



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

PLAN COMMISSION MEETING AGENDA
Thursday, September 19, 2024 at 6:00 P.M.

A. Call to Order and Roll Call

B. Approval of Minutes

1. Approval of the regular meeting of August 22, 2024.

C. Public Hearing Business Matters

None.

D. Citizen comment period. Citizens may comment upon the Business Matter items set forth on this Meeting Agenda.

E. Business Matters

1. **ReCraft & Relic, Temporary Use.** Request to allow for a two-day indoor ticketed, curated shopping event on three separate weekends, November 9-10, February 1-2, 2025 and April 5-6, 2025, on property located at 6000 W Ryan Road (882 9987 001 & 852 9999 001).
2. **Unified Development Ordinance (UDO) Rewrite Task Force.** Article 9, Administrative Standards and Procedures. Session prepared by planning staff and project consultants Houseal Lavigne Associates and Birchline Planning, LLC.

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: October 3, 2024.

City of Franklin
Plan Commission Meeting
August 22, 2024
Minutes

unapproved

A. Call to Order and Roll Call

Mayor John Nelson called the August 22, 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 and Commissioners Kevin Haley, Michael Shawgo and Patrick Leon. Excused was Commissioner Rebecca Specht. Alderwoman Courtney Day arrived at 7:08 pm. Also, present were City Attorney Jesse Wesolowski, Planning Manager Régulo Martínez-Montilva, Principal Planner Marion Ecks, Associate Planner's Nick Fuchs and Luke Hamill.

B. Approval of Minutes – Regular Meeting of August 8, 2024

Commissioner Shawgo moved and Commissioner Haley seconded a motion to approve the August 8, 2024 meeting minutes. On voice vote, all voted 'aye'; motion carried (4-0-2).

C. Public Hearing Business Matters

- 1. Tsunami Express Car Wash, Special Use and Site Plan.** Request to allow for a new car wash on a vacant lot at the intersection of Lovers Lane Road and Whitnall Edge Road, 6449 S Whitnall Edge Road (TKN 705 8997 003).

Planning Manager Martinez-Montilva presented the Special Use for Tsunami Express Car Wash. The Official Notice of Public Hearing was read in to the record by Planning Manager Martinez-Montilva and the Public Hearing opened at 6:10 pm and closed at 6:19 pm.

Special Use & Site Plan

Commissioner Leon moved and Commissioner Shawgo seconded a motion to table the Special Use and Site Plan items until input from the Engineering Department is received on whether a Traffic Impact Analysis is required or not. On voice vote, all voted 'aye'; motion carried (5-0-1).

- 2. Scheftner, Area Exception.** Request to allow for a garage size of 784 square feet, exceeding the maximum size for accessory structures of 720 square feet set forth in UDO Section 15-30801C.1.

Planning Manager Martinez-Montilva presented the Area Exception for Anthony Scheftner. The Official Notice of Public Hearing was read in to the record by Planning Manager Martinez-Montilva and the Public Hearing opened at 6:33 pm and closed at 6:33 pm.

Commissioner Leon moved and Commissioner Shawgo seconded a motion to recommend approval of an Area Exception to allow for a garage size of 784 square feet, exceeding the maximum size for accessory structures of 720 square feet set forth in UDO section 15-30801c.1, for property located at 10405 W. Ryan Road. On voice vote, all voted 'aye'; motion carried (5-0-1).

- 3. Communities of Crocus, Special Use.** An application for a Special Use for Communities of Crocus to allow for development of up to four four-unit multifamily residential buildings (16 units total) with services for autistic adults, and related community buildings, on property located at 0 S. 31st St. (TKN: 761 9992 002).

Principal Planner Ecks and applicant Amy Hansel, HGA Architects, presented the Special Use for Communities of Crocus.

The Official Notice of Public Hearing was read in to the record by Principle Planner Ecks and the Public Hearing opened at 6:56 pm and closed at 7:06 pm.

The Mayor called a 5 minute recess at 7:06 pm.

Motion 1

Commissioner Leon moved and Commissioner Haley seconded to table to the next meeting. On voice vote, 4 voted 'aye'; 1 vote 'nay'; motion carried (4-1-1).

Motion 2

Commissioner Leon moved and Commissioner Haley seconded a motion to table the Public Hearing and return to Plan Commission as soon as the Engineering department reviews. The Special Use will return Plan Commission no later than October 17, 2024, as a Business Item. On voice vote, 4 voted 'aye'; 3 voted 'nay'; motion carried (4-3-1).

- 4. Communities of Crocus, Comprehensive Master Plan (CMP) Amendment and Rezoning.** An application for a Comprehensive Master Plan Amendment from office to mixed use; and an application for rezoning from R-6 Suburban Single-Family Residence District and OL-1 Office Overlay District to B-4 South 27th Street Mixed Use Commercial District. The site of the proposed CMP Amendment and Rezoning is approximately 24.5 acres (three vacant properties) located at 7521 S. 31st St. and the two lots immediately north of this property with address 0 S. 35th St. and 0 S. 31st St., (TKN: 761 9994 005, 761 9997 003, and 786 9981 004).

Principal Planner Ecks presented the Rezone for Communities of Crocus.

The Official Notice of Public Hearing was read in to the record by Principle Planner Ecks and the Public Hearing opened at 7:42 pm and closed at 7:43 pm.

Rezone & Comprehensive Master Plan

Commissioner Haley moved and Alderwoman Day seconded a motion to table until after a report from Planning and Engineering on site conditions, and no later than October 17, 2024, as a Business Item.. On voice vote, 4 voted 'aye'; 1 voted 'nay'; motion carried (4-1-1).

- 5. Field 99, Special Use.** Request to operate a soccer training facility upon property located at 11141 W. Forest Home Avenue (Tax Key No. 704-9990-003).

Associate Planner Fuchs presented the Special Use for Field 99. The Official Notice of Public Hearing was read in to the record by Associate Planner Fuchs and the Public Hearing opened at 8:04 pm and closed at 8:05 pm.

Commissioner Leon moved and Commissioner Shawgo 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). On voice vote, all voted 'aye'; motion carried (4-0-1).

D. Citizen comment period. Citizens may comment upon the Business Matter items set forth on this meeting agenda.

The citizen comment period opened at 8:11 p.m. and closed at 8:13 p.m..

E. Business Matters

- 1. Michelle Williams, Miscellaneous.** Request for approval to allow for the installation of a fence within the 20-foot Private Planting Screen upon Lot 13 in Block 1 of the Tuckaway Green Subdivision, on property located at 7512 S 77th Street (792 0013 000).

Associate Planner Hamill presented the Miscellaneous application.

Commissioner Leon moved and Alderwoman Day seconded a motion to recommend approval of a Resolution authorizing the installation of a fence within the 20 foot private planting screen plat restriction, upon lot 13 in block 1 in Tuckaway Green Subdivision (7512 South 77th Street). On voice vote, all voted 'aye'; motion carried (4-0-1).

- 2. Dev Ghelani, Master Sign Program Amendment.** Master Sign Program Amendment application by AK Developers (Dev Ghelani) to allow for signage totaling 242.25 square feet, specifically the installation of 6 wall signs consisting of Dairy Queen's Grill & Chill signage and Taco Pro's Corporate logo, one directional sign for Dairy Queen's Drive Thru, as well as changes to the Shoppes at Wyndham Village Monument Signage, for property located at 7730 South Lovers Lane Road, zoned CC City Civic Center District; Tax Key No. 794-9999-007.

Associate Planner Hamill presented the Master Sign Program Amendment.

Commissioner Leon moved and Alderwoman Day seconded a motion to adopt a resolution approving an amendment to the Master Sign Program for the Shoppes at Wyndham Village to allow for signage upon Building 6 (7730 S Lovers Lane Road). On voice vote, all voted 'aye'; motion carried (4-0-1).

- 3. Department of City Development, midyear report: 2024.**

Planning Manager Martinez-Montilva presented the midyear report.

Alderwoman Day moved and Commissioner Leon seconded a motion to accept and place on file. On voice vote, all voted 'aye'; motion carried (4-0-1).

Mayor Nelson left the meeting at 8:39 pm.

- 4. Options to update the city's comprehensive plan.**

Planning Manager Martinez-Montilva presented the City's Comprehensive Plan.

Commissioner Haley moved and Commissioner Shawgo seconded a motion as recommended by staff, update demographic data of the comprehensive plan by in-house urban planners. On voice vote, all voted 'aye'; motion carried (4-0-1).

Mayor Nelson returned to the meeting at 8:49 pm.

5. Introduction to Traditional Neighborhood Development (TND).

Planning Manager Martinez-Montilva presented the Introduction to Traditional Neighborhood Development (TND).

Commissioner Haley moved and Alderwoman Day seconded a motion to recommend to Common Council that staff proceeds drafting a TND ordinance, as floating zoning. On voice vote, 4 voted 'aye' and 1 voted 'nay'; motion carried (4-1-1).

F. Adjournment

Commissioner Leon moved and Commissioner Haley seconded to adjourn the meeting at 8:52 pm. On voice vote, all voted 'aye'; motion carried (4-0-1).



REPORT TO THE PLAN COMMISSION
Meeting of September 19, 2024
Temporary Use

RECOMMENDATION: City Development staff recommends approval of the Temporary Use Application for A Happy Thought Indeed to hold the re:Craft & Relic for the dates requested within the application.

Table with 2 columns: Field Name and Value. Fields include Project Name, Application Number, Property Owner, Applicant, Property Address/Tax Key Number, Aldermanic District, Agent, Zoning District, Use of Surrounding Properties, Application Request, and Staff Planner.

The applicant, Susan Smith, is requesting a Temporary Use Permit to host a series of two-day indoor shopping events, re:Craft & Relic, at the Milwaukee County Sports Complex. The Temporary Use is not specifically listed within Section 15-3.0804 Detailed Standards for Temporary Uses as an allowed temporary use; therefore, it requires Plan Commission review and approval.

The proposed dates for the events are November 9-10, 2024; February 1-2, 2024; and April 5-6, 2024. The event is open to the public from 9:00 a.m. to 4:00 p.m. on Saturday and 10:00 a.m. to 4:00 p.m. on Sunday. The event planners will be on site beginning Friday for setup until vendor teardown which concludes at 9:00 p.m. Sunday. The applicant anticipates that approximately 150 vendor of goods and up to 20 food vendors will participate in the proposed events. The Franklin Health Department requires any food vendors to be properly licensed prior to the event. The Milwaukee County Sports Complex has a large parking lot with overflow parking areas and often hosts large events. Additionally, the applicant is planning to have an off-site parking shuttle on Saturday, November 9th to alleviate congestion along 60th Street. The site of the off-site parking is the Lubrizol property at 9900 S 57th Street. The applicant has not provided an approval from the Lubrizol property owners at the time of the writing of this staff report. City Development Staff recommend adding a condition that the applicant provide a letter of authorization from the Lubrizol property owners to City Development Staff prior to the event in November. The police department did not have any comments about this change. No changes to the site are proposed for the event.

Staff Recommendation

A motion to approve the Temporary Use Application for A Happy Thought Indeed to hold the re:Craft & Relic event at the Milwaukee County Sports Complex for the dates requested within the application,

with the condition that the applicant provides a letter of authorization from the Lubrizol property owners to City Development Staff.

RESOLUTION NO. 2024-_____

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS
FOR THE APPROVAL OF A TEMPORARY USE FOR A RE:CRAFT
AND RELIC MARKET TICKETED, CURATED SHOPPING EVENT
FOR PROPERTY LOCATED AT 6000 WEST RYAN ROAD
(MILWAUKEE COUNTY SPORTS COMPLEX)
(SUSAN M. SMITH, A HAPPY THOUGHT INDEED
MARKET MANAGEMENT LLC, APPLICANT)

WHEREAS, Susan M. Smith, A Happy Thought Indeed Market Management LLC having petitioned the City of Franklin for the approval of a Temporary Use to allow for an indoor re:craft and Relic ticketed, curated shopping event with over 150 vendors, featuring vintage, handmade and upcycled goods for sale (a juried event, with primary emphasis being placed on the quality and diversity of the products and the aesthetic of the booth displays), and 15 to 20 vendors for food sales (mainly prepackaged products, with 3-4 vendors selling non-prepackaged food), at the Milwaukee County Sports Complex located at 6000 West Ryan Road, for three periods, Fall Market held November 9-10, 2024, Winter Market held February 1-2, 2025 and Spring Market held April 5-6, 2025, from 7:00 a.m. to 5:00 p.m. on Saturdays, and from 8:00 a.m. to 9:00 p.m. on Sundays [event staff on-site for each of the three events on Friday, from 7:00 a.m. to 7:00 p.m. (vendor setup from 1:00 p.m. to 7:00 p.m.), (vendor teardown on Sunday, from 4:00 p.m. to 9:00 p.m.)], on property zoned P-1 Park District, FC Floodplain Conservancy District and FW Floodway District; and

WHEREAS, the Plan Commission having found that the proposed Temporary Use, subject to conditions, meets the standards set forth under §15-3.0804 of the Unified Development Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that the petition of Susan M. Smith, A Happy Thought Indeed Market Management LLC, for the approval of a Temporary Use to allow for a re:craft & Relic market curated shopping event, for the property particularly described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and restrictions:

1. The approval granted hereunder shall allow for such use for three periods, Fall Market held November 9-10, 2024, Winter Market held February 1-2, 2025 and Spring Market held April 5-6, 2025, from 7:00 a.m. to 5:00 p.m. on Saturdays, and from 8:00 a.m. to 9:00 p.m. on Sundays [event staff on-site for each of the three events on Friday, from 7:00 a.m. to 7:00 p.m. (vendor setup from 1:00 p.m. to 7:00 p.m.), (vendor teardown on Sunday, from 4:00 p.m. to 9:00 p.m.)], and all approvals granted

SUSAN M. SMITH, A HAPPY THOUGHT INDEED MARKET MANAGEMENT LLC-
TEMPORARY USE
RESOLUTION NO. 2024-_____

Page 2

hereunder expiring, respectively and individually for each approved event, at 4:00 p.m. on November 10, 2024, February 2, 2025 and April 6, 2025.

2. The applicant must provide documentation of approval for off-site parking from the property owners upon property located at 9900 S 57th Street (AKA Lubrizol), prior to the November event.
3. Event organizer must provide information on food vendors to the Franklin Health Department (FHD) including proof of licensing, vendor information sheet and FHD will require inspection fees from vendors if applicable.

Introduced at a regular meeting of the Plan Commission of the City of Franklin this _____ day of _____, 2024.

Passed and adopted at a regular meeting of the Plan Commission of the City of Franklin this _____ day of _____, 2024.

APPROVED:

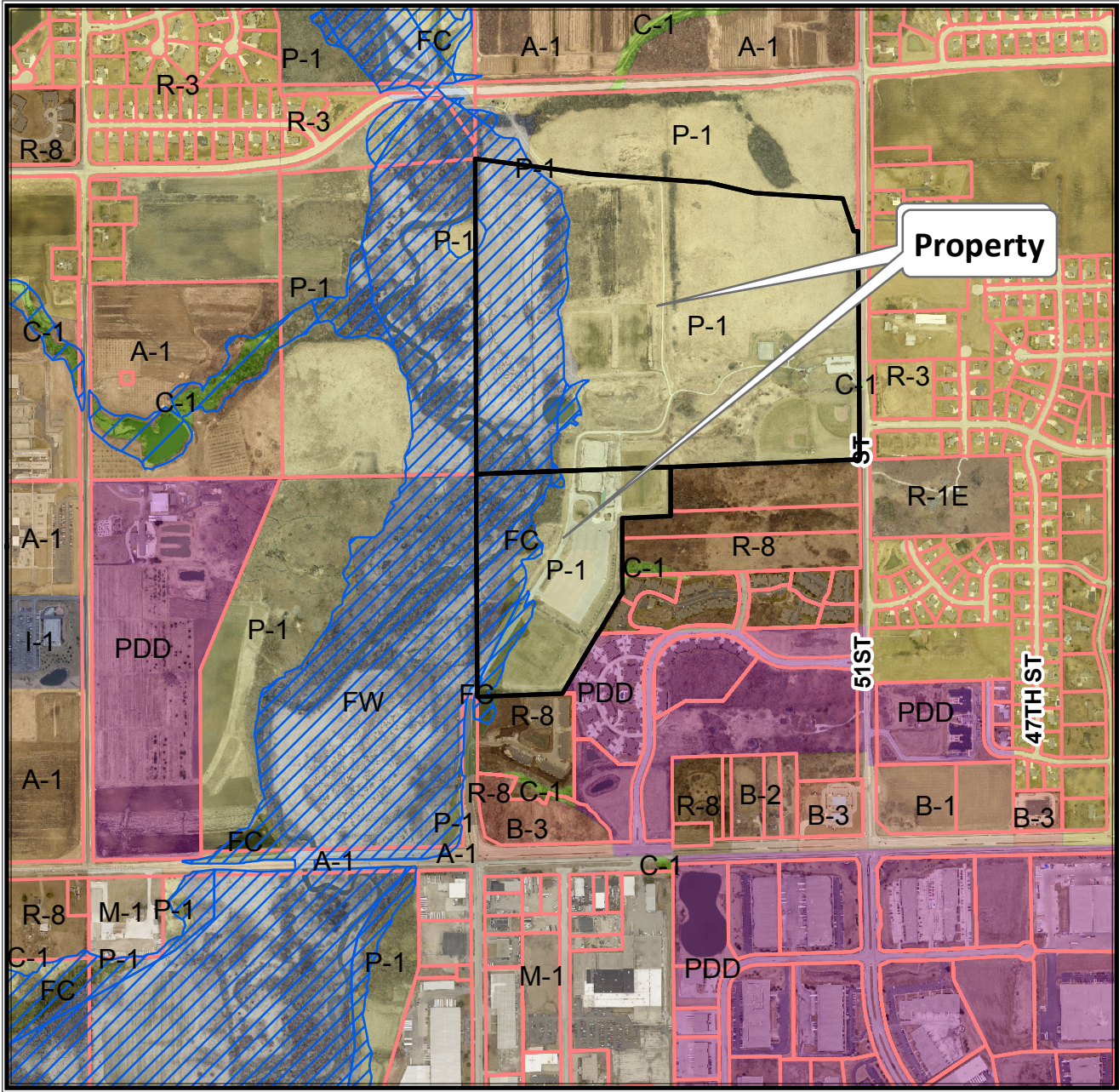
John R. Nelson, Chairman

ATTEST:

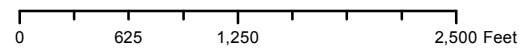
Shirley J. Roberts, City Clerk

AYES _____ NOES _____ ABSENT _____

6000 W. Ryan Road
TKN: 852 9999 001 & 882 9987 001



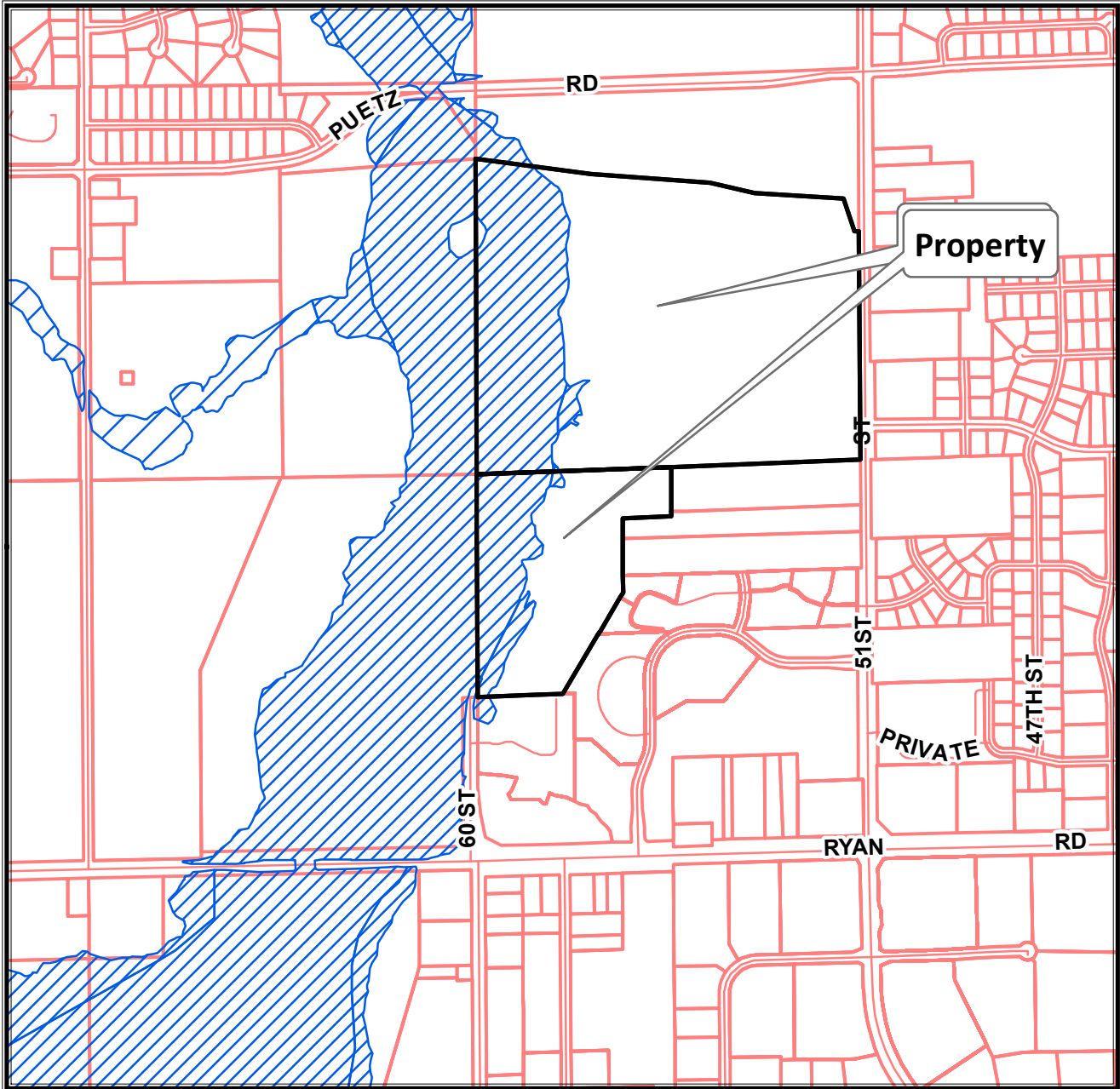
Planning Department
(414) 425-4024



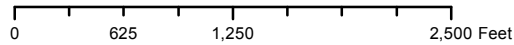
This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.



6000 W. Ryan Road
TKN: 852 9999 001 & 882 9987 001



Planning Department
(414) 425-4024



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



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

APPLICATION DATE:
 _____ STAMP DATE:

 city use only

PLAN COMMISSION REVIEW APPLICATION

PROJECT INFORMATION [print legibly]

APPLICANT [FULL LEGAL NAMES]	APPLICANT IS REPRESENTED BY [CONTACT PERSON]
NAME: Susan Marie Smith	NAME:
COMPANY: A Happy Thought Indeed Management LLC	COMPANY:
MAILING ADDRESS: 837 S. 84th St.	MAILING ADDRESS:
CITY/STATE: ZIP: West Allis, WI 53214	CITY/STATE: ZIP:
PHONE: 414-791-7249	PHONE:
EMAIL ADDRESS: sue@recraftandrelie.com	EMAIL ADDRESS:

PROJECT PROPERTY INFORMATION

PROPERTY ADDRESS: Milwaukee County Sports Complex	TAX KEY NUMBER:
PROPERTY OWNER: managers: Riley Garcia / Jesus Garcia	PHONE: T: 414-281-2694 / 414-333-4072
MAILING ADDRESS: 6000 W. Ryan Rd	EMAIL ADDRESS: Riley.Garcia@milwaukeecountywi.gov
CITY/STATE: ZIP: Franklin, WI 53132	DATE OF COMPLETION: office use only

APPLICATION TYPE

Please check the application type that you are applying for

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

Most requests require Plan Commission review and approval.


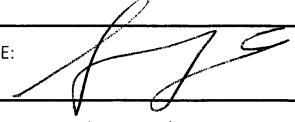
Applicant is responsible for providing Plan Commission resubmittal materials up to 12 copies pending staff request and comments.

SIGNATURES

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

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

I, the applicant, certify that I have read the following page detailing the requirements for plan commission approval and submittals and understand that incomplete applications and submittals cannot be reviewed.

PROPERTY OWNER SIGNATURE: 	APPLICANT SIGNATURE: 
NAME & TITLE: DATE: <i>Jesus E. Garcia-Ferreira</i> <i>MANAGER</i>	NAME & TITLE: DATE: Susan Smith , owner/organizer <i>6/12/24</i>
PROPERTY OWNER SIGNATURE:	APPLICANT REPRESENTATIVE SIGNATURE:
NAME & TITLE: DATE:	NAME & TITLE: DATE:

CITY OF FRANKLIN APPLICATION CHECKLIST
 If you have questions about the application materials please contact the planning department.

BUILDING MOVE APPLICATION MATERIALS

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

SIGN REVIEW APPLICATION MATERIALS

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

SITE PLAN / SITE PLAN AMENDMENT APPLICATION MATERIALS

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

TEMPORARY USE APPLICATION MATERIALS

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

Project Narrative

re:Craft and Relic is a two-day, indoor, ticketed shopping event held three times a year at the Milwaukee County Sports Complex in Franklin, WI. It is one of the largest indoor events of its kind in the region, featuring vintage, handmade, and upcycled goods. It is a juried event, with primary emphasis being placed on a) the quality & diversity of the products and b) the aesthetic of the booth displays.

re:Craft & Relic is owned by A Happy Thought Indeed Market Management, a company that primarily runs re:Craft & Relic events but has also run the Stonewood Village Maker's Market in Brookfield, the MKE Local Market and Make Art MKE on the grounds of Mount Mary University.

The first re:Craft & Relic market was in November of 2015. We have since had 20 events total inside the Milwaukee County Sports Complex. The event averages around 150 vendors and ranges from 3,000-5,000 paid customers.

We have had great communication with the Park Rangers and building staff regarding parking and now have a full parking attendant team during the busiest hours of the event.

There will be no changes to the overall configuration of parking for this event except for the addition of an off site parking shuttle on Saturday, November 9th to alleviate congestion along 60th street during our Holiday Market in November. The off site parking will be at Lubrizol, 9900 S. 57th St. with shuttle transportation provided by ThinkLIMO.

We are working with the Park Rangers to make sure "no parking" signs are where they need to be and marking a sufficient amount of parking spaces as reserved for handicap parking needs.

We will have a Sheriff's deputy on site during our Holiday Market in November.

The dates for our upcoming shows are:

November 9th & 10th , 2024

February 1st & 2nd, 2025

April 5th & 6th, 2025

For all three shows we are on-site for the following times:

Friday - 7am to 7pm (vendor setup is from 1pm -7pm)

Saturday- 7am to 5pm

Sunday - 8am to 9pm (vendor teardown is from 4pm to 9pm)

Shopping hours are:

9am-4pm on Saturday, 10am-4pm on Sunday

re:Craft & Relic typically has 15-20 vendors at the events that sell food. The majority of these vendors sell prepackaged products.

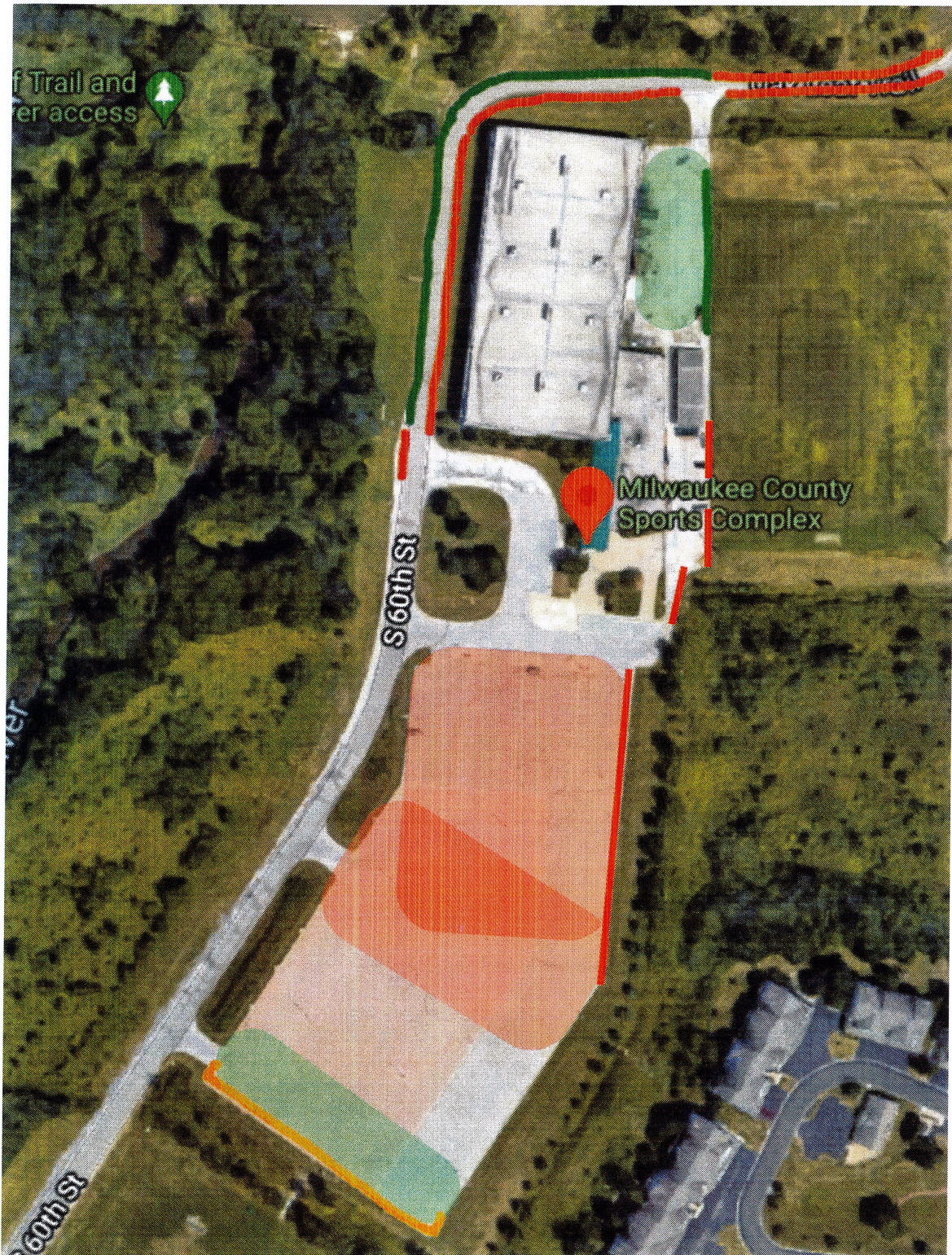
At each event, we typically have 3-4 vendors selling non-prepackaged food.

A list of all food vendors is submitted to the Franklin Health Department ahead of each event.

Our website has more information about our events - www.recraftandrelic.com

- Susan Marie Smith, owner of A Happy Thought Indeed Market Management, LLC

re:Craft and Relic event at Milwaukee County Sports Complex



Vendor Parking: vendors directed to park in green areas. No parking signs provided by Park Rangers.

Parking team outside during the busiest hours of each event day.

Customer offsite parking shuttle provided by ThinkLIMO on Saturday, November 9th, 2024.

Offsite parking location: Lubrizol 9900 S 57th St, Franklin, WI 53132

City of Franklin

Department of City Development

Date: August 28, 2024
To: Susan Smith, A Happy Thought Indeed Market Management, LLC
From: Department of City Development Staff
RE: Temporary Use - A Happy Thought Indeed– Staff Comments

Department comments are as follows for the temporary use application for a the ReCraft and Relic shopping event submitted by A Happy Thought Indeed, and date stamped by the City of Franklin on June 13, 2024.

Department of City Development Staff Comments

1. This application is currently scheduled for the 9/19 Plan Commission meeting at 6:00 in the Council Chambers.
2. Do you have authorization from the property owners for the off-site parking from Lubrizol? If so, please provide that documentation.

Health Department Staff Comments

Provide Franklin Health Department with all applicable licensing information for all vendors preparing or selling prepackaged food items onsite at least one week prior to the event. Event organizer shall contact FHD with further requirements for vendors and possible inspections needed.

Fire Department Staff Comments

The fire department has the following comments/concerns/requirements regarding the proposed Temporary Use at this location (the applicant should be aware of these requirements through previous correspondence):

- Egress paths shall be maintained and exit doors shall not be obstructed.
- Fire extinguishers shall be unobstructed and visible.
- The following are the requirements established in NFPA1 (Uniform Fire Code) for displaying vehicles within exposition facilities:

20.1.5.5.4.12.1 All fuel tank openings shall be locked and sealed in an approved manner to prevent the escape of vapors; fuel tanks shall not contain in excess of one-half their capacity or contain in excess of 10 gal (38L), whichever is less.

20.1.5.5.4.12.2 At least one battery cable shall be removed from the batteries used to start the vehicle engine, and the disconnected battery cable shall then be taped.

20.1.5.5.4.12.3 Batteries used to power auxiliary equipment shall be permitted to be kept in service.

20.1.5.5.4.12.4 Fueling or defueling of vehicles shall be prohibited.

20.1.5.5.4.12.5 Vehicles shall not be moved during exhibit hours.

- General requirement regarding exposition facilities:

20.1.5.5.4.13.1 The following items shall be prohibited within exhibit halls:

- (1) Compressed flammable gases
- (2) Flammable or combustible liquids
- (3) Hazardous chemicals or materials

- No open flame or gas-fired appliances or cooking equipment are allowed within the building (this is more so a carbon monoxide hazard than fire hazard).



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MEMORANDUM

Date: September 10, 2024

SENT VIA EMAIL

To: City of Franklin UDO Update Task Force
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**Re: Franklin, WI UDO Update
Task Force Meeting - Article 9 Administrative Standards and Procedures**

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

ARTICLE 9 ADMINISTRATIVE STANDARDS AND PROCEDURES

Draft Article 9 Administrative Standards and Procedures contains all the UDO provisions regarding the City's zoning procedures and processes.

Background and Stakeholder Input

At the beginning of the project, stakeholders expressed a desire to streamline processes and allow administrative review for certain types of applications such as small building modifications, all while retaining the City's discretion over applications that have the potential to generate impacts on the community.

- The UDO contains an overabundance of special uses that must undergo extensive permitting processes.
- Uses that generate similar off-site impacts, such as various contracting businesses, are allowed under differing procedures. The UDO should allow uses that generate similar impacts under the same procedures.
- The UDO should establish clear regulations and permit procedures for temporary signs.
- Site plan review procedures, including the situations requiring Plan Commission review, should be clarified.

PLANNING

DESIGN

DEVELOPMENT

- Public hearings and extensive review procedures are required for use changes and small building modifications, which should be allowed through administrative review procedures.
- Decisions on proposals that generate impacts at the neighborhood or City level should be made by the Common Council to provide sufficient opportunities for public input.
- The natural resource protection standards should be reviewed to ensure that the environmental provisions are not overly prohibitive of new development.

Draft Article 9 Overview

Section 15-9-01 establishes standards for applicants to file a complete application, regardless of the applicable zoning process. The steps include filing with the Zoning Administrator, a completeness check, and submittal of fees. This is new text that does not exist in the current UDO and is designed to provide easy guidance about filing applications.

Section 15-9-02 describes the roles and responsibilities of the individuals, boards, and commissions involved in zoning procedures and processes. Much of this language is taken from the existing UDO. It then establishes the process and approval criteria for all procedures that involve review by City staff, followed by those that involve review by the City's Boards and Commissions.

Section 15-9-02 also establishes the role and responsibilities of the Zoning Administrator, Plan Commission, Board of Zoning and Building Appeals, Architectural Review Board, and Historic and Preservation Commission. The existing standards are retained and revised for clarity but not modified substantially.

Section 15-9-03 establishes the City's administrative processes which are approved by City staff. The procedure for zoning compliance permits, which are required for change of use applications or the construction of duplex or single-family dwellings is first established in 15-9-03(A).

Section 15-9-03(B) then establishes the procedures for site plan review, which is required for any new development other than duplex or single-family dwellings. The site plan review process involves a higher level of discretion than Zoning Compliance permits through the standards of review established in Section 15-9-03(B)(2). The process also gives staff the ability to refer larger-scale site plans to the Plan Commission for review and approval.

Section 15-9-3 also establishes new administrative processes are also established for temporary uses, sign permits, and interpretations, all of which are approved by staff.

Section 15-9-04 includes the City's standards for site intensity and capacity, which govern the built intensity of a given site. The standards from the existing UDO have been retained but have been updated to align with other areas of the draft UDO. For example, floor area ratio is no longer established as a regulated bulk and dimensional standard in the draft of Article 3 - District-Specific Standards and is, therefore, no longer mentioned in the site intensity standards.

Section 15-9-06 establishes the process for Conditional Uses, including review and recommendation by the Plan Commission, and action by Common Council. A process is also established to allow the amendment of previously approved Conditional Uses. Major amendments are those that would create a substantial change to previously approved special uses, and would go back to the Plan Commission, whereas minor amendments are those that would not alter the concept or intent of the original conditional use and may be approved by City staff.

Section 15-9-07 establishes the process for Variances. New criteria for the Board of Zoning and Building Appeals to review and approve or deny variances are established to ensure that the Board uses the same standards to evaluate each successive variance application. The existing process for Area Exceptions is removed from the UDO, given its similarity in purpose to the Variance procedure.

Section 15-9-09 establishes procedures and standards for the Plan Commission to review and Common Council to approve of Map Amendments. New criteria are established including the proposal's consistency with the Comprehensive Master Plan. Similarly, Section 15-9-10 establishes procedures for the approval of Text Amendments, and includes new objective standards for Plan Commission and Common Council review.

Section 15-9-12 contains a new procedure for the Plan Commission to review and consider appeals of administrative interpretations or decisions made by the City staff.

Section 15-9-13 includes the City's procedures for the review and approval of subdivision applications, including minor land divisions, which are land divisions resulting in four or fewer parcels, land combinations, which involve the consolidation of parcels, and subdivisions involving the creation of more than four parcels.

Section 15-9-14 contains the City's existing standards regarding violations of UDO provisions.

Natural Resource Protection Plan (NRPP) and Impact Review

The draft UDO includes adjustments intended to streamline how protected natural resource impacts and required compensation (or "mitigation") are reviewed and approved. These represent both clarifications in the types of resources protected, and a change in the review level required for impacts to certain resources. Currently, any impact to protected natural resources requires a Special Exception with approval by Common Council. The team heard during stakeholder interviews and the Task Force process that this has led to lengthy and unpredictable review processes, without a corresponding benefit to resources. Moreover, impacts to certain types of resources, including Wisconsin DNR-defined degraded and artificial wetlands, were subject to the same standards and review processes as the City's highest-value environmental corridors.

The draft of Article 7, reviewed with the Task Force in August, provides updated definitions of Protected Natural Resources and updated ratios for required compensation and restoration of approved impacts. The Table below shows the proposed required compensation/restoration ratios and the level of approval proposed to be required for impacts to each resource type. By requiring a full Special Exception process and higher compensation/ restoration ratios for key resources, including SEWRPC defined environmental corridors and natural resource areas, surface waters, jurisdictional wetlands, and buffers to surface waters and jurisdictional wetlands, the City will be discouraging impacts to these key resources, while allowing administrative review and a range of restoration options for impacts to other resource types. Stakeholder input, including discussions with the development community and Environmental Committee, provided support for this direction.

A substantial issue has arisen with respect to the complicated picture of federal and Wisconsin jurisdiction over certain types of wetlands. The State of Wisconsin has made clear that DNR jurisdiction extends only to Shoreland Wetlands, and those wetlands regulated by the US Army. Corps of Engineers. Generally, federal (Army Corps of Engineers) jurisdiction extends to those wetlands demonstrably connected to a defined surface water, though professional delineations are almost always required to determine whether a wetland is jurisdictional or not. The State also has defined "artificial wetlands" and "degraded wetlands." Left in the middle are wetlands, often called "isolated wetlands," whose connection to a surface water is less clear. Wetlands in or at the edge of former farm fields often fall into this category. The State of Wisconsin has clarified that the DNR does not regulate these wetlands or "degraded wetlands." However, both degraded wetlands and non-federal jurisdiction wetlands provide important flood control and water quality benefits within the City of Franklin, serving as a check on stormwater runoff and valuable flood storage during strong storms.

The draft of Article 7 addresses this challenge as follows:

1. Federal jurisdiction wetlands and Shoreland Wetlands as defined by the State of Wisconsin, and a 50' buffer, are defined as Protected Natural Resources. Impacts to these resources require compensation and approval of a Special Exception, in addition to Wisconsin and federal permits.
2. Artificial Wetlands, as defined by the State of Wisconsin, may be impacted and do not require special review or compensation.
3. Non-federal jurisdiction wetlands and Degraded Wetlands, as defined by the State of Wisconsin, may be impacted; any impacts require compensation, and approval in conjunction with a site plan or PUD. A Special Exception approval is not required.

The team would also note that the use of "compensation and restoration" instead of "mitigation" is deliberate. "Mitigation" of wetlands under Wisconsin and federal law is complex and often very fraught. Using "compensation and restoration" for the City's processes is intended to ensure both that there is as little confusion as possible, and that a wider range of options for restoration is provided rather than indicating individual resource types must be "mitigated" in kind. For example, under the draft guidance

and Article 7, impacts to woodland on a site could be compensated with a combination of enhanced buffer plantings along a stream or wetland, additional tree planting over the requirements of the landscape standards, or use of “stormwater trees” and other green infrastructure. The current requirement to re-create the specific type of natural resource affected - including degraded wetlands - has led to difficult and often counter-productive efforts that the new approach is intended to prevent.

Required Compensation Ratios

Table 15-X of Article 7 lists the required “Compensation Ratio” based on the area of each type of natural resource affected in a development plan.

TABLE 15-X: City of Franklin Natural Resources Compensation Ratios			
Impact by Natural Resource type	Unit	Compensation/ Restoration Ratio	Type of Approval Required for Impacts
SEWRPC Primary Environmental Corridor	SF	1.25	Special Exception
SEWRPC Secondary Environmental Corridor	SF	1.0	Special Exception
SEWRPC Isolated Natural Resource	SF	1.0	Special Exception
*Surface Water and Wetland Buffers	SF	1.25	Site Plan or PUD
****Surface Water or Wetland Buffer, if (1) poorly vegetated/degraded or impervious areas present or (2) buffer on an artificial or degraded wetland.	SF	0.25	Site Plan or PUD
Woodland	SF	0.75	Site Plan or PUD
Trees > 8” caliper outside woodland	Caliper DBH removed	2” caliper per 8” removed	Site Plan or PUD
Degraded Wetland and Nonfederal Jurisdiction Wetlands	SF	1.5	Site Plan or PUD
*Federal Jurisdiction Wetlands and Shoreland Wetlands	SF	1.5	Special Exception
**Overlapping Natural Resource Areas (e.g., woodland within a surface water buffer, surface water buffer within a SEWRPC secondary environmental corridor, etc.)	SF	Highest Compensation Factor of the resources present within the area	Highest Level of Review Applicable to Affected Resource
*Surface Waters	SF	1.0	Special Exception
Notes			
*Direct impacts to Surface Water and Wetland Buffers, Federal Jurisdiction or Shoreland Wetlands, and Surface Waters allowed only with approval of a Special Exception under Article 9.			
**Where Natural Resource Features other than delineated wetlands and surface waters overlap, use the highest compensation factor of the resources found within the protection area.			
***If Surface Water and Wetland Buffers are present but not affected in the construction and post-construction phases, compensation is not required. The highest compensation factor of any other impacted/affected resource shall apply. The entire buffer area must, however, be planted and demarcated in accordance with Article 7.			
****If Surface Water and Wetland Buffers are present but poorly vegetated, and impacts are proposed, the lower ratio for impacts will apply. All areas where impacts are not proposed must be planted and demarcated in accordance with Article 7.			
*****Removal of impervious area within an existing surface water or wetland buffer provides a credit of 0.5 per SF of area removed and properly revegetated.			

Topics For Policy Discussion

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

- In previous phases of the project, the City discussed eliminating references to the Architectural Review Board from the City’s Administrative Standards and Procedures in Section 15-9-02 (D), given that the UDO does not have architectural standards for single-family and two-family dwellings. Should the Architectural Review Board be removed from the UDO?
- Section 15-9-03(B)(3)(b)(IV) in the draft of Article 9 specifies that staff may refer a site plan consisting of 100,000 square feet or more to the Plan Commission for review. Is this threshold appropriate for Franklin or should it be lower or higher?

- Per the draft Article, the Natural Resource Special Exception Process is proposed to go from the Environmental Commission to the Planning Commission and not to Common Council, allowing for a more streamlined review. Is this appropriate for Franklin?
- Some types of natural resource impacts would be handled through the site plan review process, provided they are compensated, rather than having to go through a Special Exception. Is this adjustment to the process appropriate for Franklin?

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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 variations to the land division and platting related aspects of this Ordinance shall be the sole charge of the Plan Commission [See State ex rel. Westbrook v. City of New Berlin, 120 Wis.2d 256, 354 N.W.2d 206 (Ct. App. 1984)].
8. **Hold Public Hearings and Informational Meetings.** To hold public hearings and informational meeting on matters referred to the City Plan Commission.

C. Board of Zoning and Building Appeals. The Board of Zoning and Building Appeals shall have the following powers pertaining to the City of Franklin's zoning regulations and Chapter 30 "Building Code" of the City of Franklin's Municipal Code:

1. **Errors.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator or the Director of Inspection Services; and also where it is alleged there is an error in any order, requirement, decision or determination made by the Fire Official, to hear and decide an appeal of such error pursuant to and upon the standards set forth in §§ 26.10 and 26.11 of the City of Franklin Municipal Code.
2. **Variations.** To hear and grant applications for variations pursuant to the provisions of § 62.23(3) of the Wisconsin Statutes as amended and to hear and grant applications for minor variations pursuant to this Division of this Ordinance. Use variations shall not be granted. No variance shall be granted which may vary any term or provision of this UDO as it pertains to any property which is subject to a Conditional Use resolution or a Planned Unit Development or vary any term of such Conditional Use resolution or Planned Unit Development itself, unless the application for such variance is specifically authorized within such Conditional Use resolution or Planned Unit Development ordinance.

3. **Interpretations.** To hear and decide applications for interpretation of the zoning regulations, also to hear and decide disputes relative to the boundaries of the zoning districts
4. **Substitutions.** To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the Plan Commission has made a review and recommendation. Whenever the Board of Zoning and Building Appeals permits such a substitution, the use may not thereafter be changed without application.
5. **Permits.** The Board of Zoning and Building Appeals may reverse, affirm wholly or partly, modify the requirements appealed from, and may issue or direct the 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. A ten (10) percent or greater decrease in the façade area covered by exterior building cladding materials that have a minimum quantity required for façades as specified in **Section ##-##-###**.
 - IV. A ten (10) percent or greater increase in the façade area covered by exterior building cladding materials that have a maximum quantity allowed as specified in **Section ##-##-###**.
- 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	Net Buildable 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. Required written notice shall be delivered by regular mail to all owners of properties or portions of properties within five hundred (500) feet of the 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(B): Notice Requirements by Procedure			
Procedure	Published Notice		Written Notice
	Class 1	Class 2	
Conditional Use Permit		●	●
Major Conditional Use Permit Amendment		●	●
Variance	●		●
Natural Resource Special Exception		●	
Text Amendment		●	
Map Amendment		●	●
Appeal	●		
Planned Unit Development (1)		●	●
Major Planned Unit Development Amendment (1)		●	●
Key			
● = Required form of notice			
Notes			
(1) Process specified in Article 10 Planned Development Standards and Procedures.			

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

15-9-06. 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. Natural Resource 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 restoration and compensation, based on the standards and procedures set forth in section 15-07.04.
2. The Natural Resource Protection Plan and Compensation/Restoration 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 compensation and restoration 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 compensation and restoration meets the objective standards and ratios in this Article and the City of Franklin Natural Resource Compensation and Mitigation Guide.

B. **Special Exception.**

1. **Applicability.** A Special Exception to the provisions of this Article shall be required for:
 - a. Any construction or permanent impacts to SEWRPC Primary or Secondary Environmental Corridors, SEWRPC Isolated Natural Resource Areas, federal jurisdictional wetlands or Shoreland Wetlands, or surface waters.
 - 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 compensaton ratios in Table [15-XX REF];
 - d. Any modification of the financial surety requirements in Section [15.07X]; and
 - e. Any appeal of a determination of a natural resource feature pursuant to 15-07.02.

2. **Plan Commission Review.** Upon recommendation by Staff and the Environmental Commission, the Plan Commission 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 shall be conducted by the Plan Commission.
 - c. **Criteria for Approval.** A Special Exception may be granted only upon a finding by the Plan Commission:
 - 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:
 - a) Be unreasonably burdensome to the applicant and that there are no reasonable practicable alternatives; or,
 - b) Unreasonably and negatively impact upon the applicant's use of the property and that there are no reasonable practicable alternatives; and
 - c) The Special Exception, including any conditions imposed under this Section will:
 - (i) Be consistent with the existing character of the neighborhood; and
 - (ii) Not effectively undermine the ability to apply or enforce the requirement with respect to other properties; and
 - (iii) Be in harmony with the general purpose and intent of the provisions of this Article; and
 - (iv) Preserve or enhance the quality of the natural resource affected.
 - d. **Review Criteria.** In making its recommendation, the Plan Commission shall consider factors such as:
 - i. 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;
 - ii. 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;
 - iii. The proposed degree of noncompliance with the requirement of this Article to be allowed by the Special Exception;
 - iv. The project's proximity to and character of surrounding property;
 - v. Purpose of the zoning district of the area in which property is located and neighboring area; and
 - vi. 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 Plan Commission deems necessary, including, but not limited to, conditions that:
 - i. 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);

- ii. Require additional compensation and restoration beyond measured proposed in the Natural Resource Protection Plan and Compensation/Restoration Plan, provided such measures are related to and roughly proportional with the degree of impact authorized;
- iii. 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 Plan Commission 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.

15-9-09. 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.

15-9-10. 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.

15-9-11. 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.

15-9-12. 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.

15-9-13. 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.

15-9-14. 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.**