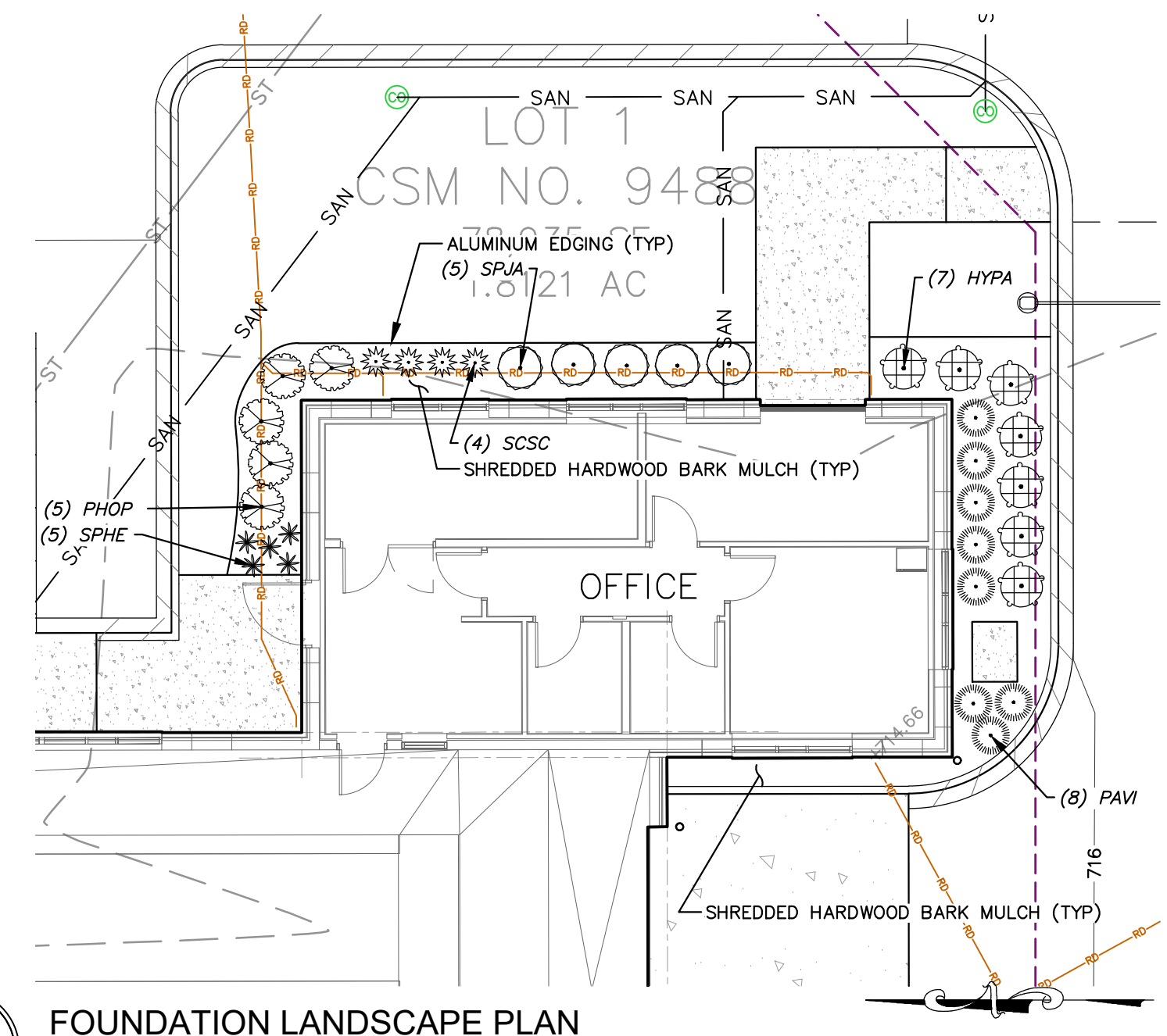
LEGEND

- STEEP SLOPE 10-19%
- STEEP SLOPE 20-30%
- STEEP SLOPE 30% +

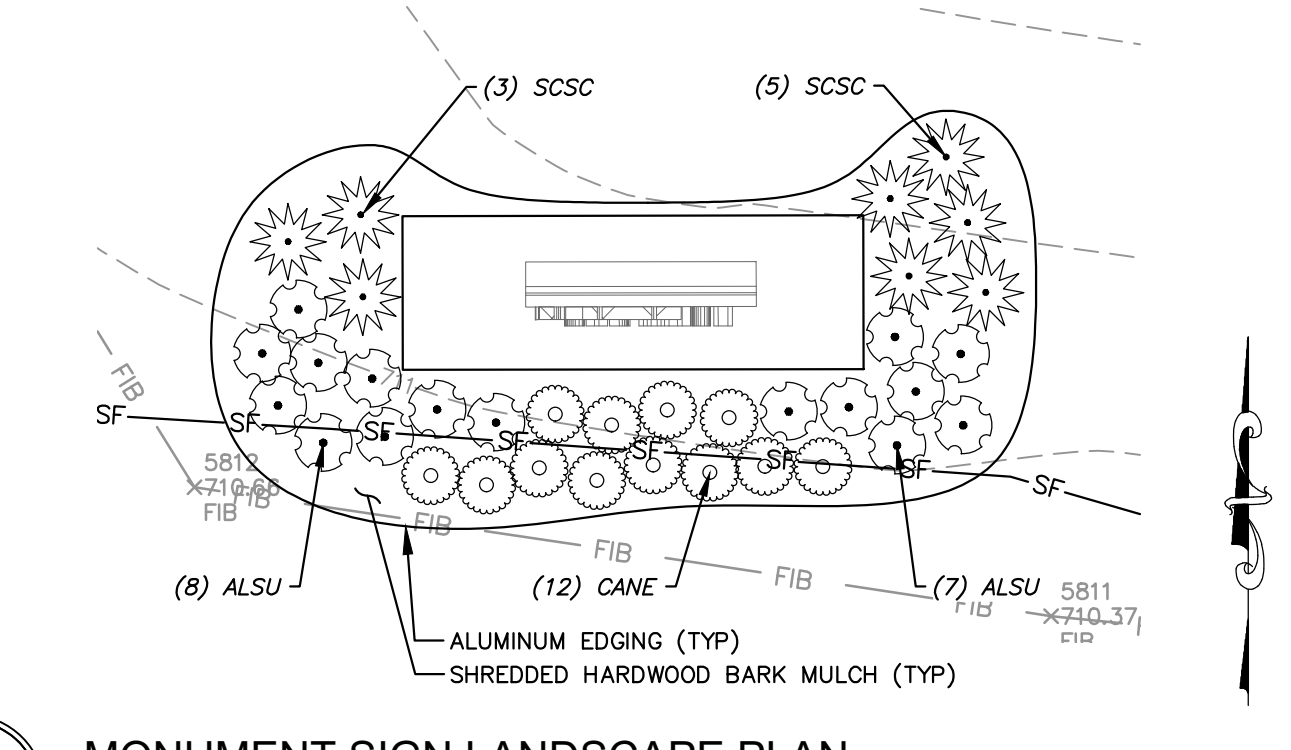
PER WETLAND REVIEW FOR JILLY'S CAR WASH LETTER DATED DECEMBER 15, 2022 FROM CEDAR CORPORATION, "REVIEW OF MAPPING AND AERIALS DO NOT INDICATE CURRENT OR PAST EVIDENCE OF WETLAND RESOURCES EXISTING ON THE SUBJECT PROPERTY".



1
L1.0
OVERALL LANDSCAPE PLAN
SCALE: 1"=20'



2
L1.0
FOUNDATION LANDSCAPE PLAN
SCALE: 1"=10'



3
L1.0
MONUMENT SIGN LANDSCAPE PLAN
SCALE: 1"=5'

SYMBOL	CODE	BOTANICAL / COMMON NAME	CONT	SIZE	QTY
CANOPY/SHADE TREES					
	GIBI	<i>Ginkgo biloba</i> 'Autumn Gold' TM / Autumn Gold Maidenhair Tree	B & B	2.5" Cal	2
	QURU	<i>Quercus rubra</i> / Red Oak	B & B	2.5" Cal	2
	ULNE	<i>Ulmus</i> x 'New Horizon' / New Horizon Elm	B & B	2.5" Cal	2
DECORATIVE TREE					
	AMGL	<i>Amelanchier</i> x <i>grandiflora</i> 'Autumn Brilliance' / Autumn Brilliance Serviceberry	B & B	Multi-stem 6' Height / 1.5" Cal.	2
	CECA	<i>Cercis canadensis</i> 'Columbus' / Columbus Strain Eastern Redbud	B & B	2" Cal (Multi-Stem)	2
	CRPH	<i>Crataegus phoenopyrum</i> / Washington Hawthorn	B & B	Multi-stem 6' Height / 1.5" Cal.	2
EVERGREEN TREE					
	JUCH	<i>Juniperus chinensis</i> 'Mountbatten' / Mountbatten Juniper	B & B	Min. 4' Ht.	3
	PIGL	<i>Picea glauca</i> / White Spruce	B & B	Min. 4' Ht.	2
	TADI	<i>Taxodium distichum</i> 'Mickelson' TM / Shawnee Brave Bald Cypress	B & B	Min. 4' Ht.	2
DECIDUOUS SHRUBS					
	COR BAI	<i>Cornus baileyi</i> / Bailey's Red-twig Dogwood	#3	Min. 12"-24"	4
	HYPA	<i>Hydrangea paniculata</i> 'Little Quick Fire' / Little Quick Fire Hydrangea	B & B	Min. 36" Ht.	11
	PHOP	<i>Physocarpus opulifolius</i> 'Little Devil' TM / Dwarf Ninebark	B & B	Min. 36" Ht.	5
	SPJA	<i>Spiraea japonica</i> 'SMNSJMF' TM / Double Play Red Spirea	B & B	Min. 36" Ht.	5
PERENNIALS & GRASSES					
	ALSU	<i>Allium</i> x 'Summer Beauty' / Summer Beauty Allium	#1	Min. 8"-18"	16
	CANE	<i>Calamintha nepeta</i> 'Montrose White' / Montrose White Catmint	#1	Min. 8"-18"	12
	PAVI	<i>Panicum virgatum</i> 'Shenandoah' / Shenandoah Switch Grass	#1	Min. 8"-18"	8
	SCSC	<i>Schizachyrium scaparium</i> 'Prairie Blues' / Prairie Blues Little Bluestem	#1	Min. 8"-18"	12
	SPHE	<i>Sporobolus heterolepis</i> 'Tara' / Prairie Dropseed	#1	Min. 8"-18"	5

LEGEND

	SANITARY SEWER MANHOLE		SANITARY SEWER
	STORM MANHOLE		WATER MAIN
	CATCH BASIN ROUND		STORM SEWER
	CATCH BASIN SQUARE		ROOF DRAIN
	FIRE HYDRANT		UNDERGROUND GAS
	WATER VALVE		UNDERGROUND ELECTRIC
	GAS VALVE		UNDERGROUND TELEPHONE
	LIGHT POLE		UNDERGROUND FIBER OPTICS
	TELEPHONE PEDESTAL		OVERHEAD UTILITY
	ELECTRICAL MANHOLE		KENTUCKY BLUEGRASS BLEND (SEED)
	SIGN		KENTUCKY BLUEGRASS BLEND (SOD)
	POWER POLE		
	GUY WIRE		



GENERAL NOTES

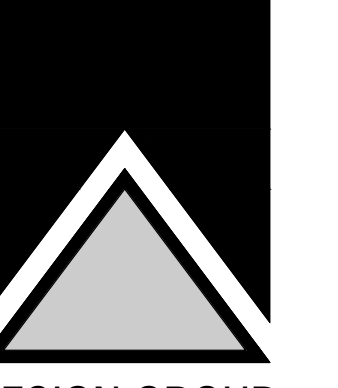
- REFER TO THE EXISTING CONDITIONS SURVEY FOR EXISTING CONDITIONS NOTES AND LEGEND.
- ALL WORK IN THE ROW SHALL BE IN ACCORDANCE WITH THE MUNICIPAL STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION.
- JSD SHALL BE HELD HARMLESS AND DOES NOT WARRANT ANY DEVIATIONS BY THE OWNER/CONTRACTOR FROM THE APPROVED CONSTRUCTION PLANS THAT MAY RESULT IN DISCIPLINARY ACTIONS BY ANY OR ALL REGULATORY AGENCIES.
- DRAWING FOR REVIEW - NOT FOR CONSTRUCTION UNLESS OTHERWISE NOTED IN THE TITLE BLOCK.
- THE LANDSCAPE CONTRACTOR SHALL COORDINATE ALL FINE GRADING AND TOPSOILING WITH GENERAL CONTRACTOR
- REFER TO "LANDSCAPE DETAILS AND NOTES" SHEET FOR ADDITIONAL DETAILS, NOTES AND SPECIFICATION INFORMATION INCLUDING MATERIALS, GUARANTEE AND EXECUTION RELATED TO LANDSCAPE PLAN
- CONTRACTOR SHALL REVIEW SITE CONDITIONS FOR UTILITY CONFLICTS, DRAINAGE ISSUES, SUBSURFACE ROCK, AND PLANT PLACEMENT CONFLICTS PRIOR TO PLANT INSTALLATION. REPORT ANY CONDITIONS THAT MAY HAVE ADVERSE IMPACT ON PLANTING OPERATIONS TO LANDSCAPE ARCHITECT
- DO NOT COMMENCE PLANTING OPERATIONS UNTIL ALL ADJACENT SITE IMPROVEMENTS, IRRIGATION INSTALLATION (IF APPLICABLE), AND FINISH GRADING ARE COMPLETE

LANDSCAPE CALCULATIONS

	REQUIRED	PROVIDED
REQUIRED PLANT UNITS FOR COMMERCIAL USE		
1 PLANT UNIT PER 5 PARKING SPACES	6 PLANT UNITS (2R SPACES, 4=5.6)	
PLANT TYPE		
CANOPY/SHADE TREE	6 TREES	6 TREES
EVERGREEN TREE	6 TREES	6 TREES
DECORATIVE TREE	6 TREES	6 TREES
SHRUBS	6 SHRUBS	6 SHRUBS
* AT LEAST TWO SPECIES OF CANOPY/SHADE TREES MUST BE NATIVE TO THE CITY.	YES	YES
BUFFERYARD		
REQUIRED WHEN DEVELOPMENT ABUTS OR IS ACROSS FROM A RESIDENTIAL USE, OR A LESS INTENSE USE	NO	NO
GENERAL REQUIREMENTS		
PLANT SPECIES		
NO SPECIES SHALL EXCEED 35% OF ALL PLANT TYPE SPECIES	YES	YES
GROUND COVER		
OPEN AREAS AND PARKING LOT ISLANDS SHALL BE COVERED BY GRASS OR LOW GROWING GROUND COVER	YES	YES
MINIMUM PLANTING SIZES		
CANOPY/SHADE TREES	YES	YES
EVERGREEN TREES	4" HEIGHT	2.5" CALIPER
DECORATIVE TREES	4" HEIGHT	1.5" CALIPER
SHRUBS	3" HEIGHT	3" HEIGHT

CONTRACTOR NOTES

- ALL PLANTING BEDS SHALL RECEIVE SHREDDED HARDWOOD BARK MULCH (TYP).



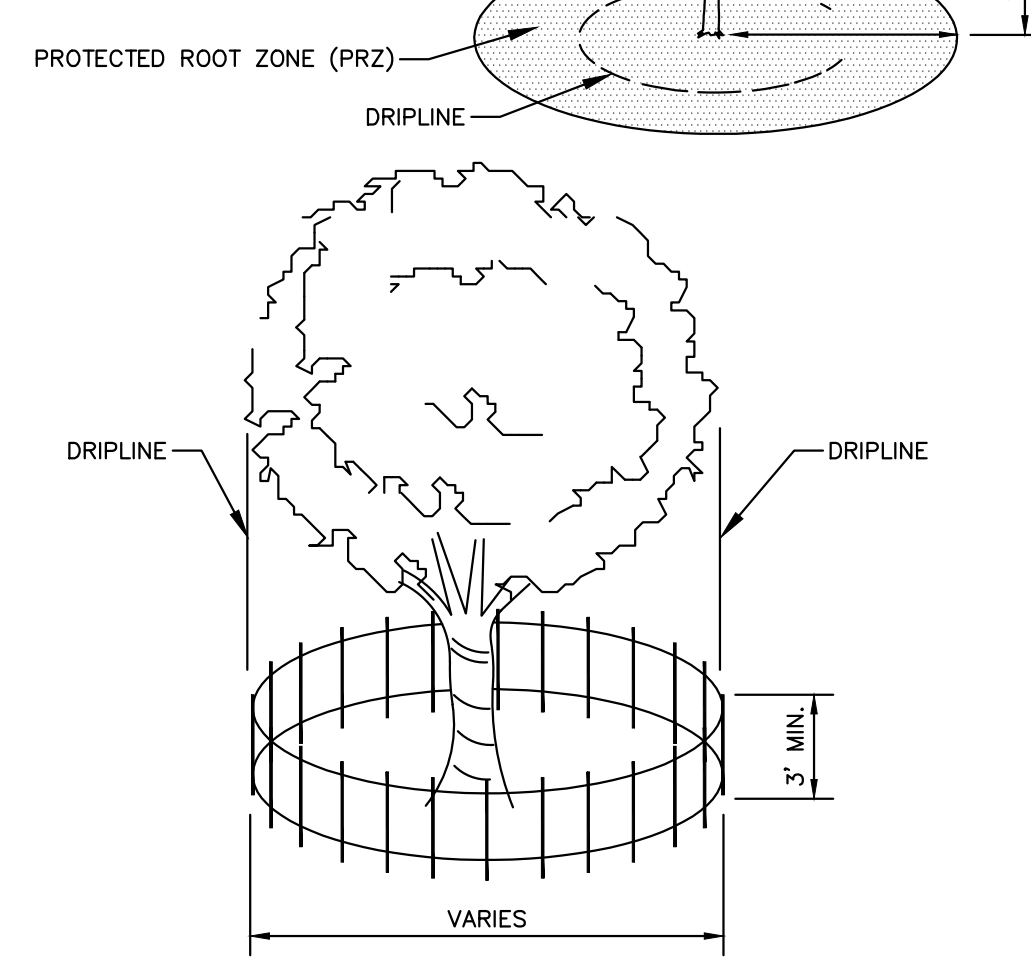
APPROXIMATE A TREE'S PROTECTED ROOT ZONE BY CALCULATING THE CRITICAL ROOT RADIUS (CRR). FIRST, MEASURE THE TREE DIAMETER IN INCHES AT BREAST HEIGHT (DBH), THEN MULTIPLY THAT NUMBER BY 1.5 OR 1.0. EXPRESS THE RESULT IN FEET.

EXAMPLE: DBH = 8 inches
8 x 1.5 = 12
CRR = 12 feet

DBH x 1.5 = CRITICAL ROOT RADIUS FOR OLDER, UNHEALTHY OR SENSITIVE SPECIES

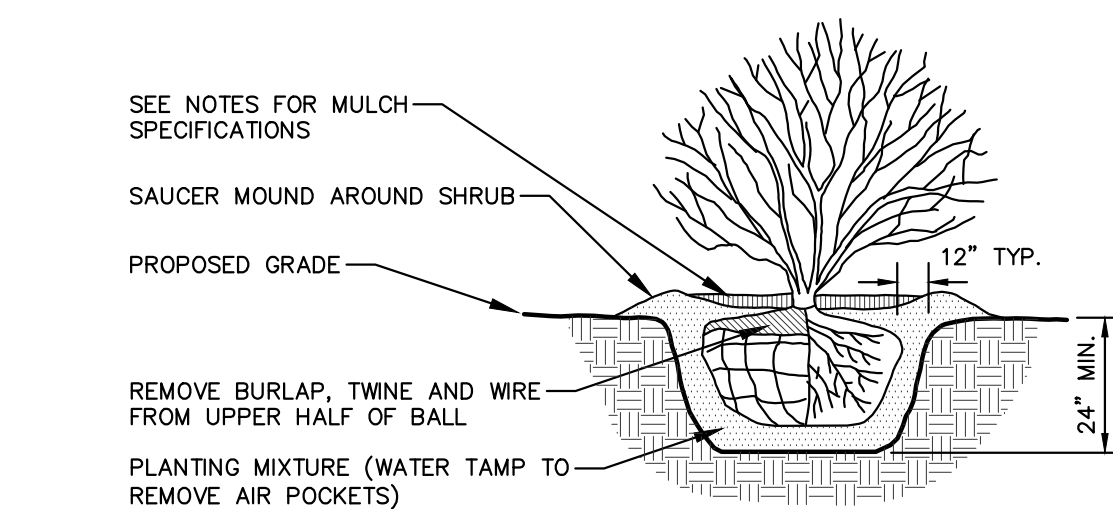
OR

DBH x 1.0 = CRITICAL ROOT RADIUS FOR YOUNGER, HEALTHY OR TOLERANT SPECIES



- NOTE:
1. CONTRACTOR SHALL INSTALL TREE PROTECTION FENCING IN THE AREA SURROUNDING THE TREE WITHIN THE CRITICAL ROOT RADIUS.
 2. NO EXCAVATION IS PERMITTED WITHIN THE CRITICAL ROOT RADIUS.
 3. IF EXCAVATION WITHIN THE CRITICAL ROOT RADIUS OF ANY TREE IS NECESSARY, CONTRACTOR SHALL CONTACT CITY FORESTER PRIOR TO EXCAVATION TO ASSESS THE IMPACT TO THE TREE AND ROOT SYSTEM.

1 TREE PROTECTION FENCING
L2.0 NTS



- NOTE:
1. ROOT FLARE TO BE EXPOSED.

4 DECIDUOUS/EVERGREEN SHRUB
L2.0 NTS

NOTE:

1. DIG HOLE NO DEEPER THAN BASE OF ROOT BALL TO FLARE. ROOT BALL TO BE SET ON UNDISTURBED SOIL UNLESS COMPACTED. AGGREGATE STONE REMAINS FROM SITE EXCAVATOR. REMOVE REMAINING AGGREGATE STONE UNTIL SOIL LAYER IS REACHED.
2. TREE PIT DIAMETER SHALL BE AT LEAST TWO-TIMES ROOT BALL DIAMETER IN ALL DIRECTIONS. SLOPE SIDES OF TREE PIT FROM PROPOSED GRADE TO BOTTOM OF ROOT BALL IN ALL DIRECTIONS.

SET TREE PLUMB

ROOT FLARE SHALL BE EXPOSED

SEE NOTES FOR MULCH SPECIFICATIONS

INSTALL 3" WATERING SAUCER

PROPOSED GRADE

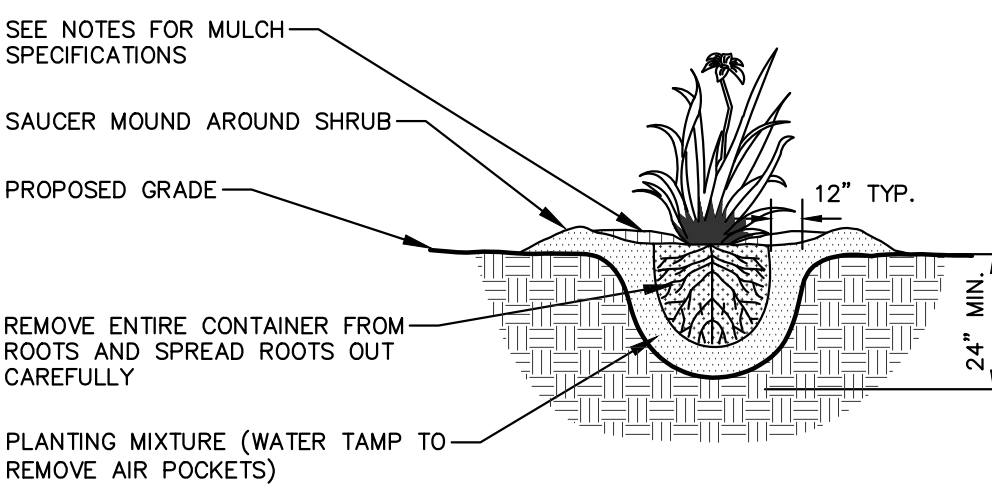
REMOVE BURLAP, TWINE, AND WIRE FROM UPPER HALF OF BALL

PLANTING MIXTURE (WATER TAMP TO REMOVE AIR POCKETS)

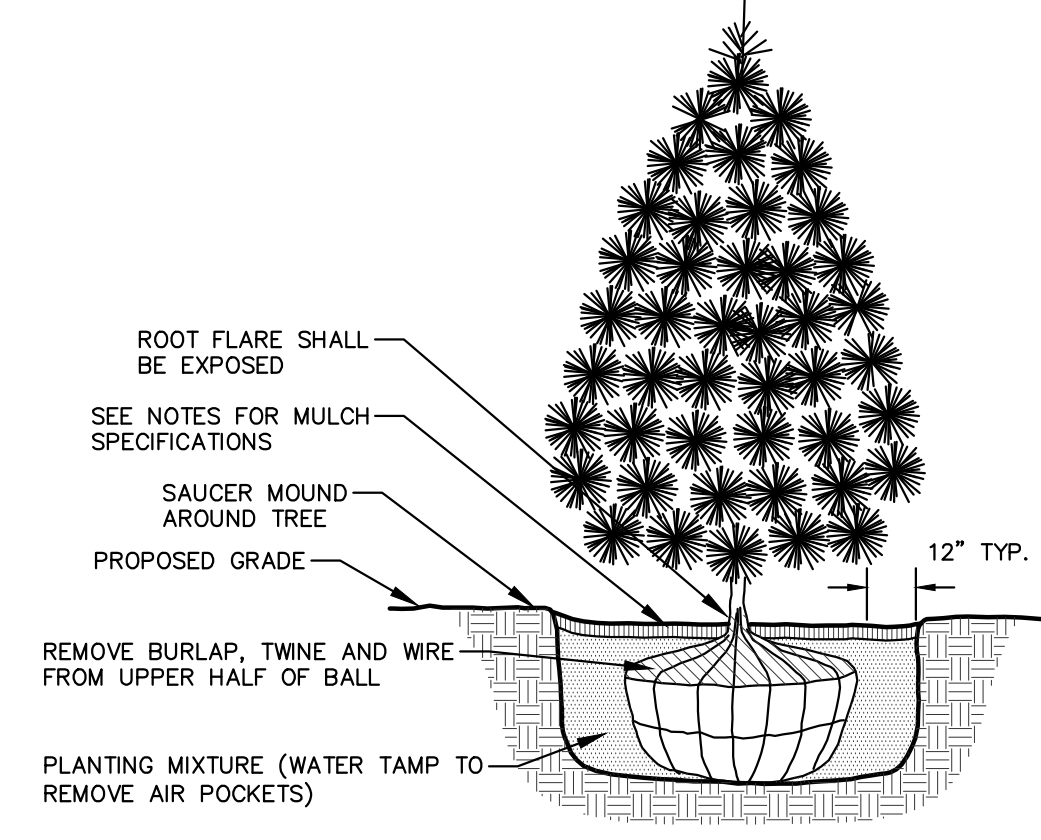
UNDISTURBED GROUND



2 DECIDUOUS TREE
L2.0 NTS



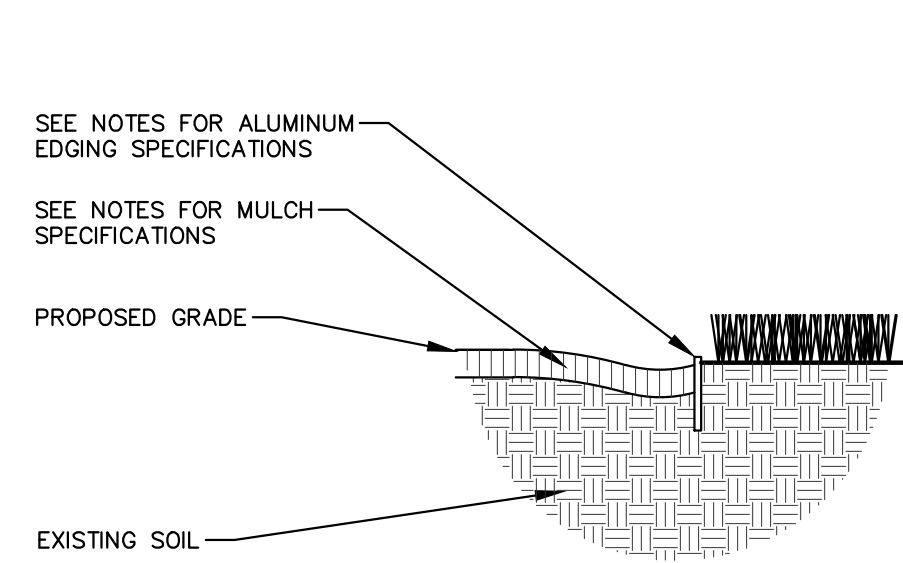
5 PERENNIAL/ORNAMENTAL GRASS
L2.0 NTS



NOTE:

1. DIG HOLE NO DEEPER THAN BASE OF ROOT BALL TO FLARE. ROOT BALL TO BE SET ON UNDISTURBED SOIL UNLESS COMPACTED. AGGREGATE STONE REMAINS FROM SITE EXCAVATOR. REMOVE REMAINING AGGREGATE STONE UNTIL SOIL LAYER IS REACHED.

3 EVERGREEN TREE
L2.0 NTS



6 ALUMINUM EDGING
L2.0 NTS

GENERAL NOTES

1. GENERAL: ALL WORK IN THE R-O-W AND PUBLIC EASEMENTS SHALL BE IN ACCORDANCE WITH LOCAL MUNICIPAL REQUIREMENTS. JSD SHALL BE HELD HARMLESS AND DOES NOT WARRANT ANY DEVIATIONS BY THE OWNER/CONTRACTOR FROM THE APPROVED CONSTRUCTION PLANS THAT MAY RESULT IN DISCIPLINARY ACTIONS BY ANY OR ALL REGULATORY AGENCIES. LOCATE ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR IS RESPONSIBLE FOR REPAIRING ANY DAMAGE DONE TO UTILITIES. CONTRACTOR MUST CALL 1-800-242-8511 FOR UTILITY LOCATIONS AT LEAST THREE DAYS PRIOR TO DIGGING. HAND DIG AND INSTALL ALL PLANTS THAT ARE NEAR EXISTING UTILITIES. PROTECT PREVIOUSLY INSTALLED WORK OF OTHER TRADES. CONTRACTOR IS RESPONSIBLE FOR STAKING THE PLANT MATERIALS FOR REVIEW BY OWNER PRIOR TO DIGGING AND PLACEMENT AND SHALL COORDINATE ALL FINE GRADING AND RESTORATION WITH THE GRADING CONTRACTOR.
2. DELIVERY AND HANDLING: DO NOT DELIVER MORE PLANT MATERIALS THAN CAN BE PLANTED IN ONE DAY, UNLESS ADEQUATE, APPROPRIATE AND SECURE STORAGE IS PROVIDED AND APPROVED BY OWNER'S REPRESENTATIVE. AT ALL TIMES, PROTECT ALL PLANT MATERIALS FROM WIND AND DIRECT SUN. DELIVER PLANTS WITH LEGIBLE IDENTIFICATION LABELS. PROTECT PLANTS DURING DELIVERY AND DO NOT PRUNE PRIOR TO DELIVERY. ALL TREES AND SHRUBS SHALL BE PLANTED ON THE DAY OF DELIVERY. IF THIS IS NOT POSSIBLE, PROTECT THE PLANT MATERIALS NOT PLANTED BY STORING THEM IN A SHADED, SECURE AREA, PROTECTING THE ROOT MASS WITH WET SOIL, MULCH, HAY OR OTHER SUITABLE MEDIUM. CONTRACTOR TO KEEP ALL PLANT MATERIALS ADEQUATELY WATERED TO PREVENT ROOT DESICCATION. DO NOT REMOVE CONTAINER GROWN STOCK FROM CONTAINERS BEFORE TIME OF PLANTING. DO NOT PICK UP CONTAINER OR BALLED PLANTS BY STEM OR ROOTS. ALL PLANTS SHALL BE LIFTED AND HANDLED FROM THE BOTTOM OF THE CONTAINER OR BALL. PERFORM ACTUAL PLANTING ONLY WHEN WEATHER AND SOIL CONDITIONS ARE SUITABLE IN ACCORDANCE WITH LOCALLY ACCEPTED BEST HORTICULTURAL PRACTICES.
3. MATERIALS - PLANTS: ALL PLANTS SHALL CONFORM TO THE LATEST VERSION OF THE AMERICAN STANDARD FOR NURSERY STOCK AND Z60.1. PLANTS SHALL BE TRUE TO SPECIES AND VARIETY SPECIFIED AND NURSERY GROWN IN ACCORDANCE WITH GOOD HORTICULTURAL PRACTICES UNDER CLIMATIC CONDITIONS SIMILAR TO THOSE IN THE LOCALITY OF THE PROJECT FOR AT LEAST 2 YEARS. PLANTS SHALL BE FRESHLY DUG (DURING THE MOST RECENT FAVORABLE HARVEST SEASON). PLANTS SHALL BE SO TRAINED IN DEVELOPMENT AND APPEARANCE AS TO BE UNQUESTIONABLY SUPERIOR IN FORM, COMPACTNESS, AND SYMMETRY. PLANTS SHALL BE SOUND, HEALTHY, VIGOROUS, BRANCHED AND DENSELY FOLIATED WHEN IN LEAF, AND FREE OF DISEASE AND INSECTS (ADULT EGGS, PUPAE OR LARVAE). THEY SHALL HAVE HEALTHY, WELL-DEVELOPED ROOT SYSTEMS AND SHALL BE FREE FROM PHYSICAL DAMAGE OR OTHER CONDITIONS THAT WOULD PREVENT THRIVING GROWTH OR PREMATURE MORTALITY. PLANTS SHALL BE OF THE HIGHEST QUALITY, POSSESS TYPICAL GROWTH HABITS AND FORM FOR THEIR SPECIES AND BE FREE OF INJURY. PARKWAY TREES AND PARKWAY LOT TREES SHALL HAVE A MINIMUM BRANCHING HEIGHT OF SIX (6) FEET ABOVE THE GROUND TO ALLOW ADEQUATE VISUAL AND PHYSICAL CLEARANCE.
4. PRUNING: THE CONTRACTOR SHALL PRUNE ALL TREES AND REPAIR ANY INJURIES THAT OCCURRED DURING THE PLANTING PROCESS. DEAD BRANCHES, AND LIMBS DAMAGED OR BROKEN DURING THE PLANTING PROCESS, SHALL BE PRUNED. THIS SHALL BE THE ONLY PRUNING ALLOWED AT PLANTING. PRUNING SHALL CONFORM TO THE LATEST VERSION OF THE LAMERFORM STANDARD FOR TREE CARE OPERATIONS, AND ALL OTHER TREE CARE OPERATIONS WITH HAN GUIDELINES. DO NOT TOP TREES. PRUNE SHRUBS ACCORDING TO STANDARD HORTICULTURAL PRACTICES. ON DIAMETER AND BRUISES OR SCARS ON BARK, TRACE THE INJURED CAMBIAL LAYER BACK TO LIVING TISSUE AND REMOVE. SMOOTH AND SHAPE WOUNDS SO AS NOT TO RETAIN WATER. TREAT THE AREA WITH AN APPROVED INCONSPICUOUS LATEX BASED ANTISETIC TREE PAINT, IF PRUNING OCCURS "IN SEASON". DO NOT PRUNE ANY OAK TREES DURING THE MONTHS FROM APRIL TO OCTOBER.
5. CLEANUP: THE WORK AREA SHALL BE KEPT SAFE AND NEAT AT ALL TIMES. DISPOSED OF EXCESS SOIL. REMOVE ALL CUTTINGS AND WASTE MATERIALS, SOIL AND BRANCHES, BIN AND WRAP THESE MATERIALS. ANY REJECTED PLANTS, AND ANY OTHER DEBRIS RESULTING FROM ALL PLANTING TASKS AND PROMPTLY CLEAN UP AND REMOVE FROM THE PROJECT SITE. UNDER NO CIRCUMSTANCES SHALL THE ACCUMULATION OF SOIL, BRANCHES OR OTHER DEBRIS BE ALLOWED UPON A PUBLIC PROPERTY IN SUCH A MANNER AS TO RESULT IN A PUBLIC SAFETY HAZARD OR DAMAGE. LIKEWISE, UNDER NO CIRCUMSTANCES SHALL ANY DEBRIS OR INCIDENTAL MATERIALS BE ALLOWED UPON ADJACENT PRIVATE PROPERTY.
6. ANY SUBSTITUTIONS IN PLANT TYPE, LOCATION, OR SIZE SHALL BE APPROVED BY LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
7. CONTRACTOR TO VERIFY PLANT MATERIAL QUANTITIES AND SQUARE FOOTAGES. QUANTITIES SHOWN ON PLAN TAKE PRECEDENCE OVER THOSE ON SCHEDULE.

LANDSCAPE MATERIAL NOTES

1. MATERIALS - PLANTING MIXTURE: ALL HOLES EXCAVATED FOR TREES, SHRUBS, PERENNIALS AND ORNAMENTAL GRASSES SHALL BE BACKFILLED WITH TWO (2) PARTS TOPSOIL, ONE (1) PART SAND AND ONE (1) PART COMPOST. SOIL MIXTURE SHALL BE WELL BLENDED PRIOR TO INSTALLATION.
2. MATERIALS - TOPSOIL: TOPSOIL TO BE CLEAN, FRIABLE LOAM FROM A LOCAL SOURCE, FREE FROM STONES OR DEBRIS OVER 3/4" IN DIAMETER, AND FREE FROM TOXINS OR OTHER DELETERIOUS MATERIALS. TOPSOIL SHALL HAVE A pH VALUE BETWEEN 6 AND 7. TOPSOIL AND PLANTING SOIL SHALL BE TESTED TO ENSURE CONFORMANCE WITH THESE SPECIFICATIONS AND SHALL BE AMENDED TO MEET THESE SPECIFICATIONS. PROVIDE TEST RESULTS TO OWNER'S REPRESENTATIVE PRIOR TO PLACEMENT. DO NOT PLACE FROZEN OR MUDDY TOPSOIL. APPLY SOIL AMENDMENTS TO ALL LANDSCAPE AREAS PER SOIL TEST.
3. MATERIALS - SHREDDED HARDWOOD BARK MULCH: ALL PLANTING AREAS LABELED ON PLAN SHALL RECEIVE CERTIFIED WEED FREE SHREDDED HARDWOOD BARK MULCH INSTALLED TO A MINIMUM AND CONSISTENT DEPTH OF 3-INCHES. SHREDDED HARDWOOD BARK MULCH SIZE & COLOR TO BE APPROVED BY OWNER'S REPRESENTATIVE PRIOR TO INSTALLATION. FERTILIZER SHALL BE IN ACCORDANCE WITH APPLICABLE LOCAL, COUNTY AND STATE REQUIREMENTS. SHREDDED HARDWOOD BARK MULCH AREAS SHALL NOT RECEIVE WOVEN WEED BARRIER FABRIC.
4. MATERIALS - TREE & SHRUB RINGS: ALL TREES AND/OR SHRUBS PLANTED IN SEEDED LAWN AREAS TO BE INSTALLED WITH A MINIMUM 4" DIAMETER SHREDDED HARDWOOD BARK MULCH TREE RING SPREAD TO A CONSISTENT DEPTH OF 3-INCHES. ALL TREE RINGS SHOULD BE INSTALLED WITH A 5" DEPTH SHOVEL CUT EDGE, ANGLED 45 DEGREES INTO SOIL AT A 5" DIAMETER ABOUT THE CENTER OF THE TREE PLANTED. A PRE-EMERGENT GRANULAR HERBICIDE WEED-PREVENTER SHOULD BE MIXED WITH MULCH USED TO INSTALL TREE RING AS WELL AS TOPICALLY APPLIED TO COMPLETED INSTALLATION OF TREE RING.
5. MATERIALS - ALUMINUM EDGING: EDGING SHALL BE 1/8" x 4", ALUMINUM EDGING, MILL FINISH. OWNER'S REPRESENTATIVE SHALL APPROVE PRODUCT SPECIFICATION PROVIDED BY LANDSCAPE CONTRACTOR.
6. MATERIALS - TREE PROTECTION: ALL TREES TO BE INSTALLED WITH LDPE TREE GUARDS AS MANUFACTURED BY A.M. LEONARD HORTICULTURAL TOOL & SUPPLY CO., OR APPROVED EQUAL.
7. MATERIALS - (ALTERNATE 1): TREE WATERING BAGS: ALL TREES TO BE INSTALLED WITH ONE (1) WATER BAG. PRODUCT TO BE "TREE GATOR ORIGINAL SLOW RELEASE WATERING BAG," PRODUCT NO. 8983-41 OR APPROVED EQUAL. INSTALL IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS.

SEEDING & SODDING NOTES

1. MATERIALS - TURFGRASS SEED: DISTURBED LAWN AREAS LABELED ON PLAN AS SUCH, SHALL RECEIVE 6" OF TOPSOIL AND EARTH CARPET'S "MADISON PARKS" GRASS SEED, OR EQUIVALENT AS APPROVED BY THE OWNER'S REPRESENTATIVE. INSTALLED PER MANUFACTURER'S RECOMMENDATIONS. IN ADDITION TO TURFGRASS SEED, ANNUAL RYE SHALL BE APPLIED TO ALL DISTURBED AREAS AT A RATE OF 1 1/2 LBS PER 1000 SQUARE FEET. FERTILIZE AND MULCH PER MANUFACTURER'S RECOMMENDATIONS. MULCH SHALL BE CERTIFIED NOXIOUS WEED SEED-FREE.
2. MATERIALS - SOD: DISTURBED LAWN AREAS LABELED ON PLAN AS SUCH, SHALL RECEIVE 6" OF TOPSOIL AND A PREMIUM GRADE TURFGRASS SOD. ONLY IMPROVED TYPES OF SOD (ELITE) ARE ACCEPTABLE. TURFGRASS SHALL BE MACHINE CUT AT A UNIFORM THICKNESS OF .60 INCH, PLUS OR MINUS .25 INCH, AT TIME OF CUTTING. MEASUREMENT FOR THICKNESS SHALL EXCLUDE TOP GROWTH AND THATCH. LARGE ROLL TURFGRASS SOD SHALL BE CUT TO THE SUPPLIER'S STANDARD WIDTH (36-48 INCHES) AND LENGTH. BROKEN PADS AND TORN OR UNEVEN ENDS WILL NOT BE ACCEPTABLE. STANDARD SIZE SECTIONS OF TURFGRASS SOD SHALL BE STRONG ENOUGH SO THAT THEY CAN BE PICKED UP AND HANDLED WITHOUT DAMAGE. TURFGRASS SOD SHALL NOT BE HARVESTED OR TRANSPORTED WHEN MOISTURE CONTENT IS EXCESSIVELY DRY OR WET, AS THIS MAY ADVERSELY AFFECT ITS SURVIVAL. POST-PLANT IRRIGATION WILL BE NECESSARY TO ENSURE SOD STAYS ALIVE AND ROOTS INTO SOIL. THE CONTRACTOR IS RESPONSIBLE FOR WATERING SOD UNTIL TIME OF ACCEPTANCE BY THE OWNER. TURFGRASS SOD SHALL BE HARVESTED, DELIVERED, AND INSTALLED/TRANSPORTED WITHIN A PERIOD OF 24 HOURS. TURFGRASS SOD SHALL BE RELATIVELY FREE OF THATCH, UP TO 0.5 INCH ALLOWABLE (UNCOMPRESSED). TURFGRASS SOD SHALL BE REASONABLY FREE (10 WEEDS/100 SQ. FT.) OF DISEASES, NEMATODES AND SOIL-BORNE INSECTS. ALL TURFGRASS SOD SHALL BE FREE OF GRASSY AND BROAD LEAF WEEDS AND WEED SEED. THE SOD SUPPLIER SHALL MAKE RECOMMENDATIONS TO THE CONTRACTOR REGARDING WATERING SCHEDULE. THE WATERING SCHEDULE SHOULD BEGIN IMMEDIATELY AFTER SOD IS INSTALLED.

CONTRACTOR AND OWNER RESPONSIBILITY NOTES

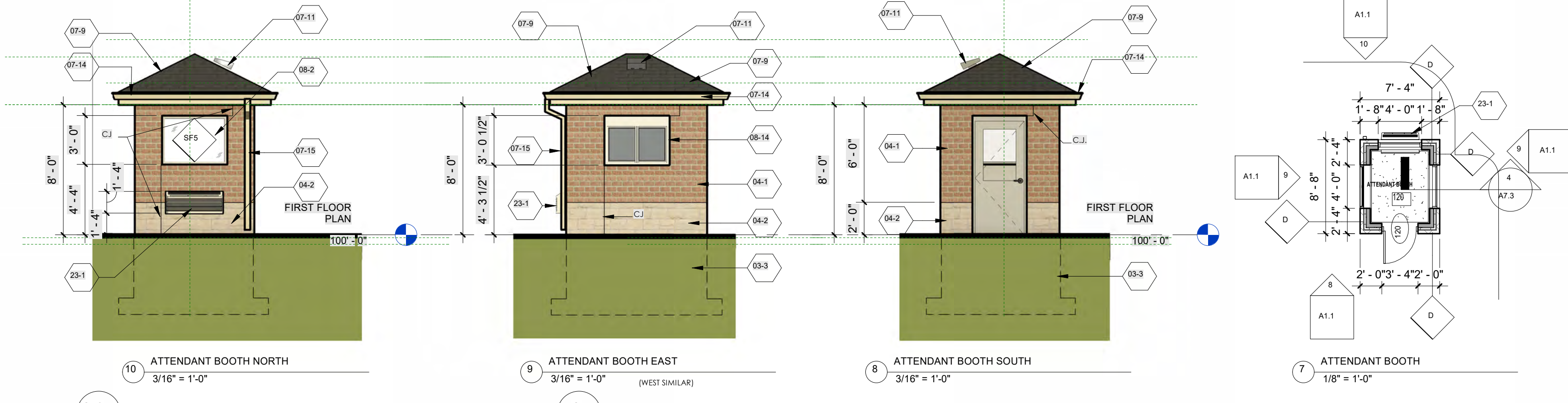
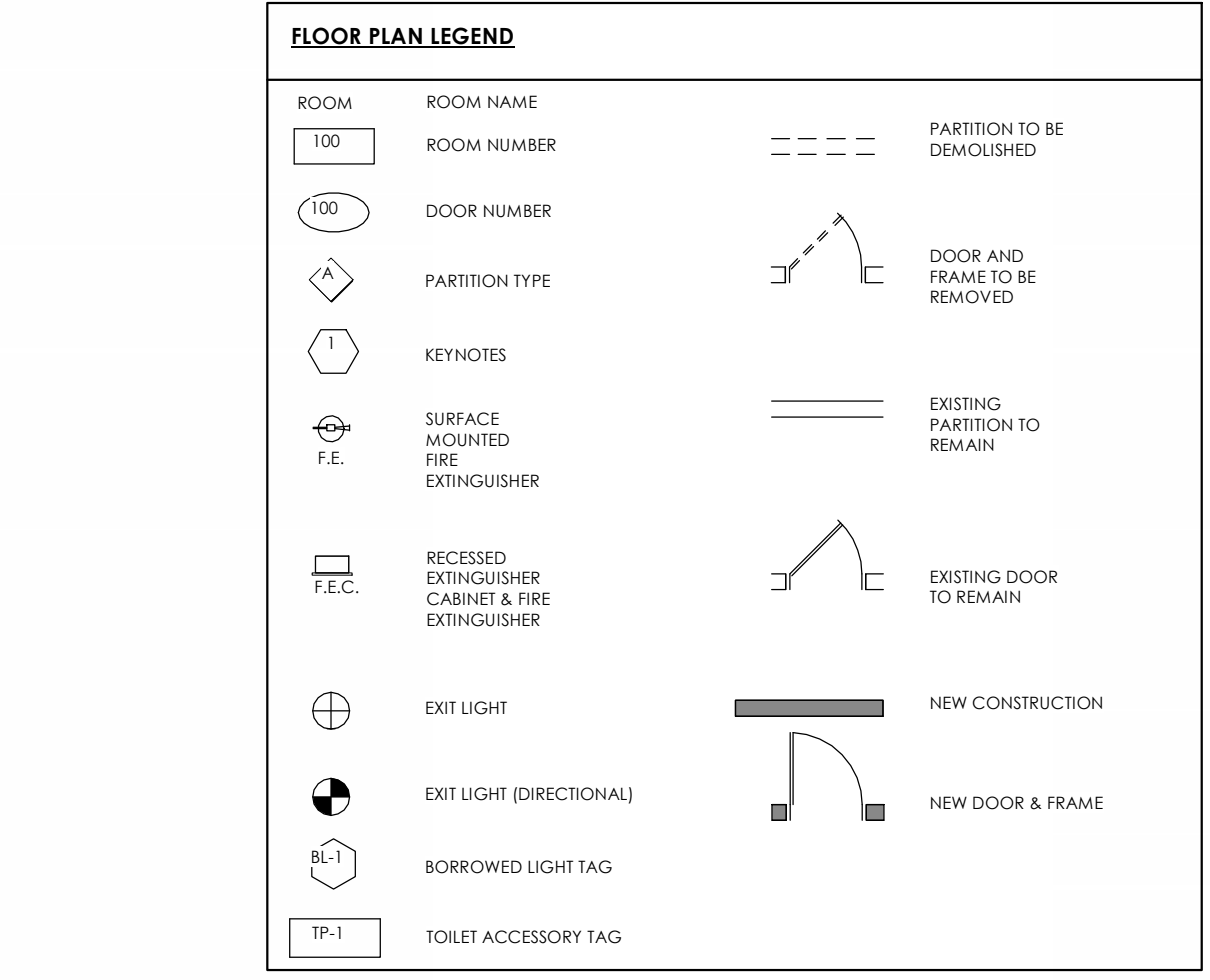
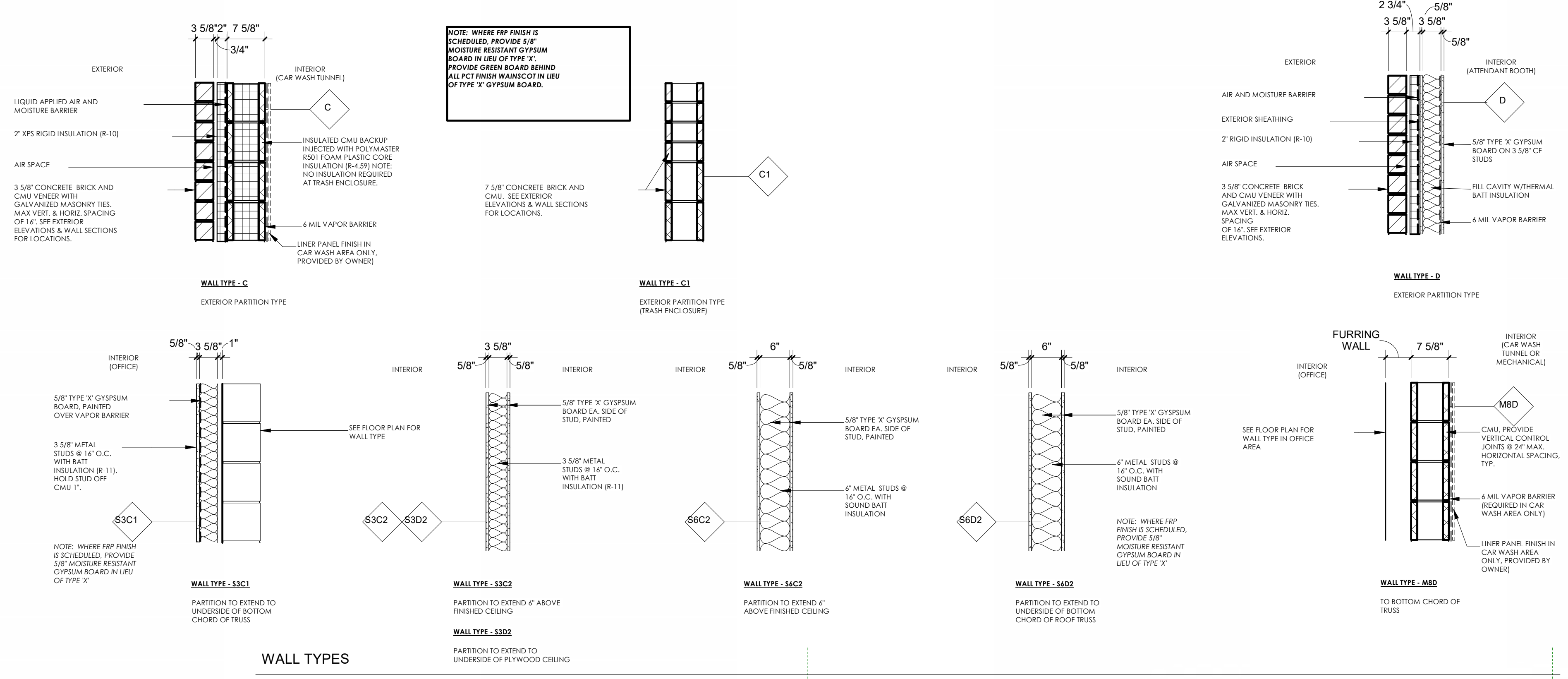
1. GUARANTEE: THE CONTRACTOR SHALL GUARANTEE ALL PLANTS THROUGH ONE (1) YEAR AFTER ACCEPTANCE BY THE OWNER'S REPRESENTATIVE. PLANTS SHALL BE ALIVE AND IN HEALTHY AND FLOURISHING CONDITION AT THE END OF THE GUARANTEE PERIOD. THE CONTRACTOR SHALL REPLACE (AT NO COST TO OWNER) ANY PLANTS THAT ARE DEAD OR NOT IN A VIGOROUS THRIVING CONDITION. REPLACEMENT PLANTS SHALL BE OF THE SAME KIND AND SIZE AS ORIGINALLY SPECIFIED UNLESS OTHERWISE DIRECTED BY OWNER'S REPRESENTATIVE. RESTORE BEDS AS NECESSARY FOLLOWING PLANT REPLACEMENT, INCLUDING BUT NOT LIMITED TO BEDDING, EDGING, MULCH, ETC. REPLACE PLANTS DAMAGED AT TIME OF PLANTING. REPAIR AREAS DISTURBED IN ANY WAY DURING PLANT REPLACEMENT AT NO COST TO OWNER. CONTRACTOR SHALL PROVIDE A ONE (1)-YEAR STRAIGHTENING GUARANTEE FOR ALL TREES.
2. CONTRACTOR IS RESPONSIBLE FOR STAKING THE PLANT MATERIALS FOR REVIEW BY OWNER'S REPRESENTATIVE PRIOR TO DIGGING AND PLACEMENT AND SHALL COORDINATE ALL FINE GRADING AND RESTORATION WITH THE GRADING CONTRACTOR.
3. MAINTENANCE: (CONTRACTOR) FOR ALL PLANTINGS, SEEDED AND/OR SODDED LAWN AREAS. THE CONTRACTOR SHALL MAINTAIN ALL PLANTINGS AND LAWN AREAS FOR A MINIMUM TIME PERIOD OF 60 DAYS, UNTIL FINAL ACCEPTANCE BY OWNER'S REPRESENTATIVE. THE CONTRACTOR IS RESPONSIBLE FOR ADEQUATELY WATERING PLANTS AND LAWN/TURFGRASS DURING THIS 60 DAY ESTABLISHMENT PERIOD. CONTRACTOR IS RESPONSIBLE FOR THE ESTABLISHMENT OF HEALTHY VIGOROUS PLANT MATERIALS AND LAWN/TURFGRASS GROWTH. CONTRACTOR IS ALSO RESPONSIBLE FOR ANY PRUNING OF PLANT MATERIALS, AND SHAPING AND/OR REPLACEMENT OR SUPPLEMENT OF DEFICIENT SHREDDED HARDWOOD BARK MULCH DURING THIS PERIOD. LONG TERM PLANT MATERIALS AND LAWN/TURFGRASS MAINTENANCE AND ANY PROGRAM FOR SUCH IS THE RESPONSIBILITY OF THE OWNER. ALL PLANTINGS AND LAWN/TURFGRASS AREAS SHALL BE MAINTAINED IN A MANICURED CONDITION UNTIL THE TIME WHEN THE OWNER'S ACCEPTANCE IS GIVEN.
4. MAINTENANCE: (OWNER) THE OWNER IS RESPONSIBLE FOR THE CONTINUED MAINTENANCE, REPAIR AND REPLACEMENT OF ALL LANDSCAPING MATERIALS AND WEED BARRIER FABRIC AS NECESSARY FOLLOWING THE ONE (1) YEAR CONTRACTOR GUARANTEE PERIOD.



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05/11/2024

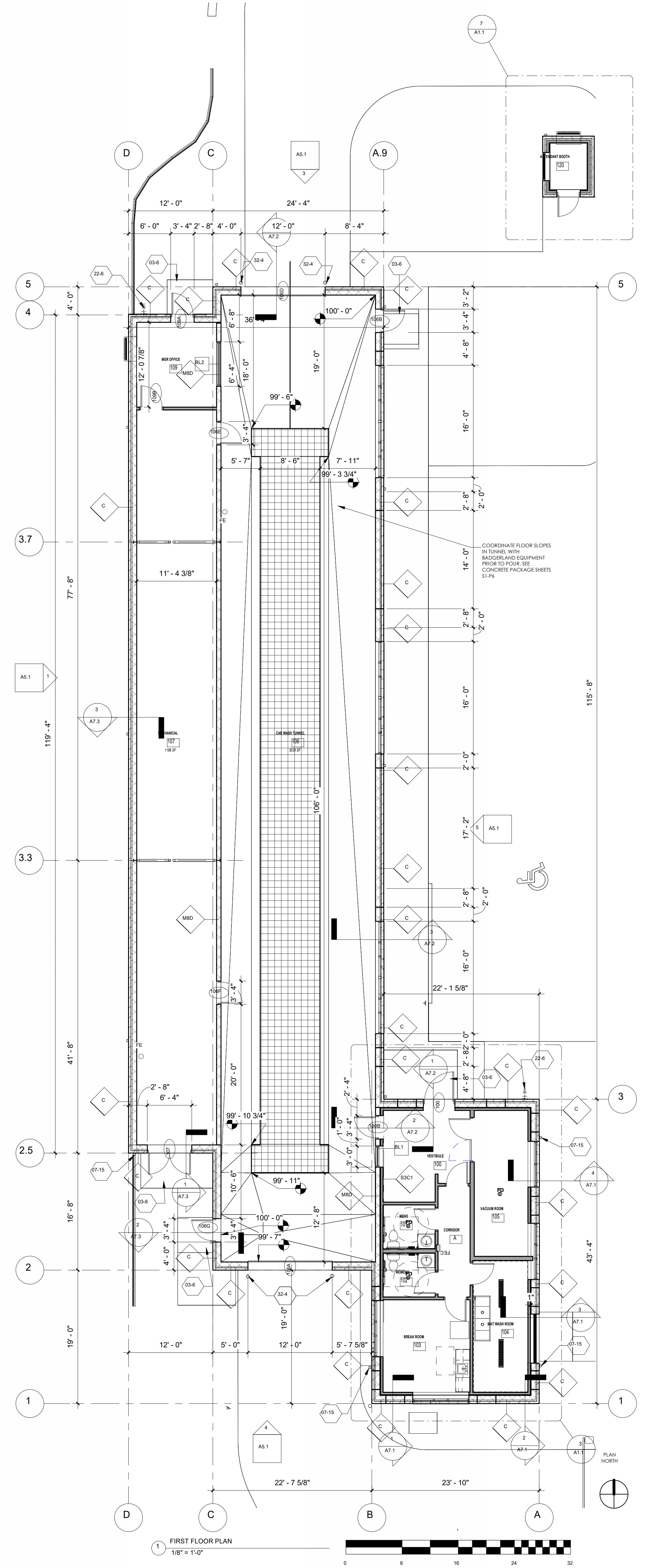
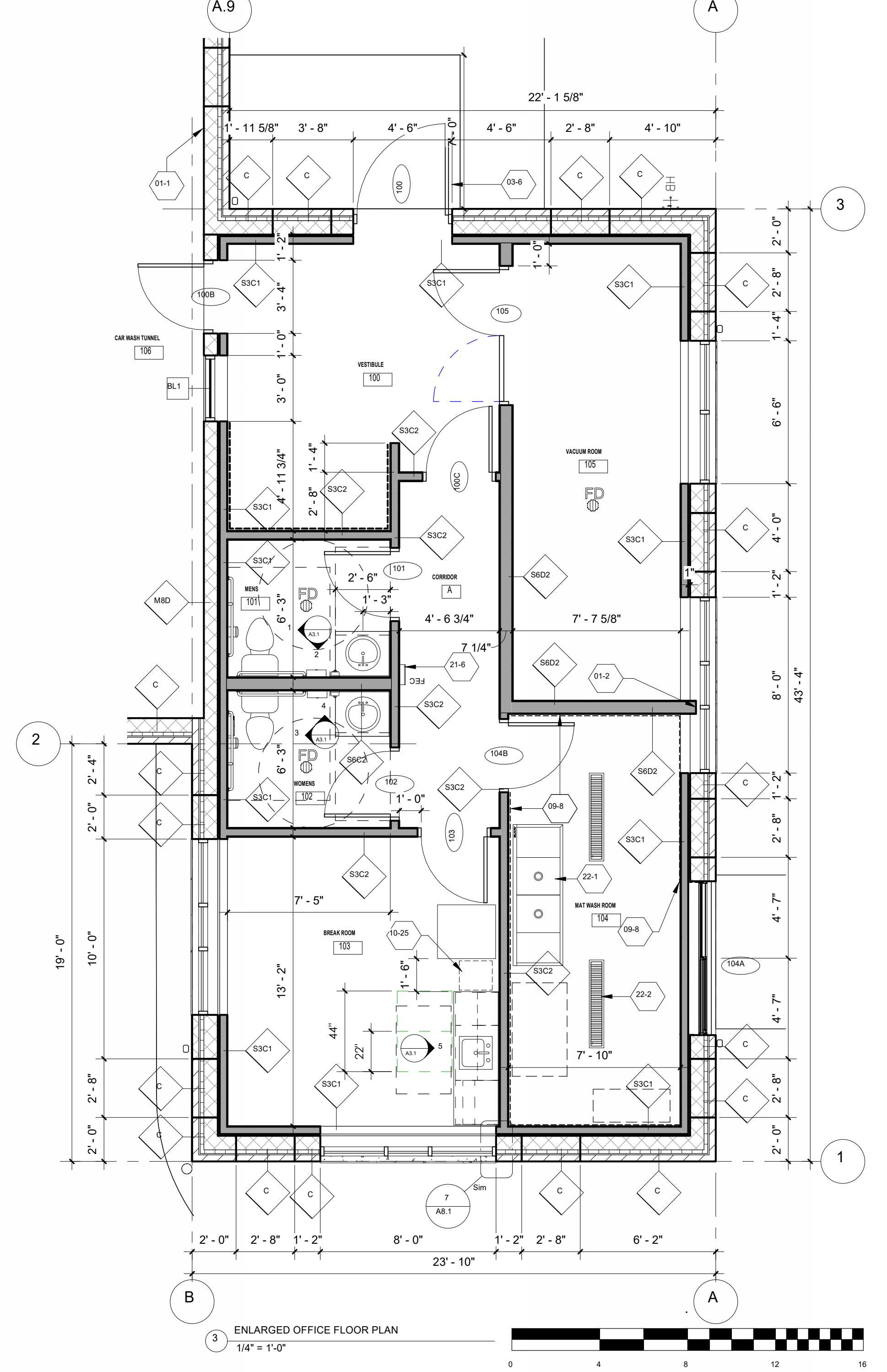


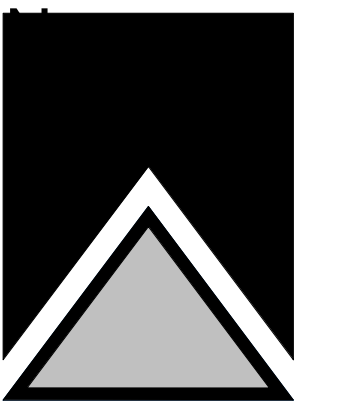
GENERAL NOTES - NEW FLOOR PLAN

- VERIFY ALL CONDITIONS, DIMENSIONS AND ALIGNMENT OF WALLS. BRING ANY DISCREPANCIES TO BRIOH'S ATTENTION PRIOR TO FABRICATION/CONSTRUCTION BEGINS.
- VERIFY LOCATION OF ACCESS PANELS WITH MECHANICAL AND ELECTRICAL DRAWINGS.
- AREA SHALL BE KEPT BROOM CLEAN AND FREE OF DEBRIS DURING CONSTRUCTION.
- SEE EXTERIOR ELEVATIONS FOR WINDOW TYPES.
- SEE SHEET A0.2 FOR ADA REQUIREMENTS AND MOUNTING HEIGHTS.
- SEE SHEET A1.1 FOR PARTITION TYPE.
- EXTERIOR WALLS IN OFFICE AREA TO BE FURRED OUT WITH STUD HELD 1" OFF FACE OF EXTERIOR WALL, CAVITY FILLED WITH BATT INSULATION. SEE FLOOR PLAN FOR PARTITION TYPE.
- FURNITURE AND APPLIANCES PROVIDED BY OWNER AND ARE SHOWN FOR REFERENCE ONLY.
- ALL WALLS TO BE PAINTED PROVIDING FRP WAINSCOT WHERE CALLED FOR.
- ALL FLOORS THROUGH OUT ARE TO BE SEALED CONCRETE WITH CAULKED CONTROL JOINTS.
- EXPOSED STEEL DECK, JOISTS, GIRDERS AND COLUMNS ARE TO BE PRIME GREY.

KEYNOTE LEGEND

VALUE	FLOOR PLAN CODED NOTES
01-1	ALIGN FINISHED SURFACES
01-2	CENTER PARTITION ON STOREFRONT MULLION
03-3	REINFORCED POURED CONCRETE FOUNDATION AND FOOTING (SEE STRUCTURAL DWGS)
03-6	CONCRETE STOOP
04-1	CONCRETE BLOCK - HERITAGE COLLECTION PRE-COLORED - UTILITY SIZE (3 5/8" D X 3 5/8" H X 11 5/8" L - EXCEPT AT BUILDING PIERS LENGTH TO BE 15 5/8" L) - SEE SHEET A6.1 FOR FURTHER EXTERIOR MATERIALS
04-2	CONCRETE BLOCK - HERITAGE COLLECTION PRE-COLORED - (3 5/8" D X 7 5/8" H X 15 5/8" L) - SEE SHEET A6.1 FOR FURTHER EXTERIOR MATERIALS
07-9	ROOF ASSEMBLY: SHINGLES (SEE EXTERIOR ELEVATIONS FOR MANUFACTURER AND COLOR) ON 30# FELT PAPER ON (3) OVERLAPPED LAYERS ICE & WATER SHIELD 6'-0" UP ROOF ON ALL SIDES INCLUDING EAVES AND ALL VALLEYS ON 5/8" PLYWOOD SHEATHING ON WOOD TRUSSES.
07-11	ROOF VENT
07-14	PREFINISHED METAL GUTTER SYSTEM WITH END DAM FLASHING. COLOR TO MATCH FASCIA.
07-15	PROVIDE PRE-FINISHED METAL DOWNSPOUT. COLOR TO MATCH FASCIA.
08-2	CLEAR ANODIZED ALUMINUM STOREFRONT WINDOWS (SEE STOREFRONT LEGEND SHEET A9.1)
08-14	4'-0" X 4'-0" SLIDING TEMPERED WINDOW UNIT
09-8	DASHED LINE: PROVIDE FRP ON 5/8" MOISTURE RESISTANT GYPSUM BOARD. FRP TO EXTEND TO UNDERSIDE OF CEILING.
10-25	OWNER PROVIDED WATER COOLER. G.C. TO PROVIDE UTILITIES.
21-6	PROVIDE SEMI-RECESSED WALL CABINETS / FIRE EXTINGUISHERS. COORDINATE FINAL QUANTITY AND LOCATIONS WITH FIRE MARSHAL.
22-1	PRIMARY ROOF DRAIN
22-2	TRENCH DRAIN (SEE PLUMBING DRAWINGS)
22-6	EXTERIOR FREEZE-PROOF HOSE BIB. REFER TO PLUMBING DRAWINGS. PROVIDE A THERMAL SEPARATION BETWEEN WALL AND PIPE. IF WITHIN INTERIOR FURRING WALL, PROVIDE ACCESS PANEL AT INTERIOR.
23-1	PTAC (PACKAGED TERMINAL AIR CONDITIONER) UNIT. VERIFY ROUGH OPENING REQUIREMENTS. PROVIDE AT WEST SIDE OF BOOTH AND AT MANAGER OFFICE SOUTH WALL. 4' DIAMETER 3'-4" TALL CONCRETE FILLED STEEL PIPE BOLLARD(S). PAINTED TO MATCH CONCRETE BLOCK VENEER.
32-4	





REFLECTED CEILING AND ROOF PLANS

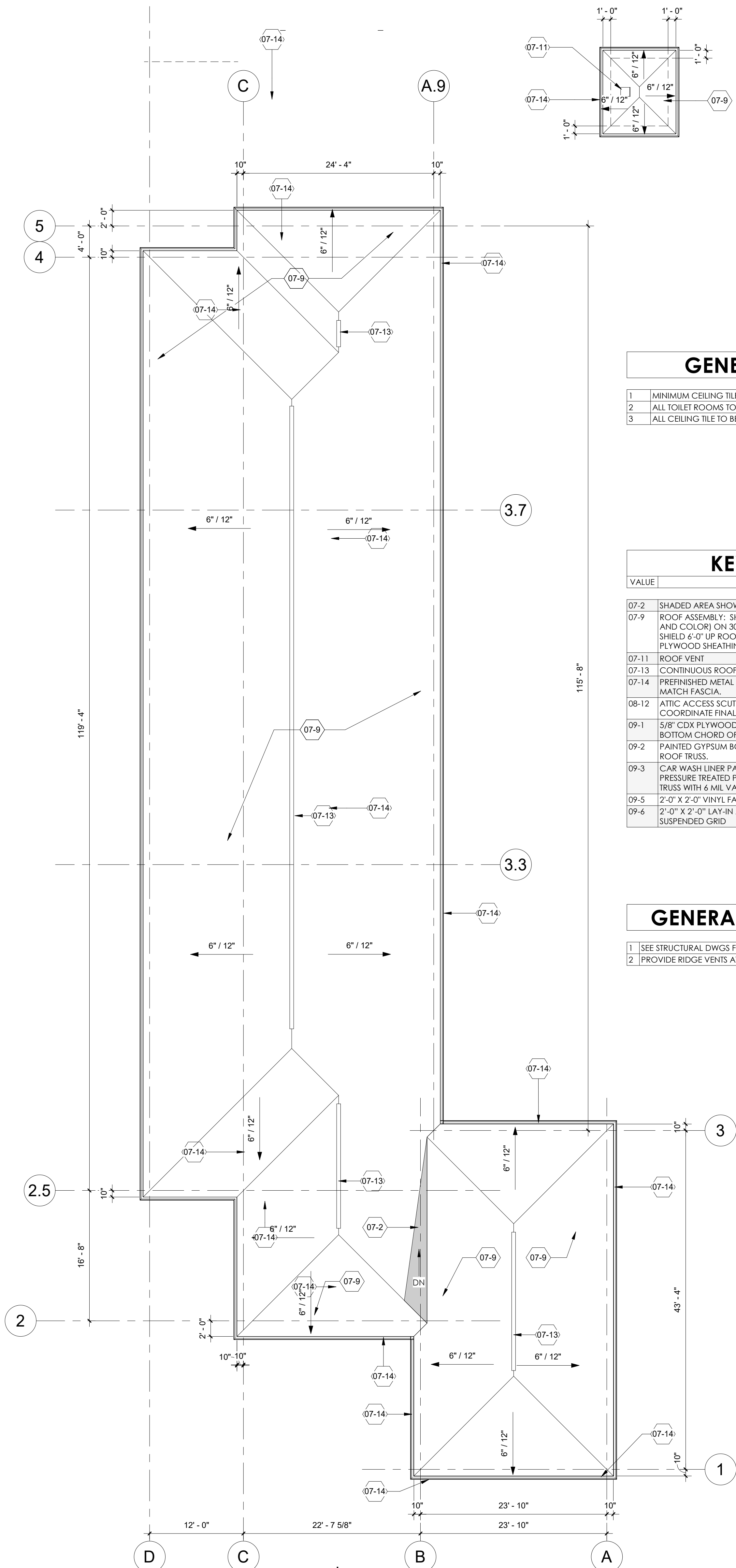
PROPOSED:
JILLYS CAR WASH
51ST & RAWSON AVENUE
FRANKLIN, WI

Revision	Date

JOB: 3455
DRAWN: CJR
CHECKED: CWJ
DATE: 2024-04-08

REFLECTED CEILING PLAN LEGEND

ROOM NAME ROOM NUMBER	ROOM NAME ROOM NUMBER
PLAN NOTES	PLAN NOTES
EXIT LIGHT	EXIT LIGHT
2'X2' SUSPENDED ACOUSTICAL CEILING TILE SYSTEM	2'X2' SUSPENDED ACOUSTICAL CEILING TILE SYSTEM
GYPSUM BOARD CEILING SYSTEM	GYPSUM BOARD CEILING SYSTEM
PAINTED PRESSURE TREATED PLYWOOD FINISH	PAINTED PRESSURE TREATED PLYWOOD FINISH
CAR WASH LINER CEILING PANEL	CAR WASH LINER CEILING PANEL



GENERAL NOTES - RCP

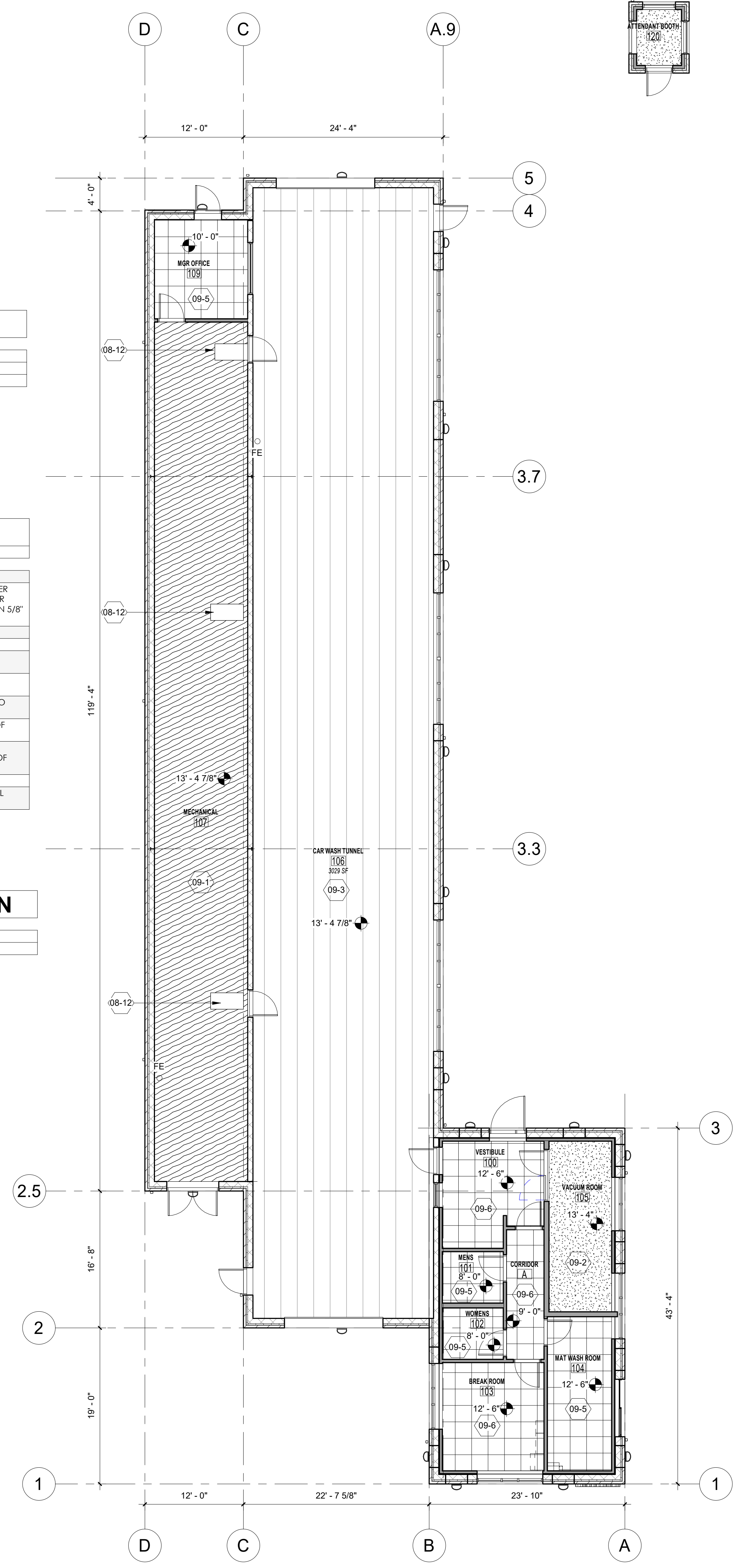
- MINIMUM CEILING TILE WIDTH TO BE 4" AT WALLS AND AT CLOSURES
- ALL TOILET ROOMS TO HAVE VINYL COATED ACOUSTICAL CEILING TILE
- ALL CEILING TILE TO BE 2'-0"x2'-0" SET IN METAL GRIDS.

KEYNOTE LEGEND

VALUE	FLOOR PLAN CODED NOTES
07-2	SHADED AREA SHOWS CRICKET TO SLOPE TO ROOF COLLECTOR BOX
07-9	ROOF ASSEMBLY: SHINGLES (SEE EXTERIOR ELEVATIONS FOR MANUFACTURER AND COLOR) ON 30# FELT PAPER ON (3) OVERLAPPED LAYERS ICE & WATER SHIELD 6" UP ROOF ON ALL SIDES INCLUDING EAVES AND ALL VALLEYS ON 5/8" PLYWOOD SHEATHING ON WOOD TRUSSES.
07-11	ROOF VENT
07-13	CONTINUOUS ROOF RIDGE VENT PER ROOF SHINGLE MANUFACTURER
07-14	PREFINISHED METAL GUTTER SYSTEM WITH END DAM FLASHING. COLOR TO MATCH FASCIA.
08-12	ATTIC ACCESS SCUTTLE LOCATED ADJACENT TO MAN DOOR OPENING. COORDINATE FINAL LOCATION WITH EQUIPMENT LAYOUT.
09-1	5/8" CDX PLYWOOD CEILING FINISH ON 6 MIL VAPOR BARRIER MOUNTED TO BOTTOM CHORD OF ROOF TRUSS.
09-2	PAINTED GYPSUM BOARD CEILING FINISH MOUNTED TO BOTTOM CHORD OF ROOF TRUSS.
09-3	CAR WASH LINER PANEL CEILING FINISH (BY EQUIPMENT SUPPLIER) ON 5/8" PRESSURE TREATED PLYWOOD SHEATHING MOUNTED TO BOTTOM CHORD OF TRUSS WITH 6 MIL VAPOR BARRIER ABOVE
09-5	2'-0" X 2'-0" VINYL FACED ACT CEILING THIS ROOM
09-6	2'-0" X 2'-0" LAY-IN ACOUSTICAL CEILING TILES WITHIN A 9/16" WHITE METAL SUSPENDED GRID

GENERAL NOTES - ROOF PLAN

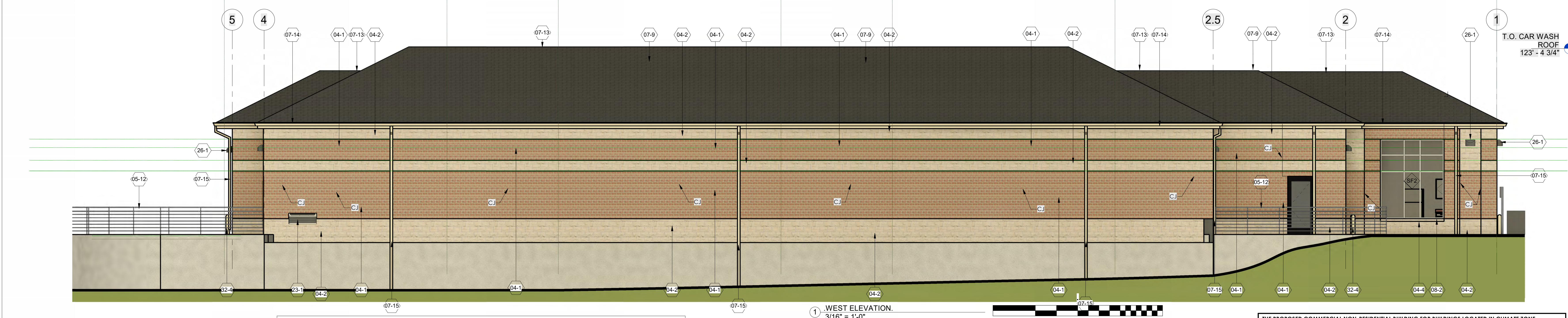
- SEE STRUCTURAL DWGS FOR FURTHER STRUCTURAL INFORMATION.
- PROVIDE RIDGE VENTS AT ALL ROOF RIDGES



2 ROOF PLAN
1/8" = 1'-0"

1 FIRST FLOOR PLAN
1/8" = 1'-0"





KEYNOTE LEGEND
 FLOOR PLAN CODED NOTES

VALUE	DESCRIPTION
04-1	CONCRETE BRICK - HERITAGE COLLECTION PRE-COLORED - UTILITY SIZE (3 5/8" D X 3 5/8" H X 11 5/8" L - EXCEPT AT BUILDING PIERS LENGTH TO BE 15 5/8" L) - SEE SHEET A6.1 FOR FURTHER EXTERIOR MATERIALS
04-2	CONCRETE BLOCK - HERITAGE COLLECTION PRE-COLORED - (3 5/8" D X 7 5/8" H X 15 5/8" L) - SEE SHEET A6.1 FOR FURTHER EXTERIOR MATERIALS
04-4	STONE SILL
05-12	PROVIDE PAINTED PIPE GUARDRAIL PER 2015 IBC/OSHA/ANSI REQUIREMENTS. MOUNT ON TOP OF RETAINING WALL (SEE CIVIL DRAWINGS)
07-3	PRE-FINISHED ALUMINUM FINISHED FASCIA
07-9	ROOF ASSEMBLY: SHINGLES (SEE EXTERIOR ELEVATIONS FOR MANUFACTURER AND COLOR) ON 30# FELT PAPER ON (3) OVERLAPPED LAYERS ICE & WATER SHIELD 6'-0" UP ROOF ON ALL SIDES INCLUDING EAVES AND ALL VALLEYS ON 5/8" PLYWOOD SHEATHING ON WOOD TRUSSES.
07-13	CONTINUOUS ROOF RIDGE VENT PER ROOF SHINGLE MANUFACTURER
07-14	PRE-FINISHED METAL GUTTER SYSTEM WITH END DAM FLASHING. COLOR TO MATCH FASCIA.
07-15	PROVIDE PRE-FINISHED METAL DOWNSPOUT. COLOR TO MATCH FASCIA.
08-1	CLEAR ANODIZED ALUMINUM STOREFRONT ENTRY SYSTEM (SEE STOREFRONT LEGEND SHEET A9.1)
08-2	CLEAR ANODIZED ALUMINUM STOREFRONT WINDOWS (SEE STOREFRONT LEGEND SHEET A9.1)
08-3	AUTOMATIC SLIDING DOOR (SEE DOOR SCHEDULE)
08-20	INSULATED FACTORY PRE-FINISHED STEEL OVERHEAD DOOR AND FRAME
22-6	EXTERIOR FREEZE-PROOF HOSE BIB. REFER TO PLUMBING DRAWINGS. PROVIDE A THERMAL SEPARATION BETWEEN WALL AND PIPE. IF WITHIN INTERIOR FURRING WALL PROVIDE ACCESS PANEL AT INTERIOR.
23-1	PTAC (PACKAGED TERMINAL AIR CONDITIONER) UNIT. VERIFY ROUGH OPENING REQUIREMENTS. PROVIDE AT WEST SIDE OF BOOTH AND AT MANAGER OFFICE SOUTH WALL.
26-1	EXTERIOR WALL MOUNTED LIGHT FIXTURE. SEE ELECTRICAL DRAWINGS.
32-4	6" DIAMETER X 4'-0" TALL CONCRETE FILLED STEEL PIPE BOLLARD(S). PAINTED TO MATCH CONCRETE BLOCK VENEER.

THE PROPOSED COMMERCIAL NON-RESIDENTIAL BUILDING FOR BUILDINGS LOCATED IN CLIMATE ZONE 6(A) - PER IECC 2015 WITH AMENDMENTS FOR PRESCRIPTIVE OPTION - OPAQUE ELEMENT MAXIMUM U-FACTORS: SUBSTITUTE 2009 IECC TABLE 502.1.2 FOR 2015 IECC TABLE C402.1.4

ROOFS - PROPOSED ROOF INSULATION IN ATTIC SPACE: R-38 REQUIRED AND R-40 PROVIDED MEETS OR EXCEEDS CODE MINIMUM.

WALLS ABOVE GRADE PROPOSED EXTERIOR WALL - MASS (BRICK VENEER ON CMU) R-13.3ci REQUIRED AND R-14.5 - 25.5ci PROVIDED MEETS OR EXCEEDS CODE MINIMUM.

SLAB-ON-GRADE FLOORS - PROPOSED UNHEATED SLABS R-10 FOR 24 INCHES BELOW REQUIRED AND R-10 FOR 24 INCHES OR MORE PROVIDED MEETS OR EXCEEDS CODE MINIMUM.

PER 2015 IECC TABLE C402.4 BUILDING ENVELOPE REQUIREMENTS: FENESTRATION VERTICAL FENESTRATION (40% MAXIMUM ALLOWED ABOVE GRADE) 23% ACTUAL PROVIDED, REQUIRED U-FACTOR .36. ACTUAL PROVIDED .29 AND SHGC .41

ENTRANCE DOORS: REQUIRED U-FACTOR OF .77 ACTUAL .60 PROVIDED.

PER 2015 IECC:

C402.5 AIR LEAKAGE THERMAL ENVELOPE. PROPOSED BUILDING COMPLIES.

C402.5.1 AIR BARRIER PER C402.5.1.2.1 MATERIALS SEE EXCEPTION 13 CAST-IN-PLACE AND PRECAST CONCRETE. PROPOSED BUILDING COMPLIES.

C402.5.2 AIR LEAKAGE FENESTRATION SEE EXCEPTION 1. FIELD FABRICATED FENESTRATION ASSEMBLIES THAT ARE SEALED IN ACCORDANCE WITH SECTION C402.5.1. PROPOSED BUILDING COMPLIES.

C402.5.3 ROOMS CONTAINING FUEL - BURNING APPLIANCES EXCEPTION 1. DIRECT VENT APPLIANCES WITH BOTH INTAKE AND EXHAUST PIPES INSTALLED CONTINUOUS TO OUTSIDE. PROPOSED BUILDING COMPLIES.

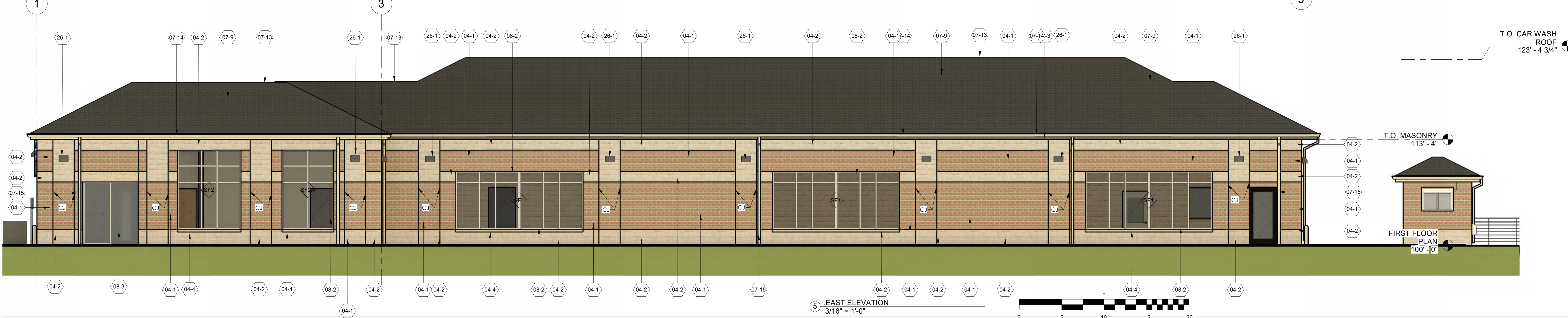
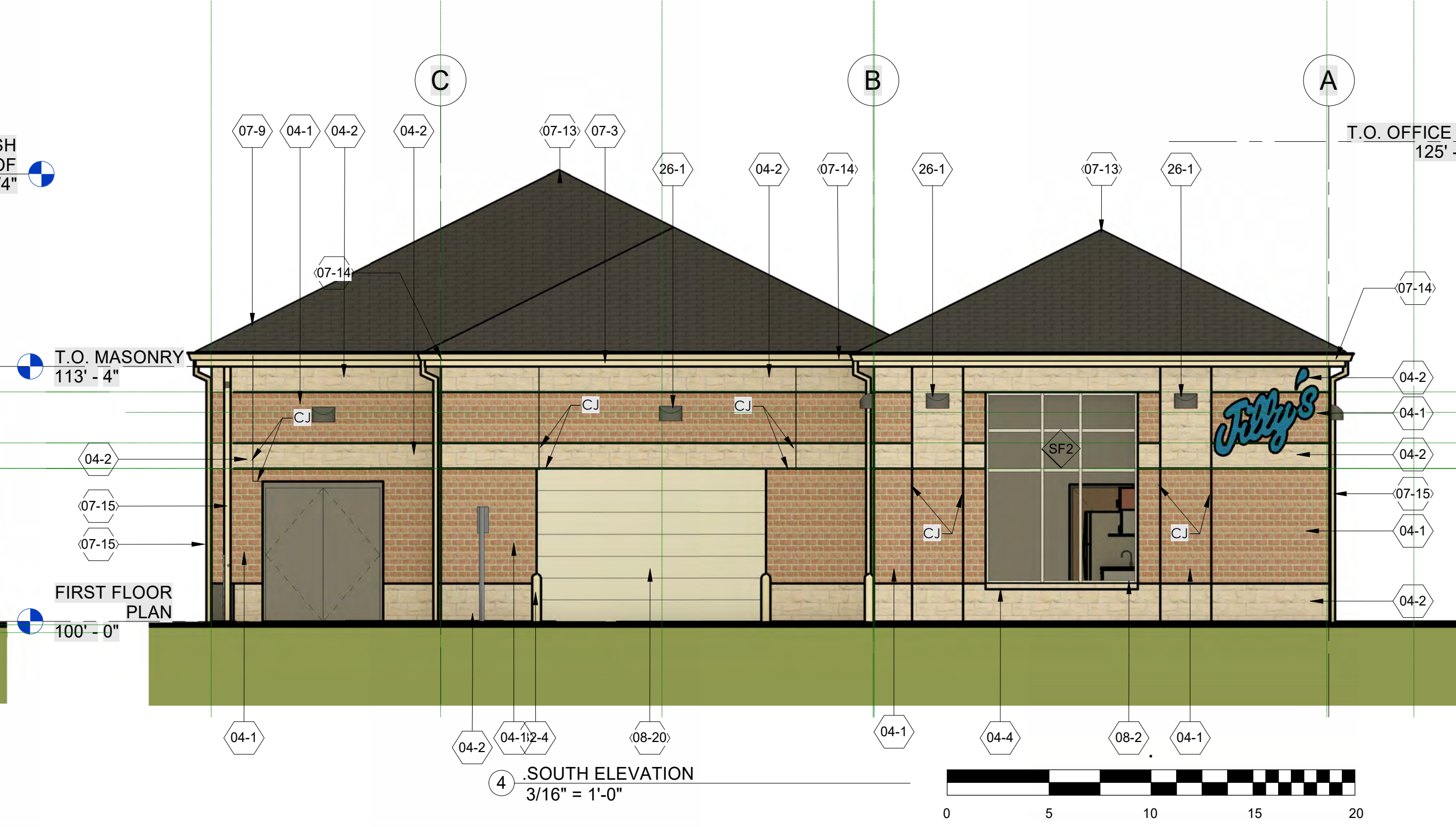
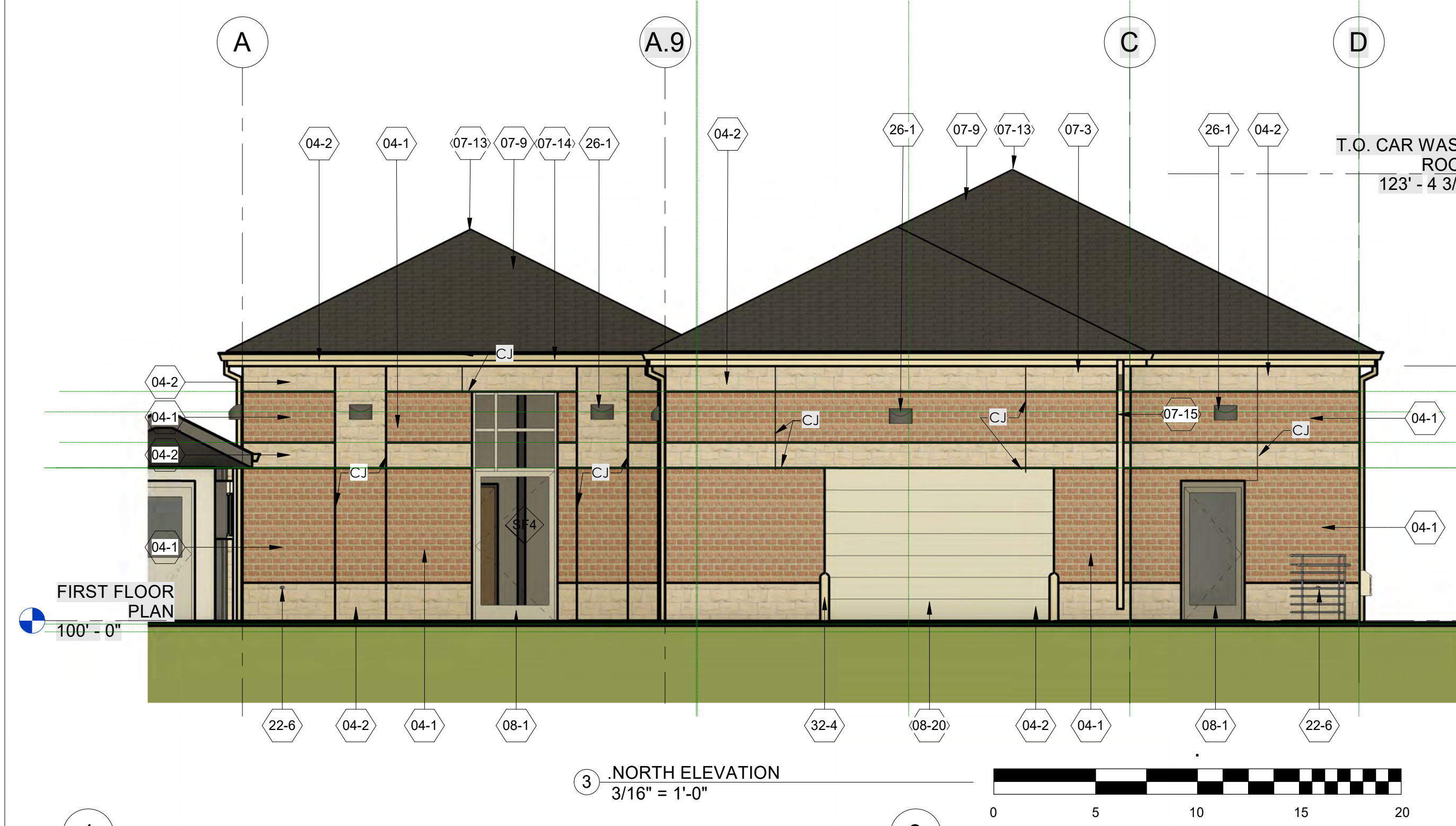
C402.5.4 DOORS AND ACCESS OPENINGS TO SHAFTS, CHUTES, STAIRWAYS AND ELEVATOR LOBBIES. NOT APPLICABLE TO PROPOSED BUILDING.

C402.5.5 AIR INTAKES, EXHAUST OPENINGS, STAIRWAYS AND SHAFTS. IF REQUIRED TO BE DAMPERED. PROPOSED BUILDING COMPLIES.

C402.5.6 LOADING DOCK WEATHER SEALS TO BE PROVIDED FOR LOADING DOCK DOORS. PROPOSED BUILDING COMPLIES.

C402.5.7 VESTIBULES EXCEPTION 2. DOORS NOT INTENDED TO BE USED BY THE PUBLIC, SUCH AS DOORS TO MECHANICAL OR ELECTRICAL EQUIPMENT ROOMS, ON INTENDED SOLELY FOR EMPLOYEE USE. EXCEPTION 4 DOORS THAT OPEN DIRECTLY FROM A SPACE LESS THAN 3,000 SQUARE FEET IN AREA. EXCEPTION 6 DOORS USED PRIMARILY TO FACILITATE VEHICULAR MOVEMENT OR MATERIAL HAND LINE AND ADJACENT PERSONAL DOORS. PROPOSED BUILDING COMPLIES.

C402.5.8 RECESSED LIGHTING. NOT APPLICABLE TO PROPOSED BUILDING.

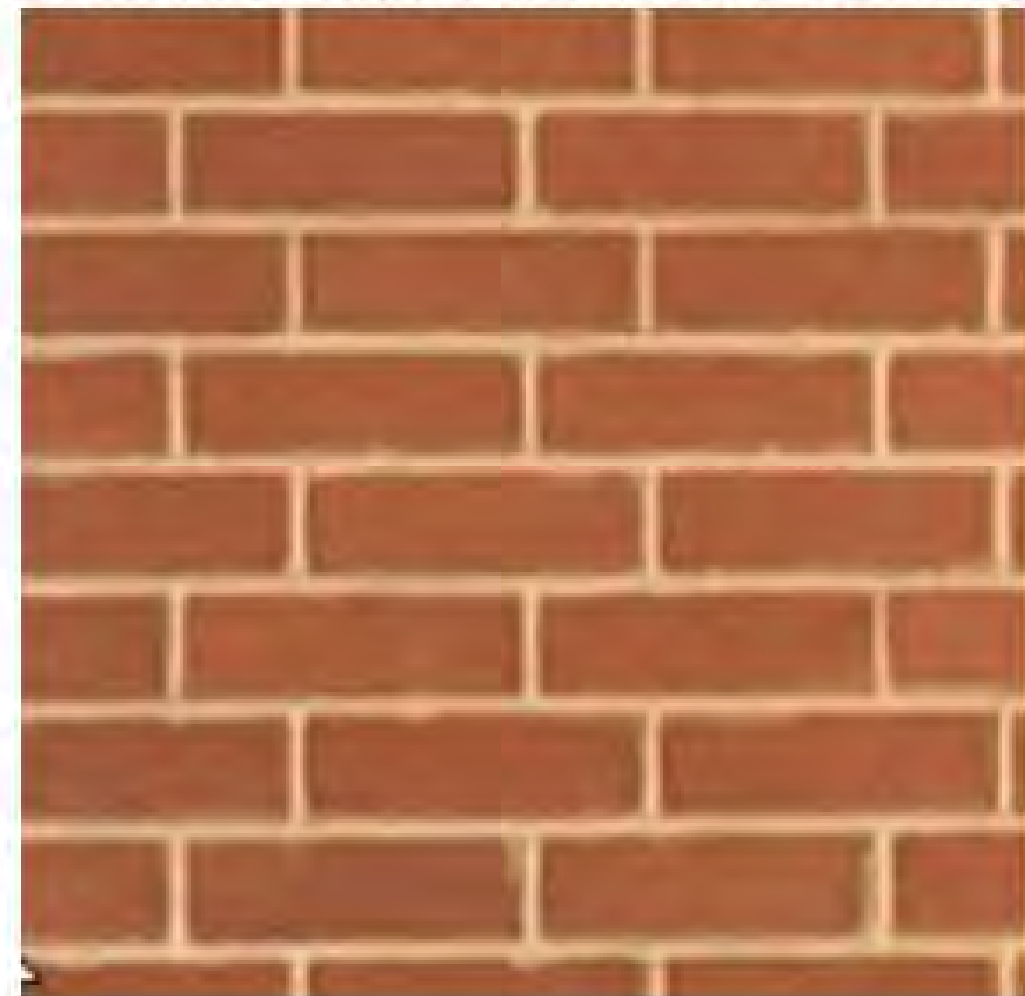


FIRST FLOOR PLAN
 100' - 0"

FIRST FLOOR PLAN
 100' - 0"

FIRST FLOOR PLAN
 100' - 0"

CONCRETE BRICK - HERITAGE COLLECTION PRE-COLORED - UTILITY SIZE (11 5/8" x 3 5/8" x 3 5/8")



CONCRETE BLOCK - HERITAGE COLLECTION PRE-COLORED - 15 5/8" x 7 5/8" x 3 5/8"



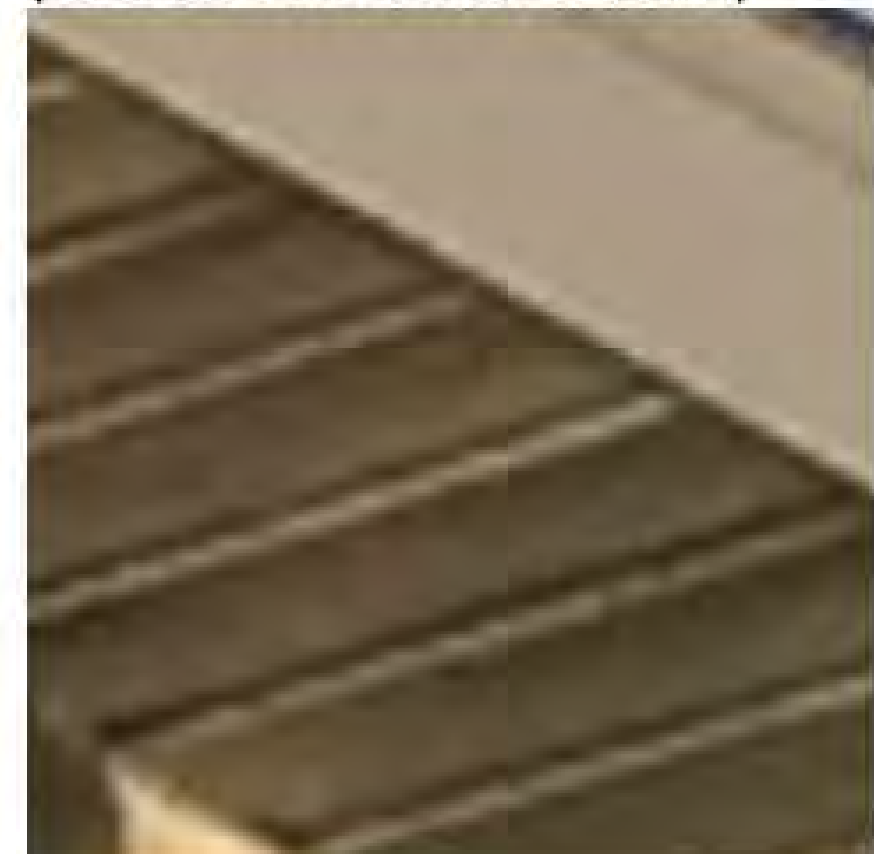
CLEAR ANODIZED STOREFRONT WINDOW WITH THERMALLY BROKEN CLEAR ANODIZED FRAME AND 1" CLEAR AGC LOW E #3 GLASS (TEMPERED WHERE REQUIRED PER CODE)



E4 FASCIA - PRE FINISHED METAL



SOFFIT - PRE FINISHED ALUMINUM SOFFIT PANELS WITH CONTINUOUS VENTS (COLOR TO MATCH FASCIA)



PAINTED HOLLOW METAL SERVICE DOOR AND FRAME (COLOR TO MATCH ADJACENT MASONRY).



PREFINISHED METAL DOWNSPOUT AND GUTTER SYSTEM

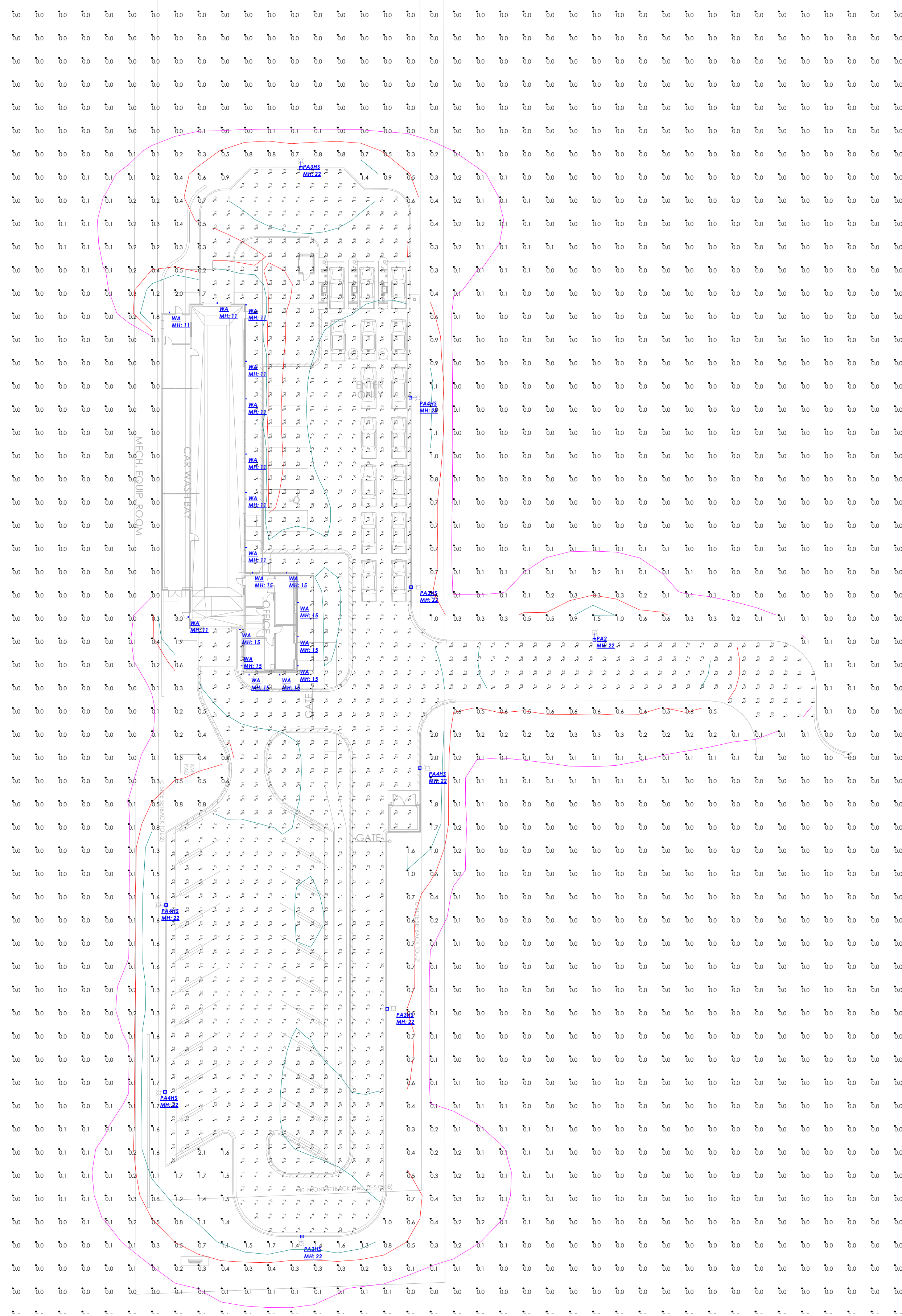


EXTERIOR MOUNTED WALL SCONCE



GAF TIMBERLINE GAF TIMBERLINE NATURAL SHADOW ARCHITECTURAL ASPHALT SHINGLES






Calculation Summary							
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
PARKING - DRIVE	Illuminance	Fc	1.53	6.0	0.1	15.30	60.00
SITE	Illuminance	Fc	0.09	3.0	0.0	N.A.	N.A.

Luminaire Schedule								
Symbol	Qty	Label	Manufacturer	Description	Arrangement	Lum. Lumens	Lum. Watts	LLF
☐	1	PA2	COOPER LIGHTING SOLUTIONS - LUMARK (FORMERLY EATON)	PRV-C25-D-UNV-T2-BZ	Single	13205	96	0.900
☐	4	PA3HS	LUMARK	PRV-C15-D-UNV-T3-BZ-HSS	Single	6460	52	0.900
☐	4	PA4HS	LUMARK	PRV-C25-D-UNV-T4-BZ-HSS	Single	11933	96	0.900
☐	18	WA	LUMARK	XTOR1B-W	Single	1397	12.2	0.900

- Standard Reflectance of 80/50/20 unless noted otherwise
- Not a Construction Document, for Design purposes only
- Standard indoor calc points @ 30" A.F.F. unless noted otherwise
- Standard outdoor calc points @ Grade unless noted otherwise
- Egress calc points @ 0' A.F.F.
- Mlazgar Associates assumes no responsibility for installed light levels due to field conditions, etc.

Miller Electrical Enterprises, Inc.
 State Licensed Electrical Contractor & Designer
 Free Estimates
 Fully bonded & Insured



RIMA Project #: 135674
 Drawn By: EP
 Date: 3/29/2024
 Scale: 1"=30'-0"

PHOTOMETRIC SITE PLAN
 JILLYS CARWASH
 FRANKLIN, WI



CITY OF FRANKLIN
REPORT TO THE PLAN COMMISSION

Item E.2

Meeting of May 23, 2024

Unified Development Ordinance (UDO) Text Amendment

RECOMMENDATION: City Development Staff recommends approval of the attached ordinance to amend Section 15-9.0401 of the Unified Development Ordinance (UDO) to update the fee schedule for zoning and land division procedures, and to schedule a public hearing as required by the UDO.

Table with 2 columns: Field Name and Value. Fields include Project Name, Project Address, Prepared by, and Action Requested.

City Development staff is proposing the following updates and changes to the fee schedule for zoning and land division procedures:

- 1. Adjusting for inflation. For most applications as the fee schedule hasn't been updated in 20 years.
2. Increasing filing fees over inflation rate. For select legislative applications and natural resource related applications.
3. Adding developer's deposit. Only for Planned Development District PDD and Preliminary Plat applications.
4. New filing fee for easements.
5. Adding two tiers for floodplain land use permits.

Below is a list of previous meetings for this text amendment, as well as anticipated meetings:

- On April 3, 2023, City Development staff presented an update to only adjust filing fees for inflation. The Common Council tabled this item and directed staff to compare the city's fee schedule with those of other communities. The Plan Commission also held a public hearing for this item on March 23, 2023.
On March 21, 2024, City Development staff presented a previous version which stated that the applicant would be responsible for consulting fees or staff hours, so the city would bill applicants after the review is completed. The Engineering Department currently uses a similar process for stormwater management plans and other reviews. After a public hearing, the Plan Commission recommended a developer's deposit to be paid by the applicant upfront.
Tonight's meeting is for feedback from the Plan Commission.
If the Plan Commission recommends to move forward with this text amendment, a public hearing would be scheduled as required by the UDO.
Common Council meeting for decision.

City Development staff revised the report and ordinance based on comments from the previous Plan Commission meeting:

- Developer’s deposit rather billing applicants after the review is completed. The proposed fee schedule states that a \$3,000 developer’s deposit is required at the time of submittal, only for Planned Development Districts PDDs and preliminary plats.
- To clarify on a question from the commission, the developer’s deposit is for outside consulting fees or staff hours of the Department of City Development. This approach avoids the administrative burden of tracking time for all departments involved in the routing process (Engineering, Inspection Services, Fire, Police, City Attorney and Health).
- Current fees column (2004) deleted from the proposed ordinance.
- The comparison table now has a wider selection of application types.

Adjusting for inflation

This proposal is to adjust the application fees to current prices with the Consumer Price Index (CPI) of the U.S. Bureau of Labor Statistics. The last update to the fee schedule was in 2004, the average increase from January 2004 to March 2024 is approximately 1.7 times using the CPI Inflation Calculator available at the website of the U.S. Bureau of Labor Statistics, for example, a fee of \$100 in January 2004 is approximately \$170 in March 2024.

Proposed Fee Schedule

Zoning and Land Division Administrative Fee Schedule	2004	2024	Proposed change
Rezoning	\$1,250	\$2,500	Increasing filling fee
Rezoning (1 Parcel Res.)	\$350	\$600	Adjusting for inflation
Text Amendments	\$200	\$1,250	Increasing filling fee
Site Plan Review (Tier 1)	\$2,000	\$3,400	Adjusting for inflation
Site Plan Review (Tier 2)	\$1,000	\$1,700	"
Site Plan Review (Tier 3)	\$500	\$850	"
Conceptual Review	\$250	\$420	"
Variance Requests/Appeals	\$250	\$420	"
Special Exception (Bulk and Area)	\$300	\$500	"
Special Exception (Natural Resource)	\$500	\$1,000	Increasing filling fee
Special Use Permit	\$1,500	\$2,500	Adjusting for inflation
Special Use Under 4,000 square feet	\$750	\$1,250	"
Amendment to Special Use in Good Standing	\$n/a	\$n/a	none
Amendment	\$1,000	\$1,700	Adjusting for inflation
SU Renewal (Annual)	\$300	\$500	"
Multi-year Renewal	\$1,000	\$1,700	"
PDD	\$6,000	\$6,000 plus developer's deposit*	Adding developer's deposit
PDD Amendment (Major)	\$3,500	\$5,900	Adjusting for inflation
PDD Amendment (Minor)	\$500	\$850	"
Certified Survey Map	\$1,500	\$2,500	"

Zoning and Land Division Administrative Fee Schedule	2004	2024	Proposed change
Subdivision Preliminary Plat	\$5,000	\$5,000 plus developer's deposit*	Adding developer's deposit
Subdivision Final Plat	\$1,000	\$1,700	Adjusting for inflation
Plat Affidavit of Correction	\$125	\$210	"
Land Combination Permit	\$400	\$675	"
Building Move Request	\$200	\$350	"
Right-of-Way Vacation	\$300	\$500	"
Home Occupation	\$50	\$85	"
Zoning Compliance	\$100	\$170	"
Zoning letter	\$75	\$125	"
Miscellaneous	\$125	\$210	"

NEW

Easement	no fee	\$200	New fee
Comprehensive Master Plan amendment	\$125	\$1,250	Increasing filing fee
Floodplain Land use permit	\$125	\$500	New tier
Floodplain Land use permit - 1 Parcel Residential	\$125	\$210	Adjusting for inflation

(*) Planned Development District (PDD) and Preliminary Plat applications: a \$3,000 developer's deposit is required in addition to filing fees at the time of submittal, it may require replenishment.

Increasing filing fees over inflation rate

Due to the relevance of the comprehensive plan and the zoning ordinance as city policies, staff is proposing an increase higher than inflation to comprehensive master plan amendments, rezonings and zoning ordinance text amendments. Note that the city's current fee for comprehensive master plan amendments is the lowest among selected communities (see comparison table).

It's worth noting that for applications with potential impacts to natural resources such as Natural Resource Special Exceptions NRSE and floodplain land use permits, staff is proposing an increase higher than the accumulated inflation. For example, NRSE applications are intensive in staff hours as these applications require at least three commission meetings: Environmental Commission, Plan Commission with public hearing and Common Council.

Developer's deposit

Based on feedback from the previous Plan Commission meeting, staff is proposing a developer's deposit with the following process:

- The applicant pays filing fee and developer's deposit at the time of submittal.
- City staff creates an escrow account for the developer's deposit.
- City Development staff tracks time for the following activities: preparation of review comments, staff report, drafting resolution and/or ordinance, correspondence with applicant, meetings with applicants as well as boards/commission meetings.

- City Developments staff stops tracking time when staff informs the applicant about the decision of the governing body on the subject application. The developer’s deposit cannot be used for post-approval follow-up on conditions of approval.
- City staff issues a refund of the deposit’s remaining balance.
- If the developer’s deposit is depleted before a decision is made, it requires replenishment in the amount establish by the ordinance (\$3,000).

Given the administrative burden of tracking deposits for the Department of City Development and Finance Department, staff is proposing the developer’s deposit only for applications that are typically associated with complex projects: Planned Developments Districts PDDs and Preliminary Plats. It would be inconvenient for staff to keep track of numerous deposits. For example, the Department of City Developments typically receives over 200 applications per year while PDDs and preliminary plat are normally less than 10.

City Development staff consulted fee schedules of five Wisconsin cities (Fitchburg, Kewaunee, Mequon, Muskego and Oak Creek). Staff noticed that all fee schedules (except Oak Creek) indicate that the applicant is responsible for separate consulting fees or city staff hours.

Table for comparison of filing fees, select application types

Prepared by City Development Staff based on fee schedules of selected cities

Application	Franklin 2024 (proposed)	Franklin 2004 (current)	Fitchburg	Kewaunee	Mequon	Muskego	Oak Creek
Final Plat	\$1,700	\$1,000	\$575 + \$165/parcel "Subdivider to pay all engineering, inspection, consulting & legal fees"	\$100/lot plus Review Escrow	\$757 "Staff Time Over 10 Hours on Any of the Above Will be Additionally Billed Hourly" "Additional Charges May Be Incurred for Subsequent Plan Review"	\$750 + \$11/parcel "Legal, Engineering and Administrative Fees incurred by the City, in the process of reviewing a proposal or application, but not included in this Fee Schedule, will be charged back to the Petitioner / Applicant / Owner / Developer for 100% recovery."	\$875
Special Use or Conditional Use	\$2,500	\$1,500	\$480	\$1,000 plus Review Escrow	\$717 see note above	\$600 plus \$500 Developer's Deposit see note above	\$1,250
Affidavit of Correction	\$210	\$125	n/a	\$500	n/a	n/a	\$275

Application	Franklin 2024 (proposed)	Franklin 2004 (current)	Fitchburg	Kewaunee	Mequon	Muskego	Oak Creek
Comp. Plan Amend. (Misc.)	\$1,250	\$125	n/a	\$200 plus Review Escrow	\$1,275 see note above	\$500 see note above	\$1,000
Rezoning	\$2,500	\$1,250	\$620	\$600 plus Review Escrow	\$1,275 see note above	\$1,200 see note above	\$775
Text Amendment	\$1,250	\$200	n/a	\$600 plus Review Escrow	\$1,275 see note above	n/a	\$1,000
Site Plan	\$3,400	\$2,000	n/a	\$1,000 plus Review Escrow (non-residential)	\$717 see note above	n/a	\$850*
Variance	\$420	\$250	\$585	\$1,000	n/a	n/a	n/a
PDD Planned Development District	\$6,000 plus developer's deposit	\$6,000	\$900	n/a	n/a	n/a	\$1,700 (PUD)
CSM Certified Survey Map	\$2,500	\$1,500	\$590 + \$160/parcel	\$100/lot plus Review Escrow	n/a	\$200 + \$11/lot see note above	\$525

(*) Separate fees for landscape and lighting plans.

All fee schedules (except Oak Creek) indicate that the applicant is responsible for separate consulting fees or city staff hours. For example, “Subdivider to pay all consulting and legal fees incurred by the city” (City of Fitchburg, Planning & Development fee schedule), or “Staff time over 10 hours ... will be additionally billed hourly” (City of Mequon, Community Development – Planning fees). The City of Kewaunee requires a review escrow for subdivision and site plan applications.

The City of Franklin Department of City Development doesn’t charge applicants for separate consulting fees. For example, a consultant billed the city \$764.50 (5.5 hours) for review and comments of a Land Combination (\$400 filing fee) and a Minor Site Plan amendment application (\$75 filing fee), in this case the filing fees don’t cover the consulting fees, not to mention city staff hours devoted to coordinating consultant’s review, data entry, customer service, preparation of meeting packets and presentations as well as attending Plan Commission and Common Council meetings; and in some cases post approval follow-up (review of conservation easements and conditions of approval).

Adding a filing fee for easements

The City of Franklin Department of City Development doesn’t charge applicants for associated reviews as part of Plat or Site Plan applications, such as easements, landscape plans and lighting plans. For example, the City of Kewaunee has an easement review fee of \$300 and the City of Oak

Creek has a review fee of \$550 for landscape plans and lighting plans. It's worth noting that the City of Kewaunee also has a review escrow of \$500 for public hearings.

Therefore, City Development staff is proposing to add a filing fee of \$200 for easements, typically conservation easements and landscape bufferyard easements are required for certified survey maps, plats and site plans. It's noted that easements documents require review by City Development staff, Engineering staff and City Attorney, approval by the Common Council, and recording.

Adding two tiers for floodplain land use permits.

City Development staff adopted a new application form for floodplain land use permits. The current fee schedule doesn't have a specific fee for this type of permit, so the miscellaneous fee was being used. Staff is proposing to set a filing fee for floodplain land use permits, one tier for one-parcel residential permits and a higher filing fee plus consulting fees for other uses, similar to the fee structure for rezoning applications.

Staff Recommendation:

City Development Staff recommends approval of the attached ordinance to amend Section 15-9.0401 of the Unified Development Ordinance (UDO) to update the fee schedule for zoning and land division procedures, and to schedule a public hearing as required by the UDO.

Appendices:

1. City of Fitchburg, Planning & Development fees.
2. City of Kewaunee, Fee Schedule (pages 6-7).
3. City of Mequon, Fee Description.
4. City of Muskego, Community Development Department Fee Schedule.
5. City of Oak Creek, Plan Commission application.

ORDINANCE NO. 2024-____

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT IN SECTION 15-9.0401 ADMINISTRATIVE FEES A. FEE SCHEDULE TO ADJUST THE APPLICATION FEES AND TO ALLOW CHARGING FOR CONSULTING FEES OR STAFF TIME INCURRED BY THE CITY IN THE PROCESS OF REVIEWING APPLICATIONS, PLUS 5% ADMINISTRATIVE FEE.
(CITY OF FRANKLIN, APPLICANT)

WHEREAS, Section 15-9.0401 of the Unified Development Ordinance sets forth the Zoning and Land Division administrative fee schedule; and

WHEREAS, the City of Franklin having applied for text amendments to Section 15-9.0401 Administrative Fees A. Fee Schedule, to adjust the application fees and to allow charging a developer’s deposit for certain applications to pay for consulting fees or staff time incurred by the city in the process of reviewing applications; and

WHEREAS, the Plan Commission having reviewed the proposed amendments to adjust the application fees, and having held a public hearing on the proposal on the ____ day of _____, 2024 and thereafter having recommended approval of such amendments; and

WHEREAS, the Common Council having accepted the recommendation of the Plan Commission and having determined that the proposed amendments are consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and will serve to further orderly growth and development and 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: SECTION 15-9.0401 Administrative Fees A. Fee Schedule of the Unified Development Ordinance of the Municipal Code of the City of Franklin, Wisconsin, as amended hereunder, is as follows:

SECTION 2: City Development staff shall annually adjust this Fee Schedule in accordance with the Consumer Price Index (CPI), and submit same to the Common Council for review and potential approval thereof.

Zoning and Land Division Administrative Fee Schedule		2024
Rezoning		\$2,500
Rezoning (1 Parcel Res.)		\$600
Text Amendments		\$1,250
Site Plan Review (Tier 1)		\$3,400
Site Plan Review (Tier 2)		\$1,700
Site Plan Review (Tier 3)		\$850
Conceptual Review		\$420
Variance Requests/Appeals		\$420
Special Exception (Bulk and Area)		\$500
Special Exception (Natural Resource)		\$1,000
Special Use Permit		\$2,500
	Special Use Under 4,000 square feet	\$1,250
	Amendment to Special Use in Good Standing	\$n/a
	Amendment	\$1,700
	SU Renewal (Annual)	\$500
	Multi-year Renewal	\$1,700
PDD		\$6,000 plus developer's deposit*
	PDD Amendment (Major)	\$5,900
	PDD Amendment (Minor)	\$850
Certified Survey Map		\$2,500
Subdivision Preliminary Plat		\$5,000 plus developer's deposit*
Subdivision Final Plat		\$1,700
Plat Affidavit of Correction		\$210
Land Combination Permit		\$675
Building Move Request		\$350
Right-of-Way Vacation		\$500
Home Occupation		\$85
Zoning Compliance		\$170
Zoning letter		\$125
Miscellaneous		\$210
Easement		\$200
Comprehensive Master Plan amendment		\$1,250
Floodplain Land use permit		\$500
Floodplain Land use permit - 1 Parcel Residential		\$210
(*) Planned Development District (PDD) and Preliminary Plat applications: a \$3,000 developer's deposit is required in addition to filing fees at the time of submittal, it may require replenishment.		

SECTION 3: 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 4: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 5: 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 _____ day of _____, 2024, by Alderman _____.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2024.

APPROVED:

John R. Nelson, Mayor

ATTEST:

Shirley J. Roberts, City Clerk

AYES _____ NOES _____ ABSENT _____

Department and Item Description	Duration/Unit	2022 Approved	2023 Proposed	Ordinance Reference	Notes
Planning & Development					
Parkland Improvement Fees					
Fee in lieu of Land Dedication (not including TND)	Per Dwelling Unit	\$4,330.00	\$4,330.00	24-2(d)(2)(e)	
TND T2 and T3 Ordinance Fee in lieu of Land Dedication	Per Dwelling Unit	\$4,330.00	\$4,330.00	24-2(d)(2)(e)	
TND T4 Ordinance Fee in lieu of land dedication	Per Acre	\$65,000.00	\$65,000.00	24-2(d)(2)(e)	
TND T5 Ordinance Fee in lieu of land dedication	Per Acre	\$65,000.00	\$65,000.00	24-15(d)(5), 22-647(2)	
Park Improvement Single Family Residential	Per Dwelling Unit	\$670.00	\$670.00	24-15(d)(5), 22-647(2)	
Park Improvement Two-Family Residential	Per Dwelling Unit	\$335.00	\$335.00	24-15(d)(5), 22-647(2)	
Park Improvement Multi-Family Residential	Per Dwelling Unit	\$160.00	\$160.00	24-15(d)(5), 22-647(2)	
Fee in lieu of Street Frontage for Parkland	As Required	\$-0- (eliminated)	\$-0- (eliminated)	24-15(e), 22-647(3)	removed via R-186-18
Planning Commission					
Certified Survey Fees	Upon Application	\$590 + \$160/parcel	\$590 + \$160/parcel	24-15(c)(1)	
Comprehensive Development Plan	Upon Application	\$315 + \$95/parcel	\$315 + \$95/parcel	24-15(b)	
Comprehensive Development Plan Amendment	Upon Application	\$465	\$465		
Subdivider to pay all consulting and legal fees incurred by the City as stated in Ordinance 24-15(c)(2)					
Preliminary Plat, and Contract Fee	Upon Application	\$575 + \$180/parcel	\$575 + \$180/parcel	24-15(b)(1)	
Final Plat	Upon Application	\$575 + \$120/parcel	\$575 + \$120/parcel	24-15(b)(1)	
Subdivider to pay all engineering, inspection, consulting & legal fees as stated in Ordinance 24-15(b)(2)					
Payment Guarantee of Fees	Upon Application	\$545 + \$165/parcel	\$545 + \$165/parcel	24-15(b)(3)	
Zoning Fees (Publication &/or Public Hearing Costs)	As Requested	\$585.00	\$585.00		
Board of Appeals	As Requested	\$480.00	\$480.00	22-640(b)(2)	
Conditional Use Permits	As Requested	\$900.00	\$900.00		
PDD-GIP	As Requested	\$875.00	\$875.00		
PDD-SIP	As Requested	\$620.00	\$620.00		
Re-Zoning Request	As Requested	\$770.00	\$770.00		
Re-Zoning/Conditional Use	As Requested	\$770.00	\$770.00		
Telecommunications Facilities Permit	As Required	\$465.00	\$465.00	64-48(d)	
Sign Permit					
Temporary	As Required	\$41.00	\$41.00	26-34	
All signs except temporary and exempt signs	As Required	\$1.95/sq ft or fraction thereof with a minimum of \$82	\$1.95/sq ft or fraction thereof with a minimum of \$82	26-34	
Zoning Fee					
Zoning Verification Letters (New in 2014)	See Building Inspection Schedule				
	Per Request	\$35.00	\$35.00		

Building (Roofing, Siding & windows others small repairs)		\$35	Appendix #2
Concrete Placement Permit		Replacement same foot print \$25 change/new design \$2% of cost \$60 min max \$600	
<i>Double fees are due if work is started before permit is issued</i>			
3. Extension to permit (permits are valid for 12 months)	Each	100% off original fee	
4. Razing permit (resident include elec.,plbg.)	Each	\$200.00	
5. For all shed and garage demo with Electrical	Each	\$75.00	
6. Sign permit	Each	\$60.00	
7. Fences	Each	\$70.00	
8. Pools	Each	\$75.00 Min 4' deep X 12' above ground,	Larger and in-ground price per foot @\$1.00 and \$65.00 per inspection
9. Work in Right of Way permit	Each	\$75.00	\$ 75.00
Zoning Fees			
Subdivision and Platting			
Concept Plan		\$250.00	
Preliminary Plat		\$100/lot + Review Escrow	
Final Plat		\$100/lot + Review Escrow	
Condominium Plat		\$100/lot + Review Escrow	
Replat		\$300/lot + Review Escrow	
Certified Survey Map		\$100/lot + Review Escrow	
Easement Review		\$350.00	
Developer's Agreement		\$250 + Review Escrow	
Review Escrows for Subdivisions/platting (Initial submission for review, requires replenishment)			
1-4 lots without new public infrastructure		\$500.00	
1-4 lots with new public infrastructure		\$1,250.00	
5-10 llots		\$2,000.00	
More than 10 lots		\$3,000.00	
Plan Commission Public Hearings			
Comprehensive Plan Amendment		\$200 + Review Escrow	
Rezoning Application		\$600 + Review Escrow	
Zoning Text Amendment		\$600 + Review Escrow	
Conditional Use Permit		\$1,000 + Review Escrow	
Review Escrow for Public Hearings		\$500.00	
Zoning Board of Appeals Public Hearing			
Variance		\$1,000.00	
Appeal		\$1,000.00	
Temporary Use		\$500.00	
Site Plan Applications			
Residential		\$500 + Review Escrow	
Mixed Use		\$750 + Review Escrow	
Non-Residential		\$1,000 + Review Escrow	

Additions/Amendments to Prior Approvals		Half the above fee + Review Escrow	
Review Escrows for Site Plan Applications (Initial submission for review, requires replenishment)			
Residential			
Minor Plans (Additions/Amendments)		\$500.00	
1-4 units without new public infrastructure		\$500.00	
1-4 units with public infrastructure		\$1,250.00	
5-10 units		\$2,000.00	
More than 10 units		\$3,000.00	
Non-Residential/Mixed Use			
Minor Plans (Additions/Amendments)		\$500.00	
Project site less than 5 acres		\$1,250.00	
Project site 5-10 acres		\$2,000.00	
Project site more than 10 acres		\$3,000.00	
Subdivision/Site Plan Inspection Deposit			
For inspection and related professional administrative costs, materials, testing, maintenance, etc.		Lesser of \$20,000 or 6% of total costs of all improvements, as established and approved by the City Engineer for required financial security	
Administrative Reviews/Permits			
Zoning Verification letter		\$50 for Residential Properties \$100 for Non-Residential Properties	
Sign Permit		\$60.00	
Land Use Occupancy Permit - Multi Family		\$100/unit	
Land Use Occupancy Permit - Non Residential		\$200.00	
Home Occupation Permit		\$50.00	
Minor Plan Review /Miscellaneous Applications		\$100.00	
Accessory Structures Permit		\$50.00	
Riverview Public Cemetery			
Item Description		Fees	Notes
Cemetery Lot			
Resident		\$800.00	includes perpetual care
Non-Resident		\$1,100.00	includes perpetual care
Burial Cost (Monday thru Saturday)			
Grave Opening	each	\$750.00	
Cremation Burial	each	\$425.00	
Burial Cost (Winter Fees)			
Ground Thawing	each	\$325.00	
Snow Removal	each	Cost to \$275	
Monument Setting			
Foundations	per square inch	\$0.10	
Placement of Monument Permit Fee	each	\$50.00	

Appendix #3

FEE DESCRIPTION	FEE AMOUNT
COMMUNITY DEVELOPMENT – PLANNING	
Zoning Code Text Amendment	\$1,275.00
Zoning Code Map Amendment*	\$1,275.00
Land Use Plan Map Amendment*	\$1,275.00
<i>*If doing a Zoning Code Map and Land Use Plan Amendment at the same time, only one fee applies</i>	
Conditional Use Petition	\$717.00
Building Site Plan Amendment or Approval	\$717.00
Consultation	\$398.00
Minor Request	\$199.00
Subdivision/Condo Concept	\$857.00
Subdivision/Condo Preliminary Plat	\$857.00
Subdivision/Condo Development Agreement	\$558.00
Subdivision/Condo Final Plat	\$757.00
Land Division	\$657.00
New Sign Design and Plan Approval	\$150.00
Special Event Banner Permit	\$25.00
On-Site Development Notice Sign Posting	\$5.00
Zoning Letter Request	\$60.00
Home Occupation Permit	\$60.00
Business Occupancy Permit	\$60.00
Annual Chicken Keeping Permit	\$20.00
Short Term Rental Permit	\$60.00
<i>Staff Time Over 10 Hours on Any of the Above Will be Additionally Billed Hourly.</i>	
<i>Additional Charges May Be Incurred for Subsequent Plan Review.</i>	

COMMUNITY DEVELOPMENT DEPARTMENT – FEE SCHEDULE

Appendix #4

DATE _____ PHONE _____ FAX # _____

APPLICANT _____

PROPERTY OWNER _____

PROPERTY ADDRESS _____

MAILING ADDRESS _____

RECEIPT NUMBER _____ BY _____

By signing below, I understand that any Legal, Engineering and Administrative Fees incurred by the City, in the process of reviewing a proposal or application, but not included in this Fee Schedule, will be charged back to the Petitioner / Applicant / Owner / Developer for 100% recovery. (Ch. 3.085/Ord. #909) I understand that I may request refund of all leftover fees in my developer's deposit once all development related aspects of my project have been complete for at least 60 days. The disbursal of leftover developer's deposit monies shall be to the individual signing this fee sheet unless otherwise noted. I understand that action by the Plan Commission and Common Council is required for my submitted land division documents as prescribed by the Land Division Ord. If, for good cause, an extension of time is needed for action, I hereby agree to such extension.

SIGNATURE OF APPLICANT / AGENT _____ DATE _____

SIGNATURE OF OWNER (if different) _____ DATE _____

ZONING / PLANNING FEES			
100.06.18.01.4330	3-306	CONDITIONAL USE (Plus \$500 Developer's Deposit)	\$600.00 \$ _____
		REZONING (NON PD or CPD)	\$500.00 \$ _____
		NEW PD or CPD (Plus \$500 Developer's Deposit)	\$1200.00 \$ _____
		PD or CPD AMENDMENTS (Plus \$500 Developer's Deposit)	\$600.00 \$ _____
		FLOOD PLAIN REZONING (Plus \$500 Developer's Deposit)	\$345.00 \$ _____
		COMPREHENSIVE PLAN AMENDMENT ONLY	\$500.00 \$ _____
		COMPREHENSIVE PLAN AMENDMENT WITH REZONING	\$750.00 \$ _____
		2 nd GARAGE STRUCTURE (PLAN COMMISSION REVIEW)	\$100.00 \$ _____
		SIGNS	\$60.00 / \$20.00 \$ _____
		BOARD OF APPEALS	\$200.00 \$ _____
		CONCEPTUAL CSM / PLAT / BSO REVIEW	\$100.00 \$ _____
		BSO – ORIGINAL / AMENDMENTS	\$300.00 / \$150.00 \$ _____
		SIGN – PLAN COMMISSION REVIEW	\$100.00 \$ _____
100.02.25.00.4250	3-350	FENCES, RETAINING WALLS, DRIVEWAYS, SIDEWALKS HOME OCCUPATION, ZONING LETTER, RIGHT OF WAY	\$20.00 \$ _____
CSM FEES Plus \$300 Developer's Deposit at this time (\$200 deposit for Extraterritorial CSMs).			
100.06.18.01.4330	3-306	CERTIFIED SURVEY MAP	\$200.00 \$ _____
		PLUS \$11.00 PER LOT & OUTLOT	\$11.00 x _____ Lots/Outlots \$ _____
100.06.18.01.4346	3-348	GIS SERVICES – LAND RECORDS FEE (Land Division)	\$80.00 x _____ Lots/Outlots \$ _____
100.06.18.01.4346	3-358	GIS LAND RECORD CAPITAL CHARGE	\$20.00 x _____ Lots/Outlots \$ _____
PRELIMINARY PLAT FEES Plus Developer's Deposit based on density of development (\$500 Extraterritorial Plats)			
100.06.18.01.4330	3-306	PRELIMINARY PLATS	\$750.00 \$ _____
		PLUS \$11.00 PER LOT & OUTLOT	\$11.00 x _____ Lots/Outlots \$ _____
FINAL PLAT FEES			
100.06.18.01.4330	3-306	FINAL PLAT	\$650.00 \$ _____
		PLUS \$11.00 PER LOT & OUTLOT	\$11.00 x _____ Lots/Outlots \$ _____
OTHER PLAT FEES			
100.06.18.01.4330		PUBLIC WORKS COMMITTEE ROUTING FEES	\$65.00 \$ _____
		DEVELOPER'S AGREEMENT PREP / REVIEW	\$600.00 \$ _____
		STORMWATER MANAGEMENT PLAN PREPARATION	\$150.00 \$ _____
		LETTER OF CREDIT ADMINISTRATIVE FEE	\$150.00 \$ _____
		PLAT REAPPLICATION NON-SUBSTANTIAL CHANGE	\$150.00 \$ _____
		AFFIDAVIT OF CORRECTION (\$100 Staff + \$150 Plan Commission)	\$250.00 \$ _____
		LAND COMBO PERMIT (\$100 Staff + \$150 Plan Commission)	\$250.00 \$ _____
100.06.18.01.4346	3-348	GIS SERVICES – LAND RECORDS FEE (Land Division)	\$80.00 x _____ Lots/Outlots \$ _____
100.06.18.01.4346	3-358	GIS LAND RECORD CAPITAL CHARGE	\$20.00 x _____ Lots/Outlots \$ _____
DEVELOPER'S DEPOSIT			
507.00.00.00. _____	71	NEW / REPLENISH	\$ _____

CONSERVATION FINAL PLAT FEES			
100.06.18.01.4330	3-306	CONSERVATION SUBDIVISION FEES	
		CONSERVATION EASEMENT PREPARATION	\$50.00 \$ _____
		OPEN SPACE MANAGEMENT PLAN PREPARATION	
		BASE FEE	\$100.00 \$ _____
		+ \$25 FOR EACH LAND COVER TYPE PER AES	\$25.00 X _____ TYPES \$ _____
DEDICATION FEES (For CSMs/Plats Submitted After May 21, 2008)			
203.08.94.74.4427	4-475	FEE IN LIEU OF PARK DEDICATION	
		\$1,881.00 PER SINGLE_FAMILY BUILDABLE LOT OR UNIT	\$1,881.00 x ____ = \$ _____
		\$1,400.00 PER MULTI_FAMILY BUILDABLE LOT OR UNIT	\$1,400.00 x ____ = \$ _____
215.06.00.00.4430	4-477	FEE IN LIEU OF CONSERVATION LAND DEDICATION	
		\$580.00 PER DEVELOPED ACRE	\$580.00 x ____ = \$ _____
215.06.00.00.4431	4-478	FEE IN LIEU OF CONSERVATION TRAIL DEDICATION	
		\$60.00 PER SINGLE_FAMILY BUILDABLE LOT OR UNIT	\$60.00 x ____ = \$ _____
		\$45.00 PER MULTI_FAMILY BUILDABLE LOT OR UNIT	\$45.00 x ____ = \$ _____
MISCELLANEOUS FEES			
100.06.18.01.4330	3-306	STANDARD MAPS	
		18" - \$4.00 standard / \$8.00 glossy	\$ _____
		24" - \$6.00 standard / \$12.00 glossy	\$ _____
		36" - \$10.00 standard / \$20.00 glossy	\$ _____
		CUSTOM MAPS	
		Standard Paper / Glossy Paper \$2.00 sq ft / \$4.00 sq ft	\$ _____
		\$60.00/hr (15 min. increments) \$60.00/hr	\$ _____
		CD / DVD (FTP / Email – Free) \$3.00 / \$5.00	\$ _____
		SPECIAL REVIEW ADMINSTRATIVE FEE	\$100.00 \$ _____
100.02.25.00.4250	3-350	KIP COPIES	
		Black/White \$1.00 sq ft / Color \$2.00 sq ft	\$ _____
		COPIES Black & White (\$0.25 per page) Color (\$0.50 per page) / Bid Books	\$ _____
		SCANNING FEE	\$10.00 \$ _____
		Other: _____	\$ _____
BUILDING/ENGINEERING FEES			
100.02.25.00.4250	3-350	Permit Fees	\$ _____
TOTAL FEES			\$ _____

Credit Card Payments Staff Notes

- Multiple credit card purchases must be made if paying between two listed account numbers above.
- Credit card payments made to the below referenced accounts will require a journal entry transfer of monies in the days following the purchase. A subsequent journal entry will have to be made by staff transferring any amounts paid to the following accounts from Account #100.06.18.01.4330. Give copy of fee sheet to Kellie if this occurs.
 - Developer's Deposit
 - Dedication Fees including Park Dedication, Conservation Land & Trail Dedications
 - GIS Services-Land Records Fee
 - GIS Land Record Capital Charge



PLAN COMMISSION APPLICATION
DEADLINE FOR SUBMISSION:
4 WEEKS PRIOR TO PLAN COMMISSION MEETING

It is the applicant's responsibility to contact the Community Development Department prior to any submittal. It is also suggested that the applicant contact the District Alderperson and Mayor to discuss the proposed development. Refer to the application submission requirements on the City website. Payment is due at the time of submission.

PLEASE TYPE OR PRINT. ILLEGIBLE OR INCOMPLETE APPLICATIONS WILL BE RETURNED.

APPLICANT INFORMATION		PROPERTY INFORMATION (List all in proposal)	
Name		Address(es)	
Company		Tax Key(s)	
Address		Zoning District(s)	
City, State Zip		Property Owner(s)	
Phone		Property Owner(s) Contact	
Email			
Applicant Representative (if applicable)			
Name			
Company			
Email/Phone			

APPLICATION TYPE (Select all that apply)

<input type="checkbox"/> Site & Building Plan Review - \$850	<input type="checkbox"/> Comprehensive Plan Amendment - \$1,000
<input type="checkbox"/> Certified Survey Map - \$525	<input type="checkbox"/> Zoning Text Amendment - \$1,000
<input type="checkbox"/> Lot Line Adjustment (no new lots) - \$275	<input type="checkbox"/> Official Map Amendment - \$1,000
<input type="checkbox"/> Conditional Use Permit - \$1,250	<input type="checkbox"/> Preliminary Subdivision Plat - \$750
<input type="checkbox"/> Conditional Use Permit Amendment - \$950	<input type="checkbox"/> Final Subdivision Plat - \$875
<input type="checkbox"/> Temporary Use / Use Approval - \$600	<input type="checkbox"/> Condominium Plat - \$875
<input type="checkbox"/> Rezoning - \$775	<input type="checkbox"/> Landscaping Plan Review (if separate) - \$550
<input type="checkbox"/> Sign Plan Review - \$550	<input type="checkbox"/> Lighting Plan Review (if separate) - \$550
<input type="checkbox"/> Planned Unit Development (PUD) - \$1,700	<input type="checkbox"/> Affidavit of Correction - \$275
<input type="checkbox"/> Amendment to PUD - \$1,100	<input type="checkbox"/> Right-of-Way Vacation - \$1,000
<input type="checkbox"/> Plan Commission Consultation - \$400	<input type="checkbox"/> Special PC Meeting - \$35/citizen member + app

Expedited Review (select application type above) – Application fee + 50%
By checking this box and signing this application form, Applicant/Representative acknowledges and understands that expedited reviews are not guaranteed. Requests for expedited reviews will only be considered where permissible given available staff resources and public notice requirements.

Signature _____ Date _____

<i>FOR OFFICE USE ONLY</i>	
Date Submitted: _____	Accepted by: _____
Amount Paid: _____	