

# UNIFIED DEVELOPMENT ORDINANCE

Zoning, Development and  
Land Division Regulations

City of Franklin, Wisconsin

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# Franklin

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# Part 1

# **PART 1: INTRODUCTION**

## **DIVISION 15-1.0100 INTRODUCTION**

### **SECTION 15-1.0101 AUTHORITY**

These regulations are adopted under the authority granted by Sections 62.23(7), 62.231, 62.234, 66.1027, 87.30, 144.26, and 236.45 of the Wisconsin Statutes and amendments thereto. Therefore, the Common Council of the City of Franklin does ordain as follows:

### **SECTION 15-1.0102 TITLE**

This Ordinance shall be known as, referred to, or cited as, "UNIFIED DEVELOPMENT ORDINANCE, CITY OF FRANKLIN, WISCONSIN."

### **SECTION 15-1.0103 PURPOSE**

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

### **SECTION 15-1.0104 INTENT**

It is the general intent of this Ordinance to regulate the division of land and restrict the use of all structures, lands, and waters so as to:

- A. Regulate and restrict lot coverage and the size and location of all structures so as to prevent overcrowding and to provide adequate sunlight, air, sanitation, and drainage;
- B. Regulate population density and distribution so as to avoid sprawl or undue concentration and to facilitate the provision of adequate public service and utilities;
- C. Regulate parking, loading, and access so as to lessen congestion on, and promote the safety and efficiency of, the streets and highways;
- D. Secure safety from fire, flooding, pollution, contamination, panic, and other dangers;
- E. Stabilize and protect existing and potential property values;
- F. Encourage compatibility between different land uses and protect the scale and character of existing development from the encroachment of incompatible development;

- G. Further the wise use, conservation, protection, and proper development of the City's natural resources including soils, topography and steep slopes, water, floodplains, shore buffers, shorelands, drainageways, wetlands and shoreland wetlands, woodlands and forests, and wildlife resource features and attain a proper adjustment of land division, land use and development to the supporting and sustaining natural resource base;
- H. Preserve and protect the beauty of the City of Franklin, Wisconsin and environs;
- I. Further the orderly layout and appropriate use of land;
- J. Prevent and control erosion, sedimentation, and other pollution of the surface and subsurface waters;
- K. Further the maintenance of safe and healthful water conditions;
- L. Prevent flood damage to persons and property to minimize expenditures for flood relief and flood control projects;
- M. Provide for and protect a variety of suitable commercial and industrial sites;
- N. Protect the traffic-carrying capacity of existing and proposed arterial streets, highways, and collector streets;
- O. Facilitate adequate provisions for housing, transportation, water supply, stormwater, wastewater, schools, parks, playgrounds, and other public facilities and services;
- P. Restrict building sites in areas covered by poor soils or in other areas poorly suited for development due to natural resource features or other characteristics;
- Q. Facilitate the further division of larger tracts into smaller parcels of land;
- R. Ensure adequate legal descriptions and proper survey monumentation of subdivided land;
- S. Avoid the harmful effects resulting from the premature division of land;
- T. Implement those municipal, County, watershed, or regional comprehensive plans or their components adopted by the City and in general facilitate enforcement of those development standards as set forth in the adopted regional, County, and municipal local comprehensive master plans, master plan, comprehensive plan, neighborhood plans, planning district plans, adopted plan components, Unified Development Ordinance, and Building Code of the City of Franklin, Wisconsin;
- U. Provide for the administration and enforcement of this Ordinance;
- V. Provide penalties for the violation of this Ordinance; and

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

#### **SECTION 15-1.0105**

#### **ABROGATION AND GREATER RESTRICTIONS**

It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to laws. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

#### **SECTION 15-1.0106**

#### **INTERPRETATION**

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the City and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

#### **SECTION 15-1.0107**

#### **SEVERABILITY**

- A. **Part, Division, Section, Provision, or Portion of this Ordinance.** If any part, division, section, provision, or portion of this Ordinance is adjudged unconstitutional, or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
- B. **Application of this Ordinance to a Particular Structure, Land, or Water.** If an application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgement shall not be applicable to any other structure, land, or water not specifically included in said judgement.

#### **SECTION 15-1.0108**

#### **WARNING AND DISCLAIMER OF LIABILITY**

- A. **Floodplain Zoning.** The degree of flood protection provided by the Ordinance is considered reasonable for regulatory purpose and is based on engineering experience and scientific methods of study. On rare occasions, larger floods may occur or the flood height may be increased by man-made or natural causes such as ice jams or bridge openings restricted by debris. Therefore, this Ordinance does not imply that areas outside the delineated floodplain or land uses permitted within the floodplain will be totally free from flooding and the associated flood damages. Nor shall this Ordinance create a liability on the part of, or a cause of action against, the City of Franklin or any office or employee thereof for any flood damages that may result from reliance on this Ordinance.
- B. **Floodplains Delineated on Certified Survey Maps, Subdivision Plats, or Condominiums.** The City does not guarantee, warrant, or represent that only those areas delineated as floodplains on Certified Survey Maps, Subdivision Plats, or Condominiums will be subject to periodic inundation, nor does the City guarantee, warrant, or represent that the soils shown to be unsuited for a given land use from tests required by this Ordinance are the only unsuited soils within the jurisdiction of this Ordinance; and thereby asserts that there is no liability on the part of the City, Common Council, Plan Commission, its agencies, and contractors, or employees for flooding

problems, sanitation problems, or structural damages that may occur as a result of reliance upon, and conformance with, this Ordinance.

**SECTION 15-1.0109**

**PERMITS ISSUED AND PRELIMINARY PLATS APPROVED  
PRIOR TO THE EFFECTIVE DATE OF THE UNIFIED  
DEVELOPMENT ORDINANCE**

- A. **When New Unified Development Ordinance Shall Apply.** All work, structures, and uses authorized by permits issued prior to the effective date of this Ordinance or any amendment thereto shall not be affected by this Ordinance. Except as provided in Paragraphs B., C., D., and E. below of this Section, no Zoning Compliance Permit shall or Special Use Permit shall be issued following the effective date of this Ordinance or any amendment thereto unless the work, structure, or use for which the Zoning Compliance Permit or Special Use Permit is sought is made to fully comply with the applicable provisions of this Ordinance or any such amendment thereto.
- B. **Right to Complete Construction Pursuant to Approved Plans and Permits.** Nothing in this Ordinance, or any amendment thereto, shall be deemed to require any change in the plans, construction, or designated use of any structure if a Building Permit (also see Paragraph C. of this Section) and/or Certificate of Occupancy for such structure was lawfully and properly issued prior to the effective date of this Ordinance, or any such amendment thereto, and such Building Permit and/or Certificate of Occupancy had not by its own terms expired prior to such effective date of this Ordinance, and construction pursuant to such permit is commenced prior to the expiration date of such permit.
- C. **Building Permits.** Where a Building Permit for a building or structure has been issued in accordance with law prior to the effective date of this Ordinance, and provided that construction is begun within ninety (90) days of such effective date and the exterior of the building or structure is completed within one (1) year of such effective date, said building or structure may be completed in accordance with the approved plans on the basis of which the Building Permit has been issued; and further, may, upon completion, be occupied under a Certificate of Occupancy by the use for which originally designated, subject thereafter to the provisions of Division 15-3.1000 of this Ordinance.
- D. **Right to Occupy as Nonconformity.** Upon completion pursuant to Paragraph B. and C. of this Section, such building or structure may be occupied by, and a Zoning Compliance Permit and/or Certificate of Occupancy shall be issued for, the use designated on such Zoning Compliance Permit and/or Certificate of Occupancy, subject thereafter, to the extent applicable, to the provisions of Division 15-3.1000 of this Ordinance relating to nonconformities.
- E. **Preliminary Subdivision Plats.** Any preliminary subdivision plat filed prior to the effective date of this Ordinance [the Unified Development Ordinance; August 1, 1998] shall vest such approval rights as are afforded any subsequently filed final plat as authorized and allowed under §236.11(1)(b), Stats. and §15-9.0304D. of this Ordinance.

- A. **When Unified Development Ordinance Shall Apply.** This Ordinance, and any amendment thereto, shall apply to all applications pending and not finally decided on the effective date thereof to which it would apply if such applications were filed on or after such effective date; provided, however, that nothing in this Ordinance shall be deemed to require any change in any Preliminary Subdivision Plat, Final Subdivision Plat, or Certified Survey Map that has been submitted prior to such effective date and which Preliminary Subdivision Plat, Final Subdivision Plat, or Certified Survey Map application shall be processed in accordance with the standards and requirements that were in effect on the date such application was filed.; and provided further, that this Ordinance shall not apply to any zoning variance application that was on file with the City of Franklin and complete in all material respects prior to such effective date, and which zoning variance application shall be processed in accordance with the standards and requirements that were in effect on the date such application was filed.
- B. **Zoning Administration.** Within thirty (30) days after the effective date of this Ordinance, or any amendment thereto, the Zoning Administrator shall inform each applicant to which this Ordinance applies that said application is subject to the provisions of this Ordinance (except pending applications for Preliminary Subdivision Plats, Final Subdivision Plats, or Certified Survey Maps), as amended, and will be processed in accordance therewith; that the applicant may within thirty (30) days after the mailing of such notice refile, without additional fee, its application on the basis of this Ordinance, as amended; and that if the applicant does not refile, its application may be denied for noncompliance with the provisions of this Ordinance, as amended.
- C. **Duty of Applicant.** Notwithstanding the provisions of Paragraph B. of this Section, it shall be the responsibility of each applicant having an application pending on the effective date of this Ordinance (except pending applications for Preliminary Subdivision Plats, Final Subdivision Plats, or Certified Survey Maps), or any amendment thereto, to modify such application in accordance with the terms and provisions of this Ordinance, as amended, and the failure to do so, whether or not the procedures of said Section have been followed, may result in the denial of such application for failure to comply with this Ordinance, as amended. Any modification or refile of an application pending on such effective date in order to comply with the provisions of this Ordinance, as amended, shall be permitted at any time prior to the final disposition of such application and shall be permitted without payment of any additional fee.
- D. **Processing of Pending Applications.** Upon the refile of any pending application as herein provided, or upon notification from the applicant that applicant will not refile or modify the application, or upon the expiration of sixty (60) days after the effective date of this Ordinance or any amendment thereto, whichever occurs first, such pending application shall be processed in accordance with the terms of this Ordinance, as amended; provided, however, that the application requirements, hearing requirements, and procedural requirements set forth in Part 9 of this Ordinance shall not apply to any such pending application and each application shall be processed in accordance with the application, hearing, and procedural requirements that were in effect on the date that such application was filed. Notwithstanding any other provision of this Section, the Zoning Administrator shall have the authority to request additional data, information, or documentation for pending applications when, in the Zoning Administrator's judgement, such additional data, information, or documentation is necessary or appropriate to a full and proper consideration and disposition of such pending application.

## **SECTION 15-1.0111**

## **REPEAL**

- A. **Repeal of Zoning Ordinance.** The City of Franklin Ordinance No. 221 adopted on February 6, 1968 and subsequent amendments thereto, relating to the zoning of land is hereby repealed and all other Ordinances or parts of Ordinances of the City of Franklin inconsistent or conflicting with this Ordinance, to the extent of the inconsistency or conflict only, are hereby repealed, excepting Section 8.5 of Ordinance No. 221 (B-4 Regional Shopping District) and Section 12.1 of Ordinance No. 221 (C-1 Conservancy District), which shall remain in effect until such time, after duly held public hearing, as the Common Council rezones the lands in a B-4 or C-1 zoning pursuant to Ordinance No. 221 to a zoning district provided for within this Ordinance. Immediately upon approval of said rezonings, the aforementioned Sections 8.5 and 12.1 shall be repealed without further public hearing.
- B. **Repeal of Subdivision and Platting Ordinance.** The City of Franklin Subdivision and Platting Ordinance (Chapter 21 of the City of Franklin Municipal Code) adopted on July 13, 1965, and subsequent amendments thereto, is hereby repealed.

# Part 2



## **PART 2: GENERAL PROVISIONS**

### **DIVISION 15-2.0100      GENERAL PROVISIONS**

#### **SECTION 15-2.0101      SCOPE OF REGULATIONS**

The purpose of Division 15-2.0100 is to define the scope of the City of Franklin Unified Development Ordinance.

#### **SECTION 15-2.0102      JURISDICTION**

- A.     **General Jurisdiction.** The jurisdiction of this Ordinance shall apply to all structures, lands, water, and air within the corporate limits of the City of Franklin.
- B.     **Application of this Ordinance to Divisions of Tracts of Land Into Less than Five (5) Parcels.** The provisions of this Ordinance as it applies to divisions of tracts of land into less than five (5) parcels shall not apply to:
1.     **Transfers of Interests in Land by Will or Court Order.** Transfers of interests in land by will or pursuant to court order.
  2.     **Leases.** Leases for a term not to exceed ten (10) years, mortgages, or easements.
  3.     **Sale or Exchange of Parcels of Land Between Owners of Adjoining Property.** Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by the Unified Development Ordinance or other applicable laws or ordinances.
  4.     **Cemetery Plats.** Cemetery plats made under Wisconsin Statutes 157.07.
  5.     **Assessors' Plats.** Assessors' plats made under Wisconsin Statutes 70.27, but such assessors' plats shall comply with Wisconsin Statutes 236.15(1)(a) to (g) and 236.20(1) and (2)(a) to (e).

#### **SECTION 15-2.0103      COMPLIANCE**

- A.     **General Compliance.** No structure, development, land, water, or air shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, substantially improved, extended, enlarged, converted, or structurally altered without a Building or Zoning Compliance Permit, and without full compliance with the provisions of this Ordinance and all other local, county, and state regulations. In addition, the following general provisions shall be complied with:
1.     **Wisconsin Department of Natural Resources.** Rules of the Wisconsin Department of Natural Resources, Division of Environmental Protection, as amended, setting water

quality standards for preventing and abating pollution and for regulating development within floodplain, wetland, and shoreland areas.

2. **Comprehensive Plans or Master Plans.** Comprehensive or master plans, plans prepared by state, regional, county, or municipal agencies duly adopted by the Plan Commission, or components of such plans as amended.
3. **City of Franklin Unified Development Ordinance.** The City of Franklin Unified Development Ordinance and all other applicable local and county ordinances as amended.
4. **Wisconsin Administrative Code.** All applicable rules contained in the Wisconsin Administrative Code, as amended, not listed in this Section.
5. **U.S. Army Corps of Engineers and U.S. Environmental Protection Agency.** Rules of the U.S. Army Corps of Engineers and U.S. Environmental Protection Agency as amended.
6. **Americans with Disabilities Act (ADA) Accessibility Guidelines.** The requirements of the "Americans with Disabilities Act (ADA) Guidelines for Buildings and Facilities" as documented in the *Federal Register*, Vol. 56, No. 144, July 26, 1991, as amended.
7. **Other Applicable Federal and State Laws and Regulations.** All other applicable federal and state laws and regulations as amended.

B. **Zoning Compliance.** The following specific zoning provisions shall be complied with:

1. **Changes in Structures or Use.** Except as may otherwise be provided in Division 15-3.1000, nonconforming buildings, structures and uses, all buildings erected hereafter, all uses of land or buildings established hereafter, all structural alterations or relocation of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter, shall be subject to all regulations which are applicable to the zoning districts in which such buildings, uses, or land shall be located.
2. **Nonconforming Buildings, Structures, and Uses.** Any lawfully established building, structure, or use existing at the time of enactment of this Ordinance, may be continued, even though such building, structure, or use does not conform to the provisions of the zoning district in which it is located. Whenever a zoning district is changed thereafter, the then existing lawful use may be continued, subject to the provisions of Division 15-3.1000 of this Ordinance.
3. **Site Suitability.** No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Plan Commission by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of this community. The Plan Commission, in applying the provisions of this Ordinance, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if so desired. Thereafter, the Plan Commission may affirm, modify, or withdraw its determination of unsuitability.

- a. **Lots Abutting Public Streets with Inadequate Street Right-of-Way Dedication or Improvements.** No Building Permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width.
  - b. **Private Sewer and Water.** In any district where a public water service or public sewage service is not available, the lot width and area shall be determined in accordance with Chapter ILHR 83 of the Wisconsin Administrative Code as amended, but for one-family dwelling lots (1) except those lots which were lot(s) of record existing prior to the effective date of the Unified Development Ordinance on August 1, 1998, and (2) those lots of record created by minor division, which lot(s) of record created by minor division are served by public sanitary sewer and for which lot(s) the Common Council on or after August 1, 1998, has denied the extension of public water shall have a frontage of not less than one hundred fifty (150) feet and an area of not less than forty thousand (40,000) square feet, respectively. In any district where public sewerage service is not available, the width and area of all lots shall be sufficient to permit the use of an on- site sewage disposal system designed in accordance with the Wisconsin Administrative Code, as amended, but not less than the width and size as previously stated.
  - c. **Lots Abutting More Restricted District Boundaries.** Lots abutting more restricted district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. The street yards on the less restrictive district shall be modified for a distance of not more than sixty (60) feet from the district boundary line so as to equal the average of the street yards required in both districts.
  - d. **Land or Lot Divisions.** Land or lot divisions shall be approved by the Plan Commission prior to the issuance of a Building Permit for said land or lot division and shall be subject to the applicable requirements of this Ordinance. All land division shall conform to the provisions of this Ordinance.
- B. **Land Division and Condominium Compliance.** No person, firm, or corporation shall divide any land located within the jurisdictional limits of these regulations so that such division results in a subdivision, minor land division, condominium or replat; as defined herein; without compliance with all requirements of this Ordinance and the following documents:
1. **Wisconsin Statutes.** Chapters 236 and 703 and Section 80.08 of the Wisconsin Statutes and any subsequent amendments thereto.
  2. **Wisconsin Department of Industry, Labor, and Human Relations, Division of Health.** Rules of the Wisconsin Department of Industry, Labor, and Human Relations, Division of Health regulating lot size and lot elevation if the land to be subdivided is not served by a public sewer and provisions for such service have not been made.
  3. **Wisconsin Department of Transportation.** Rules of the Wisconsin Department of Transportation, as contained in Wisconsin Administrative Code Chapter HY 33 as amended, relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the Subdivider abuts on a state trunk highway or connecting street.

## **DIVISION 15-2.0200    GENERAL ZONING PROVISIONS**

### **SECTION 15-2.0201            USE AND BULK REGULATIONS**

- A.    **Use.** No building, structure, or land shall hereafter be used or occupied, and no building or part thereof, or other structure, shall be erected, raised, moved, reconstructed, extended, enlarged, or altered except in conformity with the regulations specified for the district in which it is located.
- B.    **Bulk.** All new buildings and structures shall conform to the building regulations established for the district in which each building is located, except that parapet walls, chimneys, cooling towers, elevator bulkheads, fire towers, stacks, and necessary mechanical appurtenances shall be permitted to exceed the maximum height provisions when erected in accordance with all other ordinances of the City of Franklin. (Also see Division 15-3.0900 of this Ordinance.)

### **SECTION 15-2.0202            LOT COVERAGE**

All new buildings, structures, and off-street parking and loading areas shall conform to the various lot coverage regulations set forth in this Ordinance.

- A.    **Maintenance of Yards, Courts, and Other Open Spaces.** The maintenance of yards, courts, and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located as long as the building is in existence. Furthermore, no legally required yards, courts, or other open space or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, court, other open space, or minimum lot area requirements of any other building.
- B.    **Division of Zoning Lots.** No improved zoning lot shall be divided into two (2) or more zoning lots unless all improved zoning lots resulting from each division conform with all the applicable bulk regulations of the zoning district in which the property is located. However, with respect to the resubdivision of improved zoning lots in R-7 and R-8 Residence Districts, side yard requirements shall not apply between attached buildings.
- C.    **Location of Required Open Space.** All yards, courts, and other open spaces allocated to a building or dwelling group shall be located on the same zoning lot as such building or dwelling group.
- D.    **Required Yards for Existing Buildings.** No yards, now or hereafter provided for an existing building, shall subsequently be reduced below, or further reduced below--if already less than--the minimum yard requirements of the district in which it is located. (Also see Section 15-9.0111 of this Ordinance.)
- E.    **Permitted Obstructions in Required Yards.** The following are not considered to be obstructions when located in the required yards specified:
  - 1.    **In All Yards.** Open terraces not over four (4) feet above the average level of the adjoining ground, but not including a permanently roofed-over terrace or porch; awnings and canopies; steps--four (4) feet or less above grade--which are necessary for access to a

permitted building or for access to a zoning lot from a street or alley; chimneys projecting eighteen (18) inches or less into the yard; recreational equipment; and laundry-drying equipment; arbors and trellises, and flag poles. Fences having a height of six (6) feet or less may be used to locate property lines within the required side or rear yards in the residential districts. Fences, walls, or lattice-work screens which form outside living rooms, or provide necessary privacy for swimming pools or other activities, and are actual projections from the bearing walls of existing dwellings, may be extended into either the side or the rear yard, except (1) that the projection shall not prohibit the erection of an open mesh-type fence, over six (6) feet in height, enclosing a park, public or private school site; and (2) that this projection shall not limit the height, type, or location of a fence, wall, or other structure which is located within the buildable area, exclusive of the side or rear yards of the property. In R-8 General Residence District, where aesthetic appearance may require a fence or wall to shield parking lot or unattractive area, or to generally improve the aesthetics of the development, a wall or fence may be erected on the front yard of the premise, upon written approval of the Plan Commission, which shall include design or other architectural control requirements.

2. **In Front Yards.** One story, bay windows projecting three (3) feet or less into the front yard; overhanging eaves and gutters projecting three (3) feet or less into the yard; in R-8 General Residence District where aesthetic appearance may require a fence or a wall to shield a parking lot or other unattractive area, or to generally improve the aesthetics of the development, a wall or a fence may be erected on the front yard of the premise, upon written approval of the Plan Commission, which shall include design or other architectural control requirements.
3. **In Rear Yards.** Enclosed, attached, or detached off-street parking spaces; open off-street parking spaces; accessory sheds, tool rooms, and similar buildings or structures for domestic or agricultural storage; balconies; breezeways and open porches; one-story bay windows projecting three (3) feet or less into the yard; overhanging eaves and gutters projecting three (3) feet or less into the yard. In any residential district, no accessory building shall be constructed within ten (10) feet of a principal building on the same lot unless the accessory building is constructed to suppress fire in accordance with the City of Franklin Building Code.
4. **In Side Yards.** Not permitted except as herein before stated in this Section.
5. **Within Shore Buffers, Wetland Setbacks and Wetland Buffers.** Construction in shore buffers shall be governed by §15-4.0102E. and such other provisions of this Unified Development Ordinance which specifically address shore buffers; any obstruction or encroachment into or upon a shore buffer as may be authorized by and approved under the aforesaid subsections and provisions shall not be considered obstructions. [Note: see Table 15-4.0100 footnotes (c) and (f).] Construction in wetland setbacks and wetland buffers shall be governed by §§15-4.0102H. and I. and such other provisions of this Unified Development Ordinance which specifically address wetland setbacks and wetland buffers; any obstruction or encroachment into or upon a wetland setback or wetland buffer as may be authorized by and approved under the aforesaid subsections and provisions shall not be considered obstructions.

## **SECTION 15-2.0203**

## **YARDS, GENERAL**

Base setback lines are hereby established for all streets and highways in the City of Franklin as follows, unless otherwise specified by action of the Common Council.

- A. **Setback from Ultimate Street and Highway Right-of-Way Line.** On all streets or highways for which the ultimate width has been heretofore established by the City of Franklin Comprehensive Master Plan (or component thereof), and/or subsequent amendments thereto to those documents, the base line from which the setback is measured shall be located at a distance from the centerline equal to one-half (1/2) such established width as designated by the Comprehensive Master Plan of the City of Franklin.
- B. **Determination of Average Front Yard Setback in Areas Where *Greater* than Required Front Yard Setback is Provided.** Where forty (40) percent or more of the frontage on one (1) side of a street between two (2) intersecting streets, or for a distance of six hundred (600) feet in each direction from the lot being considered, is developed with buildings that have observed (with a variation of five feet or less) a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings.
- C. **Determination of Average Front Yard Setback in Areas Where *Less* than Required Front Yard Setback is Provided.** Where forty (40) percent or more of the frontage on one (1) side of a street between two (2) intersecting streets, or for a distance of six hundred (600) feet in each direction from the lot being considered, is developed with buildings that have not observed a front yard as required herein, then:
  - 1. Where a building is to be erected within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the closest front corners of the two (2) existing buildings.
  - 2. Where a building is to be erected within one hundred (100) feet of an existing building on one (1) side only, the minimum front yard shall be the average of the setback of the existing building and the setback required normally.
- D. **Corner Lot Setbacks.** Corner lot setback requirements on a side street shall meet the requirements set forth in this Ordinance.

## **SECTION 15-2.0204**

## **ACCESS TO PUBLIC STREETS**

Except as otherwise provided for herein, every building shall be constructed or erected upon a lot or parcel of land which abuts no less than sixty (60) feet upon a dedicated public street right-of-way, including cul-de-sac lots.

**SECTION 15-2.0205****LOT AREA AND DIMENSION**

- A. **Contiguous Parcels.** When two (2) or more parcels of land, each of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the zoning district in which they are located, are contiguous and are held under one (1) ownership, they shall be used as one (1) zoning lot and combined into one (1) Milwaukee County tax key number with the issuance of a Land Combination Permit for such use as set forth in Section 15-9.0115 of this Ordinance.
- B. **Lots or Parcels of Land of Record.** Any single lot or parcel of land, held in one (1) ownership, which is a lot of record and does not meet the requirements for minimum lot width and area, may be utilized for a permitted use provided that yards, courts, or usable open spaces are not less than seventy five (75) percent of the minimum required dimensions or areas as required by this Ordinance.

**SECTION 15-2.0206****NUMBER OF BUILDINGS ON A ZONING LOT**

All principal buildings shall be located on a zoning lot; only one (1) principal building shall be located, erected, or moved onto a lot in the R-1, R-2, R-3, R-3E, R-4, R-5, R-6, R-7 and VR residential zoning districts, and only two (2) principal buildings in the R-1E District. The Plan Commission may permit more than two (2) principal buildings in the R-1E District, subject to the issuance of a Special Use Permit for such purpose. The Plan Commission may permit more than one (1) principal building per lot other than in the above stated zoning districts where more than one (1) principal building is needed for the orderly development of the parcel. When additional structures are permitted, the Plan Commission may impose additional yard requirements, floor area ratio limitations, residential density requirements, land use intensity requirements, landscaping requirements, or parking requirements, or may require a minimum separation distance between principal buildings. No accessory structure shall be permitted upon any zoning lot until an occupancy permit has been issued for a principal structure, except as may be otherwise specifically provided under this Ordinance.

**SECTION 15-2.0207****REZONING OF PUBLIC AND SEMI-PUBLIC AREAS**

An area indicated on the City of Franklin "Official Zoning Map" as a public park, public recreation area, public school site, cemetery, or other similar public or semi-public open space, shall not be used for any other purpose than that designated. When the use of the specific area is discontinued, it shall be considered by the City of Franklin Plan Commission and Common Council for potential rezoning into a zoning district which is consistent with the land use district set forth for that area in the City of Franklin Comprehensive Master Plan.

**SECTION 15-2.0208****HAZARD ABATEMENT PERFORMANCE STANDARDS**

The hazard abatement performance standards set forth in Division 15-3.1100 of this Ordinance shall apply to all zoning districts.

## **SECTION 15-2.0209**

## **EXISTING SPECIAL USES**

When a use is classified as a "Special Use" and exists as either a permitted use or special use at the date of the adoption of the Unified Development Ordinance, it shall be considered a legal use, without further action of the Common Council, the Zoning Administrator, or the Zoning Board of Appeals.

## **SECTION 15-2.0210**

## **USES NOT SPECIFICALLY PERMITTED IN DISTRICTS**

When a use is not specifically listed a "Permitted Use," "Special Use," or "Accessory Use," it shall be assumed that such a use is expressly prohibited unless by a written decision of the Plan Commission it is determined that said use is similar to, and not a more measurably intense use, than the use listed.

## **SECTION 15-2.0211**

## **SOIL RESTRICTIONS**

Where a certified survey map, subdivision, or an unplatted area is to be developed and will not be served by public sanitary sewer service, the requirements of this Ordinance which are applicable to such areas shall be complied with.

## **SECTION 15-2.0212**

## **CONSERVANCY AND WETLAND CONSERVANCY REGULATIONS**

- A. In addition to any other applicable use, site, or sanitary regulations, regulations shall apply to all areas with natural resource features (as defined by this Ordinance):
- B. **Earth Movements.** Earth movements such as grading, topsoil removal, filling, road cutting, construction, altering, or enlargement of waterways, removal of stream or lake bed materials, excavation, channel clearing, ditching, drain tile laying, dredging, lagooning, and soil and water conservation structures require review and approval as set forth in this Ordinance, in addition to any permit required from the state agency having jurisdiction, and those requirements set forth in Division 15-8.0400 of this Ordinance. Earth movements shall be so regulated as to prevent erosion and sedimentation and to least disturb the natural fauna, flora, watercourse, water regimen, or topography.
- C. **Restrictions Relating to Use.** In addition to any other applicable use, site, or sanitary regulations, and the conservancy regulations provided for under Section 15-2.0213, Section 15-3.0323, Division 15-3.0500, Division 15-4.0100, and elsewhere in this Ordinance, the following restrictions and regulations shall apply to all wetland conservancy areas designated on the City of Franklin "Official Zoning Map":
  - 1. On-site sewage disposal facilities, residential and nonresidential structures and the permanent sheltering and the restricted confining of animals are prohibited.



## **SECTION 15-2.0213 VIOLATIONS**

It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this Ordinance. In case of any violation, the Common Council, the Plan Commission, the City Attorney, the Zoning Administrator, or any property owner who would be specifically damaged by such violation may institute appropriate actions or proceedings to enjoin a violation of this Ordinance.

## **SECTION 15-2.0214 MUNICIPALITIES AND STATE AGENCIES REGULATED**

Unless specifically exempted by law, all cities, villages, towns, counties, and other municipal corporations are required to comply with this Ordinance and obtain all required permit. State agencies are required to comply if Section 13.48(13) of the Wisconsin Statutes applies. The construction, reconstruction, maintenance, and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt from compliance with Section 30.12(4)(a) of the Wisconsin Statutes, as amended, applies.

## **DIVISION 15-2.0300 GENERAL LAND DIVISION PROVISIONS**

### **SECTION 15-2.0301 PUBLIC SITES AND OPEN SPACES**

In order that adequate public lands and open space sites may be properly located and preserved as the City of Franklin develops, and in order that a portion of the cost of providing the public parkway, park, and recreation, and other public sites and facilities necessary to serve the additional number of people brought into the community by residential development may be most equitably apportioned on the basis of the additional need created by such development, the following provisions are established:

- A. **Dedication of Lands.** Whenever any Subdivision or Certified Survey Map is certified, signed, acknowledged, and recorded as prescribed in Section 236.29 of the Wisconsin Statutes as amended or Condominium under the provisions prescribed in Chapter 703 of the Wisconsin Statutes as amended, every donation of land to the public intended for the streets, alleys, ways, commons, or other public uses as designated on said Subdivision, Certified Survey Map, or Condominium shall be deemed sufficient conveyance to vest the fee simple title with the City of Franklin for the public benefit.
- B. **Suitability of Land for Public Use.** Whenever a Certified Survey Map, Subdivision Plat, Condominium, or multiple-family dwelling development includes a proposed dedication of land to public use and it is found that such land is not required or not suitable for public use, the Plan Commission may either refuse to approve such dedication or require the rearrangement of lots in the proposed Certified Survey Map, Subdivision Plat, Condominium, or multiple-family dwelling development. (Also see Section 15-5.0110 of this Ordinance.)
- C. **Size of Land for Public Use.** The area of each parcel of land proposed as a dedication of land for public use shall be of such minimum dimensions, as determined by the Plan Commission, so as to be functionally usable.

- D. **Location.** Whenever a Certified Survey Map, Subdivision Plat, Condominium, or multiple-family dwelling development includes a proposed dedication of land to public use said location of the proposed dedication shall be so located and sited with sensitivity to surrounding development and existing and planned land uses.
- E. **Drainageways, Stormwater Detention and Retention Basins and Other Public Ways or Public Access to Navigable Lakes or Streams.**
1. **Lands Designated to be Owned by the Public on the Adopted Comprehensive Master Plan.** Whenever a tract of land to be subdivided as a Subdivision, divided by a Certified Survey Map, or developed as a Condominium includes lands designated to be owned by the public to include drainageways, stormwater detention and retention basins, and other public ways or public access to navigable lakes or streams which have been designated or graphically delineated on the adopted Comprehensive Master Plan or adopted plan components, or as required by the State of Wisconsin Department of Natural Resources under Chapter 236.16(3) as amended, or required by the City of Franklin or the appropriate municipality, said public way shall be made a part of the Subdivision Plat, Certified Survey Map, or Condominium and dedicated by the Subdivider or Condominium Developer in the location and dimensions indicated on said plan or map and as set forth in this Ordinance.
  2. **Access to Navigable Lake or Stream Required.** Subdivisions or Certified Survey Maps abutting on a navigable lake or stream shall, according to the provisions of Section 236.16(3) of the Wisconsin Statutes, provide access at least sixty (60) feet wide to the low water mark so that there will be public access, which is connected to existing public roads at least at one-half (1/2) mile intervals as measured along the lake or stream shore, except where greater intervals and wider access is approved, and excluding shore areas where public parks or open space and streets or roads on either side of a stream are provided. Such access shall be dedicated to the City of Franklin or Milwaukee County as determined by the Common Council.
- F. **Parks or Playgrounds.** Whenever a tract of land to be divided by either Certified Survey Map or Subdivision Plat or developed as a Condominium within the jurisdiction of this Ordinance encompasses all or any part of a park or playground that has been designated on a duly adopted City of Franklin, Milwaukee County, or regional comprehensive plan or comprehensive plan component pursuant to Chapter 62.23(6) of the Wisconsin Statutes as amended, or City of Franklin adopted "Official Map," said park or playground shall be made a part of that Certified Survey Map, Subdivision Plat, or Condominium and dedicated or reserved by the Subdivider or Condominium Developer in the locations and dimensions indicated on said plan and according to the procedures set forth in Division 15-5.0100 of this Ordinance.
- G. **Substitution of Private Recreation and Open Space Lands for Required Public Recreational and Open Space Land Reservations or Dedications Not Permitted.** The substitution of private recreation and open space lands for required public recreational and open space land reservations or dedications under this Ordinance shall not be permitted.

## **SECTION 15-2.0302**

## **PRIVATE RECREATION AND OPEN SPACE LANDS**

- A. **Declaration of Covenants and Deed Restrictions Required for Lands Designated as Private Recreation and Open Space Lands.** For lands designated by a Subdivision, Certified Survey Map, or Condominium to be set aside for private recreation and/or open space use and owned and maintained by a homeowner or condominium association, the Subdivider shall file a declaration of covenants and deed restrictions with the Preliminary Plat, Certified Survey Map, or Condominium., pursuant to the requirements of Sections 15-7.0507 and 15-7.0603 of this Ordinance, that will govern said homeowner or condominium association. (Also see Section 15-1.0105 of this Ordinance.)
- B. **Minimum Required Provisions of Declaration of Covenants and Deed Restrictions for Private Recreation and Open Space Lands.** The provisions of said declaration of covenants and deed restrictions shall incorporate the requirement that a Wisconsin non-profit membership corporation be formed for the purpose of maintaining, improving, policing and preserving property in which its members shall have common rights of usage and enjoyment by virtue of their ownership of lots in the Subdivision, Certified Survey Map, or Condominium, and shall further include the requirements:
1. **Corporation to be Established Before Any Lots, Building Sites or Units are Sold.** That the corporation be established before any lots, building sites or units are sold.
  2. **Mandatory and Automatic Membership.** That membership in the corporation be mandatory and automatic upon the purchase of a lot, building site, or unit.
  3. **Perpetual Recreation and Open Space Restrictions.** The recreation and/or open space restrictions must be perpetual and not just for a period of years.
  4. **Transfer of Title to Recreation Lands, Open Space, and Facilities to be Transferred.** That title to the private recreational areas, open space areas, or facilities be transferred to the corporation.
  5. **Insurance, Taxes, and Maintenance Responsibilities.** That the corporation be responsible for liability insurance, property taxes and all maintenance and improvements of recreational and/or open space areas.
  6. **Powers Granted to Corporation.** That the corporation have the powers granted under Sections 779.70(1) or 703.15(3) of the Wisconsin State Statutes as amended, as applicable and in particular, to levy assessments upon all properties in the Subdivision, Certified Survey Map, or Condominium for the purposes specified therein.

## **SECTION 15-2.0303**

## **IMPROVEMENTS**

- A. **Installation of Street and Utility Improvements Before Final Plat Approval.** Prior to the final approval and recording of any Certified Survey Map, Subdivision Final Plat, or Condominium requiring improvements located within the jurisdictional limits of this Ordinance, the Subdivider or Condominium Developer shall install street and utility improvements as hereinafter provided.

- B. **Improvement Guarantee.** If such improvements are not installed as required at the time that the land division is submitted for approval, the Subdivider shall, before the recording of the plat, enter into a contract ("Subdivider's Agreement") with the City of Franklin agreeing to furnish, construct, and install the required improvements at the sole cost of the Subdivider or Condominium Developer (as applicable) and shall file with said contract a bond, irrevocable letter of credit, or a certified check, or other surety approved by the City Attorney, in the amount equal to one hundred and ten (110) percent of the City Engineer's estimate as to the cost for the construction and installation of the improvements; such estimate is to be made by the Common Council after review and recommendation by the City Engineer. The purpose of the guarantee is to ensure that such improvements will be completed by the Subdivider or the Subdivider's subcontractor from the date of recording of the Certified Survey Map, Subdivision Plat, or Condominium Plat and serves as a further guarantee that all obligations to subcontractors for work on the development are satisfied. Such improvements shall be completed by the Subdivider or the Subdivider's subcontractors not later than two (2) years from the date of recording of the Certified Survey Map, Subdivision Final Plat, or Condominium Plat.
1. **Contracts and Contract Specifications for the Construction of Street and Utility Improvements.** Contracts and contract specifications for the construction of street and utility improvements on dedicated street right-of-ways, as well as the contractors and subcontractors providing such work, shall be subject to the inspection of construction by the City or its agent and approval of the City. Unless otherwise authorized by the City Engineer, said specifications shall follow those specified in the City's *"Standards and Specifications for Development."*
  2. **Bond, Irrevocable Letter of Credit, or Certified Check.** The bond, irrevocable letter of credit, or certified check shall meet the approval of the City Attorney prior to recording of the Certified Survey Map, Subdivision Final Plat, or Condominium. The amount of the bond, irrevocable letter of credit, or certified check shall be as determined by the City Engineer. The City Attorney may deny any surety, if in the opinion of the City Attorney, the surety does not adequately insure for construction and installation of the improvements to the satisfaction of the City.
  3. **Governmental Units.** Governmental units to which these bond and contract provisions apply may file, in lieu of said contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of the Section subject to the approval of the City Attorney.
- C. **Survey Monuments.** Before final approval of any plat within the City, the Subdivider shall install survey monuments placed in accordance with the requirements of Chapter 236.15 of the Wisconsin Statutes and as may be required by the City Engineer.
- D. Prior to acceptance of all improvements by the City Engineer, subdivider shall submit to the City Engineer as-builts of all improvements in a format as required by the City Engineer.

No land shall be subdivided for residential use which is determined to be unsuitable for such use by the Plan Commission for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography, or any other feature likely to be harmful to the health, safety, or welfare of either current City residents or the future residents of the proposed Subdivision, Certified Survey Map, Condominium, or of the City. In addition:

- A. **Lot Area and Elevation of the 100-Year Recurrence Interval Floodplain.** No lot served by public sanitary sewer facilities shall have less than fifty (50) percent of the minimum required lot size below an elevation at least two (2) feet above the elevation of the 100-year recurrence interval floodplain. Such lots shall have one-hundred (100) percent of the minimum required lot size totally outside of the 100-year recurrence interval floodplain.
- B. **Lots One Acre or Less in Area Served by On-Site Sanitary Sewage System.** No lot one (1) acre or less in area served by an on-site sanitary sewage disposal (septic tank) system shall include floodplains.
- C. **Lots More Than One Acre in Area Served by an On-Site Sewage System.** All lots more than one (1) acre in area served by an on-site sewage disposal (septic tank) system shall contain not less than forty thousand (40,000) square feet of land which is at least two (2) feet above the elevation of the 100-year recurrence interval flood, or where such data is not available, five (5) feet above the maximum flood of record.
- D. **Lands Made, Altered, or Filled with Non-Earth Materials.** Lands made, altered, or filled with non-earth materials within the preceding twenty (20) years shall not be divided into building sites which are to be served by on-site soil absorption sanitary sewage disposal systems.
- E. **Lands Made, Altered, or Filled with Earth.** Lands made, altered, or filled with earth within the preceding seven (7) years shall not be divided into building sites which are to be served by on-site soil absorption sanitary sewage disposal systems.
- F. **Steep Slopes.** Each lot shall have a continuous area of at least three thousand (3,000) square feet which has ground slopes not exceeding fifteen (15) percent.
- G. **Must Meet On-Site Sewage Disposal System Requirements.** Each lot or dwelling unit located in areas outside the adopted sanitary sewer service area of the Regional Water Quality Management Plan, and adopted refinements thereto, if permitted by the City, shall be capable of meeting the requirements of ILHR 83 and 85 of the Wisconsin Administrative Code and the City of Franklin and Milwaukee County regarding the construction of an on-site sewage disposal (septic tank) system. The Subdivision Plat, Certified Survey Map, or Condominium shall be approved by the City of Franklin before any lots or dwelling units are sold. In addition:
  - 1. **Percolation Tests.** Percolation tests shall be taken on each lot prior to the sale of said lot and must be approved by the City of Franklin Engineering Department.
  - 2. **Soil Testers.** Soil boring, percolation tests and/or other applicable tests shall be made by or under the direction and control of an architect, engineer, land surveyor, or sanitarian registered in Wisconsin, or master plumber or master plumber restricted licensed in Wisconsin to install private sewage disposal systems.

- a. The person supervising the tests shall certify as to the correctness of procedure and results.
  - b. Blank forms supplied by the City of Franklin Inspection Department shall be used for reporting results and providing certification.
3. **Sufficient Borings Required.** Sufficient borings shall be made by the Subdivider or Condominium Developer (as applicable) in each Subdivision, Certified Survey Map, or Condominium to portray adequately the character of the soil, ground water levels, and depths to bedrock.
- a. The borings shall be distributed as uniformly as possible and their locations shall be shown on a subdivision plan.
  - b. At least one test per two (2) acres shall be made initially unless a detailed soil map for the areas is available, in which case at least one test per five (5) acres shall be made initially.
  - c. When borings show marked variation in soil, depth to water or depth to bedrock, at least one (1) boring per acre of area shall be made.
  - d. All borings shall extend to a depth of five (5) feet, unless bedrock is at a lesser depth.
  - e. Where deep absorption systems are proposed, bore holes shall extend three (3) feet below the expected depth of the absorption system.
- H. **Plan Commission Determination of Unsuitability of Land.** The Plan Commission, in applying the provisions of this Section shall in writing, recite the particular facts upon which it bases its conclusion that the land is unsuitable to residential use and afford the Subdivider an opportunity to present evidence in rebuttal to such finding of unsuitability if he so desires. Thereafter, the Plan Commission may affirm, modify, or withdraw its determination of unsuitability.

# Part 3

# **PART 3:        ZONING DISTRICTS: DISTRICT ESTABLISHMENT, DIMENSIONAL, AND USE REGULATIONS**

## **DIVISION 15-3.0100    ZONING DISTRICTS AND MAPS**

### **SECTION 15-3.0101        ESTABLISHMENT OF DISTRICTS**

In order to carry out the purpose and provisions of this Ordinance, the City of Franklin is hereby divided into the following zoning districts:

#### **Residential Districts:**

- R-1    Countryside/Estate Single-Family Residence District
- R-2    Estate Single-Family Residence District
- R-3    Suburban/Estate Single-Family Residence District
- R-3E   Suburban/Estate Single-Family Residence District
- R-4    Suburban Single-Family Residence District
- R-5    Suburban Single-Family Residence District
- R-6    Suburban Single-Family Residence District
- R-7    Two-Family Residence District
- R-8    Multiple-Family Residence District
- VR    Village Residence District
- RC-1   Conservation Residence District

#### **Business Districts:**

- B-1    Neighborhood Business District
- B-2    General Business District
- B-3    Community Business District
- B-4    South 27th Street Mixed use Commercial District
- B-5    Highway Business District
- B-6    Professional Office District
- B-7    South 27th Street Mixed Use Office District
- OL-1   Office Overlay District
- OL-2   General Business Overlay District
- CC    City Civic Center District
- VB    Village Business District

#### **Industrial Districts:**

- M-1    Limited Industrial District
- M-2    General Industrial District
- BP    Business Park District



**Public and Semi-Public Districts:**

- I-1 Institutional District
- P-1 Park District

**Agricultural Districts:**

- A-1 Agricultural District
- A-2 Prime Agricultural District

**Special Districts:**

- PDD Planned Development Districts
- AO Airport Overlay District
- HPO Historic Preservation Overlay District
- L-1 Landfill District
- South 27TH Street Design Overlay District

**Floodplain Districts:**

- FW Floodway District
- FC Floodplain Conservancy District
- FFO Floodplain Fringe Overlay district
- SW SW Shoreland Wetland Overlay District

**SECTION 15-3.0102 ZONING DISTRICT MAPS**

The location and boundaries of the districts established by this Ordinance are set forth in the Official Zoning Map, dated July 1, 1998, and as amended, which is incorporated herein and hereby made a part of this Ordinance. The Official Zoning Map shall consist of a series of one (1)" = one hundred (100)' scale maps for each U. S. Public Land Survey quarter-section in the City of Franklin, Wisconsin. These maps, together with everything shown thereon, and all amendments thereto, shall be as much a part of this Ordinance as though fully set forth and described herein.

**SECTION 15-3.0103 DISTRICT BOUNDARIES****A. General Location of Zoning District Boundaries.**

1. **Zoning Boundary Determination.** The zoning district boundaries are streets, alleys, railroads, lot lines, streams, floodplain boundaries, and wetland boundaries unless otherwise shown on the Official Zoning Map.
2. **Zoning Boundary Determination for Approximate Boundaries.** Where the designation of the Official Zoning Map indicates that various zoning districts are approximately bounded by a street, alley, lot line, stream, floodplain boundary, or wetland boundary, such lot line or the centerline of such street, alley, or railroad right-of-way, or centerline of the main channel of such stream, the floodplain boundaries, or wetland boundaries as delineated on maps prepared by the City or under the Root River Watershed study, or as determined through the use of on-site wetland delineation, flood

profiles and accompanying hydrologic and hydraulic engineering data, shall be construed to be the zoning district boundary line.

3. **Split Zoning of Newly Created Lots Not Allowed.** The split zoning of any newly created lot or parcel into more than one (1) zoning district shall not be allowed except for the AO, FW, FC, FFO, and SW Districts.
- B. **Zoning District Boundary Lines On Unsubdivided Property.** In unsubdivided property, the location of the zoning district boundary lines shown on the Official Zoning Map shall be determined by the use of the scale on such map or in the case of floodplain boundaries shall be determined through the use of flood profiles and accompanying hydrologic and hydraulic engineering data, or shall be in accordance with the dimensions shown on the maps measured at right angles from the centerline of the street or highway, and the length of frontage shall be in accordance with dimensions shown on the map from section, quarter-section, or division lines, or centerlines of streets, highways, or railroad rights-of-way unless otherwise indicated.
- C. **Boundaries of Floodplain Zoning Districts.** The boundaries of the FW Floodway District shall be determined by use of the scale contained on the Official Zoning Map. The boundaries of the FC Floodplain Conservancy District and the FFO Floodplain Fringe Overlay District shall be determined by the floodplain limits shown on the Official Zoning Map. When more restrictive, the base flood elevations as designated in Flood Insurance Study, Milwaukee County, Wisconsin and Incorporated Areas, 55079CV001A, 55079CV002A, 55079CV003A, 55079CV004A, 55079CV005A dated September 26, 2008, and the boundaries of all floodplain districts as designated in Flood Insurance Rate Map, Milwaukee County, Wisconsin and Incorporated Areas, map panels 55079C0137E, 55079C0139E, 55079C0141E, 55079C0142E, 55079C0143E, 55079C0144E, 55079C0161E, 55079C0162E, 55079C0163E, 55079C0164E, 55079C0206E, 55079C0207E, 55079C0209E, 55079C0226E, 55079C0227E, 55079C0228E, 55079C0229E, dated September 26, 2008, shall be utilized. Where a conflict exists between the floodplain limits shown on the Official Zoning Map or the FIRM and actual field conditions, the elevations from the 100-year recurrence interval flood profile shall be the governing factor in locating the regulatory floodplain limits.
- D. **Boundaries of the SW Shoreland Wetland Overlay District.** Boundaries of the SW Shoreland Wetland Overlay District were determined from use of the Wisconsin Wetland Inventory Map for the City of Franklin, dated March 15, 1989, and stamped "FINAL." Section 62.231 of the Wisconsin Statutes requires that all shoreland wetlands five (5) acres or greater in area be protected by the City. In addition, all wetlands in the City of Franklin are further protected under the provisions of Division 15-4.0100 of this Ordinance. All wetland boundaries shall be verified prior to development by a professional trained in wetland delineation.

#### **SECTION 15-3.0104**

#### **ZONING OF STREETS, ALLEYS, PUBLIC-WAYS, WATERWAYS, AND RAILROAD RIGHTS-OF-WAY**

All streets, alleys, public-ways, waterways, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such alleys, streets, public-ways, waterways, and railroad rights-of-way. Where the centerline of a street,

alley, public-way, waterway, or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

#### **SECTION 15-3.0105**

#### **ZONING OF ANNEXED LAND**

- A. **General.** Any additions to the incorporated area of the City of Franklin, resulting from disconnections from incorporated areas in Milwaukee County, Waukesha County, Racine County or otherwise, shall be automatically classified in the A-1 Agricultural District until otherwise classified by amendment.
- B. **Annexations or Consolidations Containing Shorelands.** Annexations containing shorelands shall comply with Section 62.231 of the Wisconsin Statutes.
- C. **Annexations or Consolidations Containing Floodplains.** Annexations or consolidations containing floodplains shall be placed in the following districts as applicable:
  - 1. All floodways and unnumbered A Zones on the FEMA map shall be placed in the FW Floodway District.
  - 2. All other floodplains shall be placed in the FC Floodplain Conservancy District.
- D. **Annexations or Consolidations Containing Shoreland Wetlands.** Annexations or consolidations containing shoreland wetlands shall be placed in the SW Shoreland Wetland Overlay District.

#### **DIVISION 15-3.0200**

#### **RESIDENTIAL ZONING DISTRICTS**

- A. The following are detailed descriptions of the residential zoning districts and their respective dimensional and bulk regulations, requirements, and design standards. The various development options indicated are "open space ratio," or OSR, driven. While the overall maximum gross density stays essentially the same within each residential zoning district for each option within a specific residential zoning district, as the minimum OSR increases the maximum permitted net density increases. Under the "conventional" and other options presented for each residential zoning district, the site intensity and capacity calculations, as well as the natural resource protection standards and guidelines set forth in Divisions 15-3.0500 and 15-4.0100 of this Ordinance, shall be adhered to.
- B. It is the expressed intent of this Ordinance that each buildable lot of land, with an on-site sewage disposal system, whether existing or newly subdivided, shall conform to a minimum lot size of 40,000 square feet and minimum lot width of 150 feet, regardless if the lot conforms with a conventional or a special use OSR subdivision. Therefore, a special use OSR subdivision shall not circumvent minimum sizes with an on-site sewage disposal system.

- C. Every type of dwelling unit or structure hereafter referenced to, erected in any residential zoning district, shall have a minimum living area in square feet measured from the outside of the exterior walls, including utility rooms, foyers, interior stairwells, hallways, closets, columns, and walls, and finished half-basements or finished portions of half-basements, but excluding basements and unfinished half-basements, or unfinished portions of half-basements, open porches, breezeways, garages, and other spaces not used frequently or during extended periods for living, eating, or sleeping purposes in accordance with this Division. If the finished area of a half-basement or finished portion of a half-basement are included in the minimum living area of a dwelling, the dwelling shall be automatically considered multi-story and shall meet the minimum square footage requirements for multi-story.

**SECTION 15-3.0201**

**R-1 COUNTRYSIDE/ESTATE SINGLE-FAMILY  
RESIDENCE DISTRICT**

- A. **District Intent.** The R-1 District is intended to:
1. Permit residential development at intensities that are consistent with the maintenance of a COUNTRYSIDE/ESTATE character and a COUNTRYSIDE/ESTATE life-style as set forth in the City of Franklin Comprehensive Master Plan and components thereof.
  2. Serve as a transitional district between the more RURAL areas or farmland areas and the more SUBURBAN intensity areas of the City.

The options in this district promote open space protection and natural resource base protection. It is the most RURAL of the residence land use districts.

- B. **District Standards.** The R-1 District is further intended to have the development standards as set forth in Table 15-3.0201.
- C. **Permitted, Accessory, and Special Uses.** See Section 15-3.0602, Division 15-3.0700, Section 15-3.0702, and Section 15-3.0802 of this Ordinance.

**Table 15-3.0201**

**R-1 COUNTRYSIDE/ESTATE SINGLE-FAMILY RESIDENCE DISTRICT  
DEVELOPMENT STANDARDS**

Type of Standard	Permitted Use "Conventional Subdivision"	Special Use "Open Space Subdivision"		
		Option 1	Option 2	Option 3
Minimum Open Space Ratio and Maximum Density				
Open Space Ratio (OSR)	0	0.5	0.65	0.70
Gross Density (GD)	0.435	0.442	0.43	0.436
Net Density (ND)	0.435	0.898	1.394	1.718
Lot Dimensional Requirements				
Minimum Lot Area (s.f.)	87,120	40,000	25,000	20,000
Minimum Lot Width at Setback Line (feet)	200	150	125 – corner	110 – corner
Minimum Front Yard (feet)	100	60	50	45
Minimum Side Yard (feet)	30	20	15	10 (c)
Minimum Side Yard on Corner Lot (feet)	75	45	40	35 (c)
Minimum Rear Yard (feet)	30	30	30	30 (c)
Minimum Shore Buffer (feet)	75	75	75	75
Minimum Wetland Buffer (feet)	30	30	30	30
Minimum Wetland Setback (feet)	50	50	50	50
Minimum Lot Coverage (maximum percent of lot area)	0.075	0.1	0.15	.015
Minimum Total Living Area per Dwelling Unit (D.U.)				
1-Story D.U. 3 Bedrooms	1,600 s.f.	1,600 s.f.	1,600 s.f.	1,600 s.f.
1-Story D.U. >3 Bedrooms	150 s.f. (a)	150 s.f. (a)	150 s.f. (a)	150 s.f. (a)
1-Story D.U. if Basement is < 600 square feet	150 s.f. (b)	150 s.f. (b)	150 s.f. (b)	150 s.f. (b)
Multi-Story D.U. 3 Bedrooms	1,900 s.f. – total 1,100 s.f. – 1 <sup>st</sup> floor	1,900 s.f. – total 1,100 s.f. – 1 <sup>st</sup> floor	1,900 s.f. – total 1,100 s.f. – 1 <sup>st</sup> floor	1,900 s.f. – total 1,100 s.f. – 1 <sup>st</sup> floor
Multi-Story D.U. >3 Bedrooms	100 s.f (a)	100 s.f (a)	100 s.f (a)	100 s.f (a)
Multi-Story D.U. if Basement is < 600 square feet	250 s.f. (b)	250 s.f. (b)	250 s.f. (b)	250 s.f. (b)
Maximum Building Height				
Principal Structure (stories/ft.)	2.5/30	2.5/30	2.5/30	2.5/30
Accessory Structure (stores/ft.)	1.0/15	1.0/15	1.0/15	1.0/15

- (a) Add to minimum required building floor area for each bedroom in excess of three (3).  
 (b) Add to minimum required first floor area for each dwelling unit which has a basement less than 600 s.f.  
 (c) See Section 15-5.0108 for increased setback requirements along arterial streets and highways.

**SECTION 15-3.0201E.      R-1E COUNTRYSIDE/ESTATE SINGLE-FAMILY MULTIPLE  
RESIDENCE UPON A SINGLE LOT ESTATE DISTRICT**

**A. District Intent.** The R-1E District is intended to:

1. Provide for EXECUTIVE type developments to allow for multiple attached and detached dwelling units with larger lot sizes, and moderate building, bulk and setback requirements to allow for accessory uses such as guest homes, caretaker quarters, family care providers and multi-generational living options, while providing adequate buffers for adjacent lower density residential developments.

2. No additional dwelling structure or an accessory structure shall be permitted upon a lot until an occupancy permit has been issued for a principal structure meeting the requirements of Table 15-3.0201E.
3. Dwelling units shall not be for rent, for multiple occupancy developments or uses found under SIC Code No. 7011 Hotels and Motels. Additional dwelling units shall be utilized by permitted uses or members of the functional family unit.
4. The Plan Commission may consider more than (2) principal buildings per lot where more than two (2) principal buildings are needed for the orderly development of the parcel. When additional structures are permitted, the Plan Commission may impose additional yard requirements, floor area ratio limitations, residential density requirements, land use intensity requirements, landscaping requirements, or parking requirements, or may require a minimum separation distance between principal buildings.
5. A property zoned R-1E District shall connect to the public sanitary sewer system and/or the public water system when such system(s) are available, as may otherwise be proscribed and required by the Municipal Code. A property zoned R-1E District, its primary zoning purpose being to support more than one dwelling unit, shall be considered a reason in favor of any proposed extension of public sanitary sewer or water abutting such property in the consideration thereof, and as such, deemed a property owner vote in favor of such extension upon any property owner survey which may be conducted or considered by the Common Council upon such proposed extension.
6. Multiple dwelling units located on a single lot shall be positioned to be harmonious to one another for the orderly development of the parcel and compatible with adjacent land uses. All structures shall consist of high quality building materials and architectural design.
7. Be used in conjunction with and adjacent to other single-family residence districts, especially for development of infill lots and/or lots containing a significant amount of protected natural resource features. May also be used as a transitional district to other higher intensity multi-family residential use districts as greater setbacks are required.

B. **District Standards.** The R-1E District is further intended to have the development standards as set forth in Table 15-3.0201E.

- a. All dwelling structures shall meet the following minimum setbacks (The total height of the structure is measured from grade to the highest point of the structure. In instances where there is a slope in grade height is measured from the lowest point of the slope):
  - i. Minimum Front Yard: 40 feet or no closer than a distance equal to its height, whichever is greater.
  - ii. Minimum Corner Side Yard: 30 feet or no closer than a distance equal to its height, whichever is greater.
  - iii. Minimum Side Yard: 20 feet or no closer than a distance equal to its height, whichever is greater.

- iv. Minimum Rear Yard: 20 feet or no closer than a distance equal to its height, whichever is greater.

C. **Permitted Uses.** See Section 15-3.0602 of this Ordinance in addition to the uses listed below.

- a. Up to two (2) dwelling units (attached or detached)
- b. One of the following uses permitted within the second principal dwelling structure:
  - i. Guest house with kitchen facilities
  - ii. Servant's living quarters
  - iii. Property caretaker's living quarters
  - iv. Family care provider's living quarters, including family medical care and childcare
- c. Accessory structures per subsection E. below.

D. **Special Uses.** See Sections 15-3.0602, 15-3.0700 and 15-3.0702 of this Ordinance in addition to the uses listed below.

E. **Accessory Uses and Standards.** Accessory uses and structures shall be regulated by Division 15-3.0800, except as otherwise stated below:

- a. Permitted Accessory Uses:
  - i. Uses described in Section 15-3.0801 and definition found in Part 11 of this Ordinance.
  - ii. Lighted Recreational Courts. Light poles utilized for recreational lighting shall not exceed 20-feet in height from grade and shall be shut off between 10:00 p.m. and 6:00 a.m. All other standards of Division 15-5.0400 shall be met.
- b. Accessory structures shall not exceed 5,000 square feet.
- c. Accessory structures shall not exceed 50 feet in height.
- d. Accessory structures shall meet the following setbacks (The total height of the structure is measured from grade to the highest point of the structure. In instances where there is a slope in grade height is measured from the lowest point of the slope):
  - i. Accessory structures not exceeding one hundred fifty (150) square feet and 15 feet in height shall be setback at least five (5) feet from the side or rear lot lines.
  - ii. Accessory structures exceeding one hundred fifty (150) square feet or fifteen (15) feet in height shall be located no closer than a distance equal to its height to the side or rear lot lines; however, in no case shall an accessory structure over one hundred fifty (150) square feet be closer to ten (10) feet to a side or rear lot line.
- e. Location: No part of an accessory structure shall be located in a front yard, corner side yard, or any rear yard abutting a street on a corner lot. For a rear yard abutting a street on

a corner lot, the setback shall be the required corner side setback of the zoning district. Where the front of a principal structure is not on a corner lot, an accessory use or structure may be placed in the yard facing the arterial street provided that all zoning district front and side yard setbacks from the arterial street lot line are met.

- f. Fences shall be allowed to locate property lines in all yards. Fences shall not exceed 7-feet in height and shall meet all other requirements of Section 15-3.0802E. of the UDO.
- g. Fences surrounding recreational facilities shall not exceed 20-feet in height.

**Table 15-3.0201E.**

**R-1E COUNTRYSIDE/ESTATE SINGLE-FAMILY MULTIPLE PRINCIPAL RESIDENCE UPON A SINGLE LOT ESTATE DISTRICT**

Type of Standard	Principal Detached D.U.s	Second Detached D.U.	Special Use Option for additional dwelling structures
<b>Minimum Open Space Ratio and Maximum Density</b>			
Open Space Ratio (OSR)	0.00	N/A	N/A
Gross Density (GD)	0.435	N/A	N/A
Net Density (ND)	0.435	N/A	N/A
<b>Lot Dimensional Requirements</b>			
Minimum Lot Area (s.f.)	217,800	N/A	N/A
Minimum Lot Width at Setback Line (feet)	250	N/A	N/A
Minimum Shore Buffer (feet)	75	75	75
Minimum Wetland Buffer (feet)	30	30	30
Minimum Wetland Setback (feet)	50	50	50
Maximum Lot Coverage (maximum percent of lot area)	0.15	N/A	N/A
<b>Minimum Total Living Area per Dwelling Unit (D.U.)</b>			
1-Story D.U. 3 Bedrooms	3,000 s.f.	1,200 s.f.	1,200 s.f.
1-Story D.U. > 3 Bedrooms	150 s.f. (a)	150 s.f. (a)	150 s.f. (a)
1-Story D.U. if Basement is < 600 Square Feet	250 s.f. (b)	250 s.f. (b)	250 s.f. (b)
Multi-Story D.U. 3 Bedrooms	3,000 s.f. – total & 2,000 s.f. – 1 <sup>st</sup> floor	1,200 s.f. – total & 600 s.f. – 1 <sup>st</sup> floor	1,200 s.f. – total & 600 s.f. – 1 <sup>st</sup> floor
Multi-Story D.U. > 3 Bedrooms	150 s.f. (a)	150 s.f. (a)	150 s.f. (a)
Multi-Story D.U. if Basement is < 600 Square Feet	250 s.f. (b)	250 s.f. (b)	250 s.f. (b)
<b>Maximum Building Height</b>			
Principal Structure (stories/ft.)	4.5/50	4.5/50	4.5/50

N/A = NOT APPLICABLE

- (a) Add to minimum required building floor area for each bedroom in excess of three (3).
- (b) Add to minimum required first floor area for each D.U. which has a basement less than 600 s.f.
- (c) Plus one (1) additional foot for each two (2) feet over thirty-five (35) feet of building height.
- (d) Plus five (5) additional feet for each additional story above two (2) stories of building height.
- (e) See Section 15-5.0108 for increased setback requirements along arterial streets and highways.



- A. **District Intent.** The R-2 District is intended to:
1. Provide for ESTATE type housing on very large lots as set forth in the City of Franklin Comprehensive Master Plan and components thereof.
  2. Preserve and enhance an ESTATE character of surrounding areas and the attractiveness associated with such areas.
  3. Be served by public sanitary sewer and water supply facilities, (1) except those lots which were lot(s) of record existing prior to the effective date of the Unified Development Ordinance on August 1, 1998, and (2) those lot(s) of record created by minor division, which lot(s) of record created by minor division are served by public sanitary sewer and for which lot(s) the Common Council on or after August 1, 1998, has denied the extension of public water.
- The options in this district promote open space and natural resource base protection. It is the most protective of the estate types of single-family residence districts.
- B. **District Standards.** The R-2 District is further intended to have the development standards as set forth in Table 15-3.0202.
- C. **Permitted, Accessory, and Special Uses.** See Section 15-3.0602, Division 15-3.0700, Section 15-3.0702, and Section 15-3.0802 of this Ordinance.

Table 15-3.0202

**R-2 ESTATE SINGLE-FAMILY RESIDENCE DISTRICT DEVELOPMENT STANDARDS**

Type of Standard	Permitted Use "Conventional Subdivision"	Special Use "Open Space Subdivision"		
		Option 1	Option 2	Option 3
Minimum Open Space Ratio and Maximum Density				
Open Space Ratio (OSR)	0	0.35	0.45	0.5
Gross Density (GD)	0.898	0.902	0.914	0.978
Net Density (ND)	0.898	1.394	1.718	2.081
Lot Dimensional Requirements				
Minimum Lot Area (s.f.)	40,000	25,000	20,000	16,000
Minimum Lot Width at Setback Line (feet)	150	115 125 – corner	100 110 – corner	95 110 – corner
Minimum Front Yard (feet)	60	50	45	40
Minimum Side Yard (feet)	20 (c)	15 (c)	10 (c)	10 (c)
Minimum Side Yard on Corner Lot (feet)	45	40	35 (c)	30 (c)
Minimum Rear Yard (feet)	30 (c)	30 (c)	30 (c)	30 (c)
Minimum Shore Buffer (feet)	75	75	75	75
Minimum Wetland Buffer (feet)	30	30	30	30
Minimum Wetland Setback (feet)	50	50	50	50
Maximum Lot Coverage (maximum percent of lot area)	0.1	0.15	0.15	0.2
Minimum Total Living Area per Dwelling Unit (D.U.)				
1-Story D.U. 3 Bedrooms	2,000 s.f.	2,000 s.f.	2,000 s.f.	2,000 s.f.
1-Story D.U. >3 Bedrooms	150 s.f. (a)	150 s.f. (a)	150 s.f. (a)	150 s.f. (a)
1-Story D.U. if Basement is < 600 Square Feet	250 s.f. (b)	250 s.f. (b)	250 s.f. (b)	250 s.f. (b)
Multi-Story D.U. 3 Bedrooms	2,300 s.f.-total 1,100 s.f.-1st floor	2,300 s.f.-total 1,100 s.f.-1st floor	2,300 s.f.-total 1,100 s.f.-1st floor	2,300 s.f.-total 1,100 s.f.-1st floor
Multi-Story D.U. >3 Bedrooms	100 s.f. (a)	100 s.f. (a)	100 s.f. (a)	100 s.f. (a)
Multi-Story D.U. if Basement is < 600 Square Feet	250 s.f. (b)	250 s.f. (b)	250 s.f. (b)	250 s.f. (b)
Maximum Building Height				
Principal Structure (stories/ft.)	2.5/30	2.5/30	2.5/30	2.5/30
Accessory Structure (stories/ft.)	1.0/25	1.0/25	1.0/25	1.0/25

- (a) Add to minimum required building floor area for each bedroom in excess of three (3).  
 (b) Add to minimum required first floor area for each dwelling unit which has a basement less than 600 s.f.  
 (c) See Section 15-5.0108 for increased setback requirements along arterial streets and highways.

- A. **District Intent.** The R-3 District is intended to:
1. Provide for the continuance of SUBURBAN/ESTATE lots as set forth in the City of Franklin Comprehensive Master Plan and components thereof.
  2. Be used in order to protect the character of building bulk in established SUBURBAN/ESTATE residential neighborhoods and subdivisions.
  3. Be served by public sanitary sewer and water supply facilities, (1) except those lots which were lot(s) of record existing prior to the effective date of the Unified Development Ordinance on August 1, 1998, and (2) those lot(s) of record created by minor division, which lot(s) of record created by minor division are served by public sanitary sewer and for which lot(s) the Common Council on or after August 1, 1998, has denied the extension of public water.
- The options in this district promote open space and natural resource base protection. These requirements will result in an SUBURBAN/ESTATE community character.
- B. **District Standards.** The R-3 District is further intended to have the development standards as set forth in Table 15-3.0203.
- C. **Permitted, Accessory, and Special Uses.** See Section 15-3.0602, Division 15-3.0700, Section 15-3.0702, and Section 15-3.0802 of this Ordinance.

**Table 15-3.0203**

**R-3 SUBURBAN/ESTATE SINGLE-FAMILY RESIDENCE DISTRICT DEVELOPMENT STANDARDS**

Type of Standard	Permitted Use “Conventional Subdivision”	Special Use “Open Space Subdivision”	
		Option 1	Option 2
Minimum Open Space Ratio and Maximum Density			
Open Space Ratio (OSR)	0	0.15	0.3
Gross Density (GD)	1.718	1.769	1.736
Net Density (ND)	1.718	2.081	2.48
Lot Dimensional Requirements			
Minimum Lot Area (s.f.)	20,000	16,000	13,000
Minimum Lot Width at Setback Line (feet)	100 110 – corner	95 110 – corner	90 105 – corner
Minimum Front Yard (feet)	45	40	35 (c)
Minimum Side Yard (feet)	10 (c)	10 (c)	10 (c)
Minimum Side Yard on Corner Lot (feet)	35 (c)	30 (c)	25 (c)
Minimum Rear Yard (feet)	30 (c)	30 (c)	30 (c)
Minimum Shore Buffer (feet)	75	75	75
Minimum Wetland Buffer (feet)	30	30	30
Minimum Wetland Setback (feet)	50	50	50
Maximum Lot Coverage (maximum percent of lot area)	0.15	0.2	0.2
Minimum Total Living Area per Dwelling Unit (D.U.)			
1-Story D.U. 3 Bedrooms	1,700 s.f.	1,700 s.f.	1,700 s.f.
1-Story D.U. >3 Bedrooms	150 s.f. (a)	150 s.f. (a)	150 s.f. (a)
1-Story D.U. if Basement is < 600 Square Feet	250 s.f. (b)	250 s.f. (b)	250 s.f. (b)
Multi-Story D.U. 3 Bedrooms	2,000 s.f. – total 1,100 s.f. – 1st floor	2,000 s.f. – total 1,100 s.f. – 1st floor	2,000 s.f. – total 1,100 s.f. – 1st floor
Multi-Story D.U. >3 Bedrooms	100 s.f. (a)	100 s.f. (a)	100 s.f. (a)
Multi-Story D.U. if Basement is < 600 Square Feet	250 s.f. (b)	250 s.f. (b)	250 s.f. (b)
Maximum Building Height			
Principal Structure (stories/ft.)	2.5/30	2.5/30	2.5/30
Accessory Structure (stories/ft.)	1.0/15	1.0/15	1.0/15

- (a) Add to minimum required building floor area for each bedroom in excess of three (3).  
 (b) Add to minimum required first floor area for each dwelling unit which has a basement less than 600 s.f.  
 (c) See Section 15-5.0108 for increased setback requirements along arterial streets and highways.

- A. **District Intent.** The R-3E District is intended to:
1. Recognizing the importance of providing SUBURBAN/ESTATE size single-family residential areas and lots with larger minimum building bulk requirements than the R-3 SUBURBAN/ESTATE Single-Family Residence District as set forth in the City of Franklin Comprehensive Master Plan.
  2. Foster a SUBURBAN/ESTATE community character.
  3. Be served by public sanitary sewer and water supply facilities, (1) except those lots which were lot(s) of record existing prior to the effective date of the Unified Development Ordinance on August 1, 1998, and (2) those lot(s) of record created by minor division, which lot(s) of record created by minor division are served by public sanitary sewer and for which lot(s) the Common Council on or after August 1, 1998, has denied the extension of public water.
- The options in this district promote open space and natural resource base protection.
- B. **District Standards.** The R-3E District is further intended to have the development standards as set forth in Table 15-3.0204.
- C. **Permitted, Accessory, and Special Uses.** See Section 15-3.0602, Division 15-3.0700, Section 15-3.0702, and Section 15-3.0802 of this Ordinance.

Table 15-3.0204

**R-3E SUBURBAN/ESTATE SINGLE-FAMILY RESIDENCE DISTRICT DEVELOPMENT STANDARDS**

Type of Standard	Permitted Use "Conventional Subdivision"	Special Use "Open Space Subdivision"	
		Option 1	Option 2
Minimum Open Space Ratio and Maximum Density			
Open Space Ratio (OSR)	0.00	0.15	0.30
Gross Density (GD)	1.394	1.461	1.457
Net Density (ND)	1.394	1.718	2.081
Lot Dimensional Requirements			
Minimum Lot Area (s.f.)	25,000	20,000	16,000
Minimum Lot Width at Setback Line (feet)	115 125 – corner	100 110 – corner	95 110 – corner
Minimum Front Yard (feet)	50	45	40
Minimum Side Yard (feet)	15 (c)	10 (c)	10 (c)
Minimum Side Yard on Corner Lot (feet)	40	35 (c)	30 (c)
Minimum Rear Yard (feet)	30 (c)	30 (c)	30 (c)
Minimum Shore Buffer (feet)	75	75	75
Minimum Wetland Buffer (feet)	30	30	30
Minimum Wetland Setback (feet)	50	50	50
Maximum Lot Coverage (maximum percent of lot area)	0.15	0.15	0.20
Minimum Total Living Area per Dwelling Unit (D.U.)			
1-Story D.U. 3 Bedrooms	2,000 s.f.	2,000 s.f.	2,000 s.f.
1-Story D.U. >3 Bedrooms	150 s.f. (a)	150 s.f. (a)	150 s.f. (a)
1-Story D.U. if Basement is < 600 Square Feet	250 s.f. (b)	250 s.f. (b)	250 s.f. (b)
Multi-Story D.U. 3 Bedrooms	2,800 s.f. – total 1,800 s.f. – 1st floor	2,800 s.f. – total 1,800 s.f. – 1st floor	2,800 s.f. – total 1,800 s.f. – 1st floor
Multi-Story D.U. >3 Bedrooms	100 s.f. (a)	100 s.f. (a)	100 s.f. (a)
Multi-Story D.U. if Basement is < 600 Square Feet	250 s.f. (b)	250 s.f. (b)	250 s.f. (b)
Maximum Building Height			
Principal Structure (stories/ft.)	2.5/30	2.5/30	2.5/30
Accessory Structure (stories/ft.)	1.0/15	1.0/15	1.0/15

- (a) Add to minimum required building floor area for each bedroom in excess of three (3).  
 (b) Add to minimum required first floor area for each dwelling unit which has a basement less than 600 s.f.  
 (c) See Section 15-5.0108 for increased setback requirements along arterial streets and highways.

A. **District Intent.** The R-4 District is intended to:

1. Provide for new development in areas where the development pattern is already SUBURBAN in character.
2. Permit low density SUBURBAN type single-family development in a manner that is consistent with the provision of a high-quality SUBURBAN community character as set forth in the City of Franklin Comprehensive Master Plan and components thereof.
3. Be served by public sanitary sewer and water supply facilities, (1) except those lots which were lot(s) of record existing prior to the effective date of the Unified Development Ordinance on August 1, 1998, and (2) those lot(s) of record created by minor division, which lot(s) of record created by minor division are served by public sanitary sewer and for which lot(s) the Common Council on or after August 1, 1998, has denied the extension of public water.
4. Be used as a transitional district between the less dense R-3 and R-3E Districts and the higher density R-5 District.

The R-4 District is the least dense of the SUBURBAN district types. Significant areas of open space may also be provided in this district in order to maintain this character. The options in this district promote open space and natural resource base protection. The requirements for the various options available under the provisions of this district are intended to reinforce the open nature of the City's SUBURBAN environment.

B. **District Standards.** The R-4 District is further intended to have the development standards as set forth in Table 15-3.0205.

C. **Permitted, Accessory, and Special Uses.** See Section 15-3.0602, Division 15-3.0700, Section 15-3.0702, and Section 15-3.0802 of this Ordinance.

**Table 15-3.0205**

**R-4 SUBURBAN SINGLE-FAMILY RESIDENCE DISTRICT DEVELOPMENT STANDARDS**

Type of Standard	Permitted Use "Conventional Subdivision"	Special Use "Open Space Subdivision"	
		Option 1	Option 2
Minimum Open Space Ratio and Maximum Density			
Open Space Ratio (OSR)	0	0.15	0.3
Gross Density (GD)	2.081	2.108	2.148
Net Density (ND)	2.081	2.48	3.068
Lot Dimensional Requirements			
Minimum Lot Area (s.f.)	16,000	13,000	10,000
Minimum Lot Width at Setback Line (feet)	95 110 – corner	90 105 – corner	85 100 – corner
Minimum Front Yard (feet)	40	35	30
Minimum Side Yard (feet)	10	10	10
Minimum Side Yard on Corner Lot (feet)	30	25	19
Minimum Rear Yard (feet)	30	30	30
Minimum Shore Buffer (feet)	75	75	75
Minimum Wetland Buffer (feet)	30	30	30
Minimum Wetland Setback (feet)	50	50	50
Maximum Lot Coverage (maximum percent of lot area)	0.2	0.2	0.25
Minimum Total Living Area per Dwelling Unit (D.U.)			
1-Story D.U. 3 Bedrooms	1,600 s.f.	1,600 s.f.	1,600 s.f.
1-Story D.U. >3 Bedrooms	150 s.f. (a)	150 s.f. (a)	150 s.f. (a)
1-Story D.U. if Basement is < 600 Square Feet	250 s.f. (b)	250 s.f. (b)	250 s.f. (b)
Multi-Story D.U. 3 Bedrooms	1,900 s.f. – total 1,050 s.f. – 1st floor	1,900 s.f. – total 1,050 s.f. – 1st floor	1,900 s.f. – total 1,050 s.f. – 1st floor
Multi-Story D.U. >3 Bedrooms	100 s.f. (a)	100 s.f. (a)	100 s.f. (a)
Multi-Story D.U. if Basement is < 600 Square Feet	250 s.f. (b)	250 s.f. (b)	250 s.f. (b)
Maximum Building Height			
Principal Structure (stories/ft.)	2.5/30	2.5/30	2.5/30
Accessory Structure (stories/ft.)	1.0/15	1.0/15	1.0/15

- (a) Add to minimum required building floor area for each bedroom in excess of three (3).  
 (b) Add to minimum required first floor area for each dwelling unit which has a basement less than 600 s.f.  
 (c) See Section 15-5.0108 for increased setback requirements along arterial streets and highways.



A. **District Intent.** The R-5 District is intended to:

1. Provide for new development in areas where the development pattern is already SUBURBAN in character.
2. Permit moderate density SUBURBAN type single family residential development in a manner that is consistent with the provision of a high-quality SUBURBAN community character as set forth in the City of Franklin Comprehensive Master Plan and components thereof.
3. Be served by public sanitary sewer and water supply facilities, (1) except those lots which were lot(s) of record existing prior to the effective date of the Unified Development Ordinance on August 1, 1998, and (2) those lot(s) of record created by minor division, which lot(s) of record created by minor division are served by public sanitary sewer and for which lot(s) the Common Council on or after August 1, 1998, has denied the extension of public water.
4. Be used as a transitional district between the less dense R-4 District and the higher density R-6 District.

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

B. **District Standards.** The R-5 District is further intended to have the development standards as set forth in Table 15-3.0206.

C. **Permitted, Accessory, and Special Uses.** See Section 15-3.0602, Division 15-3.0700, Section 15-3.0702, and Section 15-3.0802 of this Ordinance.

**Table 15-3.0206**

**R-5 SUBURBAN SINGLE-FAMILY RESIDENCE DISTRICT DEVELOPMENT STANDARDS**

Type of Standard	Permitted Use "Conventional Subdivision	Special Use "Open Space Subdivision"	
		Option 1	Option 2
Minimum Open Space Ratio and Maximum Density			
Open Space Ratio (OSR)	0	0.1	0.15
Gross Density (GD)	2.48	2.469	2.608
Net Density (ND)	2.48	2.603	3.068
Lot Dimensional Requirements			
Minimum Lot Area (s.f.)	13,000	12,000	10,000
Minimum Lot Width at Setback Line (feet)	90 105 – corner	90 105 – corner	85 105 – corner
Minimum Front Yard (feet)	35 (c)	30 (c)	30 (c)
Minimum Side Yard (feet)	10 (c)	10 (c)	10 (c)
Minimum Side Yard on Corner Lot (feet)	25 (c)	20 (c)	19 (c)
Minimum Rear Yard (feet)	30 (c)	30 (c)	30 (c)
Minimum Shore Buffer (feet)	75	75	75
Minimum Wetland Buffer (feet)	30	30	30
Minimum Wetland Setback (feet)	50	50	50
Maximum Lot Coverage (maximum percent of lot area)	0.2	0.22	0.25
Minimum Total Living Area per Dwelling Unit (D.U.)			
1-Story D.U. 3 Bedrooms	1,500 s.f.	1,500 s.f.	1,500 s.f.
1-Story D.U. >3 Bedrooms	150 s.f. (a)	150 s.f. (a)	150 s.f. (a)
1-Story D.U. if Basement is < 600 Square Feet	250 s.f. (b)	250 s.f. (b)	250 s.f. (b)
Multi-Story D.U. 3 Bedrooms	1,800 s.f. – total 1,000 s.f. – 1st floor	1,800 s.f. – total 1,000 s.f. – 1st floor	1,800 s.f. – total 1,000 s.f. – 1st floor
Multi-Story D.U. >3 Bedrooms	100 s.f. (a)	100 s.f. (a)	100 s.f. (a)
Multi-Story D.U. if Basement is < 600 Square Feet	250 s.f. (b)	250 s.f. (b)	250 s.f. (b)
Maximum Building Height			
Principal Structure (stories/ft.)	2.5/30	2.5/30	2.5/30
Accessory Structure (stories/ft.)	1.0/15	1.0/15	1.0/15

- (a) Add to minimum required building floor area for each bedroom in excess of three (3).
- (b) Add to minimum required first floor area for each dwelling unit which has a basement less than 600 s.f.
- (c) See Section 15-5.0108 for increased setback requirements along arterial streets and highways.

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

1. Provide for the continuation of higher density SUBURBAN type single-family dwelling lots in areas of the City where such development has already occurred or where such areas are planned to develop as set forth in the City of Franklin Comprehensive Master Plan and components thereof.
2. Be used in order to protect the existing character of single-family dwelling lots in established residential neighborhoods and subdivisions.
3. Permit higher density SUBURBAN type single family residential development in a manner that is consistent with the provision of a high-quality SUBURBAN community character.
4. Be served by public sanitary sewer and water supply facilities, (1) except those lots which were lot(s) of record existing prior to the effective date of the Unified Development Ordinance on August 1, 1998, and (2) those lot(s) of record created by minor division, which lot(s) of record created by minor division are served by public sanitary sewer and for which lot(s) the Common Council on or after August 1, 1998, has denied the extension of public water.
5. Be used as a transitional district between the less dense R-5 District and other higher density residential districts. The R-6 District is the most dense of the SUBURBAN single-family residence district types.

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

B. **District Standards.** The R-6 District is further intended to have the development standards as set forth in Table 15-3.0207.

C. **Permitted, Accessory, and Special Uses.** See Section 15-3.0602, Division 15-3.0700, Section 15-3.0702, and Section 15-3.0802 of this Ordinance.

**Table 15-3.0207**

**R-6 SUBURBAN SINGLE-FAMILY RESIDENCE DISTRICT DEVELOPMENT STANDARDS**

Type of Standard	Permitted Use "Conventional Subdivision"	Special Use "Open Space Subdivision"
		Option 1
Minimum Open Space Ratio and Maximum Density		
Open Space Ratio (OSR)	0.00	0.10
Gross Density (GD)	2.972	2.919
Net Density (ND)	2.972	3.243
Lot Dimensional Requirements		
Minimum Lot Area (s.f.)	11,000	10,000
Minimum Lot Width at Setback Line (feet)	90 100 – corner	85 100 – corner
Minimum Front Yard (feet)	30 (c)	30 (c)
Minimum Side Yard (feet)	10 (c)	10 (c)
Minimum Side Yard on Corner Lot (feet)	19 (c)	19 (c)
Minimum Rear Yard (feet)	30 (c)	30 (c)
Minimum Shore Buffer (feet)	75	75
Minimum Wetland Buffer (feet)	30	30
Minimum Wetland Setback (feet)	50	50
Maximum Lot Coverage (maximum percent of lot area)	0.25	0.25
Minimum Total Living Area per Dwelling Unit (D.U.)		
1-Story D.U. 3 Bedrooms	1,250 s.f.	1,250 s.f.
1-Story D.U. >3 Bedrooms	150 s.f. (a)	150 s.f. (a)
1-Story D.U. if Basement is < 600 Square Feet	250 s.f. (b)	250 s.f. (b)
Multi-Story D.U. 3 Bedrooms	1,550 s.f. – total 950 s.f. – 1 <sup>st</sup> floor	1,550 s.f. – total 950 s.f. – 1 <sup>st</sup> floor
Multi-Story D.U. >3 Bedrooms	100 s.f. (a)	100 s.f. (a)
Multi-Story D.U. if Basement is < 600 Square Feet	250 s.f. (b)	250 s.f. (b)
Maximum Building Height		
Principal Structure (stories/ft.)	2.5/30	2.5/30
Accessory Structure (stories/ft.)	1.0/15	1.0/15

- (a) Add to minimum required building floor area for each bedroom in excess of three (3).  
 (b) Add to minimum required first floor area for each dwelling unit which has a basement less than 600 s.f.  
 (c) See Section 15-5.0108 for increased setback requirements along arterial streets and highways.

A. **District Intent.** The R-7 District is intended to:

1. Establish and preserve two-family residential districts in the City.
2. Permit higher density SUBURBAN type two-family residential development in a manner that is consistent with the provision of a high-quality SUBURBAN community character as set forth in the City of Franklin Comprehensive Master Plan and components thereof.
3. Be served by public sanitary sewer and water supply facilities.
4. Be used as a transitional district between the less dense R-6 District and other higher density R-8 District. The R-7 District is the least dense of the multi-family residence district types.

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

B. **District Standards.** The R-7 District is further intended to have the development standards as set forth in Table 15-3.0208.

C. **Permitted, Accessory, and Special Uses.** See Section 15-3.0602, Division 15-3.0700, Section 15-3.0702, and Section 15-3.0802 of this Ordinance.

**Table 15-3.0208**

**R-7 TWO-FAMILY RESIDENCE DISTRICT DEVELOPMENT STANDARDS**

Type of Standard	Permitted Use "Conventional Subdivision"	Special Use "Open Space Subdivision"
		Option 1
Minimum Open Space Ratio and Maximum Density		
Open Space Ratio (OSR)	0.00	0.20
Gross Density (GD)	1.850 (a)	2.099 (a)
Net Density (ND)	1.850 (a)	2.320 (a)
Lot Dimensional Requirements		
Minimum Lot Area (s.f.)	18,000	15,000
Minimum Lot Width at Setback Line (feet)	125	115
Minimum Front Yard (feet)	40	40
Minimum Side Yard (feet)	13 (d)	10 (d)
Minimum Side Yard on Corner Lot (feet)	35 (d)	30 (d)
Minimum Rear Yard (feet)	30 (d)	30 (d)
Minimum Shore Buffer (feet)	75	75
Minimum Wetland Buffer (feet)	30	30
Minimum Wetland Setback (feet)	50	50
Maximum Lot Coverage (maximum percent of lot area)	0.30	0.35
Minimum Total Living Area per Dwelling Unit (D.U.)		
1-Story D.U. 3 Bedrooms	1,150 s.f.	1,150 s.f.
1-Story D.U. >3 Bedrooms	150 s.f. (b)	150 s.f. (b)
1-Story D.U. if Basement is < 600 Square Feet	250 s.f. (c)	250 s.f. (c)
Multi-Story D.U. 3 Bedrooms	1,150 s.f.	1,150 s.f.
Multi-Story D.U. >3 Bedrooms	250 s.f. (b)	250 s.f. (b)
Multi-Story D.U. if Basement is < 600 Square Feet	150 s.f. (c)	150 s.f. (c)
Maximum Building Height		
Principal Structure (stories/ft.)	2.5/30	2.5/30
Accessory Structure (stories/ft.)	1.0/15	1.0/15

- (a) In terms of number of lots only. To arrive at maximum dwelling unit density, multiply the number indicated by two (2).
- (b) Add to minimum required building floor area for each bedroom in excess of three (3).
- (c) Add to minimum required first floor area for each dwelling unit which has a basement less than 600 s.f.
- (d) See Section 15-5.0108 for increased setback requirements along arterial streets and highways.

A. **District Intent.** The R-8 District is intended to:

1. Establish and preserve multi-family residential districts in the City.
2. Permit high density URBAN type multi-family residential development in a manner that is consistent with the provision of a high-quality URBAN character within a SUBURBAN community character setting as set forth in the City of Franklin Comprehensive Master Plan and components thereof. The R-8 District is the most dense of the residence district types.
3. Be served by public sanitary sewer and water supply facilities.
4. Be used as a transitional district between the less dense R-7 District and other higher intensity commercial or institutional use districts with the provision of adequate landscape bufferyards.

Areas of open space are to be provided in this district in order to maintain this character.

B. **District Standards.** The R-8 District is further intended to have the development standards as set forth in Tables 15-3.0209A and 15-3.0209B.

C. **Permitted, Accessory, and Special Uses.** See Section 15-3.0602, Division 15-3.0700, Section 15-3.0702, and Section 15-3.0802 of this Ordinance.

Table 15-3.0209A

**R-8 MULTIPLE-FAMILY RESIDENCE DISTRICT DEVELOPMENT STANDARDS**

Type of Standard	Special Uses: Single-Family Detached D.U.s and Maximum Two-Attached D.U.s (Two-Family Structures)	Special Use: Multiple-Family Attached Dwelling Units with More Than Two D.U.s per Structure	
		Option 1	Option 2
Minimum Open Space Ratio and Maximum Density			
Open Space Ratio (OSR)	0.00	0.35	0.25
Gross Density (GD)	5.00	6.10	8.00
Net Density (ND)	5.00	8.00	8.00
Lot Dimensional Requirements			
Minimum Lot Area (s.f.)	6,000	43,560	43,560
Minimum Lot Width at Setback Line (feet)	60 & 75 – corner	150	150
Minimum Front Yard (feet)	25 (e)	30 (c, e)	30 (c, e)
Minimum Side Yard (feet)	5 (e)	20 (d, e)	20 (d, e)
Minimum Side Yard on Corner Lot (feet)	15 (e)	30 (e)	30 (e)
Minimum Rear Yard (feet)	25 – D.U. & 10 – garage (e)	30 (e)	30 (e)
Minimum Shore Buffer (feet)	75	75	75
Minimum Wetland Buffer (feet)	30	30	30
Minimum Wetland Setback (feet)	50	50	50
Maximum Lot Coverage (maximum percent of lot area)	0.35	N/A	N/A
Minimum Total Living Area per Dwelling Unit (D.U.) in Single-Family and Two-Family Structures			
1-Story D.U. 3 Bedrooms	1,250 s.f.	N/A	N/A
1-Story D.U. >3 Bedrooms	150 s.f. (a)	N/A	N/A
1-Story D.U. if Basement is < 600 Square Feet	250 s.f. (b)	N/A	N/A
Multi-Story D.U. 3 Bedrooms	1,550 s.f. – total & 950 s.f. – 1st floor	N/A	N/A
Multi-Story D.U. >3 Bedrooms	100 s.f. (a)	N/A	N/A
Multi-Story D.U. if Basement is < 600 Square Feet	250 s.f. (b)	N/A	N/A
Maximum Building Height			
Principal Structure (stories/ft.)	2.5/30	3.0/45	3.0/45
Accessory Structure (stories/ft.)	Single Family Uses only, not for Two-Family uses, 1.0/15 (attached garages are required)	1.0/15	1.0/15

N/A = NOT APPLICABLE

- (a) Add to minimum required building floor area for each bedroom in excess of three (3).
- (b) Add to minimum required first floor area for each D.U. which has a basement less than 600 s.f.
- (c) Plus one (1) additional foot for each two (2) feet over thirty-five (35) feet of building height.
- (d) Plus five (5) additional feet for each additional story above two (2) stories of building height.
- (e) See Section 15-5.0108 for increased setback requirements along arterial streets and highways.



**Table 15-3.0209B**

**R-8 MULTIPLE-FAMILY RESIDENCE DISTRICT  
MINIMUM DWELLING UNIT SIZE STANDARDS FOR MULTI-FAMILY DWELLING  
STRUCTURES WITH MORE THAN TWO (2) DWELLING UNITS PER STRUCTURE**

<b>Type of Dwelling Structure &amp; Number of Dwelling Units</b>	<b>Minimum Dwelling Unit Size (Square Feet) for One (1) Bedroom Dwelling Units (a)</b>	<b>Minimum Area (Square Feet) to be Added to Minimum Dwelling Unit Size for Each Bedroom Over One (1) Bedroom (a)</b>
Three (3) to Four (4) Dwelling per Structure	900	200
Five (5) to Eight (8) Dwelling Units per Structure	850	200
Nine (9) to Twelve (12) Dwelling Units per Structure	800	200
Thirteen (13) or More Dwelling Units per Structure	750	200

- (a) Dens, libraries, studies, etc. or other room within a dwelling unit which can potentially be used as a bedroom shall be considered and counted as a bedroom.

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

1. Be used exclusively in the Village of St. Martins Planning District as delineated in the City of Franklin Comprehensive Master Plan.
2. Prevent the Village of St. Martins area from becoming nonconforming as it would if placed under a different more SUBURBAN-oriented zoning district classification.
3. Provide for the minor infilling of vacant or redevelopment areas within the unincorporated Village of St. Martins consistent with the requirements of this zoning district and the established community character of the Village of St. Martins.
4. Permit future residential development and redevelopment of the Village of St. Martins area consistent with earlier approved Subdivisions and Certified Survey Maps.
5. Be served by public sanitary sewer and water supply facilities, (1) except those lots which were lot(s) of record existing prior to the effective date of the Unified Development Ordinance on August 1, 1998, and (2) those lot(s) of record created by minor division, which lot(s) of record created by minor division are served by public sanitary sewer and for which lot(s) the Common Council on or after August 1, 1998, has denied the extension of public water.

The VR Village Residence District, as used here, is not intended to be confused with incorporated "villages" as defined by the Wisconsin State Statutes.

B. **District Standards.** The VR District is further intended to have the development standards as set forth in Table 15-3.0210.

C. **Permitted, Accessory, and Special Uses.** See Section 15-3.0602, Division 15-3.0700, Section 15-3.0702, and Section 15-3.0802 of this Ordinance.

**Table 15-3.0210**

**VR VILLAGE RESIDENCE DISTRICT  
DEVELOPMENT STANDARDS**

Type of Standard	Permitted Use "Grid Type Subdivision"
<b>Minimum Open Space Ratio and Maximum Density</b>	
Open Space Ratio (OSR)	0.00
Gross Density (GD)	4.283
Net Density (ND)	4.283
<b>Lot Dimensional Requirements</b>	
Minimum Lot Area (s.f.)	7,200
Minimum Lot Width at Setback Line (feet)	60, 75 – corner
Minimum Front Yard (feet)	25
Minimum Side Yard (feet)	5
Minimum Side Yard on Corner Lot (feet)	15
Minimum Rear Yard (feet)	25-D.U., 10 – garage
Minimum Shore Buffer (feet)	75
Minimum Wetland Buffer (feet)	30
Minimum Wetland Setback (feet)	50
Maximum Lot Coverage (maximum percent of lot area)	0.48
<b>Minimum Total Living Area per Dwelling Unit (D.U.)</b>	
1-Story D.U. 3 Bedrooms	1,200 s.f.
1-Story D.U. >3 Bedrooms	150 s.f. (a)
1-Story D.U. if Basement is <600 Square Feet	250 s.f. (b)
Multi-Story D.U. 3 Bedrooms	1,500 s.f. – total 900 s.f. – 1 <sup>st</sup> floor
Multi-Story D.U. >3 Bedrooms	100 s.f. (a)
Multi-Story D.U. if Basement is <600 Square Feet	250 s.q. (b)
<b>Maximum Building Height</b>	
Principal Structure (stories/ft.)	2.0/30
Accessory Structure (stories/ft.)	1.0/15

- (a) Add to minimum required building floor area for each bedroom in excess of three (3).
- (b) Add to minimum required first floor area for each dwelling unit which has a basement less than 600 s.f.

## **SECTION 15-3.0211      RC-1 CONSERVATION RESIDENCE DISTRICT**

- A.     **District Intent.** The RC-1 Conservation Residence District is intended to provide for allowing a diversity of lot sizes and single and multiple family uses, housing choices and building densities, while protecting and restoring environmentally sensitive areas, in furtherance of the goals and objects of the South 27<sup>th</sup> Street Corridor Element of the Comprehensive Master Plan, and:
1.     To guide the detailed analysis of the development parcel so as to locate and coordinate appropriate areas for development and conservation.
  2.     To preserve the rural character through the permanent preservation of meaningful open space and sensitive natural resources.
  3.     To preserve scenic views by minimizing views of new development from existing roads.
  4.     To provide commonly-owned open space areas for passive and/or active recreational use by residents of the development and, where specified, the larger community.
  5.     To provide for a diversity of lot sizes, housing choices and building densities to accommodate a variety of age and income groups.
  6.     To provide buffering between residential development and non-residential uses.
  7.     To protect and restore environmentally sensitive areas and biological diversity, minimize disturbance to existing vegetation, and maintain environmental corridors.
  8.     To preserve significant archaeological sites, historic buildings and their settings.
  9.     To meet demand for housing in a rural setting.
  10.    Be served by public sanitary sewer and water supply facilities.
- B.     **District Standards.** The RC-1 Conservation Residence District is further intended to have the development standards as set forth in Table 15-3.0211.
- C.     **Permitted, Accessory, and Special Uses.** See Table 15-3.0602.

Table 15-3.0211

**RC-1 CONSERVATION RESIDENCE DISTRICT DEVELOPMENT  
STANDARDS**

Type of Standard	Single-Family Detached D.U. s	Special Use: Two Family Structures	Special Use: Multiple-Family Attached Dwelling Units with Two or more D.U. s per Structure
		Option 1	Option 2
Minimum Open Space Ratio and Maximum Density			
Open Space Ratio (OSR)	0.5	0.5	0.5
Maximum Gross Density (GD)	1.5	3.00	8.00
Lot Dimensional Requirements			
Minimum Lot Area (s.f.)	10,000	15,000	43,560
Minimum Lot Width at Setback Line (feet)	60 & 75 – corner	100	150
Minimum Front Yard (feet)	25	40	30
Minimum Side Yard (feet)	5	10	20
Minimum Side Yard on Corner Lot (feet)	15	30	30
Minimum Rear Yard (feet)	25 – D.U. & 10 – garage	30	30
Minimum Shore Buffer (feet)	75	75	75
Minimum Wetland Buffer (feet)	30	30	30
Minimum Wetland Setback (feet)	50	50	50
Minimum Total Living Area per Dwelling Unit (D.U.) in Single-Family and Two-Family Structures			
1-Story D.U. 3 Bedrooms	1,250 s.f.	N/A	N/A
1-Story D.U. >3 Bedrooms	150 s.f.	N/A	N/A
1-Story D.U. if Basement is < 600 Square Feet	250 s.f.	N/A	N/A
Multi-Story D.U. 3 Bedrooms	1,550 s.f. – total & 950 s.f. – 1st floor	N/A	N/A
Multi-Story D.U. >3 Bedrooms	100 s.f.	N/A	N/A
Multi-Story D.U. if Basement is < 600 Square Feet	250 s.f.	N/A	N/A
Maximum Building Height			
Principal Structure (stories/ft.)	2.5/30	2.5/30	4.0/60
Accessory Structure (stories/ft.)	1.0/15	1.0/15	1.0/15

## **DIVISION 15-3.0300    NONRESIDENTIAL ZONING DISTRICTS**

This Division sets forth detailed descriptions, characteristics, and the respective dimensional and bulk regulations, requirements, and design standards of the nonresidential zoning districts. The nonresidential zoning districts are generally grouped as follows: business districts, industrial districts, public and semi-public districts, agricultural districts, special districts, and floodplain districts.

### **SECTION 15-3.0301            B-1 NEIGHBORHOOD BUSINESS DISTRICT**

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

1.     Provide for the convenience of persons residing in nearby residential areas and is, thus, limited in its functions to accommodating the basic day-to-day shopping and service needs of the residents living in the adjacent areas.
2.     Allow for the clustering of buildings on parcels of land under individual or multiple ownership.
3.     Provide for an arrangement of retail trade establishments that are compatible in function and operation.
4.     Limit building height to not exceed two (2) stories in order to assist in assuring compatibility with surrounding land uses of a lesser intensity.

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

B.     **District Standards.** The B-1 District is further intended to have the development standards as set forth in Table 15-3.0301.

C.     **Permitted, Accessory, and Special Uses.** See Sections 15-3.0603, 15-3.0605, 15-3.0606, 15-3.0607, 15-3.0608, 15-3.0609, Division 15-3.0700, Section 15-3.0703, and Division 15-3.0800.

**Table 15-3.0301****B-1 NEIGHBORHOOD BUSINESS DISTRICT DEVELOPMENT STANDARDS**

Type of Standard	Standard
<b>Landscape Surface Ratio and Floor Area</b>	
Minimum Landscape Surface Ratio (LSR)	0.45 (a)
Alternative Minimum Landscape Surface Ratio (LSR) with Required Mitigation (See Section 15-5.0302E)	0.35
Maximum Gross Floor Area Ratio (GFAR)	0.31 (a)
Maximum Net Floor Area Ratio (NFAR)	0.57 (a)
<b>Lot Dimensional Requirements</b>	
Minimum District Area (acres)	2 (d)
Minimum Lot Area (s.f.)	20,000 (c)
Minimum Lot Width at Setback Line (feet)	100 (c)
Minimum Front Yard (feet)	25 (b)
Minimum Side Yard (feet)	10 (b)
Minimum Side Yard on Corner Lot (feet)	25 (b)
Minimum Rear Yard (feet)	20 (b)
Minimum Shore Buffer (feet)	75
Minimum Wetland Buffer (feet)	30
Minimum Wetland Setback (feet)	50
<b>Minimum Total Living Area per Commercial Apartment Dwelling Unit (D.U.)</b>	
For Less than 3 D.U.s per Structure for One Bedroom D.U.	900 s.f. (plus 200 s.f. for each bedroom over 1 bedroom)
For 3 or More D.U.s per Structure	Use Requirements for R-8 District (see Table 15-3.0209B)
<b>Maximum Building Height</b>	
Principal Structure (stories/ft.)	2.0/35
Accessory Structure (stories/ft.)	1.0/25

- (a) For commercial apartments which may be permitted on a second level only, the minimum landscape surface ratio (LSR) for the entire site shall be 0.50; the maximum gross floor area ratio (GFAR) shall be 0.37; and the maximum net floor area ratio (NFAR) shall be 0.74.
- (b) See Division 15-5.0300 for the determination of minimum required bufferyards. See Section 15-5.0108 for increased setback requirements along arterial streets and highways.
- (c) Restaurants require a minimum of 40,000 square feet with a minimum lot width of 150 feet.
- (d) As indicated on the City of Franklin Comprehensive Master Plan or City of Franklin zoning map, except for lots of record which may be less than two (2) acres.

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

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

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

B. **District Standards.** The B-2 District is further intended to have the development standards as set forth in Table 15-3.0302.

C. **Permitted, Accessory, and Special Uses.** Special Use: Boarding Kennels for 4 or more cats or dogs within Animal Hospitals, outdoor runs prohibited, and see Sections 15-3.0603, 15-3.0605, 15-3.0606, 15-3.0607, 15-3.0608, 15-3.0609, Division 15-3.0700, Section 15-3.0703, and Division 15-3.0800.



**Table 15-3.0302**

**B-2 GENERAL BUSINESS DISTRICT DEVELOPMENT STANDARDS**

Type of Standard	Standard
<b>Landscape Surface Ratio and Floor Area</b>	
Minimum Landscape Surface Ratio (LSR)	0.35 (a)
Alternative Minimum Landscape Surface Ratio (LSR) with Required Mitigation (See Section 15-5.0302E)	0.25
Maximum Gross Floor Area Ratio (GFAR)	0.37 (a)
Maximum Net Floor Area Ratio (NFAR)	0.57 (a)
<b>Lot Dimensional Requirements</b>	
Minimum Lot Area (s.f.)	20,000 (c)
Minimum Lot Width at Setback Line (feet)	100 (c)
Minimum Front Yard (feet)	25 (b)
Minimum Side Yard (feet)	10 (b)
Minimum Side Yard on Corner Lot (feet)	25 (b)
Minimum Rear Yard (feet)	20 (b)
Minimum Shore Buffer (feet)	75
Minimum Wetland Buffer (feet)	30
Minimum Wetland Setback (feet)	50
<b>Minimum Total Living Area per Commercial Apartment Dwelling Unit (D.U.)</b>	
For Less than 3 D.U.s per Structure for One Bedroom D.U.	900 s.f. (plus 200 s.f. for each bedroom over 1 bedroom)
For 3 or More D.U.s per Structure	Use Requirements for R-8 District (see Table 15-3.0209B)
<b>Maximum Building Height</b>	
Principal Structure (stories/ft.)	2.0/35
Accessory Structure (stories/ft.)	1.0/25

- (a) For commercial apartments which may be permitted on a second level only, the minimum landscape surface ratio (LSR) for the entire site shall be 0.50; the maximum gross floor area ratio (GFAR) shall be 0.37; and the maximum net floor area ratio (NFAR) shall be 0.74.
- (b) See Division 15-5.0300 for the determination of minimum required bufferyards. See Section 15-5.0108 for increased setback requirements along arterial streets and highways.
- (c) Restaurants shall require a minimum of 40,000 square feet with a minimum lot width of 150 feet.
- (d) Upon application therefore, the Plan Commission may allow and grant approval of a multiple principal building retail development minimum landscape surface ratio calculation which considers separate but contiguous parcels as one development site. Landscape Surface Area must be distributed throughout the site, including a portion to be located within the front yard setback of the property and all landscape bufferyards requirements continue to

## **SECTION 15-3.0303**

## **B-3 COMMUNITY BUSINESS DISTRICT**

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

1. Accommodate the needs of a much larger consumer population than served by the B-1 Neighborhood Shopping District.
2. Provide for relatively large groupings of retail sales and customer service establishments in a community-serving shopping area.
3. Accommodate the clustering of buildings on parcels of land under individual or multiple ownership.
4. Provide for an arrangement of retail trade establishments that are compatible in function and operation.
5. Provide on-site parking for customer automobiles combined with a pedestrian-oriented shopping environment.

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

B. **District Standards.** The B-3 District is further intended to have the development standards as set forth in Table 15-3.0303.

C. **Permitted, Accessory, and Special Uses.** Special Use: Boarding Kennels for 4 or more cats or dogs within Animal Hospitals, outdoor runs prohibited, and see Sections 15-3.0603, 15-3.0605, 15-3.0606, 15-3.0607, 15-3.0608, 15-3.0609, Division 15-3.0700, Section 15-3.0703, and Division 15-3.0800.

**Table 15-3.0303**

**B-3 COMMUNITY BUSINESS DISTRICT DEVELOPMENT STANDARDS**

<b>Type of Standard</b>	<b>Standard</b>
<b>Landscape Surface Ratio and Floor Area</b>	
Minimum Landscape Surface Ratio (LSR)	0.40 (a)
Alternative Minimum Landscape Surface Ratio (LSR) with Required Mitigation (See Section 15-5.0302E)	0.30
Maximum Gross Floor Area Ratio (GFAR)	0.34 (a)
Maximum Net Floor Area Ratio (NFAR)	0.57 (a)
<b>Lot Dimensional Requirements</b>	
Minimum Zoning District Area (acres)	2 (c)
Minimum Lot Area (s.f.)	40,000
Minimum Lot Width at Setback Line (feet)	150
Minimum Front Yard (feet)	40 (b)
Minimum Side Yard (feet)	10 (b)(e)
Minimum Side Yard on Corner Lot (feet)	40 (b)
Minimum Rear Yard (feet)	20 (b)(e)
Minimum Shore Buffer (feet)	75
Minimum Wetland Buffer (feet)	30
Minimum Wetland Setback (feet)	50
Minimum Parking and Driveway Setback (feet)	10 (e)
<b>Minimum Total Living Area per Commercial Apartment Dwelling Unit (D.U.)</b>	
For Less than 3 D.U.s per Structure for One Bedroom D.U.	900 s.f. (plus 200 s.f. for each bedroom over 1 bedroom)
For 3 or More D.U.s per Structure	Use Requirements for R-8 District (see Table 15-3.0209B)
<b>Maximum Building Height</b>	
Principal Structure (stories/ft.): Retail Office	2.0/35 (d) 3.0/45 (d)
Accessory Structure (stories/ft.)	1.0/25

- (a) For commercial apartments which may be permitted on a second level only, the minimum landscape surface ratio (LSR) for the entire site shall be 0.50; the maximum gross floor area ratio (GFAR) shall be 0.37; and the maximum net floor area ratio (NFAR) shall be 0.74.
- (b) See Division 15-5.0300 for the determination of minimum required bufferyards. See Section 15-5.0108 for increased setback requirements along arterial streets and highways.
- (c) Restaurants shall require a minimum of 40,000 square feet with a minimum lot width of 150 feet.
- (d) The stated maximum height regulations may be increased pursuant to the guidelines as described in Tables 15-3.0303A, 15-3.0303B, 15-3.0303C, 15-3.0303D, 15-3.0303E and 15-3.0303F and the granting of a Special Use Permit.
- (e) Upon approval of site plans, the Plan Commission may waive the minimum setback for side yard, rear yard and parking and driveway setbacks, from the interior lot line of a property zoned B-3 Community Business District when abutting another property zoned B-3 Community Business District. The Plan Commission shall consider the applicable standards for Site Plan, Special Use and Land Combination applications in making such determination.

TABLE 15-3.0303A

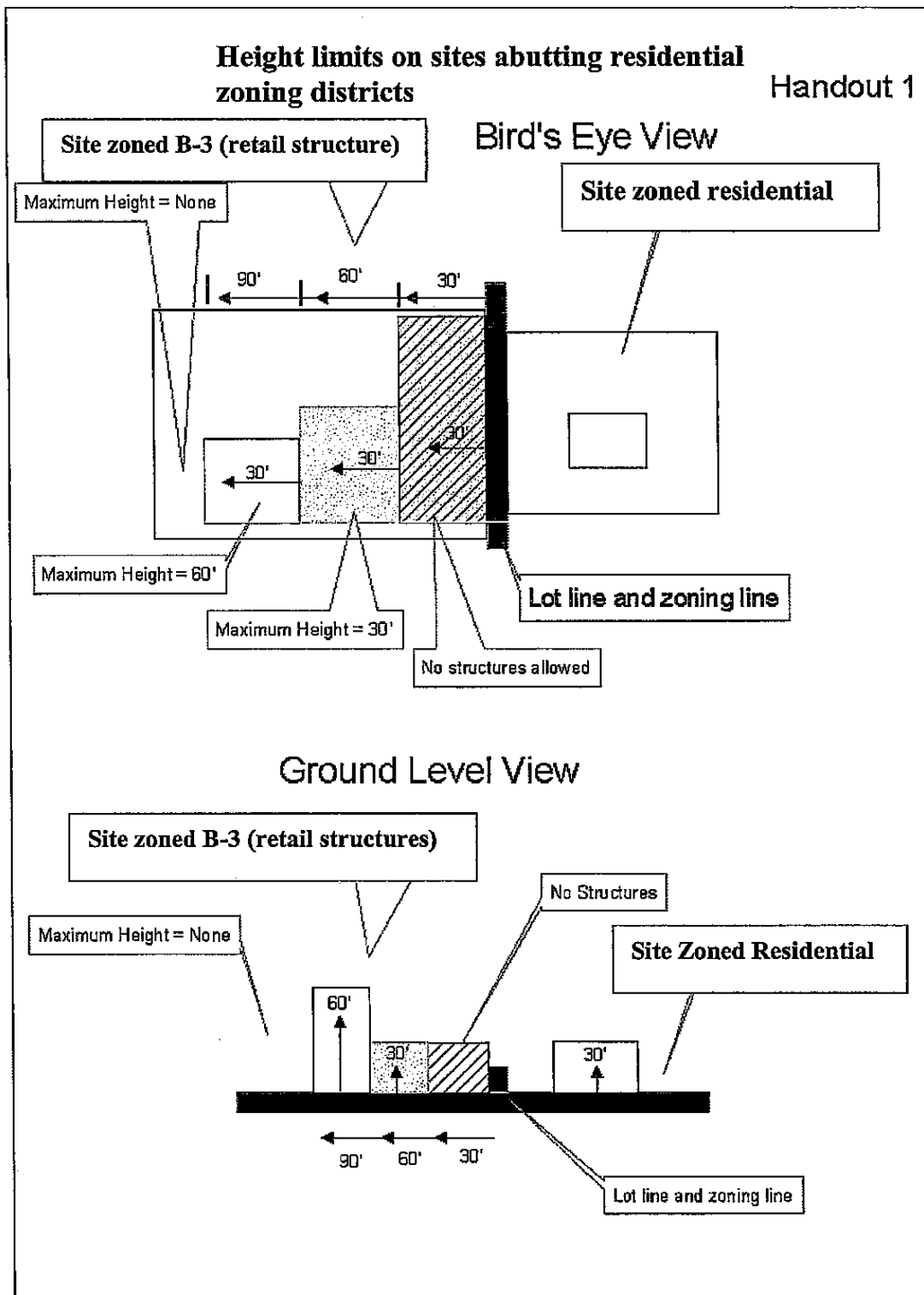
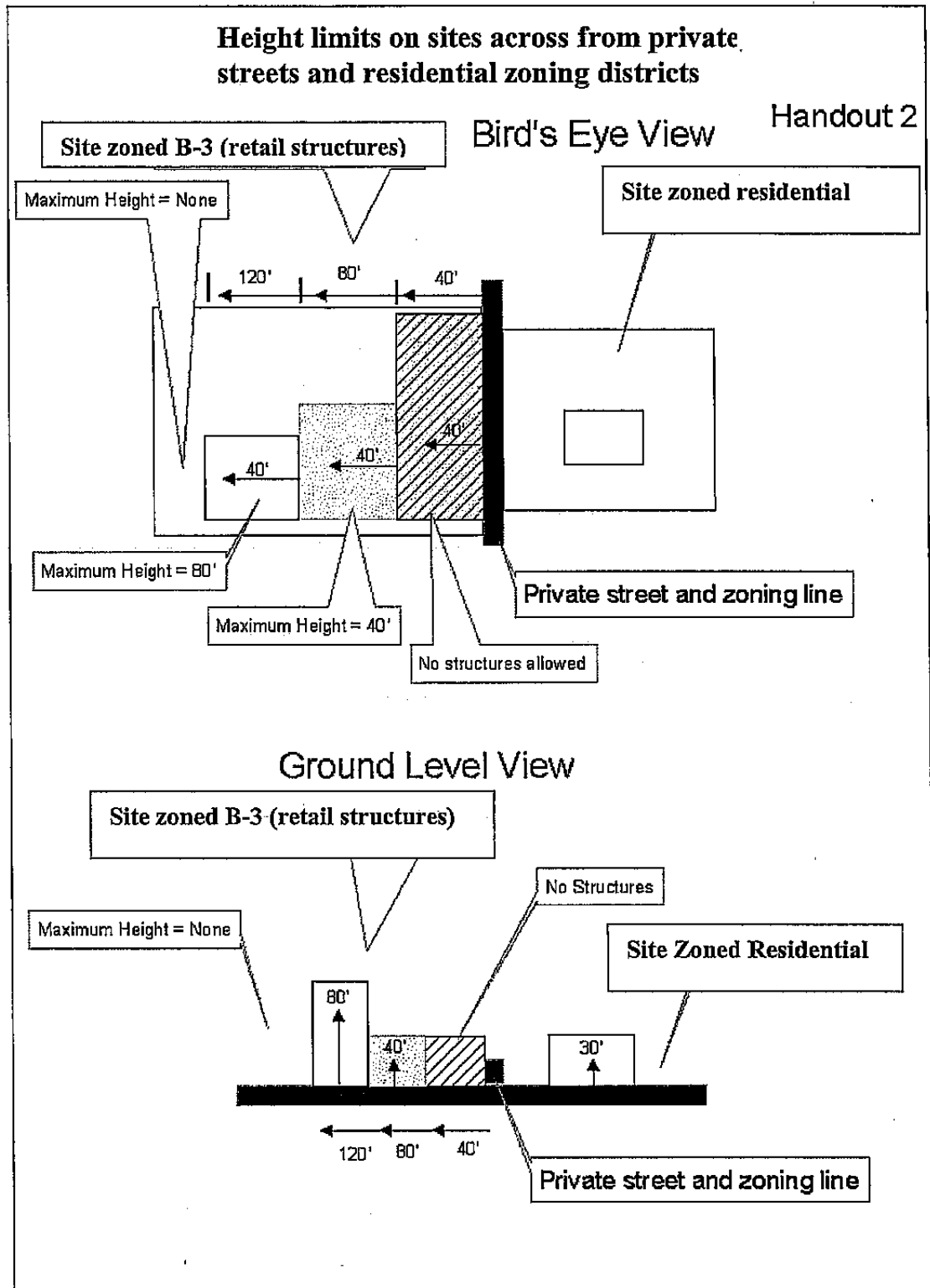
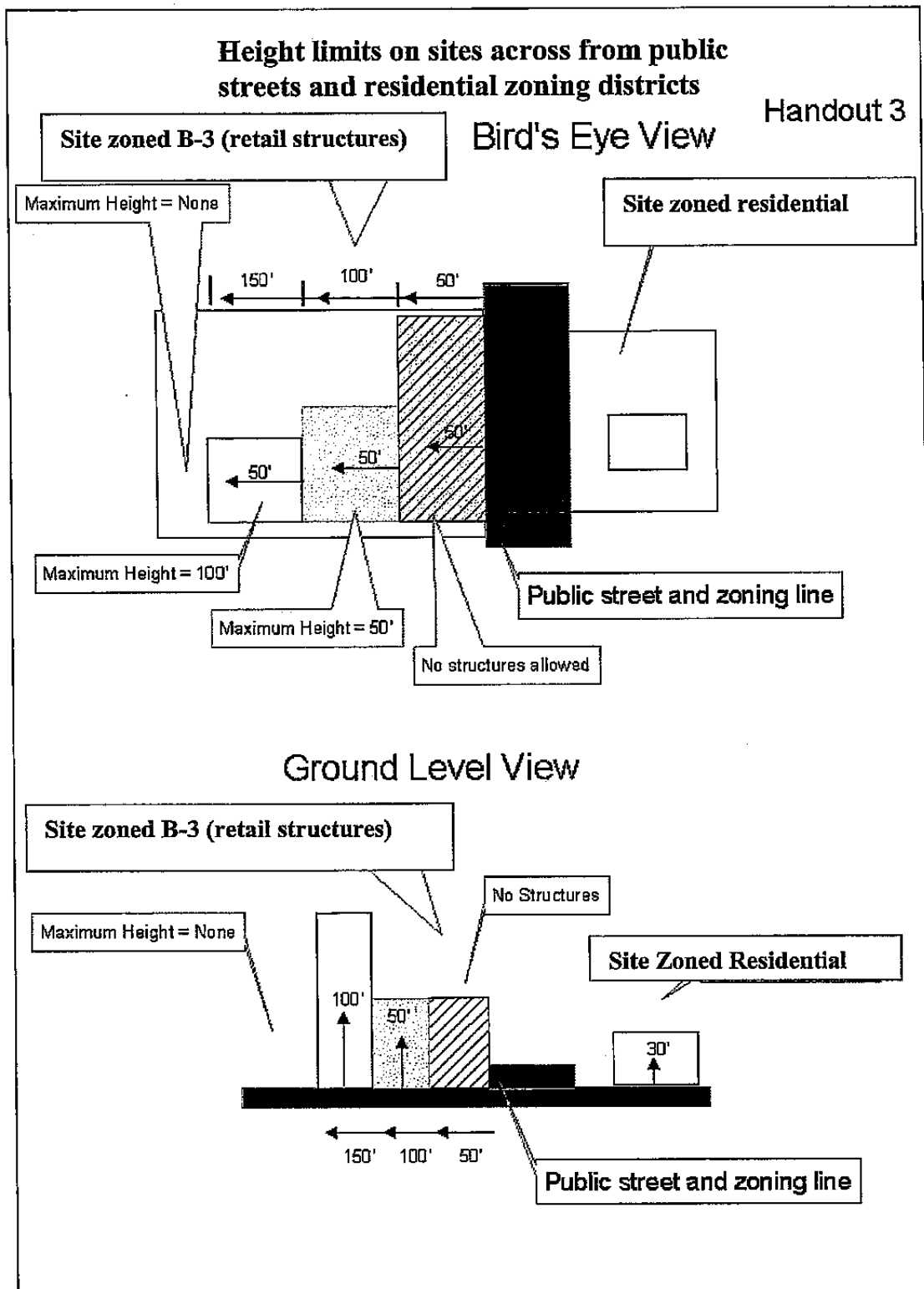


TABLE 15-3.0303B





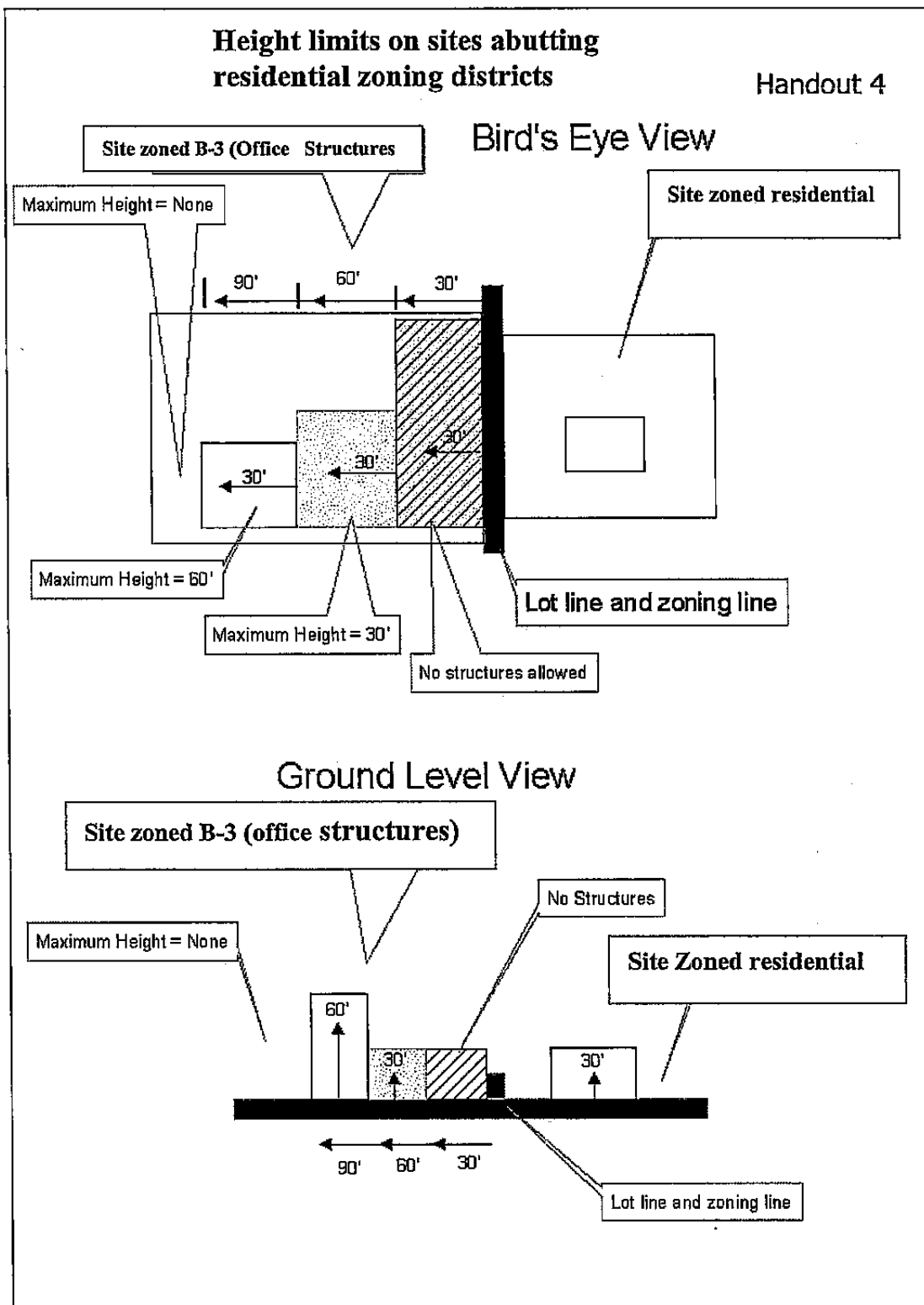


TABLE 15-3.0303E

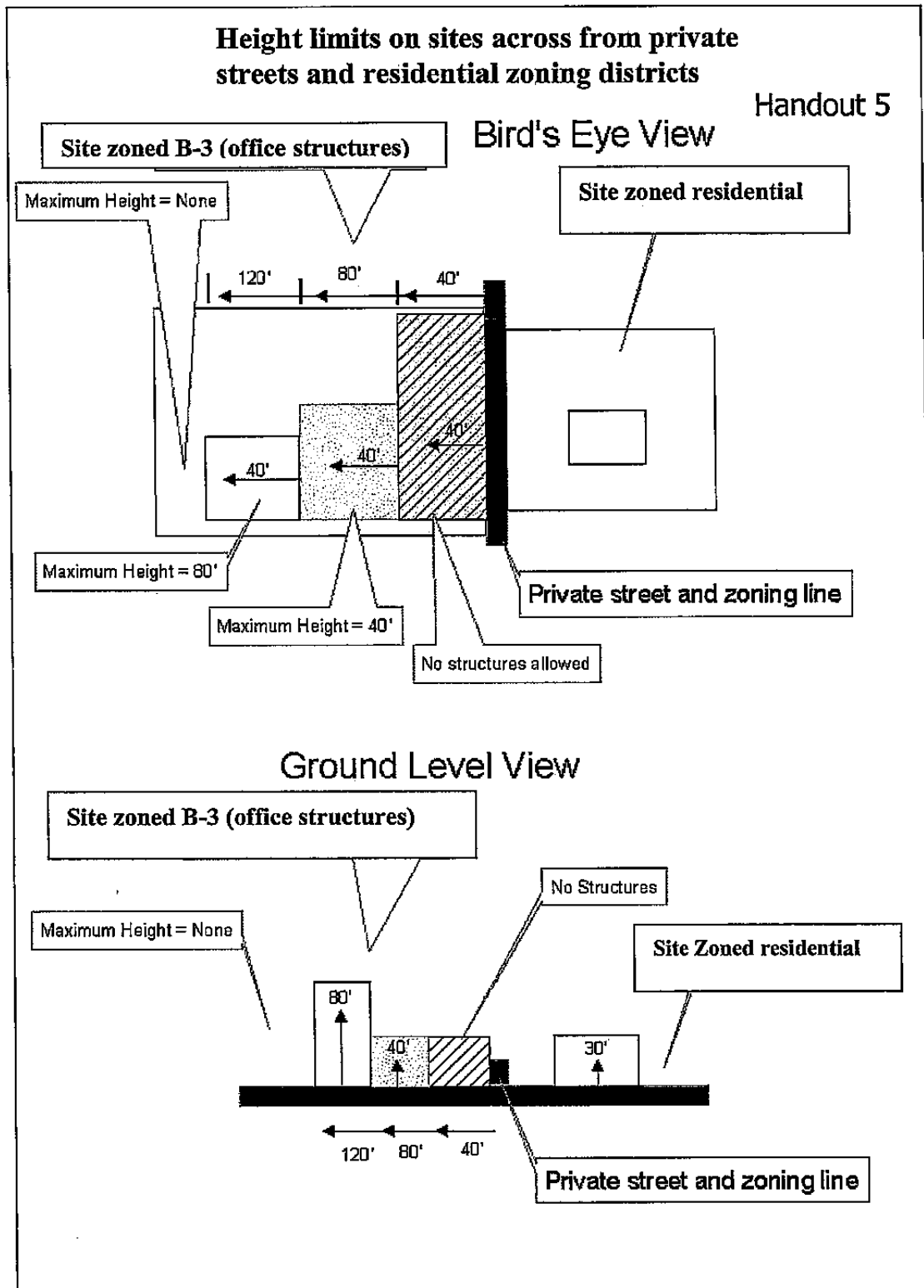
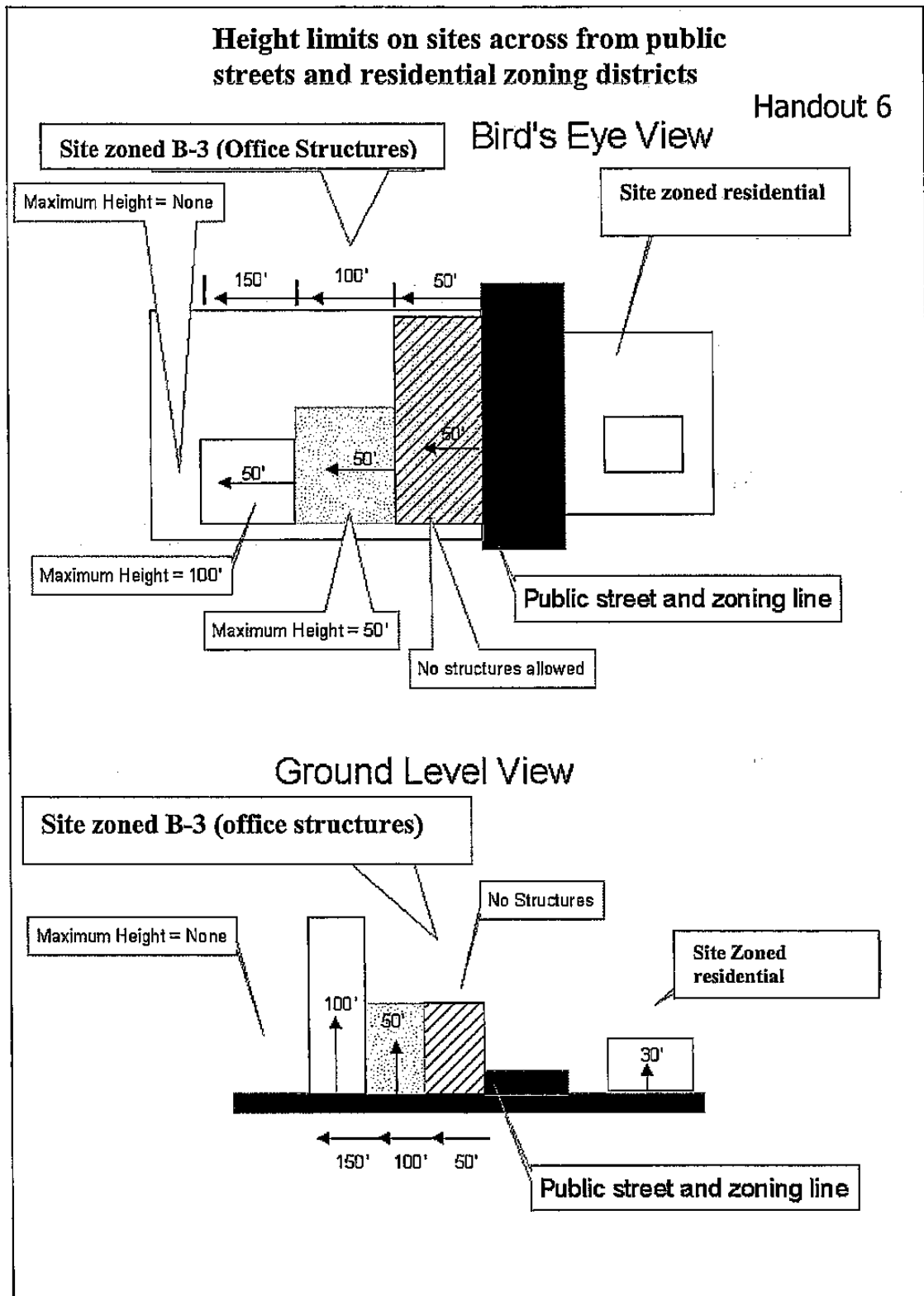




TABLE 15-3.0303F



- A. **District Intent.** The B-4 South 27th Street Mixed Use District is intended to provide for the development of certain mixed uses, including retail, commercial, office and residential development, in furtherance of the goals and objectives of the South 27th Street Corridor Element of the Comprehensive Master Plan and:
1. Require that future land division be limited, such that no new lots are created that are smaller than two acres in size.
  2. Require that no new lots of record for One-family detached dwellings and Two-family attached dwellings be created after the effective date of this ordinance.
  3. Require that new residential development meet the R-8 Multiple-Family Residence District Development Standards in Table 15-3.0209.
  4. Require that cross-access for both pedestrian and vehicular circulation is provided between adjacent parcels at the time of any new development or redevelopment. In cases where existing development on adjacent parcels, not under common ownership, does not allow for the actual construction of connecting driveways, sidewalks, etc. it shall be sufficient in most cases to provide the appropriate cross-access easements to be utilized at the point in time when the adjacent parcel undergoes development or redevelopment that would facilitate the completion of the connection. The city may require a letter of credit sufficient to ensure the construction of the future pedestrian and vehicular connection when actual construction is not taking place at the time of site plan approval.
  5. Require special use approval for all new buildings greater than 40,000 square feet in area, whether single-tenant or multi-tenant spaces.
  6. Single retail establishments are limited to tenant space of 80,000 square feet or less in area.
  7. Be served by public sanitary sewer and water supply facilities.
  8. A Special Use lawfully existing within the area of this District prior to and upon the creation of this District shall remain as such Special Use and a conforming use, with any future amendment to the Special Use Permission, to be granted only upon the consideration of all applicable standards for the review and approval of Special Uses, and the District Intent and District Standards in this Section.

While the off-street parking requirements for the B-4 South 27<sup>th</sup> Street Mixed Use District have a tendency to promote an AUTO-URBAN character, the various other requirements of the B-4 South 27<sup>th</sup> Street Mixed use District are established to increase its compatibility with an URBAN character as set forth in the City of Franklin 27th Street Corridor Plan.

- B. **District Standards.** The B-4 South 27<sup>th</sup> Street Mixed Use District is further intended to have the development standards as set forth in Table 15-3.0304 and those design standards set forth within Section 15-3.0351 South 27TH STREET DESIGN OVERLAY DISTRICT
- C. **Permitted, Accessory, and Special Uses.** See Table 15-3.0603.

**Table 15-3.0304**

**B-4 SOUTH 27<sup>TH</sup> STREET MIXED USE COMMERCIAL DISTRICT  
DEVELOPMENT STANDARDS FOR NON RESIDENTIAL USES**

Type of Standard	Standard
<b>Landscape Surface Ratio and Floor Area</b>	
Minimum Landscape Surface Ratio (LSR)	0.30
<b>Lot Dimensional Requirements</b>	
Minimum Lot Area	2 Acres
Minimum Lot Width at Setback Line (feet)	150
Minimum Front Yard (feet)	30
Minimum Side Yard (feet)	10
Minimum Side Yard on Corner Lot (feet)	30
Minimum Rear Yard (feet)	30
Minimum Shore Buffer (feet)	75
Minimum Wetland Buffer (feet)	30
Minimum Wetland Setback (feet)	50
<b>Lot Dimensional Requirements for Lots of Record Prior to June 7, 2005</b>	
Minimum Lot Area (s.f.)	10,000
Minimum Lot Width at Setback Line (feet)	45
Minimum Front Yard (feet)	30
Minimum Side Yard (feet)	10
Minimum Side Yard on Corner Lot (feet)	19
Minimum Rear Yard (feet)	30
Minimum Shore Buffer (feet)	75
Minimum Wetland Buffer (feet)	30
Minimum Wetland Setback (feet)	50
<b>Maximum Building Height</b>	
Principal Structure (stories/ft.)	3.0/45
Accessory Structure (stories/ft.)	1.0/35

A. **District Intent.** The B-5 Highway Business District is intended to:

1. Accommodate automobile-oriented sales and service establishments.
2. Provide for relatively small retail sales and service establishments which are dependent upon an abutting highway for business purposes. All property in the B-5 District shall abut either a U.S. or State Trunk designated highway.
3. Be characterized by business establishments that have on-site parking for customer automobiles.
4. Provide for an arrangement of retail trade establishments that are compatible in function and operation.

While the off-street parking requirements for the B-5 District have a tendency to promote an AUTO-URBAN character, the various other requirements of the B-5 District are established to increase its compatibility with a SUBURBAN character as set forth in the City of Franklin Comprehensive Master Plan.

B. **District Standards.** The B-5 District is further intended to have the development standards as set forth in Table 15-3.0305.

C. **Permitted, Accessory, and Special Uses.** See Sections 15-3.0603, 15-3.0605, 15-3.0606, 15-3.0607, 15-3.0608, 15-3.0609, Division 15-3.0700, Section 15-3.0703, and Division 15-3.0800.

Table 15-3.0305

**B-5 HIGHWAY BUSINESS DISTRICT DEVELOPMENT STANDARDS**

Type of Standard	Standard
<b>Landscape Surface Ratio and Floor Area</b>	
Minimum Landscape Surface Ratio (LSR)	0.4
Alternative Minimum Landscape Surface Ratio (LSR) with Required Mitigation (See Section 15-5.0302E)	0.3
Maximum Gross Floor Area Ratio (GFAR)	0.26
Maximum Net Floor Area Ratio (NFAR)	0.44
<b>Lot Dimensional Requirements</b>	
Minimum Lot Area (s.f.)	40,000 (a)
Minimum Lot Width at Setback Line (feet)	150 (a)
Minimum Front Yard (feet)	100 (b)
Minimum Side Yard (feet)	20 (b)
Minimum Side Yard on Corner Lot (feet)	50 (b)
Minimum Rear Yard (feet)	40 (b)
Minimum Shore Buffer (feet)	75
Minimum Wetland Buffer (feet)	30
Minimum Wetland Setback (feet)	50
<b>Maximum Building Height</b>	
Principal Structure (stories/ft.)	1.0/30
Accessory Structure (stories/ft.)	1.0/25

(a) A minimum 20,000 square foot lot may be allowed by the City Plan Commission with a minimum 100 foot lot width at the setback line when the access drive is shared with an abutting property owner.

(b) See Division 15-5.0300 for the determination of minimum required bufferyards. See Section 15-5.0108 for increased setback requirements along arterial streets and highways.

A. **District Intent.** The B-6 Professional Office District is intended to:

1. Be used in general commercial areas such as professional, financial, and governmental activities or similarly related activities as indicated on the various City of Franklin Comprehensive Master Plan maps.
2. Provide for the orderly and attractive development and grouping, in appropriate and convenient locations, of professional office-related activities.
3. Provide adequate on-site parking areas.

While the off-street parking requirements for the B-6 District have a tendency to promote an AUTO-URBAN character, the various other requirements of the B-6 District are established to increase its compatibility with a SUBURBAN character as set forth in the City of Franklin Comprehensive Master Plan.

B. **District Standards.** The B-6 District is further intended to have the development standards as set forth in Table 15-3.0306.

C. **Permitted, Accessory, and Special Uses.** See Sections 15-3.0603, 15-3.0605, 15-3.0606, 15-3.0607, 15-3.0608, 15-3.0609, Division 15-3.0700, Section 15-3.0703, and Division 15-3.0800.

Table 15-3.0306

**B-6 PROFESSIONAL OFFICE DISTRICT DEVELOPMENT STANDARDS**

Type of Standard	Standard
<b>Landscape Surface Ratio and Floor Area</b>	
Minimum Landscape Surface Ratio (LSR)	0.40 (a)
Alternative Minimum Landscape Surface Ratio (LSR) with Required Mitigation (See Section 15-5.0302E)	0.3
Maximum Gross Floor Area Ratio (GFAR)	0.38 (a)
Maximum Net Floor Area Ratio (NFAR)	0.63 (a)
<b>Lot Dimensional Requirements</b>	
Minimum Lot Area (s.f.)	20,000 (c)
Minimum Lot Width at Setback Line (feet)	100 (c)
Minimum Front Yard (feet)	25 (b)
Minimum Side Yard (feet)	10 (b)
Minimum Side Yard on Corner Lot (feet)	25 (b)
Minimum Rear Yard (feet)	20 (b)
Minimum Shore Buffer (feet)	75
Minimum Wetland Buffer (feet)	30
Minimum Wetland Setback (feet)	50
<b>Minimum Total Living Area per Commercial Apartment Dwelling Unit (D.U.)</b>	
For Less than 3 D.U.s per Structure for One Bedroom D.U.	900 s.f. (plus 200 s.f. for each bedroom over 1 bedroom)
For 3 or More D.U.s per Structure	Use Requirements for R-8 District (see Table 15-3.0209B)
<b>Maximum Building Height</b>	
Principal Structure (stories/ft.)	3.0/45
Accessory Structure (stories/ft.)	1.0/25

- (a) For commercial apartments which may be permitted on a second and/or third level only, the minimum landscape surface ratio (LSR) for the entire site shall be 0.50; the maximum gross floor area ratio (GFAR) shall be 0.37; and the maximum net floor area ratio (NFAR) shall be 0.74.
- (b) See Division 15-5.0300 for the determination of minimum required bufferyards. See Section 15-5.0108 for increased setback requirements along arterial streets and highways.
- (c) Restaurants shall require a minimum of 40,000 square feet with a minimum lot width of 150 feet.

**A. District Intent. The B-7 South 27<sup>th</sup> Street Mixed Use Office District is intended to provide for the development of high quality office and retail uses, in furtherance of the goals and objectives of the South 27<sup>th</sup> Street Corridor Element of the Comprehensive Master Plan, and:**

1. Require that future land division be limited, such that no new lots of record are created that are smaller than 40,000 square feet in size.
2. Require that no new lots of record for Residential dwellings be created after the effective date of this ordinance.
3. Require that all new buildings be a minimum of two stories in height.
4. Require that cross-access for both pedestrian and vehicular circulation be provided between adjacent parcels at the time of any new development or redevelopment. In cases where existing development on adjacent parcels, not under common ownership, does not allow for the actual construction of connecting driveways, sidewalks, etc. it shall be sufficient in most cases to provide the appropriate cross-access easements to to be utilized at the point in time when the adjacent parcel undergoes development or redevelopment that would facilitate the completion of the connection. The city may require a letter of credit sufficient to ensure the construction of the future pedestrian and vehicular connection when actual construction is not taking place at the time of site plan approval.
5. Require special use approval for all new buildings greater than 40,000 square feet in area, whether single-tenant or multi-tenant spaces.
6. Stand alone retail and entertainment establishments except restaurants be limited to 25,000 square feet or less in tenant area. When located in multi-story mixed-use buildings retail and entertainment establishments may exceed 25,000 square feet in area provided such uses do not exceed 50% of the total floor area of the entire building.
7. Be served by public sanitary sewer and water supply facilities.
8. A Special Use lawfully existing within the area of this District prior to and upon the creation of this District shall remain as such Special Use and a conforming use, with any future amendment to the Special Use Permission, to be granted only upon the consideration of all applicable standards for the review and approval of Special Uses, and the District Intent and District Standards in this Section.

While the off-street parking requirements for the B-4 South 27<sup>th</sup> Street Mixed Use Office District have a tendency to promote an AUTO-URBAN character, the various other requirements of the B-4 South 27<sup>th</sup> Street Mixed Use Office District are established to increase its compatibility with an URBAN character as set forth in the City of Franklin 27th Street Corridor Plan.



- B. **District Standards.** The B-7 South 27<sup>th</sup> Street Mixed Use Office District is further intended to have the development standards as set forth in Table 15-3.0306A and those design standards set forth within Section 15-3.0351 South 27TH STREET DESIGN OVERLAY DISTRICT
- C. **Permitted, Accessory, and Special Uses.** See Table 15-3.0603.

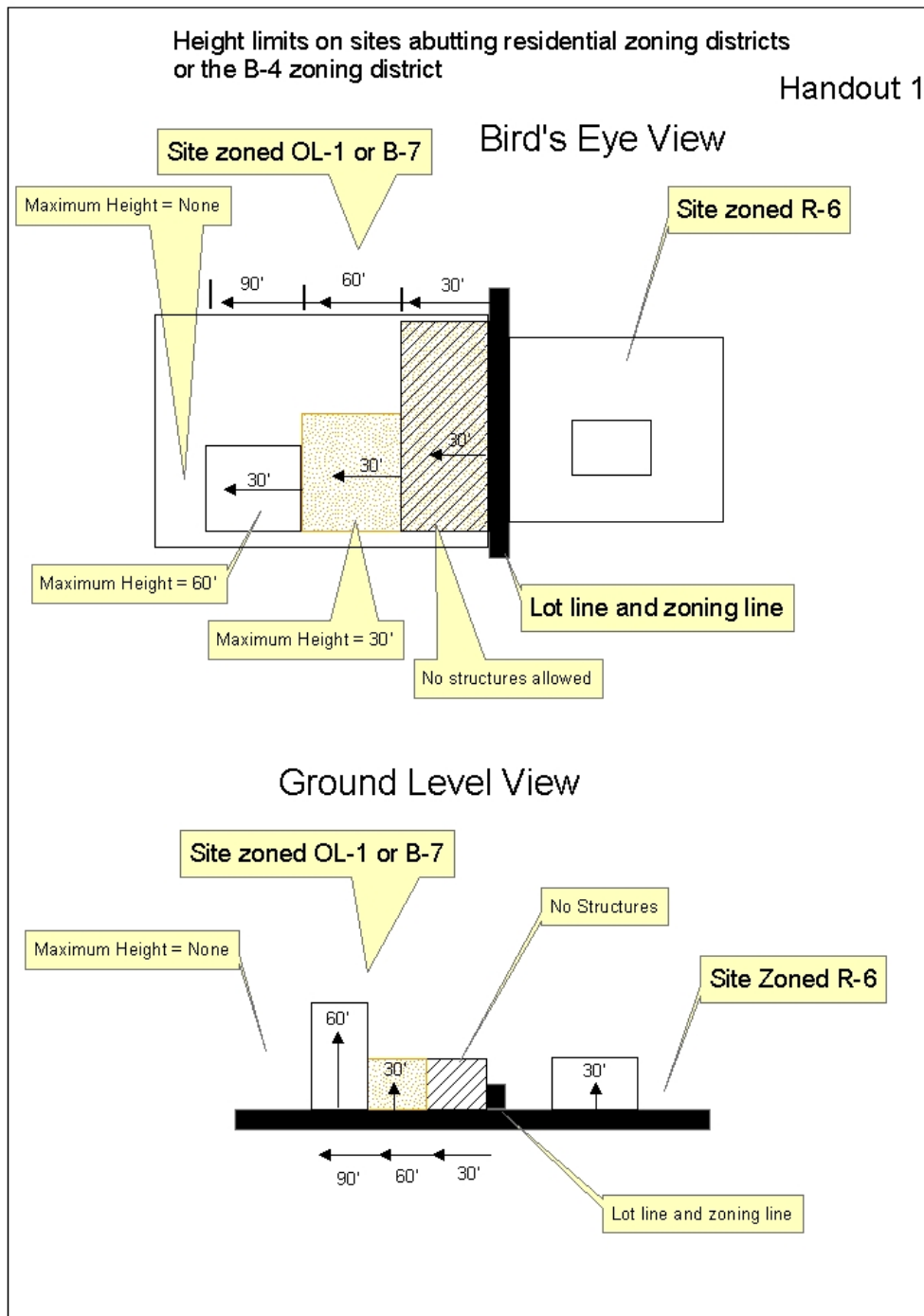
**Table 15-3.0306A**

**B-7 SOUTH 27<sup>TH</sup> STREET MIXED USE OFFICE DISTRICT DEVELOPMENT STANDARDS**

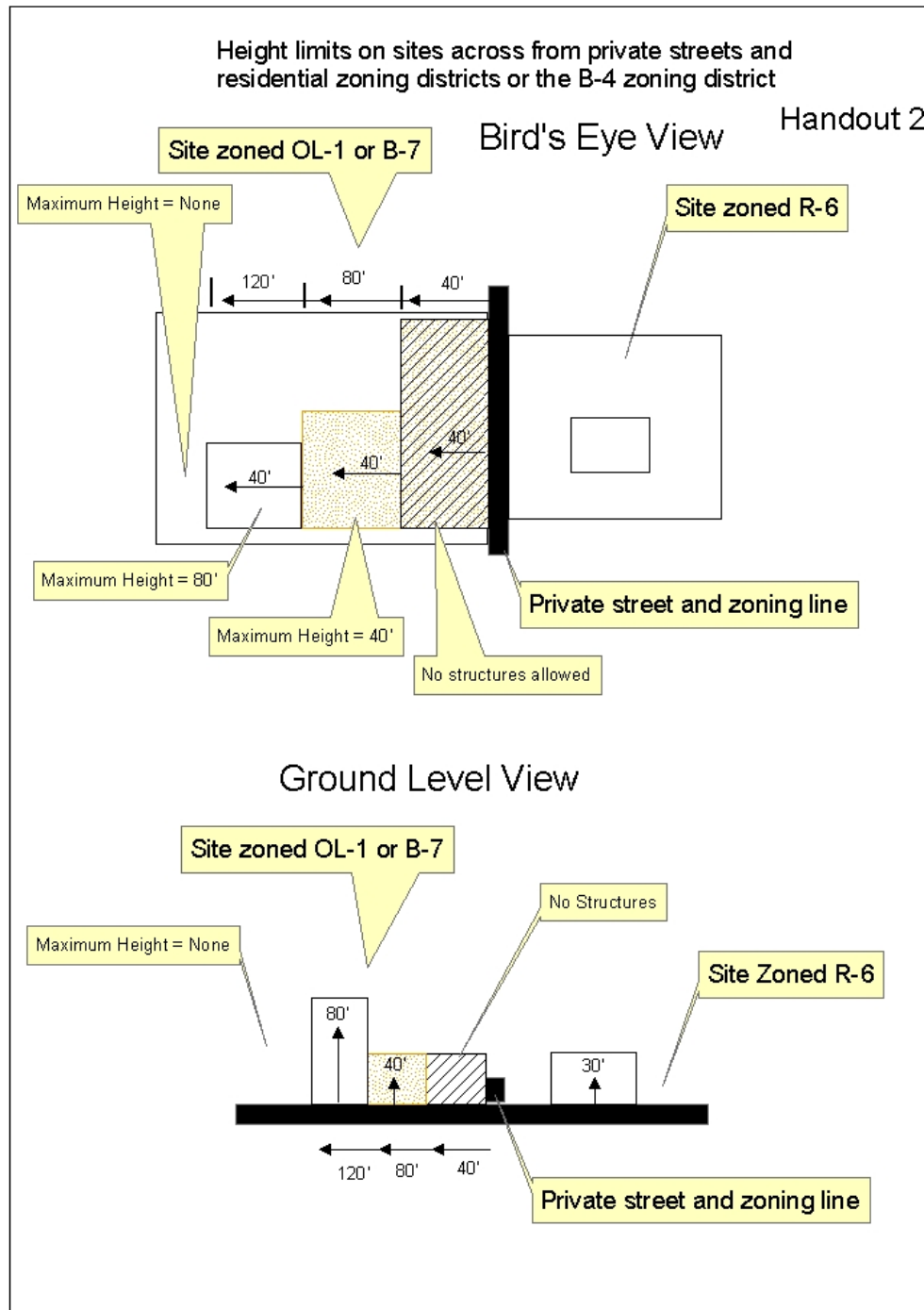
Type of Standard	Standard
<b>Landscape Surface Ratio and Floor Area</b>	
Minimum Landscape Surface Ratio (LSR)	0.25
Minimum Principal Building Coverage	0.15 (c)
Maximum Principal Building Coverage	0.25
<b>Lot Dimensional Requirements</b>	
Minimum Lot Area (s.f.)	40,000
Minimum Lot Width at Setback Line (feet)	150
Minimum Setback Abutting a Public Street	50
Minimum Setback Abutting a Private Street	40
Minimum Setback Abutting a Lot Line (feet)	30
Minimum Shore Buffer (feet)	75
Minimum Wetland Buffer (feet)	30
Minimum Wetland Setback (feet)	50
<b>Maximum Building Height</b>	
Principal Structure (stories/ft.)	No Maximum (a)(b)
Accessory Parking Structures Housing More than 500 vehicles (stories/ft.)	5.0/65
Accessory Structure (stories/ft.)	1.0/35

- (a) Maximum height limits are displayed in tables 15-3.0306A1, 2 & 3.
- (b) Allow for a variance from the maximum height regulations described in table 15-3.0306A1, 2 & 3 with 5 votes of approval from the Plan Commission.
- (c) Allow for a variance from the minimum principal building coverage described in table 15-3.0306A with 5 votes of approval from the Plan Commission.

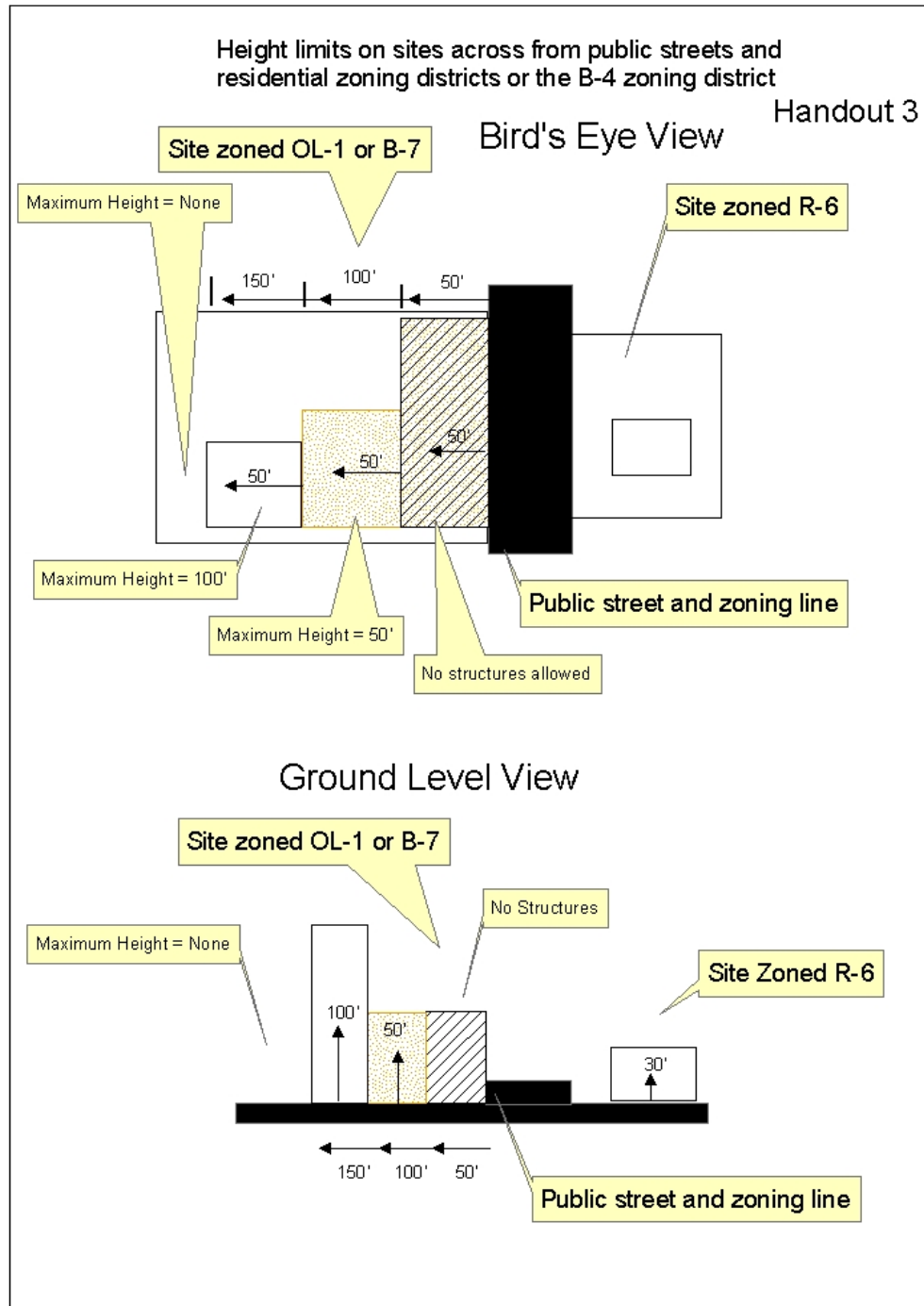
**TABLE 15-3.0306A1**



**TABLE 15-3.0306A2**



**TABLE 15-3.0306A3**



**A. District Intent. The OL-1 Office Overlay District is intended to provide for the development of high quality office uses and other supportive business uses as a component, in furtherance of the goals and objectives of the South 27<sup>th</sup> Street Corridor Element of the Comprehensive Master Plan, and:**

1. Require that compliance with the OL-1 Office Overlay District Development Standards is mandatory for all lots of record created after the effective date of this ordinance and the uses in Table 15-3.0603. Lots of record existing as of the effective date of this ordinance and the uses in Table 15-3.0603 thereon may utilize either the OL-1 Office Overlay District Development Standards or the District Development Standards established by the base zoning.
2. Require that future land division be limited, such that no new lots are created that are smaller than 40,000 square feet in size.
3. Require that all new buildings be a minimum of two stories in height.
4. Require that cross-access for both pedestrian and vehicular circulation be provided between adjacent parcels at the time of any new development or redevelopment. In cases where existing development on adjacent parcels, not under common ownership, does not allow for the actual construction of connecting driveways, sidewalks, etc. it shall be sufficient in most cases to provide the appropriate cross-access easements to be utilized at the point in time when the adjacent parcel undergoes development or redevelopment that would facilitate the completion of the connection. The city may require a letter of credit sufficient to ensure the construction of the future pedestrian and vehicular connection when actual construction is not taking place at the time of site plan approval.
5. Require special use approval for all new buildings greater than 40,000 square feet in area, whether single-tenant or multi-tenant spaces.
6. Be served by public sanitary sewer and water supply facilities.
7. A Special Use lawfully existing within the area of this District prior to and upon the creation of this District shall remain as such Special Use and a conforming use, with any future amendment to the Special Use Permission, to be granted only upon the consideration of all applicable standards for the review and approval of Special Uses, and the District Intent and District Standards in this Section.

While the off-street parking requirements for the OL-1 Overlay District have a tendency to promote an AUTO-URBAN character, the various other requirements of the OL-1 Overlay District are established to increase its compatibility with an URBAN character as set forth in the City of Franklin 27th Street Corridor Plan.

- B. **District Standards.** The OL-1 Overlay District is further intended to have the development standards as set forth in Table 15-3.0306B and those design standards set forth within Section 15-3.0351 South 27<sup>TH</sup> STREET DESIGN OVERLAY DISTRICT.
- C. **Permitted, Accessory, and Special Uses.** See Table 15-3.0603.

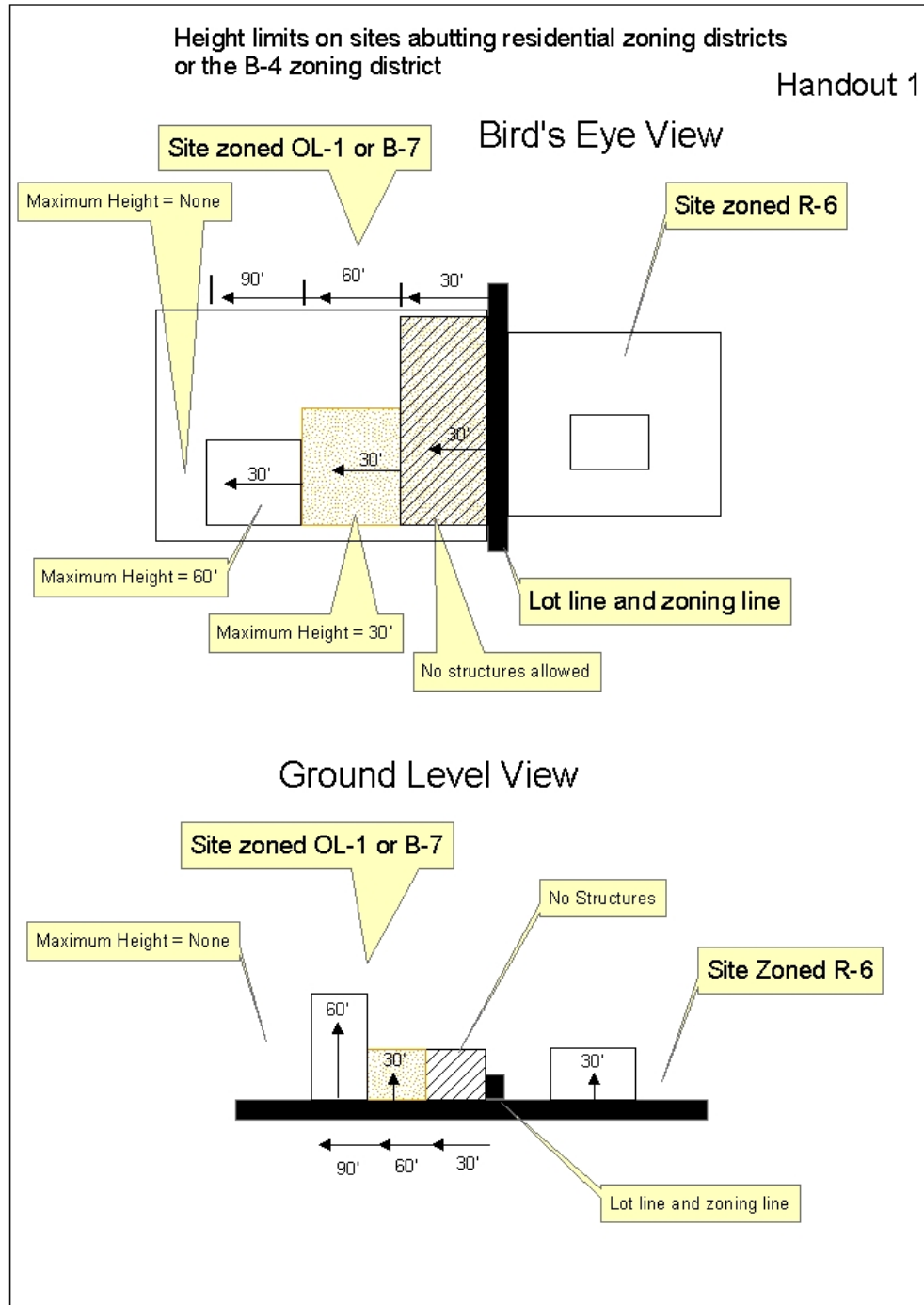
**Table 15-3.0306B**

**OL-1 OFFICE OVERLAY DISTRICT DEVELOPMENT  
STANDARDS**

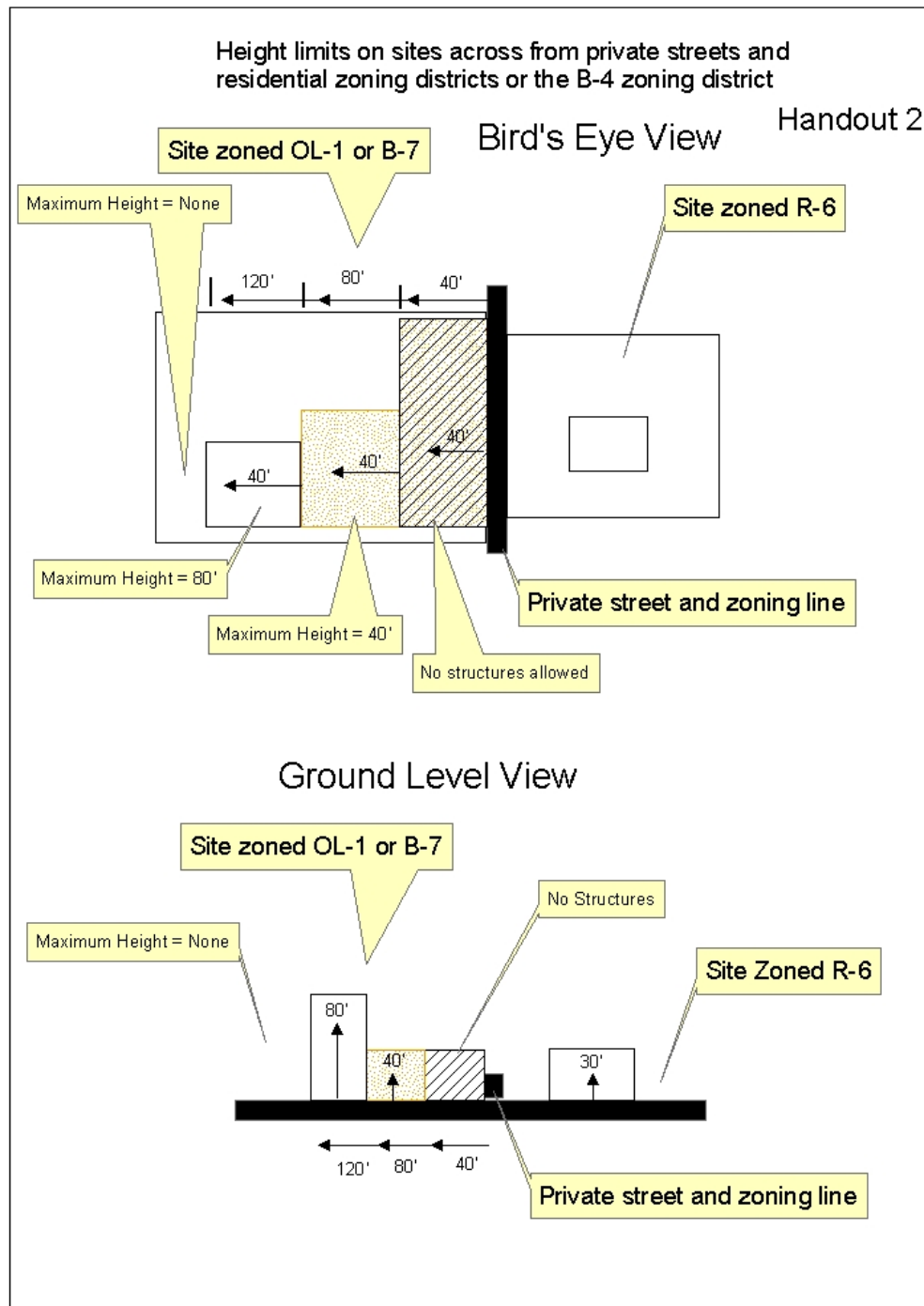
Type of Standard	Standard
<b>Landscape Surface Ratio and Floor Area</b>	
Minimum Landscape Surface Ratio (LSR)	0.30
Minimum Principal Building Coverage	0.15 (c)
Maximum Principal Building Coverage	0.25
<b>Lot Dimensional Requirements</b>	
Minimum Lot Area (s.f.)	40,000
Minimum Lot Width at Setback Line (feet)	150
Minimum Setback Abutting a Public Street	50
Minimum Setback Abutting a Private Street	40
Minimum Setback Abutting a Lot Line (feet)	30
Minimum Shore Buffer (feet)	75
Minimum Wetland Buffer (feet)	30
Minimum Wetland Setback (feet)	50
<b>Maximum Building Height</b>	
Principal Structure (stories/ft.)	No Maximum (a)(b)
Accessory Parking Structures Housing More than 500 vehicles (stories/ft.)	5.0/65
Accessory Structure (stories/ft.)	1.0/35

- (a) Maximum height limits are displayed in tables 15-3.0306B1, 2 & 3.
- (b) Allow for a variance from the maximum height regulations described in tables 15-3.0306B1, 2 & 3 with 5 votes of approval from the Plan Commission.
- (c) Allow for a variance from the minimum principal building coverage described in table 15-3.0306B with 5 votes of approval from the Plan Commission.

**TABLE 15-3.0306B1**

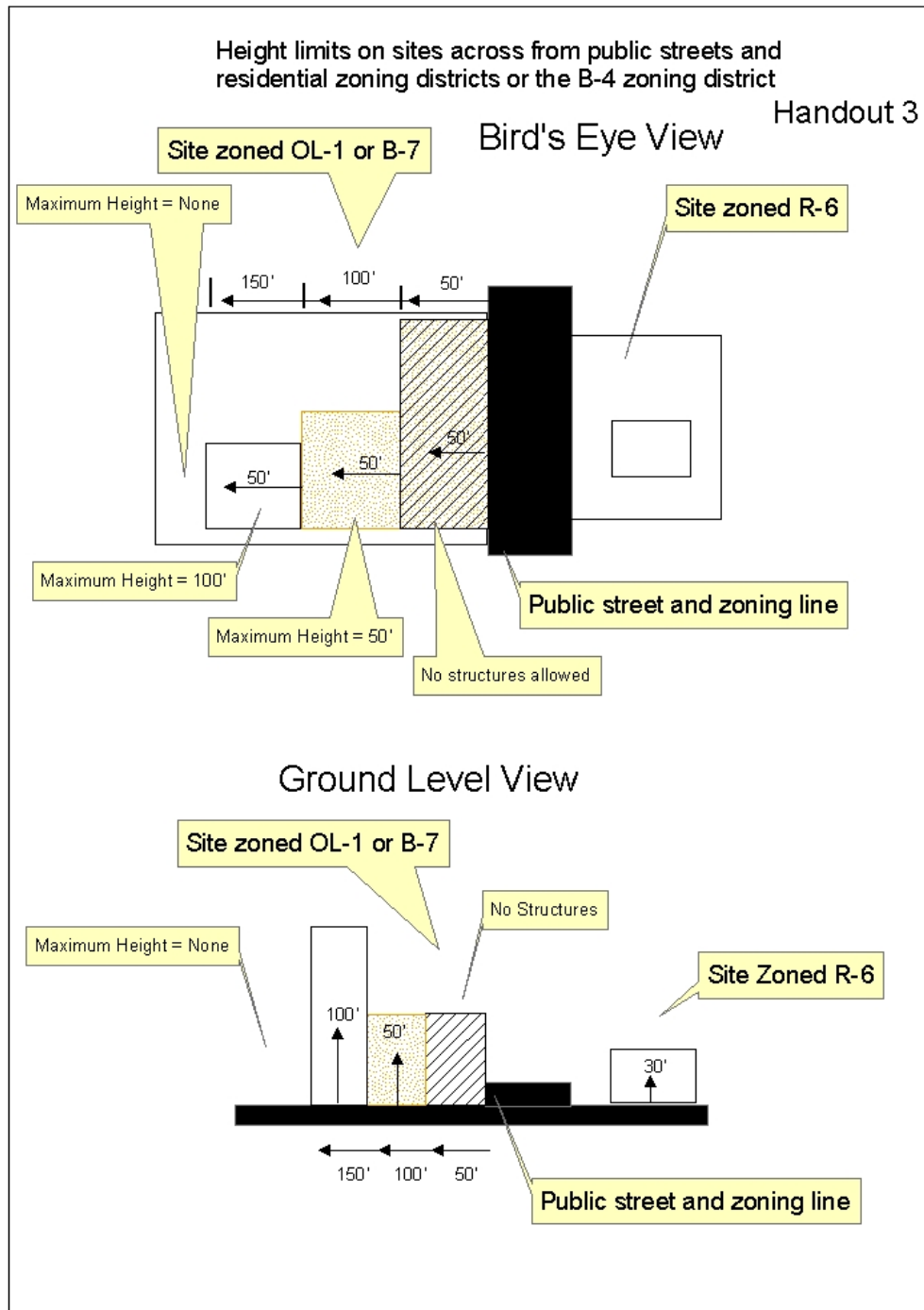


**TABLE 15-3.0306B2**





**TABLE 15-3.0306B3**



**A. District Intent.** The OL-2 General Business Overlay District is intended to provide for the application of B-2 General Business District uses and district standards while retaining the underlying base zoning, and:

1. Require that compliance with the OL-2 General Business Overlay District Development Standards is mandatory for all new development after the effective date of this ordinance and such new development is restricted to those permitted uses listed for the OL-2 Business Overlay District in Table 15-3.0603.
2. Require that cross-access for both pedestrian and vehicular circulation be provided between adjacent parcels at the time of any new development or redevelopment. In cases where existing development on adjacent parcels, not under common ownership, does not allow for the actual construction of connecting driveways, sidewalks, etc. it shall be sufficient in most cases to provide the appropriate cross-access easements to to be utilized at the point in time when the adjacent parcel undergoes development or redevelopment that would facilitate the completion of the connection. The city may require a letter of credit sufficient to ensure the construction of the future pedestrian and vehicular connection when actual construction is not taking place at the time of site plan approval.
3. Be served by public sanitary sewer and water supply facilities.
4. A Permitted Use lawfully existing and established with an existing principal building within the area of this District prior to and upon the creation of this District shall remain as such Permitted Use and a conforming use, with any future addition, expansion and/or enlargement to the use and/or amendment to any site plan for the use, to be permitted and/or granted only upon the consideration of all applicable standards for the review and approval of such permits and site plans, and the District Intent and District Standards in this Section.
5. A Special Use lawfully existing within the area of this District prior to and upon the creation of this District shall remain as such Special Use and a conforming use, with any future amendment to the Special Use Permission, to be granted only upon the consideration of all applicable standards for the review and approval of Special Uses, and the District Intent and District Standards in this Section.

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

**B. District Standards.** The OL-2 General Business Overlay District is further intended to have the development standards as set forth in Table 15-3.0306C.

**C. Permitted, Accessory, and Special Uses.** See Table 15-3.0603.

**Table 15-3.0306C**

**OL-2 GENERAL BUSINESS OVERLAY DISTRICT DEVELOPMENT  
STANDARDS**

Type of Standard	Standard
<b>Landscape Surface Ratio and Floor Area</b>	
Minimum Landscape Surface Ratio (LSR)	0.35 (a)
Alternative Minimum Landscape Surface Ratio (LSR) with Required Mitigation (See Section 15-5.0302E)	0.25
Maximum Gross Floor Area Ratio (GFAR)	0.37 (a)
Maximum Net Floor Area Ratio (NFAR)	0.57 (a)
<b>Lot Dimensional Requirements</b>	
Minimum Lot Area (s.f.)	20,000 (c)
Minimum Lot Width at Setback Line (feet)	100 (c)
Minimum Front Yard (feet)	25 (b)
Minimum Side Yard (feet)	10 (b), (f)
Minimum Side Yard on Corner Lot (feet)	25 (b)
Minimum Rear Yard (feet)	20 (b), (f)
Minimum Shore Buffer (feet)	75
Minimum Wetland Buffer (feet)	30
Minimum Wetland Setback (feet)	50
Minimum Parking and Driveway Setback (feet)	10 (d)
<b>A. Minimum Total Living Area per Commercial Apartment Dwelling Unit (D.U.)</b>	
For Less than 3 D.U.s per Structure for One Bedroom D.U.	900 s.f. (plus 200 s.f. for each bedroom over 1 bedroom)
For 3 or More D.U.s per Structure	Use Requirements for R-8 District (see Table 15-3.0209B)
Accessory Structure (stories/ft.)	1.0/35
<b>Maximum Building Height</b>	
Principle Structure (stories/ft.)	3.0/45
Accessory Structure (stories/ft.)	1.0/25

- (a) Commercial apartments are only permitted on the upper levels of multi-story buildings. For sites with one or more commercial apartments, the minimum landscape surface ratio (LSR) for the entire site shall be 0.50; the maximum gross floor area ratio (GFAR) shall be 0.37; and the maximum net floor area ratio (NFAR) shall be 0.74.

- (b) See Division 15-5.0300 for the determination of minimum required bufferyards. See Section 15-5.0108 for increased setback requirements along arterial streets and highways.
- (c) Restaurants shall require a minimum of 40,000 square feet with a minimum lot width of 150 feet.
- (d) Upon approval of site plans, the Plan Commission may waive this ten (10) foot minimum setback from the interior lot line of a property zoned OL-2 General Business Overlay District when abutting another property zoned OL-2 General Business Overlay District.
- (e) Upon application therefore, the Plan Commission may allow and grant approval of a multiple principal building retail development minimum landscape surface ratio calculation which considers separate but contiguous parcels as one development site. Landscape Surface Area must be distributed throughout the site, including a portion to be located within the front yard setback of the property and all landscape bufferyards requirements continue to be met. The Plan Commission shall consider the applicable standards for Site Plan, Special Use and Land Combination applications in making such determination. Upon any approval hereunder, the "one development site" with specified landscape surface distribution shall be shown on a deed restriction to be submitted by the applicant and approved by the City Engineer which shall be recorded with the Register of Deeds for Milwaukee County.
- (f) Upon approval of site plans, the Plan Commission may waive the minimum building setbacks from the interior lot line of a property zoned OL-2 General Business Overlay District when abutting another property zoned OL-2 General Business Overlay District. The Plan Commission shall consider the applicable standards for Site Plan, Special Use and Land Combination applications in making such determination.

## **SECTION 15-3.0307**

## **CC CITY CIVIC CENTER DISTRICT**

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

1. Serve as the new "downtown" of the City of Franklin.
2. Be used in that area of the City designated on the City of Franklin Comprehensive Master Plan as the Civic Center Planning District, and in close proximity to that area.
3. Promote mixed-use development which may also include cultural and institutional facilities, indoor entertainment facilities, business uses, residential uses (to a lesser extent), and those other uses which would contribute to the CC City Civic Center District's role as the "heart" of the City of Franklin while also accommodating uses which are under public or public-related ownership, or which serve a quasi-public purpose.
4. Foster a pedestrian-oriented City of Franklin Civic Center even though the CC City Civic Center District has off-street parking requirements.
5. Foster a balance between people-oriented and automobile-oriented development. The spaces formed in this area, through careful site planning and urban design, are to cater to both pedestrian and vehicular safety and circulation.
6. Employ superior building, site, and landscape design standards than most other areas of the City since the uses in the CC City Civic Center District will convey the image of all of the City of Franklin to both residents and visitors. Building design within the CC District shall follow the City's design guidelines established for buildings located within the CC City Civic Center District.
7. Require a landscape surface ratio (LSR) and floor area ratio (FAR) requirement that is consistent with the B-3 Community Business District.

8. Single retail establishments are limited to tenant space of 125,000 square feet or less in area.
9. Require that cross-access for both pedestrian and vehicular circulation be provided between adjacent parcels at the time of any new development or redevelopment. In cases where existing development on adjacent parcels, not under common ownership, does not allow for the actual construction of connecting driveways, sidewalks, etc. it shall be sufficient in most cases to provide the appropriate cross-access easements to to be utilized at the point in time when the adjacent parcel undergoes development or redevelopment that would facilitate the completion of the connection. The city may require a letter of credit sufficient to ensure the construction of the future pedestrian and vehicular connection when actual construction is not taking place at the time of site plan approval.
10. Require that a Developers Agreement and Letter of Credit be submitted by the applicant/developer during the Site Plan approval process for the purpose of securing the installation and construction of required public improvements and/or non-principal site improvements proposed by the City of Franklin.

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

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

**Table 15-3.0307A**

**CC CITY CIVIC CENTER DISTRICT NONRESIDENTIAL DEVELOPMENT STANDARDS**

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

(a) See Division 15-5.0300 for the determination of minimum required bufferyards.

(b) Landscape surface ratio (LSR) may be calculated cumulatively for two or more parcels provided:

- (1) **Each parcel is zoned CC City Civic Center.**
- (2) **The parcels are in common ownership or each owner is party to the application.**
- (3) **A minimum landscape surface ratio is established for each parcel to maintain the cumulative 40% minimum LSR in perpetuity. This will result in one parcel having a permanent minimum LSR greater than 40%.**
- (4) **The minimum LSR for each parcel is approved by the City of Franklin Common Council.**
- (5) **The approved LSR for each parcel is recorded as a covenant binding on all future owners. The covenant may not be changed without the approval of the city of Franklin Common Council.**

**(6) Each parcel with a LSR below the district minimum of 40% undertakes onsite Alternative Minimum Landscape Surface Ratio mitigation. (See Section 15-5.0302E)**

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

**Table 15-3.0307B**

**CC CITY CIVIC CENTER DISTRICT RESIDENTIAL DEVELOPMENT STANDARDS**

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

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

(h) Add to minimum required first floor area for each D.U. which has a basement less than 6,000 s.f.

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

- A. **District Intent.** The VB Village Business District is a nonresidential district intended to:
1. Be used exclusively in the Village of St. Martins Planning District as delineated by the City of Franklin Comprehensive Master Plan.
  2. Maintain and enhance the historic "village" design characteristics of the Village of St. Martins.
  3. Prevent land and structures in the Village of St. Martins area from becoming nonconforming as they would if placed under different more SUBURBAN-oriented land use or zoning classifications.
  4. Provide for the minor infilling of vacant or redevelopment areas within the Village of St. Martins consistent with the requirements of the district and the established community character of the Village of St. Martins.
  5. Permit future nonresidential development and redevelopment of the Village of St. Martins area consistent with earlier approved Subdivisions and Certified Survey Maps.
  6. Be served by public sanitary sewer and water supply facilities.
  7. Assure that building design within the VB District follow the City's design guidelines established especially for buildings located within the VB District.

While the overall character of the VB District is URBAN as set forth in the City of Franklin Comprehensive Master Plan, this URBAN village is located within a RURAL/SUBURBAN transitional setting; thus, the various requirements of the VB District are established to maintain its "village" characteristics. The VB Village Business District, as used here, is not to be confused with incorporated "villages" as defined by the Wisconsin State Statutes.

- B. **District Standards.** The VB District is further intended to have the development standards as set forth in Table 15-3.0308.
- C. **Permitted, Accessory, and Special Uses.** See Sections 15-3.0603, 15-3.0605, 15-3.0606, 15-3.0607, 15-3.0608, 15-3.0609, Division 15-3.0700, Section 15-3.0703, and Division 15-3.0800.
- D. **Special Consideration for the Provision of Off-Street Parking in the VB District.** Generally, off-street parking is not required in this district. However, the City Plan Commission may require off-street parking under those circumstances where a property is under single ownership and sufficient space is available on-site.



**Table 15-3.0308**

**VB VILLAGE BUSINESS DISTRICT DEVELOPMENT STANDARDS**

Type of Standard	Standard
<b>Landscape Surface Ratio and Floor Area</b>	
Minimum Landscape Surface Ratio (LSR)	0
Alternative Minimum Landscape Surface Ratio (LSR) with Required Mitigation (See Section 15-5.0302E)	0
Maximum Gross Floor Area Ratio (GFAR)	0
Maximum Net Floor Area Ratio (NFAR)	0
<b>Lot Dimensional Requirements</b>	
Minimum Lot Area (s.f.)	7,200 (a)
Minimum Lot Width at Setback Line (feet)	60, 75 corner
Minimum Front Yard (feet)	25 (b)
Minimum Side Yard (feet)	5 (b)
Minimum Side Yard on Corner Lot (feet)	15 (b)
Minimum Rear Yard (feet)	20 (b)
Minimum Shore Buffer (feet)	75
Minimum Wetland Buffer (feet)	30
Minimum Wetland Setback (feet)	50
<b>Minimum Total Living Area per Commercial Apartment Dwelling Unit (D.U.)</b>	
For Less than 3 D.U.s per Structure for One Bedroom D.U.	900 s.f. (plus 200 s.f. for each bedroom over 1 bedroom) (c)
For 3 or More D.U.s per Structure	Use Requirements for R-8 District (see Table 15-3.0209B) (c)
<b>Maximum Building Height</b>	
Principal Structure (stories/ft.)	2.0/35
Accessory Structure (stories/ft.)	1.0/25

- (a) Any subdividing of land which occurs within the VB District shall follow the already established grid pattern of lot and street layout and shall be in general conformance with the lot layout generally described in the City of Franklin Comprehensive Master Plan or other detailed plan prepared for the "Village" of St. Martins as an element of the City's Comprehensive Master Plan.
- (b) See Division 15-5.0300 for the determination of minimum required bufferyards. Residential dwelling units permitted on second upper floor only.

- A. **District Intent.** The M-1 Limited Industrial District is intended to:
1. Provide for manufacturing, industrial, warehousing, and uses of a limited nature and size in locations where the relative proximity to other uses requires more restrictive regulation.
  2. Accommodate existing scattered uses of an industrial nature so as not to make them nonconforming uses.

The M-1 District is *not* intended to accommodate industrial or business parks under unified design and ownership which exceed twenty (20) acres in area. The community character of the M-1 District is SUBURBAN as set forth in the City of Franklin Comprehensive Master Plan.

- B. **District Standards.** The M-1 District is further intended to have the development standards as set forth in Table 15-3.0309.
- C. **Permitted, Accessory, and Special Uses.** See Sections 15-3.0603, 15-3.0605, 15-3.0606, 15-3.0607, 15-3.0608, 15-3.0609, Division 15-3.0700, Section 15-3.0703, and Division 15-3.0800.

**Table 15-3.0309****M-1 LIMITED INDUSTRIAL DISTRICT DEVELOPMENT STANDARDS**

Type of Standard	Standard
<b>Landscape Surface Ratio and Floor Area</b>	
Minimum Landscape Surface Ratio (LSR)	0.4
Alternative Minimum Landscape Surface Ratio (LSR) with Required Mitigation (See Section 15-5.0302E)	0.3
Maximum Gross Floor Area Ratio (GFAR)	0.42 (a)
Maximum Net Floor Area Ratio (NFAR)	0.85 (a)
<b>Lot Dimensional Requirements</b>	
Minimum Lot Area (s.f.)	20,000 (c)
Minimum Lot Width at Setback Line (feet)	100
Minimum Front Yard (feet)	30 (b)
Minimum Side Yard (feet)	20 (b)
Minimum Side Yard on Corner Lot (feet)	30 (b)
Minimum Rear Yard (feet)	15 (b)
Minimum Shore Buffer (feet)	75
Minimum Wetland Buffer (feet)	30
Minimum Wetland Setback (feet)	50
<b>Maximum Building Height</b>	
Principal Structure (stories/ft.)	3.0/40
Accessory Structure (stories/ft.)	1.0/25

- (a) For warehousing uses, the maximum gross floor area ratio (GFAR) shall be 0.89; and the maximum net floor area ratio (NFAR) shall be 1.48.
- (b) See Division 15-5.0300 for the determination of minimum required bufferyards. See Section 15-5.0108 for increased setback requirements along arterial streets and highways.
- (c) Restaurants shall require a minimum of 40,000 square feet with a minimum lot width of 150 feet.

**A. District Intent.**

1. The M-2 General Industrial District is intended to:
  - a. Provide for manufacturing, industrial, warehousing, and uses of a more general and less restrictive nature and size than either the M-1 or BP Districts.
  - b. Be used in locations where the relationship to surrounding land use would create fewer problems of compatibility.
2. The M-2 District is not intended to:
  - a. Abut residential zoning districts.
  - b. Accommodate industrial or business parks under unified design and ownership which exceed twenty (20) acres in area.

The community character of the M-2 District is SUBURBAN as set forth in the City of Franklin Comprehensive Master Plan.

- B. **District Standards.** The M-2 District is further intended to have the development standards as set forth in Table 15-3.0310.
- C. **Permitted, Accessory, and Special Uses.** See Sections 15-3.0603, 15-3.0605, 15-3.0606, 15-3.0607, 15.0608, 15-3.0609, Division 15-3.0700, Section 15-3.0703, and Division 15-3.0800.

**Table 15-3.0310****M-2 GENERAL INDUSTRIAL DISTRICT DEVELOPMENT STANDARDS**

Type of Standard	Standard
<b>Landscape Surface Ratio and Floor Area</b>	
Minimum Landscape Surface Ratio (LSR)	0.35
Alternative Minimum Landscape Surface Ratio (LSR) with Required Mitigation (See Section 15-5.0302E)	0.25
Maximum Gross Floor Area Ratio (GFAR)	0.55 (a)
Maximum Net Floor Area Ratio (NFAR)	0.85 (a)
<b>Lot Dimensional Requirements</b>	
Minimum Lot Area (s.f.)	40,000
Minimum Lot Width at Setback Line (feet)	150
Minimum Front Yard (feet)	40 (b)
Minimum Side Yard (feet)	25 (b)
Minimum Side Yard on Corner Lot (feet)	40 (b)
Minimum Rear Yard (feet)	50 (b)
Minimum Shore Buffer (feet)	75
Minimum Wetland Buffer (feet)	30
Minimum Wetland Setback (feet)	50
<b>Maximum Building Height</b>	
Principal Structure (stories/ft.)	3.0/40
Accessory Structure (stories/ft.)	1.0/25

- (a) For warehousing uses, the maximum gross floor area ratio (GFAR) shall be 0.96; and the maximum net floor area ratio (NFAR) shall be 1.48.
- (b) See Division 15-5.0300 for the determination of minimum required bufferyards.  
See Section 15-5.0108 for increased setback requirements along arterial streets and highways.

A. **District Intent.** The BP Business Park District is intended to:

1. Be applied to those areas of the City identified for business park development by the adopted City of Franklin Comprehensive Master Plan.
2. Provide for the development of the attractive groupings of office, manufacturing, industrial, and limited ancillary service uses which serve the needs of the occupants of the BP Business Park District.
3. Foster uses of a limited intensity.
4. Provide an aesthetically pleasing environment.
5. Provide for ample off-street parking and loading areas and landscape planting and screening of adjacent land uses of a lower intensity.
6. Accommodate industrial or business parks under unified design and ownership which exceed twenty (20) acres in area.

The community character of the BP District is SUBURBAN as set forth in the City of Franklin Comprehensive Master Plan.

B. **District Standards.** The BP District is further intended to have the development standards as set forth in Table 15-3.0311.

C. **Permitted, Accessory, and Special Uses.** See Sections 15-3.0603, 15-3.0605, 15-3.0606, 15-3.0607, 15-3.0608, 15-3.0609, Division 15-3.0700, Section 15-3.0703, and Division 15-3.0800.

**Table 15-3.0311****BP BUSINESS PARK DISTRICT DEVELOPMENT STANDARDS**

Type of Standard	Standard
<b>Landscape Surface Ratio and Floor Area</b>	
Minimum Landscape Surface Ratio (LSR)	0.45
Alternative Minimum Landscape Surface Ratio (LSR) with Required Mitigation (See Section 15-5.0302E)	0.4
Maximum Gross Floor Area Ratio (GFAR)	0.55 (a)
Maximum Net Floor Area Ratio (NFAR)	0.85 (a) 0.94 (c)
<b>Lot Dimensional Requirements</b>	
Minimum District Area (acres)	5
Minimum Lot Area (s.f.)	40,000
Minimum Lot Width at Setback Line (feet)	150
Minimum Front Yard (feet)	50 (b)
Minimum Side Yard (feet)	20 (b)
Minimum Side Yard on Corner Lot (feet)	50 (b)
Minimum Rear Yard (feet)	40 (b)
Minimum Shore Buffer (feet)	75
Minimum Wetland Buffer (feet)	30
Minimum Wetland Setback (feet)	50
<b>Maximum Building Height</b>	
Principal Structure (stories/ft.)	5.0/90
Accessory Parking Structures Housing More than 500 Vehicles (stories/ft.)	5.0/65
Accessory Structures Except Parking Structures Housing More than 500 Vehicles (stories/ft.)	1.0/35

- (a) For warehousing uses, the maximum gross floor area ratio (GFAR) shall be 0.81; and the maximum net floor area ratio (NFAR) shall be 1.48. For a 5-story office building to maximize the GFAR and achieve a landscape surface ratio of 0.40 while providing required off-street parking (3.3 spaces per 1,000 gross square feet of floor area), a portion of required off-street parking will need to be housed within a building.
- (b) See Division 15-5.0300 for the determination of minimum required bufferyards. See Section 15-5.0108 for increased setback requirements along arterial streets and highways.
- (c) This 0.94 net floor area ratio (NFAR) is to be used only for developments which have off-street parking structures housing more than five hundred (500) vehicles and where more than seventy-five (75) percent of all required off-street parking spaces are to be housed within off-street parking structures.

A. **District Intent.** The I-1 Institutional District is intended to:

1. Eliminate the ambiguity of maintaining, in unrelated use districts, areas which are under public or public-related ownership and where the use for public, or quasi-public purpose, is anticipated to be permanent.
2. Accommodate a maximum permitted building height of three (3) stories.

The resulting character of this district would be SUBURBAN as set forth in the City of Franklin Comprehensive Master Plan.

B. **District Standards.** The I-1 District is further intended to have the development standards as set forth in Table 15-3.0312.

C. **Permitted, Accessory, and Special Uses.** See Sections 15-3.0603, 15-3.0605, 15-3.0606, 15-3.0607, 15-3.0608, 15-3.0609, Division 15-3.0700, Section 15-3.0703, and Division 15-3.0800.



**Table 15-3.0312**

**I-1 INSTITUTIONAL DISTRICT DEVELOPMENT STANDARDS**

<b>Type of Standard</b>	<b>Standard</b>
<b>Landscape Surface Ratio and Floor Area</b>	
Minimum Landscape Surface Ratio (LSR)	0.40 (a)
Alternative Minimum Landscape Surface Ratio (LSR) with Required Mitigation (See Section 15-5.0302E)	0.30
Maximum Gross Floor Area Ratio (GFAR)	0.38 (a)
Maximum Net Floor Area Ratio (NFAR)	0.63 (a)
<b>Lot Dimensional Requirements</b>	
Minimum Lot Area (s.f.)	20,000 (b)
Minimum Lot Width at Setback Line (feet)	100 (b)
Minimum Front Yard (feet)	30 (c)
Minimum Side Yard (feet)	10 (c)
Minimum Side Yard on Corner Lot (feet)	20 (c)
Minimum Rear Yard (feet)	30 (c)
Minimum Shore Buffer (feet)	75
Minimum Wetland Buffer (feet)	30
Minimum Wetland Setback (feet)	50
<b>Minimum Total Living Area per Commercial Apartment Dwelling Unit (D.U.)</b>	
For Less than 3 D.U.s per Structure for One Bedroom D.U.	900 s.f. (plus 200 s.f. for each bedroom over 1 bedroom)
For 3 or More D.U.s per Structure	Use Requirements for R-8 District (see Table 15-3.0209B)
<b>Maximum Building Height</b>	
Principal Structure (stories/ft.)	3.0/40
Accessory Structure (stories/ft.)	1.0/25

- (a) For commercial apartments which may be permitted on a second level only, the minimum landscape surface ratio (LSR) for the entire site shall be 0.50; the maximum gross floor area ratio (GFAR) shall be 0.37; and the maximum net floor area ratio (NFAR) shall be 0.74.
- (b) Restaurants shall require a minimum of 40,000 square feet with a minimum lot width of 150 feet.
- (c) See Division 15-5.0300 for the determination of minimum required bufferyards. See Section 15-5.0108 for increased setback requirements along arterial streets and highways.

**SECTION 15-3.0313****P-1 PARK DISTRICT**

- A. **District Intent.** The P-1 Park District is intended to provide for areas where the recreational needs, both public and private, of the populace can be met without undue disturbance of natural resources and adjacent uses.
- B. **District Standards.** This P-1 District is further intended to have the development standards as set forth in Table 15-3.0313.
- C. **Permitted, Accessory, and Special Uses.** See Sections 15-3.0603, 15-3.0605, 15-3.0606, 15-3.0607, 15-3.0608, 15-3.0609, Division 15-3.0700, Section 15-3.0703, and Division 15-3.0800.

**Table 15-3.0313****P-1 PARK DISTRICT DEVELOPMENT STANDARDS**

Type of Standard	Standard
<b>Landscape Surface Ratio and Floor Area</b>	
Minimum Landscape Surface Ratio (LSR)	0.50
Alternative Minimum Landscape Surface Ratio (LSR) with Required Mitigation (See Section 15-5.0302E)	0.45
Maximum Gross Floor Area Ratio (GFAR)	0.31 (a)
Maximum Net Floor Area Ratio (NFAR)	0.57 (a)
<b>Lot Dimensional Requirements</b>	
Minimum Lot Area (s.f.)	15,000 (a) 20,000 (a) 40,000 (a)
Minimum Lot Width at Setback Line (feet)	100 (a)
Minimum Front Yard (feet)	50 (b)
Minimum Side Yard (feet)	20 (b)
Minimum Side Yard on Corner Lot (feet)	50 (b)
Minimum Rear Yard (feet)	50 (b)
Minimum Shore Buffer (feet)	75
Minimum Wetland Buffer (feet)	30
Minimum Wetland Setback (feet)	50
<b>Maximum Building Height</b>	
Principal Structure (stories/ft.)	2.0/35
Accessory Structure (stories/ft.)	1.0/25

- (a) Minimum lot size for all outdoor uses is 15,000 square feet; minimum lot size for indoor recreational uses is 20,000 square feet; and, the minimum lot size for a restaurant shall be 40,000 square feet with a minimum lot width of 150 feet.
- (b) See Division 15-5.0300 for the determination of minimum required bufferyards. See Section 15-5.0108 for increased setback requirements along arterial streets and highways.

- A. **District Intent.** The A-1 Agricultural District is intended to:
1. Provide for, maintain, preserve, and enhance agricultural lands historically utilized for crop production but which are not included within the A-2 Prime Agricultural District and which are generally best suited for smaller farm units, including truck farming, horse farming, hobby farming, orchards, and other similar agricultural-related activity.
  2. Retain the COUNTRYSIDE and RURAL character of areas of the City of Franklin in which the A-1 District is used as set forth in the City of Franklin Comprehensive Master Plan. In addition, certain RURAL uses are permitted in the district.
- B. **District Standards.** The A-1 District is further intended to have the standards as set forth in Table 15-3.0314.
- C. **Permitted, Accessory, and Special Uses.** See Sections 15-3.0603, 15-3.0605, 15-3.0606, 15-3.0607, 15-3.0608, 15-3.0609, Division 15-3.0700, Section 15-3.0703, and Division 15-3.0800.

**Table 15-3.0314**

**A-1 AGRICULTURAL DISTRICT DEVELOPMENT STANDARDS**

Type of Standard	Standard
<b>Landscape Surface Ratio and Floor Area</b>	
Minimum Landscape Surface Ratio (LSR)	Not Applicable
Alternative Minimum Landscape Surface Ratio (LSR) with Required Mitigation (See Section 15-5.0302E)	Not Applicable
Maximum Gross Floor Area Ratio (GFAR)	0.05
Maximum Net Floor Area Ratio (NFAR)	Not Applicable
<b>Lot Dimensional Requirements</b>	
Minimum Lot Area (acres)	3
Minimum Lot Width at Setback Line (feet)	200
Minimum Front Yard (feet)	50 (a)
Minimum Side Yard (feet)	25 (a)
Minimum Side Yard on Corner Lot (feet)	50 (a)
Minimum Rear Yard (feet)	50 (a)
Minimum Shore Buffer (feet)	75
Minimum Wetland Buffer (feet)	30
Minimum Wetland Setback (feet)	50
<b>Minimum Total Living Area per Single-Family Dwelling Unit (D.U.)</b>	
Minimum Total Required Living Area per Single-Family Dwelling Unit (D.U.) (s.f.)	Use Minimum Building Area Requirements for the R-1 District (see Table 15-3.0201)
<b>Maximum Building Height</b>	
Principal Structure (stories/ft.)	2.5/30
Accessory Structure (ft.)	70

- (a) See Division 15-5.0300 for the determination of minimum required bufferyards.  
See Section 15-5.0108 for increased setback requirements along arterial streets and highways.

- A. **District Intent.** The A-2 Prime Agricultural District is intended to:
1. Maintain, enhance, and preserve agricultural lands historically utilized for the production and raising of livestock.
  2. Prevent the premature conversion of agricultural land to scattered URBAN and SUBURBAN uses such as residential, commercial, and industrial uses.
  3. Be used and limited to those lands shown as "Prime Agricultural Land" on the the City of Franklin Comprehensive Master Plan.
  4. Retain the COUNTRYSIDE and RURAL character of areas of the City of Franklin in which the A-2 District is used as set forth in the City of Franklin Comprehensive Master Plan.
- B. **District Standards.** The A-2 District is further intended to have the standards as set forth in Table 15-3.0315.
- C. **Permitted, Accessory, and Special Uses.** See Sections 15-3.0603, 15-3.0605, 15-3.0606, 15-3.0607, 15-3.0608, 15-3.0609, Division 15-3.0700, Section 15-3.0703, and Division 15-3.0800.

**Table 15-3.0315**

**A-2 PRIME AGRICULTURAL DISTRICT DEVELOPMENT STANDARDS**

<b>Type of Standard</b>	<b>Standard</b>
<b>Landscape Surface Ratio and Floor Area</b>	
Minimum Landscape Surface Ratio (LSR)	Not Applicable
Alternative Minimum Landscape Surface Ratio (LSR) with Required Mitigation (See Section 15-5.0302E)	Not Applicable
Maximum Gross Floor Area Ratio (GFAR)	0.05 (a) 0.10 (b)
Maximum Net Floor Area Ratio (NFAR)	Not Applicable
<b>Lot Dimensional Requirements</b>	
Minimum Lot Area (acres)	35
Minimum Lot Width at Setback Line (feet)	300
Minimum Front Yard (feet)	50 (c)
Minimum Side Yard (feet)	25 (c)
Minimum Side Yard on Corner Lot (feet)	50 (c)
Minimum Rear Yard (feet)	50 (c)
Minimum Shore Buffer (feet)	75
Minimum Wetland Buffer (feet)	30
Minimum Wetland Setback (feet)	50
<b>Minimum Total Living Area per Single-Family Dwelling Unit (D.U.)</b>	
Minimum Total Required Living Area per Single-Family Dwelling Unit (D.U.) (s.f.)	Use Minimum Building Area Requirements for the R-1 District (see Table 15-3.0201)
<b>Maximum Building Height</b>	
Principal Structure (stories/ft.)	2.5/30
Accessory Structure (ft.)	40

- (a) For single-family dwelling structures.
- (b) For other farm-related structures including housing for farm laborers.
- (c) See Division 15-5.0300 for the determination of minimum required bufferyards. See Section 15-5.0108 for increased setback requirements along arterial streets and highways.

A. **District Intent.** The AO Airport Overlay District is intended to:

1. Allow for the coordination, planning, and development of land uses in the vicinity of General Mitchell Field, but limits uses and requires noise protection.
2. Control conflicts between land uses and noise generated by aircraft and to protect the public health, safety, and welfare from the adverse impacts associated with excessive noise.
3. Ensure that land uses in the airport noise impact area are mutually compatible with airport noise.
4. Provide acoustical performance standards.
5. Be in addition to and shall overlay all other zoning districts where it is applied so that any parcel of land or lot lying in the AO District shall also lie in one or more of the other zoning districts. The effect is to create a zoning district which has the characteristics and limitations of the underlying district, together with the characteristics and limitations of the AO District.
6. Provide adequate notice to land owners and prospective land owners that airport operations should be considered as possibly affecting the use of property within the AO Airport Overlay District.
7. Regulate land uses within designated existing or projected airport impact areas by providing height restrictions which will assure safe, unobstructed access for all aircraft which enter and exit General Mitchell Field.

B. **Establishment of District Boundaries and Districts.** The AO Airport Overlay District boundaries shall be based upon the General Mitchell Field study titled General Mitchell International Airport. Part 150 Noise Compatibility Study: Noise Exposure Maps and Noise Compatibility Program, prepared by Coffman Associates, Inc., dated October 1993. Boundaries shall be subject to periodic updating and amendment. The AO Airport Overlay District shall be established in like manner as any other zoning district permitted by this Ordinance.

C. **Establishment of Airport Noise Impact Areas.** Airport noise impact areas (numbered AO Districts) shall be established in order to distinguish between the severity of the levels of noise impact so that appropriate uses and acoustical performance standards can be established to mitigate the adverse impacts of aircraft noise in order to protect the public health, safety, and welfare.

1. **Noise Zones.** Noise levels shall be classified into noise zones, and the Day-Night Average Sound Level (DNL) classifications shall be used for all noise sources. DNL shall be mathematically symbolized as  $L_{dn}$ .
2. **Two (2) Airport Noise Impact Areas Established.** For the purpose of administering these regulations, there shall be two (2) Airport Noise Impact Areas established as follows:

- a. The AO-1 District for areas of  $L_{dn}$  65-70.
  - b. The AO-2 District for areas of  $L_{dn}$  70-75.
- D. **District Standards.** District standards shall conform to that required in the underlying basic use district and subject to those additional standards for outdoor to indoor noise level reduction as set forth in Division 15-3.0600 of this Ordinance.
- E. **Permitted, Accessory, and Special Uses.** See Section 15-3.0608.

## **SECTION 15-3.0317            HPO HISTORIC PRESERVATION OVERLAY DISTRICT**

### **A. District Intent.**

1. The HPO Historic Preservation Overlay District is intended to:
  - a. Provide for the protection and preservation of those structures whose historic or architectural interest are valuable contributions to the character and charm of the City or areas of the City. Such structures and areas are hereby deemed to represent a community asset justifying the public regulation of such structures and areas in order to ensure their preservation.
  - b. Be used to protect the historic community character of such structures and districts.
2. It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements of special character or special historical interest or value is a public necessity and is required in the interest of health, prosperity, safety and welfare of the people of the City of Franklin. The purpose of the HPO Historic Preservation Overlay District is to:
  - a. Effect and accomplish the protection, enhancement, and perpetuation of such improvements and of districts which represent or reflect elements of the City's cultural, social, economic, political, and architectural history;
  - b. Safeguard the City's historic and cultural heritage, as embodied and reflected in such landmarks and historic districts, stabilize and improve property values;
  - c. Foster civic pride in the beauty and noble accomplishments of the past, protect and enhance the City's attractions to residents, tourists and visitors for education, pleasure, and general welfare, and serve as a support and stimulus to business and industry; and
  - d. Strengthen the economy of the City.

- B. **District Standards.** District standards shall conform to that required in the underlying basic use district.



- C. **Recommendation of the Historic Preservation Commission.** A copy of a petition for rezoning to an HPO District shall be submitted to the Historic Preservation Commission when the petition is filed with the City Clerk for review and comment. When considering a petition for rezoning for an HPO District, the City Plan Commission and the Common Council, in making their respective recommendations and determinations, shall take into consideration the recommendation of the Historic Preservation Commission.
- D. **Designation of Landmark Sites and Historic Districts.** The Plan Commission, upon referral to and the recommendation of the Historic Preservation Commission, may designate landmarks, landmark sites and historic districts within the City. Such designation should, however, be based upon the criteria established in Section 15-10.0405 of this Ordinance. Appropriate records, including photographs and plans, shall be kept as part of the City's official zoning file.
- E. **Limitation on Structural or Appearance Changes.** Structural changes shall be regulated in the following manner:
1. **Certificate of Appropriateness Required.** There shall be no alterations in the architectural appearance of any structure within an HPO District without the approval of plans for such alterations by the City Plan Commission. In determining whether to grant approval the City Plan Commission shall take into consideration the recommendation of the Historic Preservation Commission. For the purposes of this section, alterations shall include any change, addition to or demolition of any part or all of a structure. The City Plan Commission shall make its determination within sixty (60) days of the filing of the application for a Certificate of Appropriateness.
  2. **Basis for Approval.** No alterations shall be permitted that would tend to destroy or seriously impair the particular character and quality of the HPO District. No change or alteration of a landmark, landmark site, or historic district shall be permitted which destroys, seriously impairs or significantly alters its character in terms of its historical or architectural interest.
  3. **Repairs or Destruction.** Notwithstanding the provisions of Division 15-3.1000, total lifetime structural repairs, restoration or alterations of a preservation structure may exceed fifty (50) percent of the City's equalized value if the City Plan Commission determines upon recommendation by the Historic Preservation Commission that the structure will be repaired, restored, or altered in such a way as to maintain the character of the structure and the character of the HPO District without significant alteration or change in such character. No person in charge of a landmark or improvement in a historic district shall be granted a permit to demolish such property without review and recommendations by the Historic Preservation Commission to the City Plan Commission.
- F. **Permitted, Accessory, and Special Uses.** See Section 15-3.0609.

## **SECTION 15-3.0318**

### **L-1 LANDFILL DISTRICT**

- A. 1. The L-1 Landfill District is intended to regulate land use at existing, as well as former landfill sites in the City of Franklin.
2. The L-1 District is not intended to accommodate new landfill sites in the City of Franklin.
- The implementing zoning ordinance requirements of the L-1 District address safety issues pertaining to landfills, protection of the natural resource base, minimization of adverse impacts upon surrounding and areawide land uses, aesthetics of the landfill site and surrounding environs, landscaping, noise, and traffic impacts upon the street and highway system serving the L-1 District. Landfill restoration requirements are set forth in the implementing zoning regulations. The minimum L-1 District size shall be one hundred and sixty (160) acres.
- B. **District Standards.** See Division 15-3.0700 and Section 15-3.0703 of this Ordinance.
- C. **Permitted, Accessory, and Special Uses.** See Sections 15-3.0603, 15-3.0605, 15-3.0606, 15-3.0607, 15-3.0608, 15-3.0609, Division 15-3.0700, Section 15-3.0703, and Division 15-3.0800.

## **SECTION 15-3.0319**

### **FW FLOODWAY DISTRICT**

The FW Floodway District is intended to be used to protect people and property from flood damage by prohibiting the erection of structures that would impede the flow of water during periodic flooding. Permitting use of the floodway would increase damages in the broader floodplain by increasing flood stages. In delineating the FW District, the effects of development within the associated flood fringe shall be computed utilizing the single degree of encroachment principle. Flood stage increases equal to or greater than one one-hundredth (0.01) foot in height shall not be permitted unless the applicant has made appropriate legal arrangements with all affected units of government and all property owners affected by the stage increase, and until all such affected units of government have amended their water surface profiles and floodplain zoning maps to reflect the increased flood elevations.

- A. **Mapping of Floodways.** The floodway shown on the Official Zoning Map was initially delineated from information contained in the flood insurance study and represents those floodways shown in that report. In addition, floodplains determined by approximate methods in the flood insurance study (shown as unnumbered A Zones) have, as a general rule, been included in the Floodway District. As a general mapping rule, nonfloodplain islands less than one (1) acre in area that are completely surrounded by floodway have been included in the floodway delineation.
- B. **Maintenance of Drainageways.** No development in the FW District shall adversely affect the channels or floodways of the Root River, the East Branch of the Root River, Tess Corners Creek, Woods Creek, Oak Creek, any tributary thereto, drainage ditches, or other lands lying outside the floodplains.
- C. **Dumping and Filling Prohibited.** Lands lying within the FW District shall not be used for dumping or be filled except as authorized to permit establishment of approved bulkhead lines or to accommodate bridge approaches. Normal earth-grading activities to permit utilization of the lands for open space, outdoor recreation, yard, parking, and similar uses are permitted, so long as the water carrying and storage capacity of the floodplain is not decreased.

- D. **Dangerous Materials Storage Prohibited.** Lands lying within the FW District shall not be used for the storage of materials that are buoyant, flammable, explosive, or injurious to human, animal, or plant life.
- E. **Mobile Homes Prohibited.** No mobile home, mobile home park, or trailer camp shall be placed or moved onto lands lying in the FW District.
- F. **Incompatible Uses Prohibited.** Lands lying within the FW District shall not be used for any solid waste disposal site or on-site soil absorption sanitary sewerage system site, or the construction of any well which is used to obtain water for ultimate human consumption. Sewage treatment plants and treatment ponds shall not be constructed in the FW District.
- G. **Permitted, Accessory, and Special Uses.** See Section 15-3.0604.

### **SECTION 15-3.0320**

### **FC FLOODPLAIN CONSERVANCY DISTRICT**

The FC Floodplain Conservancy District is intended to preserve in essentially open space and natural uses lands which are unsuitable for intensive URBAN development purposes due to poor natural soil conditions and periodic flood inundations. The proper regulation of these areas will serve to maintain and improve water quality, prevent flood damage, protect wildlife habitat, and prohibit the location of structures on soils which are generally not suitable for such use. In delineating the FC District, consideration shall be given to maintaining flood storage capacity and preventing significant increases in the flood discharges identified in applicable floodplain studies. No increase in the regional flood elevation shall be permitted that is equal to or greater than 0.01 foot unless the applicant has made appropriate legal arrangements with all affected units of government and all property owners affected by the increase in elevation, and all such affected units of government have amended their water surface profiles and floodplain zoning maps to reflect the increased flood elevations.

- A. **Maintenance of Drainageways.** No development in the FC District shall adversely affect the channels or floodways of the Root River, the East Branch of the Root River, Tess Corners Creek, Woods Creek, any tributary thereto, drainage ditches, or other lands lying outside the floodplains.
- B. **Dumping, Filling, and Mining Prohibited.** Lands lying within the FC District shall not be used for dumping or be filled except as authorized to permit establishment of approved bulkhead lines or to accommodate bridge approaches. Normal earth-grading activities to permit utilization of the lands for open space, outdoor recreation, yard, parking, and similar uses are permitted, so long as the water carrying and storage capacity of the floodplain is not decreased. Mining activities, including topsoil removal, is prohibited in the FC District.
- C. **Dangerous Materials Storage Prohibited.** Lands lying within the FC District shall not be used for the storage of materials that are buoyant, flammable, explosive, or injurious to human, animal, or plant life.
- D. **Mobile Homes Prohibited.** No mobile homes, mobile home park, or trailer camp shall be placed or moved onto lands lying in the FC District.

- E. **Incompatible Use Prohibited.** Lands lying within the FC District shall not be used for any solid waste disposal site, or on-site soil absorption sanitary sewerage system site, or the construction of any well which is used to obtain water for ultimate human consumption.
- F. **Permitted, Accessory, and Special Uses.** See Section 15-3.0605.

#### **SECTION 15-3.0321                      FFO FLOODPLAIN FRINGE OVERLAY DISTRICT**

The FFO Floodplain Fringe Overlay District is intended to provide for and encourage the most appropriate use of land and water in areas subject to periodic flooding and to minimize flood damage to people and property. The FFO Floodplain Fringe Overlay District is an overlay zoning district that imposes certain additional requirements on the underlying basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the more restrictive of the conflicting requirements shall apply.

- A. **Maintenance of Drainageways.** No filling or development in the FFO District shall adversely affect the channels or floodways of the Root River, the East Branch of the Root River, Tess Corners Creek, Woods Creek, Oak Creek, any tributary thereto, drainage ditches, or other lands lying outside the floodplains.
- B. **Mobile Homes Prohibited.** No mobile home, mobile home park, or trailer camp shall be placed or moved onto lands lying in the FFO District.
- C. **Incompatible Use Prohibited.** Lands lying within the FFO District shall not be used for any solid waste disposal site, on-site soil absorption sanitary sewerage system site, or the construction of any well which is used to obtain water for ultimate human consumption.
- D. **Permitted, Accessory, and Special Uses.** See Section 15-3.0606.

#### **SECTION 15-3.0322                      SW SHORELAND WETLAND OVERLAY DISTRICT**

The SW Shoreland Wetland Overlay District is intended to preserve, protect, and enhance the ponds, streams, and wetland areas of the City of Franklin. The preservation, protection, and enhancement of these areas will serve to maintain safe and healthful conditions; maintain and improve water quality, both ground and surface; prevent flood damage; control storm water runoff; protect stream banks from erosion; protect groundwater recharge and discharge areas; protect wildlife habitat; protect native plant communities; avoid the location of structures on soils which are generally not suitable for use; and protect the water-based recreation resources of the City. The SW Shoreland Wetland Overlay District includes all wetlands within the shoreland, as defined in the Ordinance, and additional nonshoreland wetlands which are adjacent to shoreland wetlands. The boundaries were determined from use of the Wisconsin Wetland Inventory Map for the city of Franklin, dated March 15, 1989 and stamped "FINAL." All wetland boundaries, even when shown on a wetland map, shall be verified prior to development by a professional trained in wetland delineation. Any wetlands which are filled prior to the date on which the City of Franklin received the final Wisconsin Wetland Inventory Map for the City of Franklin from the Wisconsin Department of Natural Resources in a manner which affects their

characteristics as wetlands are filled wetlands and not subject to an ordinance adopted under Section 62.231 of the Wisconsin Statutes as amended.

A. **Prohibited Uses.** The following uses are prohibited uses in the SW District:

1. Any use not listed as a permitted use or a conditional use is prohibited in the SW District.
2. The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary highwater mark of any navigable waters are prohibited.

B. **Permitted, Accessory, and Special Uses.** See Section 15-3.0607.

## **DIVISION 15-3.0350    OVERLAY DESIGN STANDARDS**

### **SECTION 15-3.0351        SOUTH 27TH STREET DESIGN OVERLAY DISTRICT**

A. **District Intent.** The South 27th Street Design Overlay District is intended to:

1. Further the implementation of the South 27th Street Corridor Master Plan Amendment adopted by the City of Franklin on January 20th, 2005. Specifically, the plan intends for the South 27th Street Corridor and adjacent areas to:
  - a. Be a local, regional and statewide destination for people to work, live, shop, recreate, and interact with one another.
  - b. Be an attractive center of economic activity in southeast Wisconsin with clearly and conveniently linked strong neighborhoods, beautiful parks and open spaces, and engaging civic and institutional places.
  - c. Serve as a unifying place for the cities of Franklin and Oak Creek, and for Milwaukee County.
2. Apply whenever new principal and/or accessory buildings are constructed in the district following the effective date of this ordinance.
3. Apply whenever building additions in the district result in an increase in floor area of fifty (50) percent or more over the floor area of the existing building at the time of the addition.
4. Exempt residential uses from compliance with the requirements set forth in this Division.
5. Authorize the Plan Commission to waive any of the South 27th Street Design Overlay District Standards by 5 votes of all the members of the Plan Commission provided that

supplemental design elements or improvements are incorporated into the project (over and above those which are otherwise required) which compensate for the waiver of the particular standard, or, in the case of parking provisions, where it can be demonstrated that the required parking is excessive or where specified areas are provided for the future provision of additional parking if necessary. In support of the waiver request, the applicant shall detail such supplemental design elements in written and graphical form, and provide an explanation as to the nature of the standards for which the waiver is requested.

6. Allow existing structures to remain conforming with regard to this Division.

B. **District Standards.** Properties in the South 27th Street Design Overlay District are regulated by the City of Franklin Unified Development Ordinance in its entirety, and all provisions set forth in this Division, including the following:

SECTION 15-3.0352 Parking Requirements

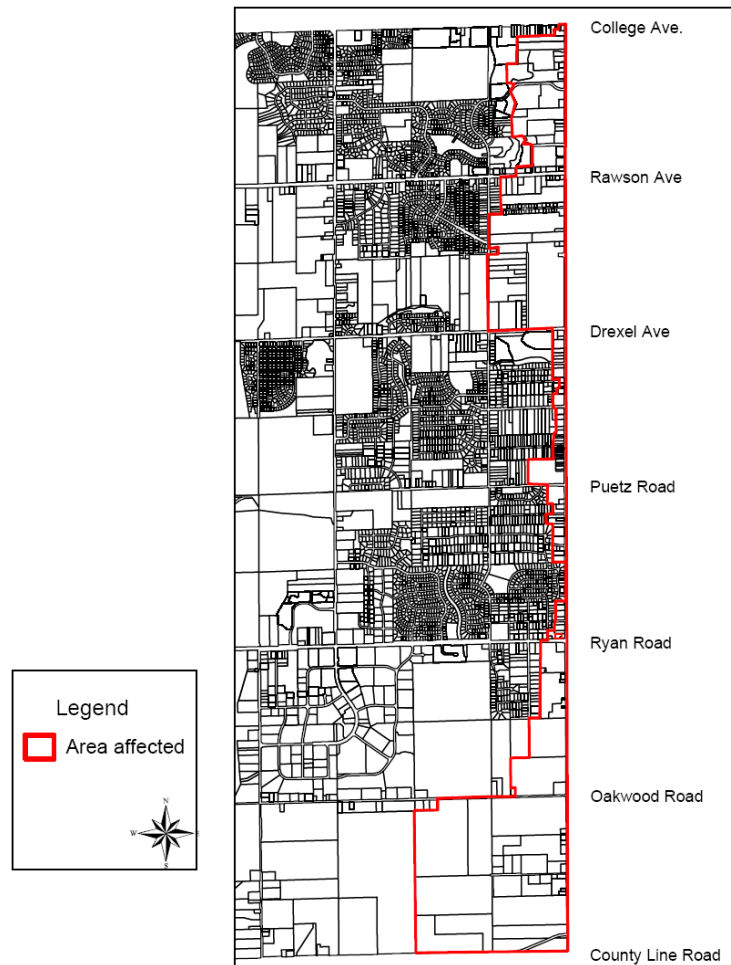
SECTION 15-3.0353 Landscape and Site Design General Standards

SECTION 15-3.0354 Landscaping Requirements for Off-Street Parking Areas

SECTION 15-3.0355 Architectural Requirements

C. **District Area.** The requirements set forth in this Division apply to properties included within the area outlined on the map below:

South 27th Street Design Standards



On-site parking shall be provided as set forth in Section 15-5.0203. In addition, the following standards apply:

- A. **Parking required and location regulated.** Not more than fifty (50) percent of the off-street parking spaces shall be located directly between the front facade of the building and the public street, unless additional buildings in the overall development are or will be located between the main building and the public street. Such additional buildings must be sufficient in size, location, and number to provide an effective visual break between the public street and the parking lot.
- B. **Number of parking spaces limited.** Parking lots in which the number of spaces significantly exceeds the minimum number of parking spaces required under Section 15-5.0203 are not permitted.
- C. **Potential parking reductions.**
  - 1. **Shared Parking.** The Plan Commission may authorize as much as a forty (40) percent reduction in the area to be paved for non-residential off-street parking stalls when parking is shared by two (2) or more uses provided:
    - a. The reduction does not exceed forty (40) percent of the required parking.
    - b. The uses that are sharing parking have peak parking demand at different times.
    - c. Pedestrian sidewalks or paths are provided as safe connections between any uses sharing the parking area.
    - d. A shared parking agreement, signed by all parties, is approved by the City Council, following receipt of Plan Commission recommendations. The agreement shall state a minimum time frame for the agreement to be in effect; provide for ingress/egress easements; and be recorded with the County as a covenant.
  - 2. **Other requested parking reductions.** If a parking reduction is requested for any reason other than shared parking, or a parking reduction beyond forty (40) percent is requested for shared parking arrangements, technical documentation shall be furnished by the applicant during the site plan review process to indicate, to the satisfaction of the Plan Commission, that actual off-street parking demand for that particular use is less than the required amount or that sufficient on-street parking is available in the area.
- D. **Land-Banking of Reserved Parking Area.** When a parking reduction has been authorized, the Plan Commission may require that sufficient area on the property be held in reserve for the potential future development of paved off-street parking to meet the full requirements. When required, this reserve off-street parking area shall be shown and noted on the site plan, maintained as open space, and developed with paved off-street parking spaces when the City determines that such off-street parking is necessary due to parking demand on the property which exceeds original expectations. The reserve parking area may not be counted as part of any

required green space area, nor may it be used as the location of landscaping that is required under Section 15-5.0302. The City may require that a letter of credit or other approved financial surety be provided at the time of permit issuance in an amount not to exceed one hundred twenty five (125) percent of the estimated cost of parking lot completion, to be exercised at City discretion, should the need for parking lot completion be determined.

### **SECTION 15-3.0353**

### **LANDSCAPE AND SITE DESIGN GENERAL STANDARDS**

- A. **Vision Clearance Necessary.** Landscaping and site amenities shall be provided to satisfy the requirements of this Division. All site improvements shall be designed and undertaken in such a way that clear site lines are maintained for the safety and convenience of all pedestrian and vehicular users.
- B. **Coordination of site furnishings.** Lighting and site furnishings (benches, trash receptacles, bicycle racks, etc.) shall complement the character of the building, and provide an attractive and strong relationship with adjoining properties and the public sidewalk.
- C. **Pedestrian considerations.**
  - 1. New streets proposed as part of new developments shall provide "pedestrian friendly" streetscapes.
  - 2. Large parking areas shall include walkways to allow safe pedestrian access to the building entrance and to connect the site to adjacent streets and properties. Pedestrian walkways shall be designed with amenities such as special paving treatments (colored paver blocks or textured concrete), lighting (see lighting discussion below) and furnishings to create a pedestrian-friendly character.
  - 3. The entire development shall provide for safe pedestrian and bicycle access to all uses within the development, connections to existing and planned public pedestrian and bicycle facilities, and connections to adjacent properties.
  - 4. Sidewalks shall be provided along the entire length of any facade containing a public entrance, leaving room for foundation planting beds.
  - 5. Pedestrian walkways shall be provided from all building entrances to existing or planned public sidewalks or pedestrian/bike facilities.
  - 6. Internal pedestrian walkways shall be distinguished from driving surfaces.
  - 7. The building shall provide awnings or other weather protection features within thirty (30) feet of all customer entrances along a building.
- D. **Reducing the impact of vehicular use areas.** For properties such as gas stations—where vehicular circulation is dominant on the site—walkways, landscaping, architectural features and lighting shall be provided to make these areas more attractive and inviting. Decorative fences,



walls and/or landscaped edges shall screen front parking areas from the public sidewalk. Screening shall not exceed 3' 6" in height.

- E. **Bicycle and pedestrian amenities required.** The development shall provide secure, integrated bicycle parking and pedestrian furniture in appropriate quantities and location.
- F. **Landscaping.** On-site landscaping shall be provided per the landscaping requirements found in Section 15-5.0302. In addition, the project shall provide:
  - 1. Extensive building foundation landscaping for all building frontages facing public streets, parking lots, or residential districts to provide visual breaks in the mass of the building. Building foundation landscaping shall be placed so that, at maturity, the plant's drip line is within ten (10) feet of the foundation. Canopy/shade trees shall not be used to meet this requirement.
  - 2. Screen fences and/or landscaped buffers at property edges, particularly where commercial and light industrial properties adjoin residential properties.
  - 3. Off-street parking area landscaping as set forth in Section 15-5.0302.
- G. **Central Areas/Features.** Each development which contains a building over fifty thousand (50,000) square feet in area shall provide central area(s) or feature(s) such as a patio/seating area, pedestrian plaza with benches, outdoor playground area, water feature, and/or other such deliberately designated areas or focal points that adequately enhance the development or community. All such areas shall be openly accessible to the public, connected to the public and private sidewalk system, designed with materials compatible with the building and remainder of the site, and maintained over the life of the building and project.
- H. **Cart Returns.** A minimum of one (1) two hundred (200) square foot cart return area shall be provided for every one hundred (100) parking spaces for any establishment utilizing carts. Cart corrals shall be of durable, all season construction, and shall be designed and colored to be compatible with the building and parking lot light standards. Exterior cart return or cart storage areas shall be situated for the safety and convenience of users, however no such facilities shall be located within twenty-five (25) feet of the building.

#### **SECTION 15-3.0354**

#### **LANDSCAPING REQUIREMENTS FOR OFFSTREET PARKING AREAS**

- A. **Parking Lot Landscaping Required.** Interior and perimeter buffer landscaping is required for all off-street parking lots and their associated vehicular use areas, with the exception of those infill and redevelopment projects that have been granted an exception by the Plan Commission. These regulations stipulate the design and placement of such plantings. The actual number of plant units utilized in such plantings may be counted toward the total number of plant units required on-site as determined under Section 15-5.0302.

**B. Required Trees for Parking Lot Perimeter and Interior Applications.**

1. Shade or decorative trees are required within the vehicular use area at a ratio of one tree for every fifteen (15) parking spaces or fraction thereof, unless the Plan Commission grants an exception. The trees must be evenly distributed throughout the vehicular use area.
2. Existing trees of desirable species and quality that can be preserved, where grading does not cut them off from a reasonable supply of water and where the area under the canopy remains undisturbed, shall count toward the tree requirements for off-street parking areas on a tree-for-tree basis.
3. Where a landscape border or other landscape area abuts the vehicular use area, shade or decorative trees within those landscaped areas may count toward the vehicular use area requirement, provided:
  - a. The trees are located within ten (10) feet of the vehicular use area.
  - b. The number of trees that are provided within the vehicular use area is not reduced by more than fifty (50) percent of the amount required; and
  - c. There is a minimum of one tree provided within the vehicular use area.
4. Trees shall be planted in such a way that they are protected from vehicle damage.

**C. Interior Landscaping for Off-street Parking Areas.** The interior parking lot landscaping standards of this section shall apply to all off-street parking lots and their vehicular use areas containing twenty (20) or more parking spaces. The intent of this section is to require landscaping within vehicular use areas; therefore, landscaping screens, planting strips and landscaping surrounding buildings shall not be considered as interior landscaping. Interior parking lot landscaping is required as follows:

1. A minimum of twenty (20) square feet of interior landscaped island shall be provided per parking stall.
2. The interior landscaping shall be provided within landscaped islands a minimum of 250 square feet in area. Landscaped islands shall be three (3) feet shorter than the depth of any adjacent space. A landscaped island 9 feet in width and 30 feet in length with rounded ends, placed alongside two parking stalls each 18 feet in depth placed end to end, would meet all dimensional requirements for landscaped islands, provided the dimensions are measured from the inside of any curbs.
3. The interior parking lot landscaping shall be placed so as to delineate driving lanes, define rows and generally mitigate the visual impact of the parking lot while maintaining clear site lines for safety purposes.

4. Plants in landscaped islands shall be underlain by soil (not base course material), and shall be protected by curbing or other protective treatment.
5. The interior parking lot landscaping shall be composed of a combination of hardy trees, shrubs, perennials, and groundcover that are able to tolerate winter salt and snow. Where islands are used as retention/infiltration areas for storm water management, they should be landscaped appropriately for that purpose. Decorative mulch and weed barriers may be utilized when shown on an approved landscape plan.
6. Landscaped islands that function as storm water retention/infiltration areas shall be subject to the following:
  - a. Landscaped islands shall be a minimum of fifteen (15) feet in width if used for this purpose.
  - b. Parking areas will sheet drain into the landscaped islands through curb cuts or other apertures.
  - c. Proposed plantings shall be tolerant of flood conditions.

D. **Screening for Off-street Parking Areas.** The perimeter parking lot screening standards of this section shall apply to all off-street parking areas for six (6) or more vehicles or larger than 2,000 square feet in area. Off-street parking areas, including aisles and driveways, shall be effectively screened year round as follows:

1. Perimeter planting areas shall be designed to maintain and protect visibility at driveways and access points.
2. On-site perimeter greenbelts at least ten (10) feet in width shall be installed along any street side and along all interior lot lines when parking is located on that side of any building on the site.
  - a. Street side greenbelts shall contain dense landscape screening which provides plantings at least eighteen (18) inches high at planting and thirty (30) inches high at maturity. Such greenbelts shall provide a semi-opaque screen at a minimum during the winter season,
  - b. Interior side lot line greenbelts for non-residential uses when adjacent to residential uses shall contain dense landscape screening which provides plantings at least thirty-six (36) inches high at planting and forty-eight (48) inches high at maturity. Such greenbelts shall provide a semi-opaque screen at a minimum during the winter season.
  - c. Other greenbelts not specifically described above shall contain a minimum of one tree or shrub for each fifteen (15) feet of perimeter to be planted in effective groupings within said strip. The remainder of the strip shall be planted in grass, ground cover or other effective landscape treatment.
3. Berms may be utilized as part of the perimeter landscaping.

**A. Building Character and Design.**

1. Buildings located on prominent sites—such as key intersections, corners, terminations of street vistas, and on high points—shall be multi-story and exhibit quality architectural design to serve as landmarks,
2. All exterior materials shall be durable, of high-quality, utilized true to form (such as stone below wood rather than the opposite), and appropriate for external use.
3. Brick, stone and terra-cotta are preferred primary materials for new buildings or additions.
4. The use of false brick or other "faux" sidings is discouraged.
5. Color choice shall complement the style and materials of the building's facade and provide a pleasing relationship with adjoining buildings.
6. Painting of brick and stone is discouraged.
7. Trash, service, and mechanical areas shall be entirely screened from view and located on the side or rear of properties.
8. All visible sides of the building shall be designed with details that complement the front facade. Side facades that are visible from the public street shall receive equal design attention.
9. Building massing that creates modulation and articulation is encouraged.
10. Multi-story buildings that allow for a mix of retail, office or residential uses are preferred.

**B. Design Standards for Non-Residential Buildings [20,000 Square Feet or Less in Area].**

1. **Purpose and Intent.** The purpose of these design standards is to guide the design of smaller non-residential buildings constructed in the South 27th Street Design Overlay District to ensure that, through appropriate use of facades, windows, building orientation, and architectural details, new structures and alterations of existing structures are physically and visually compatible with other buildings in the vicinity. These standards are intended to support good quality design in new building construction, enhance street safety, and provide a comfortable street environment by providing features of interest to pedestrians and motorists. Good design results in buildings that are in visual harmony with nearby buildings, leading to a city that is attractive, interesting, active, and safe. These qualities, in turn, contribute to the creation of a sustainable community which facilitates easy pedestrian movement and establishment of a rich mixture of uses.

The standards of this section apply whether the use is allowed as a Permitted Use, Special Use or Accessory Use. The Plan Commission shall evaluate site plans and architectural plans for compliance with these provisions.

**2. Compatibility with Existing Buildings.**

- a. Buildings shall maintain a similar size, shape, height, bulk, scale and mass of surrounding architecture, unless required to vary due to zoning district dimensional standards.
- b. Where building sizes will not be equivalent or comparable to those existing in the same general vicinity, larger building facades shall be broken down into units that resemble the size of existing facades.

**3. Building Materials and Colors.**

- a. Facades shall be varied and articulated to provide visual interest to pedestrians. Within larger projects, variations in facades, floor levels, architectural features, and exterior finishes shall create the appearance of several smaller buildings.
- b. Exterior building materials shall convey an impression of durability. Materials such as masonry, stone, stucco, and wood are encouraged. Metal is not allowed as the primary exterior building material, though it may be used for accents including awnings.
- c. Where masonry is used for exterior finish, decorative patterns must be incorporated. Examples of these decorative patterns include multicolored masonry units such as brick, stone, or cast stone, in layered or geometric patterns, or split-faced concrete block to simulate a rusticated stone-type construction.
- d. Wood siding must be bevel, shingle siding, or channel siding and must not be applied in a diagonal or herringbone pattern.
- e. Building facade colors shall be non-reflective, subtle, neutral, or earth tone. The use of high intensity colors, metallic colors, black, or fluorescent colors on facades shall be prohibited. Building trim and architectural accent elements may feature brighter colors, but such colors shall be muted, not metallic, not fluorescent, and not specific to particular uses or tenants. Standard corporate and trademark colors shall be permitted only on sign face and copy areas.

**4. Roof Materials, Parapets, and Roof Pitch.**

- a. Pitched roof structures shall have a minimum roof pitch of 6:12.
- b. Flat roofs are permitted with detailed stepped parapets or detailed brick coursing.

- c. Parapet corners must be stepped or the parapet must be designed to emphasize the center or primary entrance(s), unless the primary entrance is at the corner of the building.
  - d. Visible sloped roofs must be neutral in color, such as gray, black, or dark brown.
  - e. Visible roof materials must be wood or architectural grade composition shingle or sheet metal with standing or batten seam.
  - f. All roof and wall-mounted mechanical, electrical, communications, and service equipment, including satellite dishes and vent pipes, must be screened from public view by parapets, walls, or by other approved means.
5. **Building Facades.**
- a. Decorative devices—such as molding, entablature, and friezes—are expected at the roofline. Where such ornamentation is present in the form of a linear molding or board, the band must be at least eight inches wide.
  - b. Alcoves, Porches, Arcades, etc. Buildings must incorporate features such as arcades, roofs, porches, alcoves, porticoes, and awnings to protect pedestrians from the rain and sun. Awnings and entrances may be designed to be shared between two structures.
6. **Change in Relief of Building.** Buildings must include changes in relief on at least ten (10) percent of their primary facade for pedestrian interest and scale. Relief changes include cornices, bases, fenestration, fluted masonry, or other treatments.
7. **Windows.**
- a. Windows which allow views to the interior activity or display areas are expected. Windows shall include sills at the bottom and pediments at the top. Glass curtain walls, reflective glass, and painted or darkly tinted glass shall not be used.
  - b. Ground Floor Window Standards:
    - i. All new buildings must provide ground floor windows.
    - ii. Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows.
    - iii. Required windows must have a sill no more than four feet above grade. Where interior floor levels prohibit such placement, the sill must be raised to allow it to be no more than two feet above the finished floor level, up to a maximum sill height of six feet above grade.

- iv. Darkly tinted windows and mirrored windows that block two-way visibility are prohibited as ground floor windows along street facades.
  - v. The primary facade of each building, or for corner buildings each of the two facades, must contain at least twenty (20) percent of the ground floor wall area in display areas, windows, or doorways. Blank walls are prohibited.
  - vi. Ground floor windows are also required on facades facing any public parking lot. The minimum requirement is sixteen (16) square feet per story or six (6) percent of the facade, whichever is greater.
- c. Upper Floor Window Standards.
- i. Glass area dimensions shall not exceed 5' x 7'. (The longest dimension may be taken either horizontally or vertically.)
  - ii. Windows must have trim or molding at least two inches wide around their perimeters.

**8. Pedestrian Accessibility.**

- a. Buildings shall maintain and/or enhance the pedestrian scale.
- b. Building entries must comply with the accessibility requirements of the applicable state and federal codes.
- c. Special attention shall be given to designing a primary building entrance that is both attractive and functional.
- d. Buildings located at the intersection of two streets shall utilize a corner entrance to the building unless this requirement is waived by the Plan Commission.
- e. The pedestrian environment may be enhanced by street furniture, landscaping, awnings, and movable planters of seasonal flowers.

**9. Landscaping/Streetscape.**

- a. Benches, outdoor seating, and trash receptacles must complement any existing decorative street lighting and be in keeping with the overall architectural character of the area.
- b. Upon prior approval of the Plan Commission and Common Council, benches and other streetscape items may be placed within the public right-of-way, provided they do not block free movement of pedestrians. A minimum pedestrian walkway width of six (6) feet shall be maintained at all times.

## 10. External Storage.

- a. The external storage of merchandise and/or materials directly or indirectly related to a business is prohibited unless identified on an approved site plan and fully screened.
- b. Outdoor seasonal displays of merchandise are permitted during business hours only. A minimum pedestrian walkway width of six feet must be maintained at all times.
- c. Each structure shall provide for collection of its trash and recyclable materials within the boundaries of each parcel. All trash collection areas must be located within the structure, or behind the building in an enclosure, in accordance with the provisions of Sections 15-3.0802 and 15-3.0803.

## C. Design Standards for Non-Residential Buildings [Greater than 20,000 Square Feet in Area].

1. **Purpose and Intent.** The design standards for buildings greater than 20,000 square feet are intended to ensure that large buildings, and the sites they occupy, are properly located and compatible with the surrounding area and community character of the South 27th Street Design Overlay District. Such projects shall also be subject to the more general standards for the approval of Special Use Permits or PUD Districts when applicable.

The following requirements are applicable to all new buildings in excess of twenty thousand (20,000) gross square feet. These requirements are also applicable when additions to non-residential and mixed use buildings built either before or after the effective date of this Division, bring the total building size to over twenty thousand (20,000) gross square feet.

2. **Waiver of Standards.** The Plan Commission may waive any of the following standards by a  $\frac{3}{4}$  vote of members in attendance, but only if supplemental design elements or improvements are incorporated into the project (over and above those which are otherwise required) which compensate for the waiver of the particular standard. In support of the waiver request, the applicant shall detail such supplemental design elements in written and graphical form, and provide an explanation as to the nature of the standards for which the waiver is requested.
3. **Compatibility with City Plans.** The applicant shall provide, through a written report submitted with the petition for a Site Plan adequate evidence that the proposed building and overall development project shall be compatible with the City's community character, urban design, natural area preservation, commercial development, redevelopment, or community facility objectives as expressed in adopted elements of the City's Comprehensive Master Plan.
4. **Building Materials.** Building materials shall be unified throughout the building, and shall complement other buildings in the vicinity. Exterior building materials shall be of



- high and comparable aesthetic quality on all sides. Building materials such as glass, brick, decorative concrete block, or stucco shall be used. Decorative architectural metal with concealed fasteners may be approved if sensitively incorporated into the overall design of the building.
5. **Building Design.** The building exterior shall be unified in design throughout the structure, and shall complement other buildings in the vicinity. The building shall employ varying building setbacks, height, roof treatments, door and window openings, and other structural and decorative elements to reduce apparent size and scale. A minimum of twenty (20) percent of all of the combined facades of the structure shall employ actual facade protrusions or recesses. A minimum of twenty (20) percent of all of the combined linear roof eave or parapet lines of the structure shall employ differences in height, with such differences being six (6) feet or more as measured eave to eave or parapet to parapet for buildings over fifty thousand (50,000) square feet. Roofs with particular slopes may be required by the City to complement existing buildings or otherwise establish a particular aesthetic objective. Ground floor facades that face and are on properties that are in any part within one hundred (100) feet of public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than fifty (50) percent of their horizontal length. The integration of windows into building design is strongly encouraged.
  6. **Building Entrances.** Public building entryways shall be clearly defined and highly visible on the building's exterior design, and shall be emphasized by on-site traffic flow patterns. Two (2) or more of the following design features shall be incorporated into all public building entryways: canopies or porticos, overhangs, projections, arcades, peaked roof forms, arches, outdoor patios, display windows, distinct architectural details. Unless exempted by the Plan Commission all sides of the building that directly face or abut a public street or public parking area shall have at least one public entrance, except that the City shall not require building entrances on more than two (2) sides of any building.
  7. **Building Color.** Building facade colors shall be non-reflective, subtle, neutral, or earth tone. The use of high intensity colors, metallic colors, black, or fluorescent colors on facades shall be prohibited. Building trim and architectural accent elements may feature brighter colors, but such colors shall be muted, not metallic, not fluorescent, and not specific to particular uses or tenants. Standard corporate and trademark colors shall be permitted only on sign face and copy areas.
  8. **Building Location.** Modest building setbacks are encouraged. Where buildings are proposed to be distant from a public street, the overall development design shall include smaller buildings on pads or outlots closer to the street.
  9. **Screening.** Mechanical equipment, refuse containers and any permitted outdoor storage shall be fully concealed from on-site and off-site ground level views, with materials identical to those used on the building exterior. Loading docks shall be completely screened from surrounding roads and properties. Said screening may be accomplished through loading areas internal to buildings, screen walls which match the building exterior in materials and design, fully opaque landscaping at time of planting, or

combinations of the above. Gates and fencing may be used for security and access, but not for screening, and shall be of high aesthetic quality.

10. **Traffic Impact.** All projects that include buildings over twenty thousand (20,000) square feet shall have direct access to an arterial or collector street, or shall dedicate public roads which have direct access to a public street. Vehicle access shall be designed to accommodate peak on-site traffic volumes without disrupting traffic on public streets or impairing pedestrian safety. This shall be accomplished through adequate parking lot design and capacity; access drive entry throat length, width, design, location, and number; and traffic control devices; and sidewalks. The site design shall provide direct connections to adjacent land uses if required by the City. Prior to development approval, the applicant's traffic engineer shall complete and present a traffic impact analysis following Wisconsin Department of Transportation guidelines. Where the project will cause off-site public roads, intersections, or interchanges to function below level of service C, as defined by the Institute of Transportation Engineers, the City may deny the application, require a size reduction in the proposed development, or require that the developer construct and/or pay for required off-site improvements.
11. **Natural Resources Protection.** Existing natural features shall be integrated into the site design as a site and community amenity.
12. **Signage.** The plan for exterior signage shall provide for modest, coordinated, and complimentary exterior sign locations, configurations, and colors throughout the development. All freestanding signage within the development shall compliment on-building signage. Monument style ground signs are strongly preferred over pole signs, and consolidated signs for multiple users are strongly preferred over multiple individual signs. The City may require the use of muted corporate colors on signage if proposed colors are not compatible with the City's design objectives for the area.

## **DIVISION 15-3.0400    PLANNED DEVELOPMENT DISTRICTS**

### **SECTION 15-3.0401            INTENT OF THE PLANNED DEVELOPMENT DISTRICTS**

- A. **General Intent.** The PDD Planned Development Districts are intended to be created, pursuant to Section 62.23(7)(b) of the Wisconsin Statutes as amended, for the purpose of permitting developments that will: derive maximum benefit from coordinated area site planning, diversified location of structures, and mixed compatible uses that result in the provision of a safe and efficient system for pedestrian and vehicular traffic, attractive recreation and landscaped open spaces, economic design and location of public and private utilities and community facilities; and ensure adequate standards of construction and planning. The unified and planned development of a site, in single or corporate ownership or control at the time of application, may be permitted in a Planned Development District with one or more principal uses or structures and related accessory uses and structures. The regulations within a Planned Development District need not be uniform throughout the individual PDD District except for those types of intensity standards set forth below.

- B. **Open Space, Land Use Intensity and Land Use Density Intent.** All PDD Planned Development Districts shall, however, specify land use maximum or minimum intensity standards including, where applicable: the open space ratio (OSR), maximum gross residential density, maximum net residential density, maximum floor area ratio (GFAR and NFAR), and minimum landscape surface ratio (LSR). These shall be established on an individual PDD District basis in order to regulate the intensity of development on the site. The plan maps shown in the City of Franklin Comprehensive Master Plan only identify PDD District areas which were existing at the time of the adoption of the City of Franklin Comprehensive Master Plan. New PDD Districts may be permitted by the City if the owner or his agent can prove to the City that the resulting PDD District will achieve a better design, identical or lesser intensity land uses (in terms of dwelling units, land use type, or GFAR and NFAR), and identical or greater OSR than that which is indicated on the adopted City of Franklin Comprehensive Master Plan maps.
- C. **Natural Resource Features Protection Intent.** While the PDD District is intended to be flexible in its application, it is not the intent of this district to be used to alter or amend any of the prescribed natural resource base protection standards advanced by the City of Franklin Comprehensive Master Plan or its implementing Unified Development Ordinance.
- D. **Planned Development District: Traditional Neighborhood Development Intent.** Proposed developments contemplated by an applicant to include design features described as “Traditional Neighborhood Development” in Wisconsin Statutes §66.1027 (1)(c), as amended, may be considered for approval as a “PDD Planned Development District” under the applicable procedures and standards described under Section 15-9.0208 of this Ordinance and at locations and with conditions determined appropriate by the Common Council with recommendation from the Plan Commission. The document identified as “A Model Ordinance for Traditional Neighborhood Development” dated April 2001 as published by the University of Wisconsin Extension pursuant to Wisconsin Statutes §66.1027(2), serves as the nonexclusive guidebook to assist in further defining the various aspects and elements of the form of urban design, along with such other sources of guidance the Plan Commission and Common Council may choose to consult.

#### **SECTION 15-3.0402**

#### **CONFORMANCE OF THE PLANNED DEVELOPMENT DISTRICT WITH THE ADOPTED COMPREHENSIVE MASTER PLAN AND ADOPTED DETAILED NEIGHBORHOOD AND PLANNING DISTRICT PLANS**

A PDD Planned Development District shall not be approved by the Common Council under this Division except in conformance with the objectives of the City of Franklin Comprehensive Master Plan, neighborhood plan, planning district plan, or other element or component of the City of Franklin Comprehensive Master Plan.

**Table 15-3.0402**

**MINIMUM LAND AREA REQUIREMENTS FOR  
PDD PLANNED DEVELOPMENT DISTRICTS BY GENERAL USE TYPE**

<b>General Use Type</b>	<b>Minimum Required Site Area (acres)</b>
Residential	20
R-8 Multiple-Family Residence District	5
Office	3
Commercial, Retail Sales, and Services	3
Industrial	5
Mixed Compatible Uses	3

**Table 15-3.0402C**

**PDD PLANNED DEVELOPMENT DISTRICT MAXIMUM INTENSITY AND DENSITY MEASURES**

<b>General Use Type</b>	<b>Residential Standards</b>			<b>Non-Residential Standards</b>		
	<b>Minimum Open Space Ratio (OSR)</b>	<b>Maximum Gross Density (GD)</b>	<b>Maximum Net Density (ND)</b>	<b>Minimum Landscape Surface Ratio (LSR) (b)</b>	<b>Maximum Gross Floor Area Ratio (GFAR)</b>	<b>Maximum Net Floor Area Ratio (NFAR)</b>
Residential (a)	0.35	6.10	8.00	N/A	N/A	N/A
Office	N/A	N/A	N/A	0.45	0.23	0.42
Commercial Retail Sales and Service	N/A	N/A	N/A	0.45	0.31	0.57
Industrial	N/A	N/A	N/A	0.45	0.50	0.91
Mixed Compatible Uses	(c)	(c)	(c)	(c)	(c)	(c)

N/A = Not Applicable

- (a) Plan Commission and Common Council may approve of densities over the stated GD or ND with the provision the development meets a community purpose, such as residential housing for older persons.
- (b) See Alternative Minimum Landscape Surface Ratio (LSR) with Required Mitigation (See Section 15-5.0302E).
- (c) Apply the appropriate standard for each individual land use type and its corresponding site area as listed in this Table.

**SECTION 15-3.0403**

**MINIMUM AREA AND USE REQUIREMENTS AND OTHER  
STANDARDS**

- A. **Minimum Area Requirements.** In order to be approved under the provisions of this Division, proposed PDD Planned Development Districts shall include the minimum area as set forth in Table 15-3.0402.

- B. **Natural Resource Features Protection Standards.** All development in a PDD Planned Development District shall meet the natural resource protection standards set forth in Division 15-4.0100 of this Ordinance.
- C. **Maximum Site Intensity and Density Standards.** Maximum site intensity and density standards in the PDD Planned Development District shall not exceed those set forth in Table 15-3.0402C. Individual uses and structures in a PDD Planned Development District shall comply with the specific use, building location, height, building size, gross and net floor area (GFAR and NFAR), lot size, open space ratio (OSR), and landscape surface ratio (LSR) requirements as set forth by the City Plan Commission as conditions and restrictions of approval, and approved by the Common Council.
- D. **Minimum Required Setbacks from the Ultimate Rights-of-Way of Arterial Streets and Highways.** See Section 15-5.0108 for increased setback requirements along the ultimate rights-of-way of arterial streets and highways.

#### **SECTION 15-3.0404                      PRIOR AND FUTURE ADOPTIONS**

- A. All Planned Development District Ordinances adopted prior to the effective date of this Unified Development Ordinance shall be automatically recodified to correlate to the section numbering system established by this Ordinance, without further amendment to the Planned Development District Ordinances.
- B. All Planned Development District Ordinances adopted after the effective date of this Unified Development Ordinance shall be considered part of this Ordinance, although the reference may not be immediately included in the printed copy of this Ordinance.

#### **SECTION 15-3.0405                      PDD PLANNED DEVELOPMENT DISTRICT PROCEDURES**

See Division 15-9.0100 of this Ordinance.

#### **SECTION 15-3.0406                      PLANNED DEVELOPMENT DISTRICT NO. 1 (VILLAGE PARK)**

See Ordinance 75-454 (Dated April 15, 1975)  
(Note: PDD No. 1 was rezoned to R-6 and R-7 by Ordinance No. 76-493 dated June 1, 1976.)

#### **SECTION 15-3.0407                      PLANNED DEVELOPMENT DISTRICT NO. 2 (TUMBLECREEK/ HIDDEN LAKES DEVELOPMENT)**

See Ordinance 76-501 (Dated August 17, 1976)  
See Ordinance 78-596 (Dated August 15, 1978)  
See Ordinance 87-933 (Dated April 21, 1987)  
See Ordinance 91-1183 (Dated November 19, 1991)  
See Ordinance 95-1362 (Dated October 17, 1995)  
See Ordinance 96-1415 (Dated August 27, 1996)

**SECTION 15-3.0408**

**PLANNED DEVELOPMENT DISTRICT NO. 3  
(AUDUBON PARK DEVELOPMENT)**

See Ordinance 80-668 (Dated June 17, 1980)  
(NOTE: Development never constructed)

**SECTION 15-3.0409**

**PLANNED DEVELOPMENT DISTRICT NO. 4  
(MONASTERY LAKE CONDOMINIUM DEVELOPMENT)**

See Ordinance 81-694 (Dated January 20, 1981)  
See Ordinance 81-709 (Dated June 2, 1981)  
(NOTE: Development never constructed)

**SECTION 15-3.0410**

**PLANNED DEVELOPMENT DISTRICT NO. 5  
(TUCKAWAY SHORES CONDOMINIUM DEVELOPMENT)**

See Ordinance 81-706 (Dated May 19, 1981)  
See Ordinance 81-724 (Dated October 6, 1981)  
See Ordinance 81-725 (Dated October 6, 1981)  
See Ordinance 81-732 (Dated December 1, 1981)  
See Ordinance 88-976 (Dated February 17, 1988)

**SECTION 15-3.0411**

**PLANNED DEVELOPMENT DISTRICT NO. 6  
(TUCKAWAY CREEK)**

See Ordinance 84-834 (Dated June 5, 1984)

**SECTION 15-3.0412**

**PLANNED DEVELOPMENT DISTRICT NO. 7  
(FRANKLIN INDUSTRIAL PARK PHASE II)**

See Ordinance 85-864 (Dated June 18, 1985)

**SECTION 15-3.0413**

**PLANNED DEVELOPMENT DISTRICT NO. 8  
(TWIN OAKS OF TUCKAWAY)**

See Ordinance 87-922 (Dated February 3, 1987)  
See Ordinance 93-1280 (Dated November 16, 1993)  
See Ordinance 98-1488 (Dated April 6, 1998)

**SECTION 15-3.0414**

**PLANNED DEVELOPMENT DISTRICT NO. 9  
(PARKWATER APARTMENTS)**

See Ordinance 88-981 (Dated April 6, 1988)  
See Ordinance 89-1032 (Dated March 21, 1989)  
See Ordinance 92-1208 (Dated May 5, 1992)

**SECTION 15-3.0415**

**PLANNED DEVELOPMENT DISTRICT NO. 10  
(RIVERWOOD VILLAGE – PAUL BOURAXIS DEVELOPMENT)**

See Ordinance 88-1001 (Dated July 5, 1988)  
See Ordinance 95-1337 (Dated February 7, 1995)  
See Ordinance 97-1447 (Dated March 18, 1997)  
See Ordinance 99-1546 (Dated April 20, 1999)  
See Ordinance 00-1594 (Dated March 7, 2000)  
See Ordinance 00-1597 (Dated April 3, 2000)  
See Ordinance 01-1678 (Dated October 2, 2001)  
See Ordinance 02-1721 (Dated August 6, 2002)  
See Ordinance 03-1754 (Dated July 1, 2003)  
See Ordinance 04-1789 (Dated April 20, 2004)  
See Ordinance 04-1799 (Dated June 8, 2004)  
See Ordinance 05-1857 (Dated October 18, 2005)  
See Ordinance 08-1955 (Dated September 23, 2008)

**SECTION 15-3.0416**

**PLANNED DEVELOPMENT DISTRICT NO. 11  
(WHITSTONE VILLAGE, formerly CARTER GROVE  
VILLAGE)**

See Ordinance 89-1043 (Dated May 16, 1989)  
See Ordinance 89-1068 (Dated October 17, 1989)  
See Ordinance 90-1099 (Dated June 5, 1990)  
See Ordinance 96-1382 (Dated January 23, 1996)  
See Ordinance 96-1422 (Dated October 15, 1996)

**SECTION 15-3.0417**

**PLANNED DEVELOPMENT DISTRICT NO. 12  
(RYAN GREEN)**

See Ordinance 89-1061 (Dated September 19, 1989)  
See Ordinance 89-1068 (Dated October 17, 1989)

**SECTION 15-3.0418****PLANNED DEVELOPMENT DISTRICT NO. 13  
(WAL-MART/SAM'S WHOLESALE CLUB)**

See Ordinance 89-1071 (Dated November 21, 1989)  
See Ordinance 94-1313 (Dated August 2, 1994)  
See Ordinance 95-1342 (Dated May 2, 1995)  
See Ordinance 01-1645 (Dated April 17, 2001)  
See Ordinance 02-1705 (Dated March 5, 2002)  
See Ordinance 04-1814 (Dated September 21, 2004)  
See Ordinance 08-1940 (Dated March 4, 2008)

**SECTION 15-3.0419****PLANNED DEVELOPMENT DISTRICT NO. 14  
(JEWEL-OSCO/HOME DEPOT)**

See Ordinance 89-1072 (Dated November 21, 1989)  
See Ordinance 97-1443 (Dated February 18, 1997)  
See Ordinance 97-1467 (Dated October 7, 1997)  
See Ordinance 98-1522 (Dated December 15, 1998)  
See Ordinance 99-1553 (Dated June 1, 1999)  
See Ordinance 99-1575 (Dated September 21, 1999)  
See Ordinance 02-1718 (Dated July 9, 2002)  
See Ordinance 03-1739 (Dated January 7, 2003)  
See Ordinance 05-1846 (Dated July 12, 2005)  
See Ordinance 05-1860 (Dated November 1, 2005)  
See Ordinance 06-1881 (Dated July 11, 2006)

**SECTION 15-3.0420****PLANNED DEVELOPMENT DISTRICT NO. 15  
(PARKWOOD LAKES APARTMENTS/SENIOR MINIMUMS)**

See Ordinance 89-1070 (Dated November 21, 1989)  
See Ordinance 95-1340 (Dated April 3, 1995)  
See Ordinance 95-1352 (Dated August 8, 1995)  
See Ordinance 97-1446 (Dated March 18, 1997)  
See Ordinance 99-1543 (Dated April 5, 1999)

**SECTION 15-3.0421****PLANNED DEVELOPMENT DISTRICT NO. 16 (FRANKLIN  
CENTRE, FORMERLY CALLED FRANKLIN PLAZA)**

See Ordinance 92-1229 (Dated September 15, 1992)  
See Ordinance 93-1261 (Dated June 8, 1993)  
See Ordinance 94-1298 (Dated March 1, 1994)  
See Ordinance 96-1391 (Dated March 5, 1996)  
See Ordinance 96-1400 (Dated March 5, 1996)  
See Ordinance 98-1508 (Dated August 25, 1998)  
See Ordinance 02-1735 (Dated December 3, 2002)  
See Ordinance 04-1822 (Dated November 30, 2004)  
See Ordinance 09-1968 (Dated March 3, 2009)



**SECTION 15-3.0422****PLANNED DEVELOPMENT DISTRICT NO. 17  
(DOVER HILL/WESTMINSTER)**

See Ordinance 92-1234 (Dated October 6, 1992)  
See Ordinance 92-1246 (Dated December 15, 1992)  
See Ordinance 96-1394 (Dated March 18, 1996)  
See Ordinance 98-1517 (Dated November 17, 1998)

**SECTION 15-3.0423****PLANNED DEVELOPMENT DISTRICT NO. 18  
(FRANKLIN BUSINESS PARK)**

See Ordinance 93-1279 (Dated October 19, 1993)  
See Ordinance 97-1437 (Dated January 21, 1997)  
See Ordinance 00-1627 (Dated December 19, 2000)  
See Ordinance 03-1743 (Dated February 4, 2003)  
See Ordinance 05-1851 (Dated September 6, 2005)

**SECTION 15-3.0424****PLANNED DEVELOPMENT DISTRICT NO. 19  
(HIDDEN VALLEY/VICTORIA PLACE)**

See Ordinance 95-1339 (Dated February 21, 1995)  
See Ordinance 96-1384 (Dated February 5, 1996)  
See Ordinance 96-1416 (Dated August 27, 1996)

**SECTION 15-3.0425****PLANNED DEVELOPMENT DISTRICT NO. 20  
(RED WING MEADOWS SUBDIVISION)**

See Ordinance 96-1381 (Dated January 23, 1996)

**SECTION 15-3.0426****PLANNED DEVELOPMENT DISTRICT NO. 21  
(BRENWOOD PARK)**

See Ordinance 95-1356 (Dated September 19, 1995)  
See Ordinance 96-1390 (Dated March 5, 1996)  
See Ordinance 98-1503 (Dated June 23, 1998)  
See Ordinance 98-1513 (Dated November 2, 1998)  
See Ordinance 00-1612 (Dated September 5, 2000)  
See Ordinance 01-1667 (Dated August 14, 2001)  
See Ordinance 08-1935 (Dated January 8, 2008)

**SECTION 15-3.0427**

**PLANNED DEVELOPMENT DISTRICT NO. 22  
(CLARE MEADOWS)**

See Ordinance 96-1389 (Dated March 5, 1996)  
See Ordinance 96-1417 (Dated August 27, 1996)  
See Ordinance 99-1557 (Dated June 22, 1999)  
See Ordinance 05-1855 (Dated September 20, 2005)  
See Ordinance 05-1856 (Dated September 20, 2005)

**SECTION 15-3.0428**

**PLANNED DEVELOPMENT DISTRICT NO. 23  
(PAYNE AND DOLAN COMPANY)**

See Ordinance 97-1456 (Dated June 3, 1997)

**SECTION 15-3.0429**

**PLANNED DEVELOPMENT DISTRICT NO. 24  
(VULCAN MATERIALS COMPANY)**

See Ordinance 97-1457 (Dated June 3, 1997)  
See Ordinance 05-1840 (Dated May 17, 2005)

**SECTION 15-3.0430**

**PLANNED DEVELOPMENT DISTRICT NO. 25  
(BURKE PROPERTIES)**

See Ordinance 98-1491 (Dated May 5, 1998)  
See Ordinance 99-1535 (Dated February 15, 1999)  
See Ordinance 00-1602 (Dated May 16, 2000)  
See Ordinance 03-1768 (Dated November 18, 2003)  
See Ordinance 06-1875 (Dated March 21, 2006)  
See Ordinance 06-1896 (Dated November 21, 2006)  
See Ordinance 07-1927 (Dated October 2, 2007)  
See Ordinance 07-1928 (Dated October 2, 2007)

**SECTION 15-3.0431**

**PLANNED DEVELOPMENT DISTRICT NO. 26  
(WOODLAKE CONDOMINIUMS & DEERWOOD ESTATES –  
JEFFREY KLEMENT)**

See Ordinance 98-1504 (Dated June 23, 1998)  
See Ordinance 99-1573 (Dated August 24, 1999)  
See Ordinance 01-1679 (Dated October 16, 2001)  
See Ordinance 03-1757 (Dated July 15, 2003)  
See Ordinance 03-1766 (Dated October 21, 2003)  
See Ordinance 07-1931 (Dated November 6, 2007)

**SECTION 15-3.0432**

**PLANNED DEVELOPMENT DISTRICT NO. 27  
(ROBERT & JUDITH)**

See Ordinance 98-1509 (Dated August 25, 1998)  
See Ordinance 99-1533 (Dated February 2, 1999)

**SECTION 15-3.0433**

**PLANNED DEVELOPMENT DISTRICT NO. 28  
(POLISH FESTIVALS, INC.)**

See Ordinance 99-1552 (Dated June 1, 1999)  
See Ordinance 04-1825 (Dated December 21, 2004)

**SECTION 15-3.0434**

**PLANNED DEVELOPMENT DISTRICT NO. 29  
(WELLNESS CENTER — MARK E. CARSTENSEN INC.)**

See Ordinance 00-1626 (Dated December 19, 2000)  
See Ordinance 01-1657 (Dated June 21, 2001)  
See Ordinance 02-1711 (Dated April 9, 2002)  
See Ordinance 03-1746 (Dated March 4, 2003)

**SECTION 15-3.0435**

**PLANNED DEVELOPMENT DISTRICT NO. 30  
(RICHARD F. COURY)**

See Ordinance 99-1578 (Dated November 2, 1999)

**SECTION 15-3.0436**

**PLANNED DEVELOPMENT DISTRICT NO. 31  
(FOREST HILL HIGHLANDS-UNITED FINANCIAL  
GROUP, INC.)**

See Ordinance 00-1620 (Dated November 14, 2000)  
See Ordinance 01-1669 (Dated August 14, 2001)  
See Ordinance 02-1694 (Dated February 5, 2002)  
See Ordinance 02-1731 (Dated November 19, 2002)  
See Ordinance 03-1770 (Dated December 2, 2003)  
See Ordinance 03-1773 (Dated December 2, 2003)

**SECTION 15-3.0437**

**PLANNED DEVELOPMENT DISTRICT NO. 32  
(FRANKLIN BUSSINESS PARK)**

See Ordinance 04-1823 (Dated November 30, 2004)  
See Ordinance 04-1824 (Dated November 30, 2004)  
See Ordinance 05-1843 (Dated June 7, 2005).

**SECTION 15-3.0438****PLANNED DEVELOPMENT DISTRICT NO. 33  
(STAYBRIDGE HOTEL AND WALGREENS)**

See Ordinance 07-1926 (Dated October 2, 2007)

See Ordinance 08-1942 (Dated April 15, 2008)

See Ordinance 09-1965 (Dated February 3, 2009)

**SECTION 15-3.0439****PLANNED DEVELOPMENT DISTRICT NO. 34  
(HAMPTON INN AND SUITES PLUS MIXED USE COMMERCIAL)**

See Ordinance 08-1951 (Dated August 5, 2008)

**DIVISION 15-3.0500     SITE INTENSITY AND CAPACITY CALCULATIONS****SECTION 15-3.0501****NATURAL RESOURCE PROTECTION AND SITE  
INTENSITY AND CAPACITY CALCULATIONS FOR  
RESIDENTIAL AND NONRESIDENTIAL USES REQUIRED**

- A.     **Recognition of Natural Resource 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.
- B.     **When Natural Resource Protection and Site Intensity and Capacity Calculations Are Required.** Natural resource protection is required for all development and the site intensity and capacity calculations set forth in this Division shall be made for each parcel of land to be used or built upon in the City of Franklin including all new Certified Survey Maps, Preliminary Plats, condominiums, multiple-family residential developments, all nonresidential development, and as may be required elsewhere in this Ordinance except as excluded under the provisions of Section 15-3.0501C. of the Unified Development Ordinance.
- C.     **Exclusions (When Natural Resource Protection and Site Intensity and Capacity Calculations Are Not Required).** 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. A Natural Resource Protection Plan shall not be required with an application for certified survey map approval where a single property zoned I-Institutional District is divided as a result of a public work of improvement for street extension purposes, with related public sanitary sewer and water work for which special assessment was made, into two or more parcels through the property fee acquisition by the City for the extension of the public street. The foregoing exclusions from Natural Resource Protection Plan submission requirements for certified

survey map applications shall only be available upon the conditions that in lieu of the Plan submission requirement, the certified survey map application shall be accompanied by the “best available information” as to the existence of any natural resource features, such as existing topographical maps, wetland inventories, and other such inventories as may be available; and that a Natural Resource Protection Plan must be submitted upon any further development of any portion of the mapped property. A Natural Resource Protection Plan shall also not be required with an application for certified survey map approval where lots are being created from a larger surrounding parcel, with the larger in area in relation to the lots created remnant parcel being vacant, or already having being developed by the existence of a principal structure and not being the subject of current further development application, and with the only natural resources within the map area being upon the remnant parcel and being more than 500 feet away from the lots being created. The foregoing exclusion from Natural Resource Protection Plan submission requirement for certified survey map applications shall only be available upon the conditions that i) in lieu of the Natural Resource Protection Plan submission requirement, the Certified Survey Map application shall show upon its face the existence of any natural resource features, as identified in §15-4.0102, located on the parcels of the Certified Survey Map based upon the “best available” information; (ii) that a Natural Resource Protection Plan must be submitted upon any further development of the “remnant” parcel; and iii) the following note shall be placed upon the face of such Certified Survey Map: “The Natural Resource Features identified herein are not based upon field surveys. In the event of further land division or development of a parcel herein with any such Natural Resource Feature, a complete NRPP with field surveys is required for said parcel” For the purposes of this section, the Zoning Administrator shall not require that the “best available” information be a “first source” of information, as identified in §15-4.0102A., B., C., D., and G. 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.

**SECTION 15-3.0502****CALCULATION OF BASE SITE AREA**

The ***base site area*** shall be calculated as indicated in Table 15-3.0502 for each parcel of land to be used or built upon in the City of Franklin as referenced in Section 15-3.0501 of this Ordinance.

**Table 15-3.0502**

**WORKSHEET FOR THE CALCULATION OF BASE SITE AREA  
FOR BOTH RESIDENTIAL AND NONRESIDENTIAL DEVELOPMENT**

<b>STEP 1:</b>	Indicate the total gross site area (in acres) as determined by an actual on-site boundary survey of the property.	acres
<b>STEP 2:</b>	Subtract ( - ) land which constitutes any existing dedicated public street rights-of-way, land located within the ultimate road rights-of-way of existing roads, the rights-of-way of major utilities, and any dedicated public park and/or school site area.	- acres
<b>STEP 3:</b>	Subtract ( - ) land which, as a part of a previously approved development or land division, was reserved for open space.	- acres
<b>STEP 4:</b>	In the case of " <i>Site Intensity and Capacity Calculations</i> " for a proposed <i>residential use</i> , subtract ( - ) the land proposed for nonresidential uses; <i>or</i> In the case of " <i>Site Intensity and Capacity Calculations</i> " for a proposed <i>nonresidential use</i> , subtract ( - ) the land proposed for residential uses.	- acres
<b>STEP 5:</b>	Equals "Base Site Area"	= acres

**SECTION 15-3.0503****CALCULATION OF THE AREA OF NATURAL  
RESOURCES TO BE PROTECTED**

All land area with those natural resource features as described in Division 15-4.0100 of this Ordinance and as listed in Table 15-3.0503 and lying within the ***base site area*** (as defined in Section 15-3.0502), shall be measured relative to each natural resource feature present. The actual land area encompassed by each type of resource is then entered into the column of Table 15-3.0503 titled "Acres of Land in Resource Feature." The acreage of each natural resource feature shall be multiplied by its respective ***natural resource protection standard*** (to be selected from Table 15-4.0100 of this Ordinance for applicable agricultural, residential, or nonresidential zoning district) to determine the amount of resource protection land or area required to be kept in open space in order to protect the resource or feature. The sum total of all resource protection land on the site equals the ***total resource protection land***. The ***total resource protection land*** shall be calculated as indicated in Table 15-3.0503.

Table 15-3.0503

**WORKSHEET FOR THE CALCULATION OF RESOURCE PROTECTION LAND**

Natural Resource Feature	Protection Standard Based Upon Zoning District Type (circle applicable standard from Table 15-4.0100 for the type of zoning district in which the parcel is located)			Acres of Land in Resource Feature	
	Agricultural District	Residential District	Non- Residential District.		
Steep Slopes:					
10-19%	0.00	0.60	0.40	X _____ = _____	_____
20-30%	0.65	0.75	0.70	X _____ = _____	_____
+ 30%	0.90	0.85	0.80	X _____ = _____	_____
Woodlands & Forests:					
Mature	0.70	0.70	0.70	X _____ = _____	_____
Young	0.50	0.50	0.50	X _____ = _____	_____
Lakes & Ponds	1	1	1	X _____ = _____	_____
Streams	1	1	1	X _____ = _____	_____
Shore Buffer	1	1	1	X _____ = _____	_____
Floodplains	1	1	1	X _____ = _____	_____
Wetland Buffers	1	1	1	X _____ = _____	_____
Wetlands & Shoreland Wetlands	1	1	1	X _____ = _____	_____
TOTAL RESOURCE PROTECTION LAND (Total of Acres of Land in Resource Feature to be Protected)					

**Note:** In conducting the calculations in Table 15-3.0503, if two or more natural resource features are present on the same area of land, only the most restrictive resource protection standard shall be used. For example, if floodplain and young woodlands occupy the same space on a parcel of land, the resource protection standard would be 1.0 which represents the higher of the two standards.

**SECTION 15-3.0504****CALCULATION OF SITE INTENSITY AND CAPACITY  
FOR RESIDENTIAL USES**

In order to determine the maximum number of dwelling units which may be permitted on a parcel of land zoned in a residential zoning district, the site intensity and capacity calculations set forth in Table 15-3.0504 shall be performed.

**Table 15-3.0504****WORKSHEET FOR THE CALCULATION OF SITE INTENSITY AND  
CAPACITY FOR RESIDENTIAL DEVELOPMENT**

<b>STEP 1:</b>	<b>CALCULATE MINIMAL REQUIRED ON-SITE OPEN SPACE</b>  Take <i>Base Site Area</i> (from Step 5 in Table 15-3.0502): _____  Multiple by Minimum <i>Open Space Ratio (OSR)</i> (see specific residential zoning district OSR standard): X _____  Equals <b>MINIMUM REQUIRED ON-SITE OPEN SPACE</b> = _____	acres
<b>STEP 2:</b>	<b>CALCULATE NET BUILDABLE SITE AREA:</b>  Take <i>Base Site Area</i> (from Step 5 in Table 15-3.0502): _____  Subtract <i>Total Resource Protection Land</i> from Table 15-3.0503) or <i>Minimum Required On-Site Open Space</i> (from Step 1 above), whichever is greater: - _____  Equals <b>NET BUILDABLE SITE AREA</b> = _____	acres
<b>STEP 3:</b>	<b>CALCULATE MAXIMUM NET DENSITY YIELD OF SITE:</b>  Take <i>Net Buildable Site Area</i> (from Step 2 above): _____  Multiply by Maximum <i>Net Density (ND)</i> (see specific residential zoning district ND standard): X _____  Equals <b>MAXIMUM NET DENSITY YIELD OF SITE</b> = _____	D.U.s
<b>STEP 4:</b>	<b>CALCULATE MAXIMUM GROSS DENSITY YIELD OF SITE:</b>  Take <i>Base Site Area</i> (from Step 5 of Table 15-3.0502): _____  Multiple by Maximum <i>Gross Density (GD)</i> (see specific residential zoning district GD standard): X _____  Equals <b>MAXIMUM GROSS DENSITY YIELD OF SITE</b> = _____	D.U.s
<b>STEP 5:</b>	<b>DETERMINE MAXIMUM PERMITTED D.U.s OF SITE:</b>  Take the <i>lowest</i> of Maximum Net Density Yield of Site (from Step 3 above) or Maximum Gross Density Yield of Site (from Step 4 above): _____	D.U.s



In order to determine the maximum floor area which may be permitted on a parcel of land zoned in a nonresidential zoning district, the site intensity and capacity calculations set forth in Table 15-3.0505 shall be performed.

**A. Maximum Permitted Floor Area for a Retail Building:**

- 1 Notwithstanding the provisions of Table 15-3.0505, no individual retail building in any of the following districts shall exceed a total of 125,000 gross square feet of floor area, including all roofed area.
  - a. B-1 Neighborhood Business District
  - b. B-2 General Business District
  - c. B-3 Community Business District
  - d. B-5 Highway Business District
- 2 Notwithstanding, any other provision of this Ordinance, no special use permit, special exception or variance may be approved or granted that would allow a retail building to exceed the size limits of this subparagraph (1) and no nonconforming use or structure may be expanded in any manner that would increase its nonconformance with the limits of subparagraph (1).

**Table 15-3.0505**

**WORKSHEET FOR THE CALCULATION OF SITE INTENSITY AND  
CAPACITY FOR NONRESIDENTIAL DEVELOPMENT**

<b>STEP 1:</b>	<p><b>CALCULATE MINIMUM REQUIRED LANDSCAPE SURFACE:</b></p> <p>Take <i>Base Site Area</i> (from Step 5 in Table 15-3.0502): _____</p> <p>Multiple by Minimum <i>Landscape Surface Ratio (LSR)</i> (see specific zoning district LSR standard): X _____</p> <p>Equals <b>MINIMUM REQUIRED ON-SITE LANDSCAPE SURFACE</b> = _____</p>	acres
<b>STEP 2:</b>	<p><b>CALCULATE NET BUILDABLE SITE AREA:</b></p> <p>Take <i>Base Site Area</i> (from Step 5 in Table 15-3.0502): _____</p> <p>Subtract <i>Total Resource Protection Land</i> from Table 15-3.0503) or <i>Minimum Required Landscape Surface</i> (from Step 1 above), whichever is greater: - _____</p> <p>Equals <b>NET BUILDABLE SITE AREA</b> = _____</p>	acres
<b>STEP 3:</b>	<p><b>CALCULATE MAXIMUM NET FLOOR AREA YIELD OF SITE:</b></p> <p>Take <i>Net Buildable Site Area</i> (from Step 2 above): _____</p> <p>Multiple by Maximum <i>Net Floor Area Ratio (NFAR)</i> (see specific nonresidential zoning district NFAR standard): X _____</p> <p>Equals <b>MAXIMUM NET FLOOR AREA YIELD OF SITE</b> = _____</p>	acres
<b>STEP 4:</b>	<p><b>CALCULATE MAXIMUM GROSS FLOOR AREA YIELD OF SITE:</b></p> <p>Take <i>Base Site Area</i> (from Step 5 of Table 15-3.0502): _____</p> <p>Multiple by Maximum <i>Gross Floor Area Ratio (GFAR)</i> (see specific nonresidential zoning district GFAR standard): X _____</p> <p>Equals <b>MAXIMUM GROSS FLOOR AREA YIELD OF SITE</b> = _____</p>	acres
<b>STEP 5:</b>	<p><b>DETERMINE MAXIMUM PERMITTED FLOOR AREA OF SITE:</b></p> <p>Take the <i>lowest</i> of Maximum Net Floor Area Yield of Site (from Step 3 above) or Maximum Gross Floor Area Yield of Site (from Step 4 above):</p> <p>(Multiple results by 43,560 for maximum floor area in square feet):</p>	<p>acres</p> <p>(_____ s.f.)</p>

## **DIVISION 15-3.0600    ZONING DISTRICT USES AND USE REGULATIONS**

### **SECTION 15-3.0601            PURPOSE**

The purpose of this Division is to establish which uses are either permitted or not permitted to locate in each zoning district. A further distinction is made for uses which may locate in a given zoning district only after obtaining a Special Use Permit (see Division 15-9.0103 of this Ordinance). All uses and structures must comply with the applicable provisions of this Ordinance.

### **SECTION 15-3.0602            TABLE OF PERMITTED AND SPECIAL USES IN ALL RESIDENTIAL ZONING DISTRICTS**

Table 15-3.0602 sets forth those uses which are permitted uses and special uses in the residential R-1, R-2, R-3, R-3E, R-4, R-5, R-6, R-7, R-8, and VR Districts. In addition, Table 15-3.0602 lists those residential uses which are permitted uses or special uses in the A-1 and A-2 Districts.

**Table 15-3.0602**

#### **PERMITTED AND SPECIAL USES IN THE RESIDENTIAL ZONING DISTRICTS**

TYPE OF USE	R-1	R-1E	R-2	R-3	R-3E	R-4	R-5	R-6	R-7	R-8	VR	RC-1	B-4	CC	A-1	A-2	PDD
One-family detached dwellings	P	P	P	P	P	P	P	P	P	S	P	P	P	S	P		P
Two-family attached dwellings									P	S	S	S	P	S			P
Multiple-family dwellings and apartments										S		S	S	S			P
Commercial apartment dwelling units (second and third floor only)														S			
Row dwellings not greater than six dwelling units										S		S	S	S			P
One (1) single-family farm dwelling (farmstead)																P	
Existing dwelling not accessory to farm (on 2-acre lot, 150' min. lot width)																	
Home occupations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Foster family home (a)	P	P	P	P	P	P	P	P	P	P	P	P	P	S	P	P	P
Community living arrangement (serving 8 or fewer persons) (a)	P	P	P	P	P	P	P	P	P	P	P	P	P	S			P
Community living arrangement (serving 15 or fewer persons) (a)														S			P
Accessory uses (see Section 15-2.0206 & Division 15-3.0800)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Required off-street parking (see Division 15-5.0200)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Private boathouses (with no living quarters)	S	P	S	S	S	S	S	S	S	S							P
Private stable (for use by residents of the zoning lot & guests)	S	P	S												P	P	P
Lands and buildings used for agricultural purposes	S	S	S	S	S	S	S	S	S	S	S						P
Community living arrangement (serving 9 or more persons) (a)	S	S	S	S	S	S	S	S	S	S	S	S	S	S			P
Community living arrangement (serving 16 or more persons) (a)										S				S			P
Temporary roadside stand for sale of agricultural products											S					P	
Roadside stand for sale of agricultural products																P	
Housing for farm laborers (a)		S														S	
Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Multiple-family Residential Housing for Older Persons (a)										S		S	S				P
Ch. 980 Stats. supervised release and crimes against children sex offender use	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Functional family unit	S	P	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Second single-family D.U. (to carry on permitted farm use, with min. A-1 Dist. lot size & setbacks)		S														S	
Controlled environmental agriculture												S			S	S	

(Permitted Use = P, Special Use = S, Not Permitted = Blank)

Footnotes: (a) No foster family home, community living arrangement, housing for farm laborers or multiple-family residential housing for older persons as listed above, shall include any Ch. 980 Stats. supervised release and crimes against children sex offender use.

**SECTION 15-3.0603****TABLE OF PERMITTED AND SPECIAL USES IN ALL  
NONRESIDENTIAL ZONING DISTRICTS**

Table 15-3.0603 sets forth those uses which are permitted uses and special uses in the B-1, B-2, B-3, B-4, B-5, B-6, CC, VB, I-1, P-1, M-1, M-2, BP, A-1, A-2, M-3, and L-1 Districts. In interpreting the various use designations, reference should be made to the Standard Industrial Classification Manual (1987, or latest edition) published by Executive Office of the President, Office of Management and Budget. The Standard Industrial Classification (SIC) code numbers are given for each use type listed in Table 15-3.0603.

**Table 15-3.0603**

**PERMITTED AND SPECIAL USES IN THE  
NONRESIDENTIAL ZONING DISTRICTS**

**[Table 15-3.0603 Begins at Top of Next Page]**

SIC	STANDARD INDUSTRIAL CLASSIFICATION TITLE	B-1	B-2	B-3	B-4	B-5	B-6	B-7	CC	VB	I-1	P-1	M-1	M-2	BP	OL-1	OL-2	A-1	A-2	M-3	L-1	PDD
NO	A. AGRICULTURE, FORESTRY, AND FISHING																					
1	AGRICULTURAL PRODUCTION--CROPS																					
11	Cash Grains																					
111	Wheat													P				P	P			
112	Rice													P				P	P			
115	Corn													P				P	P			
116	Soybeans													P				P	P			
119	Cash grain, not elsewhere classified													P				P	P			
13	Field Crops, Except Cash Grains													P				P	P			
131	Cotton													P				P	P			
132	Tobacco													P				P	P			
133	Sugarcane and sugar beets													P				P	P			
134	Irish Potatoes													P				P	P			
139	Field crops, except cash grains, not elsewhere classified													P		P		P				
16	Vegetables and Melons													P				P	P			
161	Vegetables and melons													P				P	P			
17	Fruits and Tree Nuts													P				P	P			
171	Berry crops													P				P	P			
172	Grapes													P				P	P			
173	Tree nuts													P				P	P			
174	Citrus fruits													P				P	P			
175	Deciduous tree fruits												S	P				P	P			
179	Fruits and tree nuts, not elsewhere classified												S	P				P	P			
18	Horticultural Specialties													S	P			P	P			
181	Ornamental nursery products			S	S	S								S	P			P	P			
182	Food crops grown under cover		S	S										S	P		S	P	P			
19	General Farms, Primarily Crop													S	P			P	P			
191	General farms, primarily crop													S	P			P	P			
2	AGRICULTURAL PRODUCTION--LIVESTOCK																					
21	Livestock, Except Dairy and Poultry																					
211	Beef cattle feedlots																	P	P			
212	Beef cattle, except feedlots																	P	P			
213	Hogs																	P	P			
214	Sheep and goats																	P	P			
219	General livestock, not elsewhere classified																	P	P			
24	Dairy Farms																					

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SIC																								
NO	STANDARD INDUSTRIAL CLASSIFICATION TITLE	B-1	B-2	B-3	B-4	B-5	B-6	B-7	CC	VB	I-1	P-1	M-1	M-2	BP	OL-1	OL-2	A-1	A-2	M-3	L-1	PDD		
851	Forestry services					S												P						
9	FISHING, HUNTING, AND TRAPPING																							
91	Commercial Fishing											P						S	S					
912	Finfish											P						S	S					
913	Shellfish											P						S	S					
919	Miscellaneous marine products											P						S	S					
92	Fish Hatcheries and Preserves											P						S	S					
921	Fish hatcheries and preserves											P						S	S					
97	Hunting, trapping, Game Propagation											S						S	S					
971	Hunting, trapping, game propagation											S						S	S					
	B. MINING																							
10	METAL MINING																							
101	Iron Ores																							
1011	Iron ores																							
102	Copper Ores																							
1021	Copper ores																							
103	Lead and Zinc Ores																							
1031	Lead and zinc ores																							
104	Gold and Silver Ores																							
1041	Gold ores																							
1044	Silver ores																							
106	Ferroalloy Ores, Except Vanadium																							
1061	Ferroalloy ores, except vanadium																							
108	Metal Mining Services																							
1081	Metal mining services																							
109	Miscellaneous Metal Ores																							
1094	Uranium-radium-vanadium ores																							
1099	Metal ores, not elsewhere classified																							
12	COAL MINING																							
122	Bituminous Coal and Lignite Mining																							
1221	Bituminous coal and lignite--surface																							
1222	Bituminous coal-underground																							

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**Table 15-3.0603 (continued)**

SIC																							
NO	STANDARD INDUSTRIAL CLASSIFICATION TITLE	B-1	B-2	B-3	B-4	B-5	B-6	B-7	CC	VB	I-1	P-1	M-1	M-2	BP	OL-1	OL-2	A-1	A-2	M-3	L-1	PDD	
153	Operative Builders												S									S	
1531	Operative builders				S								S									S	
154	Nonresidential Building Construction												S									S	
1541	Industrial buildings and warehouses				S								S									S	
1542	Nonresidential construction, not elsewhere classified				S								S									S	
16	HEAVY CONSTRUCTION, EXCEPT BUILDING													S								S	
161	Highway and Street Construction													S								S	
1611	Highway and street construction													S								S	
162	Heavy Construction, Except Highway													S								S	
1622	Bridge, tunnel, & elevated highway													S								S	
1623	Water, sewer, and utility lines													S								S	
1629	Heavy construction, not elsewhere classified													S								S	
17	SPECIAL TRADE CONTRACTORS																						
171	Plumbing, Heating, Air-Conditioning		S			S							S				S					S	
1711	Plumbing, heating, air-conditioning		S		S	S							P				S					S	
172	Painting and Paper Hanging		S			S							S				S					S	
1721	Painting and paper hanging		S			S							P				S					S	
173	Electrical Work		S			S							S				S					S	
1731	Electrical work		S			S							P				S					S	
174	Masonry, Stonework, and Plastering		S			S							S				S					S	
1741	Masonry and other stonework		S			S							S				S					S	
1742	Plastering, drywall, and insulation		S			S							S				S					S	
1743	Terrazzo, tile, marble, mosaic work		S			S							S				S					S	
175	Carpentry and Floor Work		S			S							S				S					S	
1751	Carpentry work		S			S							P				S					S	
1752	Floor laying and floor work, not elsewhere classified		S		S	S							P				S					S	
176	Roofing, Siding, and Sheet Metal Work		S			S							S				S					S	
1761	Roofing, siding, and sheet metal work (with outdoor storage)		S			S							S				S					S	
1761	Roofing, siding, and sheet metal work (without outdoor storage)												P										
177	Concrete Work												S									S	
1771	Concrete work												S									S	
178	Water Well Drilling												S									S	
1781	Water well drilling												S									S	
179	Miscellaneous Special Trade Contractors												S									S	
1791	Structural steel erection												S									S	
1793	Glass and glazing work												S									S	
1794	Excavation work												S									S	
1795	Wrecking and demolition work												S									S	
1796	Installing building equipment, not elsewhere classified												S									S	
1799	Special trade contractors, not elsewhere classified												S									S	
	D. MANUFACTURING																						
20	FOOD AND KINDRED PRODUCTS																						
201	Meat Products												S	S									
2011	Meat packing plants												S	S									
2013	Sausages and other prepared meats												S	S									
2015	Poultry slaughtering and processing																						
202	Dairy Products												S	S									
2021	Creamery butter												S	S									
2022	Cheese, natural and processed												S	S									
2023	Dry, condensed, evaporated products												S	S									
2024	Ice cream and frozen desserts												S	S				S					
2026	Fluid milk												S	S				S					
203	Preserved Fruits and Vegetables												S	S									
2032	Canned specialties												S	S									
2033	Canned fruits and vegetables												S	S									
2034	Dehydrated fruits, vegetables, soups												S	S									
2035	Pickles, sauces, and salad dressings												S	S									
2037	Frozen fruits and vegetables												S	S									
2038	Frozen specialties, not elsewhere classified												S	S									
204	Grain Mill Products												S	S									
2041	Flour and other grain mill products												S	S									
2043	Cereal breakfast foods												S	S									
2044	Rice milling												S	S									
2045	Prepared flour mixes and doughs												S	S									
2046	Wet corn milling												S	S									
2047	Dog and cat food																						
2048	Prepared feeds, not elsewhere classified												S	S									
205	Bakery Products												S	S									
2051	Bread, cake, and related products												S	S									
2052	Cookies and crackers												S	S									
2053	Frozen bakery products, except bread												S	S									
206	Sugar and Confectionery Products												S	S									
2061	Raw cane sugar												S	S									
2062	Cane sugar refining												S	S									
2063	Beet sugar																						
2064	Candy & other confectionery product												S	S									
2066	Chocolate and cocoa products												S	S									

(Permitted Use = P, Special Use = S, Not Permitted = Blank)

**Table 15-3.0603 (continued)**

SIC NO	STANDARD INDUSTRIAL CLASSIFICATION TITLE	B-1	B-2	B-3	B-4	B-5	B-6	B-7	CC	VB	I-1	P-1	M-1	M-2	BP	OL-1	OL-2	A-1	A-2	M-3	L-1	PDD
2067	Chewing gum												S	S								
2068	Salted and roasted nuts and seeds												S	S								
207	Fats and Oils																					
2074	Cottonseed oil mills												S	S								
2075	Soybean oil mills												S	S								
2076	Vegetable oil mills, not elsewhere classified												S	S								
2077	Animal and marine fats and oils												S	S								
2079	Edible fats and oils, not elsewhere classified												S	S								
208	Beverages												S	S								
2082	Malt beverages																					
2083	Malt																					
2084	Wines, brandy, and brandy spirits												S	S								
2085	Distilled and blended liquors												S	S								
2086	Bottled and canned soft drinks												S	S								
2087	Flavoring extracts and syrups, not elsewhere classified												S	S								
209	Miscellaneous Food and Kindred Products												S	S								
2091	Canned and cured fish and seafoods												S	S								
2092	Fresh or frozen prepared fish												S	S								
2095	Roasted coffee												S	S								
2096	Potato chips and similar snacks												S	S								
2097	Manufactured ice												S	S								
2098	Macaroni and spaghetti												S	S								
2099	Food preparations, not elsewhere classified												S	S								
21	<b>TOBACCO PRODUCTS</b>																					
211	Cigarettes																					
2111	Cigarettes																					
212	Cigars																					
2121	Cigars																					
213	Chewing and Smoking Tobacco																					
2131	Chewing and smoking tobacco																					
214	Tobacco Stemming and Redrying																					
2141	Tobacco stemming and redrying																					
22	<b>TEXTILE MILL PRODUCTS</b>																					
221	Broadwoven Fabric Mills, Cotton																					
2211	Broadwoven fabric mills, cotton												P	P								P
222	Broadwoven Fabric Mills, Manmade												P	P								P
2221	Broadwoven fabric mills, manmade												P	P								P
223	Broadwoven Fabric Mills, Wool												P	P								P
2231	Broadwoven fabric mills, wool												P	P								P
224	Narrow Fabric Mills												P	P								P
2241	Narrow fabric mills												P	P								P
225	Knitting Mills																					
2251	Women's hosiery, except socks												P	P								P
2252	Hosiery, not elsewhere classified												P	P								P
2253	Knit outerwear mills												P									P
2254	Knit underwear mills																					
2257	Weft knit fabric mills												P									P
2258	Lace & warp knit fabric mills												P									P
2259	Knitting mills, not elsewhere classified												P	P								P
226	Textile Finishing, Except Wool																					
2261	Finishing plants, cotton																					
2262	Finishing plants, manmade																					
2269	Finishing plants, not elsewhere classified																					
227	Carpets and Rugs																					
2273	Carpets and rugs												P									P
228	Yarn and Thread Mills													P								
2281	Yarn spinning mills												S	S								S
2282	Throwing and winding mills												S	S								S
2284	Thread mills												P									P
229	Miscellaneous Textile Goods																					
2295	Coated fabrics, not rubberized												S	P								S
2296	Tire cord and fabrics												P									P
2297	Nonwoven fabrics												S	S								S
2298	Cordage and twine																					
2299	Textile goods, not elsewhere classified												S	P								S
23	<b>APPAREL AND OTHER TEXTILE PRODUCTS</b>																					
231	Men's and Boys' Suits and Coats																					
2311	Men's and boys' suits and coats																					P
232	Men's and Boys' Furnishings																					P
2321	Men's and boys' shirts																					P
2322	Men's and boys' underwear & nightwear																					P
2323	Men's and boys' neckwear																					P
2325	Men's and boys' trousers and slacks																					P
2326	Men's and boys' work clothing												P									P
2329	Men's and boys' clothing, not elsewhere classified												S	P								S
233	Women's and Misses' Outerwear																					
2331	Women's & misses' blouses & shirts																					P
2335	Women's, juniors', & misses' dresses																					P
2337	Women's and misses' suits and coats																					P

(Permitted Use = P, Special Use = S, Not Permitted = Blank)



**Table 15-3.0603 (continued)**

SIC NO	STANDARD INDUSTRIAL CLASSIFICATION TITLE	B-1	B-2	B-3	B-4	B-5	B-6	B-7	CC	VB	I-1	P-1	M-1	M-2	BP	OL-1	OL-2	A-1	A-2	M-3	L-1	PDD
2339	Women's and misses' outerwear, not elsewhere classified												S	P								S
234	Women's and Children's Undergarments																					
2341	Women's and children's underwear																					P
2342	Bras, girdles, and allied garments																					P
235	Hats, Caps, and Millinery																					
2353	Hats, caps, and millinery												S	P								S
236	Girls' and Children's Outerwear																					
2361	Girls' & children's dresses, blouses																					P
2369	Girls' and children's outerwear, not elsewhere classified												P									P
237	Fur Goods																					
2371	Fur goods												S	P								S
238	Miscellaneous Apparel and Accessories																					
2381	Fabric dress and work gloves												P	P								P
2384	Robes and dressing gowns												P	P								P
2385	Waterproof outerwear												P	P								P
2386	Leather and sheep-lined clothing												P	P								P
2387	Apparel belts																					
2389	Apparel and accessories, not elsewhere classified																					
239	Miscellaneous Fabricated Textile Products																					
2391	Curtains and draperies												P									P
2392	Housefurnishings, not elsewhere classified												P									P
2393	Textile bags																					P
2394	Canvas and related products												P	P								P
2395	Pleating and stitching												S	P								S
2396	Automotive and apparel trimmings												S	P								S
2397	Schiffli machine embroideries																					
2399	Fabricated textile products, not elsewhere classified																					
24	<b>LUMBER AND WOOD PRODUCTS</b>																					
241	Logging																					
2411	Logging														P							
242	Sawmills and Planing Mills														P							
2421	Sawmills and planing mills, general														P							
2426	Hardwood dimension & flooring mills														P							
2429	Special product sawmills, not elsewhere classified														P							
243	Millwork, Plywood & Structural Members														P							
2431	Millwork												P	P								S
2434	Wood kitchen cabinets				S										P							
2435	Hardwood veneer and plywood														P							
2436	Softwood veneer and plywood														P							
2439	Structural wood members, not elsewhere classified														P							
244	Wood Containers												P	P								S
2441	Nailed wood boxes and shooks														P							
2448	Wood pallets and skids																					
2449	Wood containers, not elsewhere classified												S	P								S
245	Wood Buildings and Mobile Homes														P							
2451	Mobile homes														P							
2452	Prefabricated wood buildings														P							
249	Miscellaneous Wood Products														P							
2491	Wood preserving														P							
2493	Reconstituted wood products																					
2499	Wood products, not elsewhere classified														P							
25	<b>FURNITURE AND FIXTURES</b>																					
251	Household Furniture																					
2511	Wood household furniture												S	P								S
2512	Upholstered household furniture												S	P								S
2514	Metal household furniture												P	P								P
2515	Mattresses and bedsprings												S	P								
2517	Wood TV and radio cabinets														P							
2519	Household furniture, not elsewhere classified												P	P								
252	Office Furniture														P							
2521	Wood Office Furniture												S	P								S
2522	Office furniture, except wood												P	P								P
253	Public Building & Related Furniture														P							
2531	Public building & related furniture														P							
254	Partitions and Fixtures														P							
2541	Wood partitions and fixtures												P	P								S
2542	Partitions and fixtures, except wood												P	P								P
259	Miscellaneous Furniture and Fixtures														P							
2591	Draper hardware & blinds & shades												P	P								P
2599	Furniture and fixtures, not elsewhere classified														P							
26	<b>PAPER AND ALLIED PRODUCTS</b>																					
261	Pulp Mills																					
2611	Pulp mills														S							
262	Paper Mills														S							
2621	Paper mills														S							
263	Paperboard Mills														S							
2631	Paperboard mills														S							
265	Paperboard Containers and Boxes														P							
2652	Setup paperboard boxes														P							

(Permitted Use = P, Special Use = S, Not Permitted = Blank)

SIC	NO	STANDARD INDUSTRIAL CLASSIFICATION TITLE	B-1	B-2	B-3	B-4	B-5	B-6	B-7	CC	VB	I-1	P-1	M-1	M-2	BP	OL-1	OL-2	A-1	A-2	M-3	L-1	PDD
	2653	Corrugated and solid fiber boxes												P	P								S
	2655	Fiber cans, drums & similar products													P								
	2656	Sanitary food containers												P	P								S
	2657	Folding paperboard boxes													P								
	267	Miscellaneous Converted Paper Products													P								
	2671	Paper coated & laminated, packaging												P	P								P
	2672	Paper coated and laminated, not elsewhere classified												P	P								P
	2673	Bags: plastics, laminated, & coated													P								
	2674	Bags: uncoated paper & multiwall													P								
	2675	Die-cut paper and board													P								
	2676	Sanitary paper products												P	P								P
	2677	Envelopes												P	P								P
	2678	Stationery products													P								
	2679	Converted paper products, not elsewhere classified												P	P								S
	27	PRINTING AND PUBLISHING																					
	271	Newspapers																					
	2711	Newspapers		S										P	P			S					P
	272	Periodicals																					
	2721	Periodicals												P	P								P
	273	Books																					
	2731	Book publishing												P	P								P
	2732	Book printing													P								
	274	Miscellaneous Publishing																					
	2741	Miscellaneous publishing												S	S								S
	275	Commercial Printing																					
	2752	Commercial printing, lithographic												S	S								S
	2754	Commercial printing, gravure												P	P								P
	2759	Commercial printing, not elsewhere classified												P	P								P
	276	Manifold Business Forms																					
	2761	Manifold business forms												P									P
	277	Greeting Cards																					
	2771	Greeting cards												P									P
	278	Blankbooks and Bookbinding																					
	2782	Blankbooks and looseleaf binders												P									P
	2789	Bookbinding and related work													P								

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**Table 15-3.0603 (continued)**

SIC NO	STANDARD INDUSTRIAL CLASSIFICATION TITLE	B-1	B-2	B-3	B-4	B-5	B-6	B-7	CC	VB	I-1	P-1	M-1	M-2	BP	OL-1	OL-2	A-1	A-2	M-3	L-1	PDD
295	Asphalt Paving and Roofing Materials																					
2951	Asphalt paving mixtures and blocks																					
2952	Asphalt felts and coatings																			S		
299	Miscellaneous Petroleum and Coal Products																			S		
2992	Lubricating oils and greases																					
2999	Petroleum and coal products, not elsewhere classified																					
<b>30</b>	<b>RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS</b>																					
301	Tires and Inner Tubes																					
3011	Tires and inner tubes																					
302	Rubber and Plastics Footwear																					
3021	Rubber and plastics footwear												P	P								P
305	Hose & Belting & Gaskets & Packing																					
3052	Rubber & plastics hose & belting																					
3053	Gaskets, packing and sealing devices																					
306	Fabricated Rubber Products , not elsewhere classified																					
3061	Mechanical rubber goods												P									P
3069	Fabricated rubber products , not elsewhere classified												P	P								
308	Miscellaneous Plastics Products, not elsewhere classified																					
3081	Unsupported plastics film & sheet													P								
3082	Unsupported plastics profile shapes																					
3083	Laminated plastics plate & sheet																					
3084	Plastics pipe																					
3085	Plastics bottles																					
3086	Plastics foam products																					
3087	Custom compound purchased resins																					
3088	Plastics plumbing fixtures																					
3089	Plastics products, not elsewhere classified												P	P								
<b>31</b>	<b>LEATHER AND LEATHER PRODUCTS</b>																					
311	Leather Tanning and Finishing																					
3111	Leather tanning and finishing												S	S								S
313	Footwear Cut Stock																					
3131	Footwear cut stock												S	S								S
314	Footwear, Except Rubber																					
3142	House slippers																					
3143	Men's footwear, except athletic												P									P
3144	Women's footwear, except athletic												P									P
3149	Footwear, except rubber, not elsewhere classified												P									P
315	Leather Gloves and Mittens																					
3151	Leather gloves and mittens												S	P								S
316	Luggage																					
3161	Luggage												P	P								P
317	Handbags and Personal Leather Goods																					
3171	Women's handbags and purses												P									P
3172	Personal leather goods, not elsewhere classified												S	P								S
319	Leather Goods, not elsewhere classified																					
3199	Leather goods, not elsewhere classified												S	P								S
<b>32</b>	<b>STONE, CLAY, AND GLASS PRODUCTS</b>																					
321	Flat Glass																					
3211	Flat glass																					
322	Glass and Glassware, Pressed or Blown																					
3221	Glass containers												S	P								S
3229	Pressed and blown glass, not elsewhere classified												P									P
323	Products of Purchased Glass																					
3231	Products of purchased glass												P									P
324	Cement, Hydraulic																					
3241	Cement, hydraulic																					
325	Structural Clay Products																					
3251	Brick and structural clay tile												S	P								
3253	Ceramic wall and floor tile												S	P								
3255	Clay refractories																					
3259	Structural clay products, not elsewhere classified																					
326	Pottery and Related Products																					
3261	Vitreous plumbing fixtures																					
3262	Vitreous china table & kitchenware																					
3263	Semivitreous table & kitchenware																					
3264	Porcelain electrical supplies																					
3269	Pottery products, not elsewhere classified												S	P								
327	Concrete, Gypsum, and Plaster Products																					
3271	Concrete block and brick																			S		
3272	Concrete products, not elsewhere classified												S	P						S		
3273	Ready-mixed concrete													S						S		
3274	Lime																			S		
3275	Gypsum products																					
328	Cut Stone and Stone Products																					
3281	Cut stone and stone products												S	P								
329	Miscellaneous Nonmetallic Mineral Products																					
3291	Abrasive products																					
3292	Asbestos products												P	P								
3295	Minerals, ground or treated																					

(Permitted Use = P, Special Use = S, Not Permitted = Blank)

**Table 15-3.0603 (continued)**

SIC NO	STANDARD INDUSTRIAL CLASSIFICATION TITLE	B-1	B-2	B-3	B-4	B-5	B-6	B-7	CC	VB	I-1	P-1	M-1	M-2	BP	OL-1	OL-2	A-1	A-2	M-3	L-1	PDD
3296	Mineral wool																					
3297	Nonclay refractories																					
3299	Nonmetallic mineral products, not elsewhere classified												S	P								
<b>33</b>	<b>PRIMARY METAL INDUSTRIES</b>																					
331	Blast Furnace and Basic Steel Products																					
3312	Blast furnaces and steel mills																					
3313	Electrometallurgical products																					
3315	Steel wire and related products																					
3316	Cold finishing of steel shapes																					
3317	Steel pipe and tubes																					
332	Iron and Steel Foundries																					
3321	Gray and ductile iron foundries																					
3322	Malleable iron foundries																					
3324	Steel investment foundries																					
3325	Steel foundries, not elsewhere classified																					
333	Primary Nonferrous Metals																					
3331	Primary copper																					
3334	Primary aluminum																					
3339	Primary nonferrous metals, not elsewhere classified																					
334	Secondary Nonferrous Metals																					
3341	Secondary nonferrous metals																					
335	Nonferrous Rolling and Drawing																					
3351	Copper rolling and drawing																					
3353	Aluminum sheet, plate, and foil																					
3354	Aluminum extruded products																					
3355	Aluminum rolling and drawing, not elsewhere classified																					
3356	Nonferrous rolling and drawing, not elsewhere classified																					
3357	Nonferrous wiredrawing & insulating																					
336	Nonferrous Foundries (Castings)																					
3363	Aluminum die-castings																					
3364	Nonferrous die-casting except aluminum																					
3365	Aluminum foundries																					
3366	Copper foundries																					
3369	Nonferrous foundries, not elsewhere classified																					
339	Miscellaneous Primary Metal Products																					
3398	Metal heat treating																					
3399	Primary metal products, not elsewhere classified																					
<b>34</b>	<b>FABRICATED METAL PRODUCTS</b>																					
341	Metal Cans and Shipping Containers																					
3411	Metal cans																					
3412	Metal barrels, drums, and pails																					
342	Cutlery, Handtools, and Hardware																					
3421	Cutlery												S	S								S
3423	Hand and edge tools, not elsewhere classified												S	S								S
3425	Saw blades and handsaws													S								
3429	Hardware, not elsewhere classified												S	S								S
343	Plumbing and Heating, Except Electric													S								
3431	Metal sanitary ware													S								
3432	Plumbing fixture fittings and trim												S	S								S
3433	Heating equipment, except electric													S								
344	Fabricated Structural Metal Products													S								
3441	Fabricated structural metal													S								
3442	Metal doors, sash, and trim													S								
3443	Fabricated plate work (boiler shops)													S								
3444	Sheet metal work													S								
3446	Architectural metal work												P	S								P
3448	Prefabricated metal buildings													S								
3449	Miscellaneous metal work													S								
345	Screw Machine Products, Bolts, Etc.													S								
3451	Screw machine products													S								
3452	Bolts, nuts, rivets, and washers												S	S								S
346	Metal Forgings and Stampings													S								
3462	Iron and steel forgings													S								
3463	Nonferrous forgings													S								
3465	Automotive stampings													S								
3466	Crowns and closures													S								
3469	Metal stampings, not elsewhere classified												S	S								S
347	Metal Services, not elsewhere classified													S								
3471	Plating and polishing												S	S								S
3479	Metal coating and allied services																					
348	Ordnance and Accessories, not elsewhere classified																					
3482	Small arms ammunition																					
3483	Ammunition, except for small arms, not elsewhere classified																					
3484	Small arms																					
3489	Ordnance and accessories, not elsewhere classified																					
349	Miscellaneous Fabricated Metal Products													S								
3491	Industrial valves													S								
3492	Fluid power valves & hose fittings													S								
3493	Steel springs, except wire													S								
3494	Valves and pipe fittings, not elsewhere classified													S								

(Permitted Use = P, Special Use = S, Not Permitted = Blank)

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**Table 15-3.0603 (continued)**

SIC																							
NO	STANDARD INDUSTRIAL CLASSIFICATION TITLE	B-1	B-2	B-3	B-4	B-5	B-6	B-7	CC	VB	I-1	P-1	M-1	M-2	BP	OL-1	OL-2	A-1	A-2	M-3	L-1	PDD	
4481	Deep sea passenger transportation, except ferry																						
4482	Ferries																						
4489	Water passenger transportation, not elsewhere classified																						
449	Water Transportation Services																						
4491	Marine cargo handling																						
4492	Towing and tugboat service																						
4493	Marinas																						
4499	Water transportation services, not elsewhere classified																						
45	TRANSPORTATION BY AIR																						
451	Air Transportation, Scheduled																						
4512	Air transportation, scheduled																						
4513	Air courier services																						
452	Air Transportation, Nonscheduled																						
4522	Air transportation, nonscheduled																						
458	Airports, Flying Fields, & Services																						
4581	Airports, flying fields, & services										S		S	S									
46	PIPELINES, EXCEPT NATURAL GAS																						
461	Pipelines, Except Natural Gas																						
4612	Crude petroleum pipelines																						
4613	Refined petroleum pipelines																						
4619	Pipelines, not elsewhere classified																						
47	TRANSPORTATION SERVICES																						
472	Passenger Transportation Arrangement																						
4724	Travel agencies	P	P	P			P		P	S			S	S	P		P					P	
4725	Tour operators		P				P		P								P						
4729	Passenger transport arrangement, not elsewhere classified																						
473	Freight Transportation Arrangement																						
4731	Freight transportation arrangement												P										
474	Rental of Railroad Cars																						
4741	Rental of railroad cars																						
478	Miscellaneous Transportation Services																						
4783	Packing and crating												S	P									
4785	Inspection & fixed facilities																						
4789	Transportation services, not elsewhere classified																						
														S									
48	COMMUNICATIONS																						
481	Telephone Communications																						
4812	Radiotelephone communications																						
4813	Telephone communications, except radio	S	S										P	P			S					S	
482	Telegraph & Other Communications																						
4822	Telegraph & other communications		P										S	P			P					S	
483	Radio and Television Broadcasting																						
4832	Radio broadcasting stations		S			S	S						S	P	S		S					S	
4833	Television broadcasting stations		S			S	S						S	P	S		S					S	
484	Cable and Other Pay TV Services					S	S																
4841	Cable and other pay TV services		S			S	S						S	P	S		S					S	
489	Communications Services, not elsewhere classified		S			S	S										S						
4899	Communications services, not elsewhere classified		S			S	S						S	P	S		S					S	
49	ELECTRIC, GAS, AND SANITARY SERVICES																						
491	Electric Services																						
4911	Electric services	S	S	S		S					S		S	S			S					S	
492	Gas Production and Distribution																						
4922	Natural gas transmission					S																S	
4923	Gas transmission and distribution	S	S	S									S	S			S					S	
4924	Natural gas distribution																						
4925	Gas production and/or distribution																						
493	Combination Utility Services																						
4931	Electric and other services combined					S																	
4932	Gas and other services combined																						
4939	Combination utilities, not elsewhere classified												S	S									
494	Water Supply																						
4941	Water supply		S	S		S					S		S	S			S					S	
495	Sanitary Services																						
4952	Sewerage systems		S	S							S		S	S			S						
4953	Refuse systems													S									
4959	Sanitary services, not elsewhere classified																						
496	Steam and Air-Conditioning Supply																						
4961	Steam and air-conditioning supply												P	P									
497	Irrigation Systems																						
4971	Irrigation systems										S		P	P									
	F. WHOLESALE TRADE																						
50	WHOLESALE TRADE--DURABLE GOODS																						
501	Motor Vehicles, Parts, and Supplies																						
5012	Automobiles and other motor vehicles												S	P									

(Permitted Use = P, Special Use = S, Not Permitted = Blank)



**Table 15-3.0603 (continued)**

SIC NO	STANDARD INDUSTRIAL CLASSIFICATION TITLE	B-1	B-2	B-3	B-4	B-5	B-6	B-7	CC	VB	I-1	P-1	M-1	M-2	BP	OL-1	OL-2	A-1	A-2	M-3	L-1	PDD
5013	Motor vehicle supplies and new parts												P									
5014	Tires and tubes												P									
5015	Motor vehicle parts, used												P									
502	Furniture and Homefurnishings																					
5021	Furniture												P									
5023	Homefurnishings												P									
503	Lumber and Construction Materials																					
5031	Lumber, plywood, and millwork					S							S	S								
5032	Brick, stone, & related materials		S			S							S	P			S					
5033	Roofing, siding, & insulation		S										P	P			S					
5039	Construction materials, not elsewhere classified		S										P				S					
504	Professional & Commercial Equipment		S												S		S					S
5043	Photographic equipment and supplies		S										P		S		S					S
5044	Office equipment		S										P		S		S					S
5045	Computers, peripherals & software		S										P		S		S					S
5046	Commercial equipment, not elsewhere classified		S										P		S		S					S
5047	Medical and hospital equipment		S										P		S		S					S
5048	Ophthalmic goods		S										P		S		S					S
5049	Professional equipment, not elsewhere classified		S										P		S		S					S
505	Metals and Minerals, Except Petroleum																					
5051	Metals service centers and offices												P									
5052	Coal and other minerals and ores												P									
506	Electrical Goods		S												S		S					
5063	Electrical apparatus and equipment		S										P	P	S		S					S
5064	Electrical appliances, TV & radios		S										P		S		S					S
5065	Electronic parts and equipment		S										P		S		S					S
507	Hardware, Plumbing & Heating Equipment		S												S		S					
5072	Hardware		S										P		S		S					S
5074	Plumbing & hydronic heating supplies		S										P	P	S		S					S
5075	Warm air heating & air-conditioning		S										P	P	S		S					S
5078	Refrigeration equipment and supplies		S										P		S		S					S
508	Machinery, Equipment, and Supplies		S												S		S					S
5082	Construction and mining machinery		S										P		S		S					S
5083	Farm and garden machinery		S												S		S	S				S
5084	Industrial machinery and equipment		S										S	P	S		S					S
5085	Industrial supplies		S										S	S	S		S					S
5087	Service establishment equipment		S										P		S		S					S
5088	Transportation equipment & supplies		S										P		S		S					S
509	Miscellaneous Durable Goods		S												S		S					S
5091	Sporting & recreational goods		S										S	S	S		S					S
5092	Toys and hobby goods and supplies		S										S	S	S		S					S
5093	Scrap and waste materials		S										P		S		S					
5094	Jewelry & precious stones		S										P		S		S					S
5099	Durable goods, not elsewhere classified		S										S	P	S		S					S
51	WHOLESALE TRADE-NONDURABLE GOODS																					
511	Paper and Paper Products		S														S					
5111	Printing and writing paper		S										P				S					S
5112	Stationery and office supplies		S										P				S					S
5113	Industrial & personal service paper		S										P				S					S
512	Drugs, Proprietaries, and Sundries		S														S					
5122	Drugs, proprietaries, and sundries		S										P	S			S					S
513	Apparel, Piece Goods, and Notions		S														S					
5131	Piece goods & notions		S										P				S					S
5136	Men's and boys' clothing		S										P	P			S					S
5137	Women's and children's clothing		S										P	P			S					S
5139	Footwear		S										P				S					S
514	Groceries and Related Products		S														S					
5141	Groceries, general line		S										P				S					S
5142	Packaged frozen foods		S										P				S					S
5143	Dairy products, except dried or canned		S										P				S	S				S
5144	Poultry and poultry products		S														S					
5145	Confectionery		S										S				S					
5146	Fish and seafoods		S														S					
5147	Meats and meat products		S										P				S					
5148	Fresh fruits and vegetables		S										P				S					
5149	Groceries and related products, not elsewhere classified		S										P	S			S					
515	Farm-Product Raw Materials																					
5153	Grain and field beans																					
5154	Livestock																					
5159	Farm-product raw materials, not elsewhere classified												P									
516	Chemicals and Allied Products																					
5162	Plastics materials & basic shapes																					
5169	Chemicals & allied products, not elsewhere classified												P									
517	Petroleum and Petroleum Products																					
5171	Petroleum bulk stations & terminals																					
5172	Petroleum products, not elsewhere classified																					
518	Beer, Wine, and Distilled Beverages																					
5181	Beer and ale		S														S					
5182	Wine and distilled beverages		S										S	S			S					
519	Miscellaneous Nondurable Goods																					
5191	Farm supplies												P					S				

(Permitted Use = P, Special Use = S, Not Permitted = Blank)

**Table 15-3.0603 (continued)**

NO	STANDARD INDUSTRIAL CLASSIFICATION TITLE	B-1	B-2	B-3	B-4	B-5	B-6	B-7	CC	VB	I-1	P-1	M-1	M-2	BP	OL-1	OL-2	A-1	A-2	M-3	L-1	PDD
5192	Books, periodicals, & newspapers		P										P				P					
5193	Flowers & florists' supplies		P														P					
5194	Tobacco and tobacco products		P										P				P					
5198	Paints, varnishes, and supplies		P										P	P			P					
5199	Nondurable goods, not elsewhere classified												P									
	<b>G. RETAIL TRADE</b>																					
<b>52</b>	<b>BUILDING MATERIALS &amp; GARDEN SUPPLIES</b>																					
521	Lumber and Other Building Materials																					
5211	Lumber and other building materials					P		S			S		P	P								S
523	Paint, Glass, and Wallpaper Stores																					
5231	Paint, glass, and wallpaper stores		P	P	P	P		S	S		S						S					P
525	Hardware Stores																					
5251	Hardware stores	P	P	P	P	P		S	S	P	P		P				S					P
526	Retail Nurseries and Garden Stores																					
5261	Retail nurseries and garden stores		S	S	P	P		S	S		S		S	S			S					S
527	Mobile Home Dealers																					
5271	Mobile home dealers																					
<b>53</b>	<b>GENERAL MERCHANDISE STORES</b>																					
531	Department Stores																					
5311	Department stores		P	P	P	S		S	P								P					P
533	Variety Stores																					
5331	Variety stores	P	P	P	P			S	P	P							P					P
539	Miscellaneous General Merchandise Stores									S												
5399	Miscellaneous general merchandise stores				P			S	S	S							S					
<b>54</b>	<b>FOOD STORES</b>																					
541	Grocery Stores																					
5411	Grocery stores	P	P	P	P			S	P	S							P					P
542	Meat and Fish Markets																					
5421	Meat and fish markets	P	P	P	P			S	P	P							P					P
543	Fruit and Vegetable Markets																					
5431	Fruit and vegetable markets	P	P	P	P	S		S	P	P							P	P	P			P
544	Candy, Nut and Confectionery Stores																					
5441	Candy, nut and confectionery stores	P	P	P	P	P	S	S	P	P					S		P					P
545	Dairy Products Stores																					
5451	Dairy products stores	P	P	P	P			S	P	P							P					P
546	Retail Bakeries																					
5461	Retail bakeries	P	P	P	P		S	S	P	P					S		P					P
549	Miscellaneous Food Stores																					
5499	Miscellaneous food stores	S	S	S	P	S		S	S	S							S					S
<b>55</b>	<b>AUTOMOTIVE DEALERS &amp; SERVICE STATIONS</b>																					
551	New and Used Car Dealers																					
5511	New and used car dealers		S			S							S	S			S					S
552	Used Car Dealers																					
5521	Used car dealers		S			S											S					
553	Auto and Home Supply Stores																					
5531	Auto and home supply stores		P	P	S	P		S					S				P					P
554	Gasoline Service Stations																					
5541	Gasoline service stations	S		S	S	S		S					S	S								S
555	Boat Dealers																					
5551	Boat dealers					P							S	S								P
556	Recreational Vehicle Dealers																					
5561	Recreational vehicle dealers					S							S	S								S
557	Motorcycle Dealers																					
5571	Motorcycle dealers		P			S							S	S			P					S
559	Automotive Dealers, not elsewhere classified																					
5599	Automotive dealers, not elsewhere classified		S			S							S	S			S					S
<b>56</b>	<b>APPAREL AND ACCESSORY STORES</b>																					
561	Men's & Boys' Clothing Stores																					
5611	Men's & boys' clothing stores	P	P	P	P			S	P	P							P					P
562	Women's Clothing Stores																					
5621	Women's clothing stores	P	P	P	P			S	P	P							P					P
563	Women's Accessory & Specialty Stores																					
5632	Women's accessory & specialty stores	P	P	P	P			S	P	P							P					P
564	Children's and Infants' Wear Stores																					
5641	Children's and infants' wear stores	P	P	P	P			S	P	P							P					P
565	Family Clothing Stores																					
5651	Family clothing stores	P	P	P	P			S	P	P							P					P
566	Shoe Stores																					
5661	Shoe stores	P	P	P	P			S	P	P							P					P
569	Miscellaneous Apparel & Accessory Stores																					
5699	Miscellaneous apparel & accessory stores	P	P	P	P			S	P	P							S					P
<b>57</b>	<b>FURNITURE AND HOMEFURNISHINGS STORES</b>																					
571	Furniture and Homefurnishings Stores																					

(Permitted Use = P, Special Use = S, Not Permitted = Blank)

NO	STANDARD INDUSTRIAL CLASSIFICATION TITLE	B-1	B-2	B-3	B-4	B-5	B-6	B-7	CC	VB	I-1	P-1	M-1	M-2	BP	OL-1	OL-2	A-1	A-2	M-3	L-1	PDD
5712	Furniture stores		P	P	P	S		S	P	S							P					P
5713	Floor covering stores		P	P	P	P		S		S							P					P
5714	Drapery and upholstery stores		P	P	P			S	S	S							S					P
5719	Miscellaneous homefurnishings stores		P	P	P			S	S	S							S					P
572	Household Appliance Stores																					
5722	Household appliance stores		P	P	P	S		S	P	S							P					P
573	Radio, Television, & Computer Stores									S												
5731	Radio, TV, & electronic stores	P	P	P	P	S		S	P	S							P					P
5734	Computer and software stores	P	P	P	P	P	S	S	P	S							P					P
5735	Record & prerecorded tape stores	P	P	P	P	P		S	S	S							S					P
5736	Musical instrument stores		P	P	P			S	P	S							P					P
58	EATING AND DRINKING PLACES																					
581	Eating and Drinking Places																					
5812	Eating places (without drive through facilities)	P	P	P	P	S	S	S/A	P	S		S			S	A	P					P
5813	Drinking places (without drive through facilities)		S	S	S	S	S	S/A	S	S			S		S	A	S					S
5812	Eating places (with drive through facilities)		S	S	S	S			S								S					S
5813	Drinking places (with drive through facilities)		S	S	S	S																S
59	MISCELLANEOUS RETAIL																					
591	Drug Stores and Proprietary Stores																					
5912	Drug stores and proprietary stores	P	P	P	P	P	S	S/A	P	S						A	P					P
592	Liquor Stores																					
5921	Liquor stores		P	P					S								S					P
593	Used Merchandise Stores																					
5932	Used merchandise stores	P	P	S	S	S			S	S							S					S
594	Miscellaneous Shopping Goods Stores																					
5941	Sporting goods and bicycle shops		P	P	P			S	P	P		S					P					P
5942	Book stores	P	P	P	P			S/A	P	S							A	P				P
5943	Stationery stores	P	P	P	P			S/A	P	P		S					A	P				P
5944	Jewelry stores		P	P	P			S/A	P	P							A	P				P
5945	Hobby, toy, and game shops		P	P	P			S	P	P							P					P
5946	Camera & photographic supply stores	P	P	P	P			S/A	P	P						A	P	P				P
5947	Gift, novelty, and souvenir shops	P	P	P	P	P		S/A	P	S	S					A	P					

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NO	STANDARD INDUSTRIAL CLASSIFICATION TITLE	B-1	B-2	B-3	B-4	B-5	B-6	B-7	CC	VB	I-1	P-1	M-1	M-2	BP	OL-1	OL-2	A-1	A-2	M-3	L-1	PDD
608	Foreign Bank & Branches & Agencies																					
6081	Foreign bank & branches & agencies				P		P	P	P						S	P	P					
6082	Foreign trade & international banks				P		P	P	P						S	P	P					
609	Functions Closely Related to Banking																					
6091	Nondeposit trust facilities				P		P	P	P						S	P	P					
6099	Functions related to deposit banking		P	P	P			P	P							P	P					P
61	NONDEPOSITORY INSTITUTIONS																					
611	Federal & Federal-Sponsored Credit																					
6111	Federal & federal-sponsored credit		P	P			P	S	P						S	S	P					P
614	Personal Credit Institutions																					
6141	Personal credit institutions		P	P				S							S	S	P					P
615	Business Credit Institutions																					
6153	Short-term business credit		P	P				S	S						S	S	S					P
6159	Miscellaneous business credit institutions		P	P				S	P						S	S	P					P
616	Mortgage Bankers and Brokers																					
6162	Mortgage bankers and correspondents		P	P	P			P	P						S	P	P					P
6163	Loan brokers		P	P	P			P	S						S	P	S					P
62	SECURITY AND COMMODITY BROKERS																					
621	Security Brokers and Dealers																					
6211	Security brokers and dealers						P	P	P						S	P	P					P
622	Commodity Contracts Brokers, Dealers																					
6221	Commodity contracts brokers, dealers						P	P	P						S	P	P					P
623	Security and Commodity Exchanges																					
6231	Security and commodity exchanges						P	P	P						S	P	P					P
628	Security and Commodity Services																					
6282	Investment advice		P	P			P	P	P						P	P	P					P
6289	Security & commodity services, not elsewhere classified						P	P	P						P	P	S					P
63	INSURANCE CARRIERS																					
631	Life Insurance	P	P	P			P								P		P					P
6311	Life insurance	P	P	P	P		P	P	P						P	P	P					P
632	Medical Service and Health Insurance	P	P	P			P								P		P					P
6321	Accident and health insurance	P	P	P	P		P	P	P						P	P	P					P
6324	Hospital and medical service plans	P	P	P	P		P	P	P						P	P	P					P
633	Fire, Marine, and Casualty Insurance	P	P	P			P								P		P					P
6331	Fire, marine, and casualty insurance	P	P	P	P		P	P	P						P	P	P					P

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SIC	STANDARD INDUSTRIAL CLASSIFICATION TITLE	B-1	B-2	B-3	B-4	B-5	B-6	B-7	CC	VB	I-1	P-1	M-1	M-2	BP	OL-1	OL-2	A-1	A-2	M-3	L-1	PDD
NO	I. SERVICES																					
70	HOTELS AND OTHER LODGING PLACES																					
701	Hotels and Motels																					
7011	Hotels and motels		S	S		S		S	S				S	S	S	S	S					S
702	Rooming and Boarding Houses																					
7021	Rooming and boarding houses																					
703	Camps and Recreational Vehicle Parks																					
7032	Sporting and recreational camps											S						S			S	
7033	Trailer parks and campsites																					
704	Membership-Basis Organization Hotels																					
7041	Membership-basis organization hotels		P	P				S	S		P					S	S					S
72	PERSONAL SERVICES																					
721	Laundry, Cleaning, & Garment Services	P	P	P													P					P
7211	Power laundries, family & commercial													P								
7212	Garment pressing & cleaners' agents	P	P	P	P			S/A	P				S	S		A	P					P
7213	Linen supply												P	P	S							
7215	Coin-operated laundries and cleaning	S	S	S	P												S					S
7216	Drycleaning plants, except rug												S	S								
7217	Carpet and upholstery cleaning												S	S								
7218	Industrial launderers													P								
7219	Laundry and garment services, not elsewhere classified		P	P	P			S/A	S				S	P		A	S					P
722	Photographic Studios, Portrait																					
7221	Photographic studios, portrait	P	P	P	P		S	S	P	S			S	S			P					P
723	Beauty Shops																					
7231	Beauty shops	P	P	P	P	S	S	S/A	P	P			S	S		A	P					P
724	Barber Shops																					
7241	Barber shops	P	P	P	P	S	S	S/A	P	P			S	S		A	P					P
725	Shoe Repair and Shoeshine Parlors																					
7251	Shoe repair and shoeshine parlors	P	P	P	P		S	S/A	P	P			S	S		A	P					P
726	Funeral Service and Crematories																					
7261	Funeral service and crematories	S	S	S	S	S					P						S					S
729	Miscellaneous Personal Services																					
7291	Tax return preparation services	P	P	P	P			S	P	P							P					P
7299	Miscellaneous personal services, not elsewhere classified	P	P	P	P				S	S							S					P
73	BUSINESS SERVICES																					
731	Advertising																					

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**Table 15-3.0603 (continued)**

SIC NO	STANDARD INDUSTRIAL CLASSIFICATION TITLE	B-1	B-2	B-3	B-4	B-5	B-6	B-7	CC	VB	I-1	P-1	M-1	M-2	BP	OL-1	OL-2	A-1	A-2	M-3	L-1	PDD
<b>75</b>	<b>AUTO REPAIR, SERVICES, AND PARKING</b>																					
751	Automotive Rentals, No Drivers					S							S	S								S
7513	Truck rental and leasing, no drivers					S							S	S							S	S
7514	Passenger car rental					S							S	S								S
7515	Passenger car leasing					S							S	S								S
7519	Utility trailer rental					S							S	S								S
752	Automobile Parking																					
7521	Automobile parking					S							S	S								S
753	Automotive Repair Shops																					
7532	Top & body repair & paint shops					S							S	S							S	S
7533	Auto exhaust system repair shops		S	S	S	S								S			S				S	S
7534	Tire retreading and repair shops		S	S		S								S			S				S	S
7536	Automotive glass replacement shops		S	S	S	S								S			S				S	S
7537	Automotive transmission repair shops		S	S	S	S											S				S	S
7538	General automotive repair shops		S	S	S	S							S	S			S					S
7539	Automotive repair shops, not elsewhere classified		S	S	S	S								S			S					S
754	Automotive Services, Except Repair																					
7542	Carwashes		S	S	S	S		S					S				S					S
7549	Automotive services, not elsewhere classified		S	S	S	S							S				S					S
<b>76</b>	<b>MISCELLANEOUS REPAIR SERVICES</b>																					
762	Electrical Repair Shops																					
7622	Radio and television repair	P	P	P	P					S			P	P			P					P
7623	Refrigeration service and repair												P	P								
7629	Electrical repair shops, not elsewhere classified												P	P								
763	Watch, Clock, and Jewelry Repair																					
7631	Watch, clock, and jewelry repair	P	P	P	P					P				P			P					P
764	Reupholstery and Furniture Repair																					
7641	Reupholstery and furniture repair	P	P	P						P				P			P					
769	Miscellaneous Repair Shops																					
7692	Welding repair												P	P								
7694	Armature rewinding shops												P	P								
7699	Repair services, not elsewhere classified		P										S	P			P					
<b>78</b>	<b>MOTION PICTURES</b>																					
781	Motion Picture Production & Services																					
7812	Motion picture & video production		S				S	S/A	S				S		S	A	S					S
7819	Services allied to motion pictures	P	P	P			P		S								P					P
782	Motion Picture Distribution & Services																					
7822	Motion picture and tape distribution	P	P	P					S								S					
7829	Motion picture distribution services	P	P	P					S								S					
783	Motion Picture Theaters		S	S		S	S										S					S
7832	Motion picture theaters, except drive-in		S	S	P	S	S	S	S								S					S
7833	Drive-in motion picture theaters							S														
784	Video Tape Rental																					
7841	Video tape rental	P	P	P	P	P		S/A	S								A	S				P
<b>79</b>	<b>AMUSEMENT &amp; RECREATION SERVICES</b>																					
791	Dance Studios, Schools, and Halls																					
7911	Dance studios, schools, and halls		P	S	P	S		S	P		P						P					S
792	Producers, Orchestras, Entertainers																					
7922	Theatrical producers and services	P	P	P			P		P		S	S					P					P
7929	Entertainers & entertainment groups		S	S		S			S								S					S
793	Bowling centers																					
7933	Bowling centers		P	P	P	S		S	S				S	S			S					S
794	Commercial Sports																					
7941	Sports clubs, managers, & promoters												S	S								
7948	Racing, including track operation												S	S								
799	Miscellaneous Amusement, Recreation Services												S	S								
7991	Physical fitness facilities		S	S	P			S/A	P				S	S	S	S	S/A	P				P
7992	Public golf courses												S	S	S							
7993	Coin-operated amusement devices		P	P	P												P					
7996	Amusement parks												S	S	S							
7997	Membership sports & recreation clubs												S	S	S							
7999	Amusement and recreation, not elsewhere classified												S	S	S							
<b>80</b>	<b>HEALTH SERVICES</b>																					
801	Offices & Clinics of Medical Doctors																					
8011	Offices & clinics of medical doctors	P	P	P	P		P	P	P	S	P					P	P	P				P
802	Offices and Clinics of Dentists																					
8021	Offices and clinics of dentists	P	P	P	P		P	P	P	S	P					P	P	P				P
803	Offices of Osteopathic Physicians																					
8031	Offices of osteopathic physicians	P	P	P	P		P	P	P	S	P					P	P	P				P
804	Offices of Other Health Practitioners																					
8041	Offices and clinics of chiropractors	P	P	P	P		P	P	P	S	P					P	P	P				P
8042	Offices and clinics of optometrists	P	P	P	P		P	P	P	S	P					P	P	P				P
8043	Offices and clinics of podiatrists		P	P	P		P	P	P	S	P					P	P	P				P
8049	Offices of health practitioners, not elsewhere classified	P	P	P	P		P	P	P	S	P					P	P	S				P
805	Nursing and Personal Care Facilities																					
8051	Skilled nursing care facilities							P		S	P					P	P					
8052	Intermediate care facilities							P		S	P					P	P					
8059	Nursing and personal care, not elsewhere classified							P		S	P					P	P					

(Permitted Use = P, Special Use = S, Not Permitted = Blank)

NO	STANDARD INDUSTRIAL CLASSIFICATION TITLE	B-1	B-2	B-3	B-4	B-5	B-6	B-7	CC	VB	I-1	P-1	M-1	M-2	BP	OL-1	OL-2	A-1	A-2	M-3	L-1	PDD
806	Hospitals																					
8062	General medical & surgical hospitals							S			P				P	S						
8063	Psychiatric hospitals							P			P				P	S						
8069	Specialty hospitals except psychiatric							P			P				P	S						
807	Medical and Dental Laboratories																					
8071	Medical laboratories		P	P				P	S					P	P	P	S					
8072	Dental laboratories		P					P		S				P	P	P	S					
808	Home Health Care Services																					
8082	Home health care services		P	P	P	P		P	S							P	S					P
809	Health and Allied Services, not elsewhere classified																					
8092	Kidney dialysis centers		S				P	P	S		P				P	P	S					P
8093	Specialty outpatient clinics, not elsewhere classified		S				P	P	S		P				P	P	S					P
8099	Health and allied services, not elsewhere classified		S		S		P	P	S		P				P	P	S					P
81	LEGAL SERVICES																					
811	Legal Services																					
8111	Legal Services	P	P	P	P		P	P	P	P					P	P	P					P
82	EDUCATIONAL SERVICES																					
821	Elementary and Secondary Schools																					
8211	Elementary and secondary schools										P											
822	Colleges and Universities																					
8221	Colleges and universities										P											
8222	Junior colleges										P											
823	Libraries																					
8231	Libraries										P											
824	Vocational Schools										P											
8243	Data processing schools		P		P			S/A							P	A	P					
8244	Business and secretarial schools		P		P			S/A			P		S		S	A	P					
8249	Vocational schools, not elsewhere classified		P		P			S/A			P		S	S		A	P					
829	Schools & Educational Services, not elsewhere classified																					
8299	Schools & educational services, not elsewhere classified				P			S			S		S	S								
83	SOCIAL SERVICES																					
832	Individual and Family Services																					
8322	Individual and family services		P	P			S		P				P		S		P					S
833	Job Training and Related Services																					

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SIC		B-1	B-2	B-3	B-4	B-5	B-6	B-7	CC	VB	I-1	P-1	M-1	M-2	BP	OL-1	OL-2	A-1	A-2	M-3	L-1	PDD
NO	STANDARD INDUSTRIAL CLASSIFICATION TITLE																					
8743	Public relations services	P			P		P	P	P	S					P	P	P					
8744	Facilities support services	P			P		P	P	P						P	P	P					
8748	Business consulting, not elsewhere classified	P			P		P	P	S						P	P	S					
88	PRIVATE HOUSEHOLDS																					
881	Private Households																					
8811	Private households									P								P	P			
89	SERVICES, not elsewhere classified																					
899	Services, not elsewhere classified																					
8999	Services, not elsewhere classified				P			S					S	P		P					P	
J.	PUBLIC ADMINISTRATION																					
91	EXECUTIVE, LEGISLATIVE, AND GENERAL																					
911	Executive Offices																					
9111	Executive offices							P			P					P						
912	Legislative Bodies																					
9121	Legislative bodies							P			P					P						
913	Executive and Legislative Combined																					
9131	Executive and legislative combined							P			P					P						
919	General Government, not elsewhere classified																					
9199	General government, not elsewhere classified							P			P					P						
92	JUSTICE, PUBLIC ORDER, AND SAFETY																					
921	Courts																					
9211	Courts										P											
922	Public Order and Safety										P											
9221	Police protection										P											
9222	Legal counsel and prosecution										S											
9223	Correctional institutions										S											
9224	Fire protection										P											
9229	Public order and safety, not elsewhere classified										P											
93	FINANCE, TAXATION, & MONETARY POLICY																					
931	Finance, Taxation, & Monetary Policy																					
9311	Finance, taxation, & monetary policy						P		P						P							
94	ADMINISTRATION OF HUMAN RESOURCES																					
941	Administration of Educational Programs																					
9411	Administration of educational programs						P		P		P											
943	Administration of Public Health Programs						P				P											
9431	Administration of public health programs						P															

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**Table 15-3.0603 (continued)**

SIC																							
NO	STANDARD INDUSTRIAL CLASSIFICATION TITLE	B-1	B-2	B-3	B-4	B-5	B-6	B-7	CC	VB	I-1	P-1	M-1	M-2	BP	OL-1	OL-2	A-1	A-2	M-3	L-1	PDD	
	OTHER USES NOT CLASSIFIED UNDER SIC CODE																						
		B-1	B-2	B-3	B-4	B-5	B-6	B-7	CC	VB	I-1	P-1	M-1	M-2	BP	OL-1	OL-2	A-1	A-2	M-3	L-1	PDD	
	Assembly Places (Indoor, for more than 100 persons)											S										S	
	Athletic Fields											P										P	
	Band Shells (Indoor and Outdoor)											S										S	
	Bicycle Trails (non-motorized)				P			P				P				P						P	
	Boat Access Sites											P										P	
	Boat Rental Sites											P										P	
	Botanical Gardens											P										P	
	Cabins or Cottages (rental)											S										S	
	Campgrounds (Rental, for Recreational Vehicles)											S										S	
	Camps											P										P	
	Cemeteries																						
	Ch. 980 Stats. supervised release and crimes against children sex offender use																	S	S				
	Church or other Place of Worship																						
	Community Centers								P								S						
	Convenience Stores (without the dispensing of gasoline)	P	P	P	P	P	P	S/A	S	P	P	P	P	P	P	A	P	P	P			P	
	Convenience Stores (with the dispensing of gasoline)	S	S	S	S	S	S	S		S	S		S	S	S		S					S	
	Convenience Stores (with the dispensing of gasoline)	S	S	S	S	S				S												S	
	Cross Country Ski Trails											P										P	
	Cultural Centers								P								S						
	Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Fairgrounds											S										S	
	Firearm Ranges (Indoor)											S											
	Firearm Ranges (Outdoor)																						
	Golf Driving Ranges											S										S	
	Gymnasiums											S										S	
	Hiking Trails	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	
	Historic Monuments or Sites	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	
	Ice Skating (Indoor)											S										S	
	Ice Skating (Outdoor)											P										P	
	Jogging Trails	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	
	Landfill/Disposal Uses																				S		
	Marinas											S										S	
	Nature Areas	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	
	Nature Trails	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	
	Parks, Private											S										P	
	Parks, Public										P	P										P	
	Picnicking										P	P										P	
	Playfields											P										P	
	Playgrounds											P										P	
	Private Clubhouses											S										P	
	Racquetball Courts (Indoor)											S										S	
	Racquetball Courts (Outdoor)											P										P	
	Resorts											S										P	
	Riding/Equestrian Trails											P										P	
	Single-Family Detached Dwellings									P													
	Sledding, Skiing, Tobogganing											P										P	
	Swimming Pools (Indoor)											S										P	
	Swimming Pools (Outdoor)											P										P	
	Tennis Courts (Indoor)											S										P	
	Tennis Courts (Outdoor)										P	P										P	
	Tot Lots										P	P										P	
	Wildlife Sanctuaries	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	

(Permitted Use = P, Special Use = S, Not Permitted = Blank)

Footnotes: (a) No "Hotels and other Lodging Places" or like use as listed above, shall include any Ch. 980 Stats. supervised release and crimes against children sex offender use.

**SECTION 15-3.0604****PERMITTED AND SPECIAL USES IN THE FW  
FLOODWAY ZONING DISTRICT**

This Section sets forth those uses which are permitted uses and special uses in the FW Floodway District. Such uses are additionally subject to the Natural Resource Protection Standards set forth in Part 4 of this Ordinance, which standards may limit or prohibit the uses set forth below in this Section.

**A. Permitted Uses in the FW Floodway District.**

1. Drainage.
2. Movement of floodwater.
3. Navigation.
4. Stream bank protection.
5. Any of the following uses are permitted provided that they are permitted uses in the zoning district immediately adjacent to the floodway, and further provided that such use shall not involve the erecting or placing of a structure.
  - a. Grazing.
  - b. Horticulture.
  - c. Open markets.
  - d. Open recreational uses, such as parks, sport fields, beaches, bathing, hunting, fishing, rinks, golf courses, and driving ranges.
  - e. Outdoor plant nurseries.
  - f. Pasturing.
  - g. Sod farms.
  - h. Truck farming.
  - i. Utility poles, towers, and underground conduit for transmitting electricity, telephone, cable television, natural gas, and similar products and services.
  - j. Viticulture (grape growing).
  - k. Wildlife preserves.

**B. Special Uses in the FW Floodway District.**

1. Open space and related uses from the following list provided that the applicant shows that such use or improvement will not impede drainage, will not cause ponding, will not obstruct the floodway, will not increase flood flow velocities, will not increase the flood

stage, and will not retard the movement of floodwaters. When permitted, all structures shall be floodproofed and constructed so as not to catch or collect debris nor be damaged by floodwaters. Certification of floodproofing shall be made to the Building Inspector and shall consist of a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the one hundred (100) year recurrence interval flood.

- a. Navigational structures.
  - b. Public water measuring and control facilities.
  - c. Bridges and approaches.
  - d. Marinas.
  - e. Parking lots and loading areas accessory to permitted uses in adjacent districts, not including new or used vehicle sales or storage areas. Parking lots and loading areas shall not be permitted if inundation depths exceed two (2) feet or in areas where flood velocities greater than two (2) feet per second occur during a one hundred (100) year recurrence interval flood event.
  - f. Filling as authorized by the Wisconsin Department of Natural Resources to permit the establishment of approved bulkhead lines.
  - g. Other open space uses consistent with the purpose and intent of the district and compatible with uses in adjacent districts, not including structures.
  - h. Roadways.
2. Municipal water supply and sanitary sewerage systems provided that the system is floodproofed to an elevation of at least two (2) feet above the elevation of the one hundred (100) year recurrence interval flood, and is designed to eliminate or minimize infiltration of floodwaters into the system. Certification of floodproofing shall be made to the Building Inspector and shall consist of a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the one hundred (100) year recurrence interval flood level for the particular stream reach.
  3. Water quality ponds.

#### **SECTION 15-3.0605**

#### **PERMITTED AND SPECIAL USES IN THE FC FLOODPLAIN CONSERVANCY ZONING DISTRICT**

This Section sets forth those uses which are permitted uses and special uses in the FC Floodplain Conservancy District. Such uses are additionally subject to the Natural Resource Protection Standards set forth in Part 4 of this Ordinance, which standards may limit or prohibit the uses set forth below in this Section.

- A. Permitted Uses in the FC Floodplain Conservancy District.

1. Drainage.
2. Movement of floodwater.
3. Navigation.
4. Stream bank protection.
5. Any of the following uses are permitted provided that they are permitted uses in the district immediately adjacent to the FC Floodplain Conservancy District, and further provided that such use shall not involve the erecting or placing of a structure.
  - a. Grazing.
  - b. Horticulture.
  - c. Open markets.
  - d. Open recreational uses, such as parks, sport fields, beaches, bathing, hunting, fishing, rinks, golf courses, and driving ranges.
  - e. Outdoor plant nurseries.
  - f. Sod farms.
  - g. Truck farming.
  - h. Utility poles, towers, and underground conduit for transmitting electricity, telephone, cable television, natural gas, and similar products and services.
  - i. Viticulture (grape growing).
  - j. Wildlife preserves.

**B. Special Uses in the FC Floodplain Conservancy District.**

1. Open space and related uses from the following list provided that the applicant shows that such use or improvement will not impede drainage, will not cause ponding, and will not retard the movement of floodwaters. When permitted, all structures shall be floodproofed and constructed so as not to catch or collect debris nor be damaged by floodwaters. Certification of floodproofing shall be made to the Building Inspector and shall consist of a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the one hundred (100) year recurrence interval flood.
  - a. Navigational structures.

- b. Public water measuring and control facilities.
  - c. Bridges and approaches.
  - d. Marinas.
  - e. Parking lots and loading areas accessory to permitted uses in adjacent districts, not including new or used vehicle sales or storage areas. Parking lots and loading areas shall not be permitted if inundation depths exceed two (2) feet or in areas where flood velocities greater than two (2) feet per second occur during a one hundred (100) year recurrence interval flood event.
  - f. Filling as authorized by the Wisconsin Department of Natural Resources to permit the establishment of approved bulkhead lines.
  - g. Other open space uses consistent with the purpose and intent of the district and compatible with uses in adjacent districts.
  - h. Roadways.
- 2. Accessory structures that are associated with an open space use, or which are functionally dependent on a waterfront location, provided that all structures, when permitted, are not designed for human occupancy; have a low flood damage potential; are firmly anchored to resist flotation, collapse, and lateral movement; any mechanical or utility equipment is elevated or floodproofed to or above the regional flood elevation; are constructed to not obstruct the flow of flood waters or cause any increase in flood levels during a 100-year recurrence interval flood event; and are limited to parking and/or limited storage.
  - 3. Municipal water supply and sanitary sewerage systems provided that the system is floodproofed to an elevation of at least two (2) feet above the elevation of the one hundred (100) year recurrence interval flood, and is designed to eliminate or minimize infiltration of floodwaters into the system. Certification of floodproofing shall be made to the Building Inspector and shall consist of a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the one hundred (100) year recurrence interval flood level for the particular stream reach.
  - 4. Water quality ponds.

#### **SECTION 15-3.0606**

#### **PERMITTED AND SPECIAL USES IN THE FFO FLOODPLAIN FRINGE OVERLAY ZONING DISTRICT**

This Section sets forth those uses which are permitted uses and special uses in the FFO Floodplain Fringe Overlay District. Such uses are additionally subject to the Natural Resource Protection Standards set forth in Part 4 of this Ordinance, which standards may limit or prohibit the uses set forth below in this Section.

- A. Permitted Uses in the FFO Floodplain Fringe Overlay District. Any use of land, except development involving structures, that is permitted in the underlying basic use district. Examples of such use would be normal earth-grading activities to permit utilization of the lands for open space, outdoor recreation, yard, parking, and similar uses are permitted so long as the water carrying and storage capacity of the floodplain is not decreased; croplands in an agricultural district; required yards in a residential district; or parking or loading areas in a commercial or industrial district, provided that inundation depths for parking and loading areas do not exceed two (2) feet or that such areas are not subject to flood velocities greater than two (2) feet per second upon the occurrence of a one hundred (100) year recurrence interval flood.
- B. Special Uses in the FFO Floodplain Fringe Overlay District.
1. Residential, institutional and commercial structures provided that the structure is permitted in the underlying basic use district, and provided that such floodplain fringe areas shall be filled to an elevation of at least two (2) feet above the elevation of the one hundred (100) year recurrence interval flood. Such fill shall extend for at least fifteen (15) feet beyond the limits of the structure placed thereon. All structures shall be provided with dryland access to lands outside the floodplain. Where existing streets or sewer lines are at elevations which make dryland access impractical, the City may permit development where access roads are at or below the 100-year recurrence interval flood stage, provided that the City has written assurance from appropriate police and fire departments and emergency service agencies that rescue and relief service will be provided to properties in the area by wheeled vehicles during a flood event, or the City has an adopted natural disaster plan concurred with by the Wisconsin Department of Emergency Government and approved by the Wisconsin Department of Natural Resources. The finished surface of the lowest floor (excluding basement or crawlway) shall be constructed or placed at an elevation that is at least two (2) feet above the elevation of the 100-year recurrence interval flood. Basement or crawlway floors may be placed at the 100-year recurrence interval flood elevation, provided that the basement or crawlway is floodproofed to the flood protection elevation. Residential, commercial, or institutional structures placed on fill may be removed from the floodplain fringe overlay district provided that the fill is contiguous to lands lying outside the floodplain; that compensatory storage has been provided in accordance with the requirements of paragraph B.7. of this Section; and the property owner or his agent has complied with all the requirements for amending the zoning map as set forth in Division 15-9.0200 of this Ordinance. Mobile homes shall not be permitted as a conditional use in the FFO Floodplain Fringe Overlay District.
  2. Industrial structures provided that the structure is permitted in the underlying basic use district and provided that the fill requirements for residential and commercial structures in the FFO district are complied with. However, when the intent and purpose of this ordinance cannot be fulfilled by filling the floodplain fringe due to existing and committed development, and when the City Plan Commission has made a finding to this effect, all new structures and all additions to existing structures in the Floodplain Fringe Overlay District shall be floodproofed to an elevation of at least two (2) feet above the elevation of the one hundred (100) year recurrence interval flood. Certification of floodproofing shall be made to the Building Inspector and shall consist of a plan or document certified by a registered professional engineer that the floodproofing measures

are consistent with the flood velocities, forces, depths, and other factors associated with the one hundred (100) year recurrence interval flood level for the particular stream reach. Structures placed on fill may be removed from the floodplain fringe overlay district provided that the fill is contiguous to lands lying outside the floodplain; that compensatory storage has been provided in accordance with the requirements of paragraph B.7. of this Section; and the property owner or his agent has complied with all the requirements for amending the zoning map as set forth in Division 15-9.0200 of this Ordinance.

3. Accessory structures that are associated with a permitted use provided that they are not attached to the principal structure; are not designed for human occupancy; have a low flood damage potential; are firmly anchored to resist flotation, collapse, and lateral movement; are constructed with the lowest floor at or above the 100-year recurrence interval flood elevation; any mechanical or utility equipment is elevated or floodproofed to or above the regional flood elevation; and are constructed to not obstruct the flow of flood waters or cause any increase in flood levels during a 100-year recurrence interval flood event. Such accessory structures that are less than 600 square feet in size and valued at less than \$10,000 may be constructed with the lowest floor no more than two (2) feet below the regional flood elevation provided the structure will not be subject to flood velocities greater than two (2) feet per second upon the occurrence of the regional flood. Any stored materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish, or aquatic life shall be stored at or above an elevation at least two (2) feet above the regional flood or be floodproofed, adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.
4. Municipal water supply and sanitary sewerage collection systems provided that the system is floodproofed to an elevation of at least two (2) feet above the elevation of the one hundred (100) year recurrence interval flood, and is designed to eliminate or minimize infiltration of floodwaters into the system. Certification of floodproofing shall be made to the Building Inspector and shall consist of a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the one hundred (100) year recurrence interval flood level for the particular stream reach.
5. Filling to remove lands from the FFO Floodplain Fringe Overlay District provided that such fill shall be to an elevation at least two (2) feet above the elevation of the one hundred (100) year recurrence interval flood and further provided that such lands are contiguous to lands lying outside of the floodplains. No such FFO Floodplain Fringe Overlay District shall be removed from the Official Zoning Map until the filling is complete and until the property owner, or his agent, has complied with all the requirements for amending the zoning map as set forth in Division 15-9.0200 of this Ordinance.
6. Water quality ponds.
7. Any areas permitted to be filled and removed from the floodplain fringe overlay district shall provide compensating flood storage capacity on a volume-for-volume basis, except as discussed below herein, in the vicinity of the area removed from the floodplain fringe.

Excavation below the groundwater table is not considered as providing an equal volume of storage. The excavated area shall drain between flood events. Calculations for the compensation shall be prepared by a professional engineer and shall be field-checked and reported on by a professional engineer or registered land surveyor before the certificate of occupancy for said property is issued.

If the 100-year flood profile and floodplain boundary are adjusted through implementation of a flood mitigation system plan that is designed to 1) reduce the flood hazard to existing buildings and 2) to not create an increase of greater than or equal to 0.01 foot in the 100-year flood profile at locations upstream or downstream of the project reach, those portions of the floodplain fringe overlay district that would be removed from the floodplain through implementation of the plan can be developed, or redeveloped, even if an equal volume of compensatory storage is not provided.

For such adjustments to the floodplain fringe overlay district, the flood mitigation system plan, including engineering data and calculations showing the new flood profile, shall be submitted to, and approved by, the Wisconsin Department of Natural Resources and the Federal Emergency Management Agency, and the floodplain zoning map shall be revised to reflect the changed floodplain fringe overlay district boundary in accordance with Section 15-9.0207.

## **SECTION 15-3.0607                      PERMITTED AND SPECIAL USES IN THE SW SHORELAND WETLAND OVERLAY ZONING DISTRICT**

This Section sets forth those uses which are permitted uses and special uses in the SW Shoreland Wetland Overlay District. Such uses are additionally subject to the Natural Resource Protection Standards set forth in Part 4 of this Ordinance, which standards may limit or prohibit the uses set forth below in this Section.

- A.     **Permitted Uses in the SW Shoreland Wetland Overlay District.** The following are permitted as a matter of right:
1.     Hiking, fishing, trapping, swimming, and boating, unless prohibited by other ordinances and laws.
  2.     The harvesting of wild crops such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops, and that does not involve earthmoving, filling, flooding, draining, dredging, ditching, tiling, or excavating.
  3.     The practice of silviculture, including the planting, thinning, and harvesting of timber, provided that no filling, flooding, draining, dredging, ditching, tiling, or excavating is done except for temporary water level stabilization measures to alleviate abnormally wet or dry conditions which would have an adverse impact on silvicultural activities if not corrected.
  4.     Construction and maintenance of fences.



5. Existing agricultural uses provided they do not involve extension of cultivated areas, extension of or creation of new drainage systems, and further provided they do not substantially disturb or impair the natural fauna, flora, topography, or water regimen.
6. Earthmoving, ditching, tiling, dredging, excavating, or filling done to maintain or repair an existing agricultural drainage system only to the extent necessary to maintain the level of drainage required to continue the existing agricultural use.
7. The construction and maintenance of piers, docks, and walkways, including those built on pilings.
8. The maintenance, repair, replacement, and reconstruction of existing streets, roads, and bridges.

B. **Special Uses in the SW Shoreland Wetland Overlay District.** The following uses may be allowed by Special Use Permit. The City Plan Commission shall transmit a copy of each application for a special use in the shoreland portion of the SW Shoreland Wetland Overlay District to the Wisconsin Department of Natural Resources (DNR) at least ten (10) days prior to the public hearing. Action on the application shall not be taken for thirty (30) days or until the DNR has made its recommendation, whichever comes first. A copy of all shoreland SW Shoreland Wetland Overlay District Special Use Permits shall be transmitted to the DNR within ten (10) days of the effective date of such decision.

1. The construction of streets which are necessary for the continuity of the City street system necessary for the provision of essential utility and public safety services, or necessary to provide access to permitted open space uses in the SW Shoreland Wetland Overlay District, provided that:
  - a. The street cannot, as a practical matter, be located outside a wetland; and
  - b. The street is designed and constructed to minimize the adverse impact upon the natural functions of the wetland and meets the following standards:
    - 1) The street shall be designed and constructed for the minimum cross-section practical to serve the intended use;
    - 2) Street construction activities shall be limited to the immediate area of the roadbed only; and
    - 3) Any earthmoving, filling, flooding, draining, dredging, ditching, tiling, or excavating that is to be done must be necessary for the construction or maintenance of the street.
2. The establishment and development of public and private parks and recreation areas, public boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves, and private habitat areas in the SW Shoreland Wetland Overlay District, provided that:
  - a. Any private recreation or wildlife habitat area must be used exclusively for that purpose;
  - b. No filling is to be done; and

- c. Earthmoving, ditching, excavating, dredging, and dike and dam construction may be done in wildlife refuges, game preserves, and private wildlife habitat areas, but only for the purpose of improving wildlife habitat or to otherwise enhance wetland values.
- 3. The construction and maintenance of electric, gas, telephone, water, and sewer transmission and distribution lines, and related facilities in the SW Shoreland Wetland Overlay District by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power, or water to members, provided that:
  - a. The transmission and distribution lines and related facilities cannot as a practical matter be located outside a wetland; and
  - b. Any earthmoving, filling, excavating, ditching, or draining that is to be done must be necessary for such construction or maintenance, and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetlands.
- 4. The construction and maintenance of railroad lines in the SW Shoreland Wetland Overlay District, provided that:
  - a. The railroad lines cannot as a practical matter be located outside a wetland; and
  - b. Any earthmoving, filling, excavating, ditching, or draining that is to be done must be necessary for such construction or maintenance, and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetlands.

#### **SECTION 15-3.0608**

#### **PERMITTED AND SPECIAL USES IN THE AO AIRPORT OVERLAY ZONING DISTRICT**

This Section sets forth those uses which are permitted uses and special uses in the AO Airport Overlay District.

- A. **Permitted Uses in the AO Airport Overlay District.** All permitted uses in the underlying zoning district(s) shall be permitted by right, except as qualified by Section 15-3.0608(C).
- B. **Special Uses in the AO Airport Overlay District.** All special uses which may be allowed in the underlying zoning district(s) may be permitted as special uses, except as qualified by Section 15-3.0608(C).
- C. **Use Limitations and Noise Level Reduction (NLR) Standards in the AO-1 Airport Overlay District.** In addition to the use limitations presented for the underlying zoning district(s) in which the AO-1 Airport Overlay District is located, the use limitations set forth in this Section shall also apply to the specific AO-1 Airport Noise Impact Area. Uses within the AO-1 District shall be permitted only in accordance with the following guidelines:

1. **Residential Uses.** For all residential uses measures to achieve a noise level reduction (outdoor to indoor) of 25 dB must be incorporated into the design and construction of the residential structure(s). Mobile home parks or courts shall not be permitted.

*[Commentary: Normal construction can be expected to provide a noise level reduction of 20 dB; thus, the reduction requirements are about 5 dB over standard construction and normally assume mechanical ventilation and closed windows year round. Noise level reduction criteria will not eliminate outdoor noise problems. However, building location and site planning, design and use of berms and barriers can help mitigate outdoor noise exposure particularly from ground level sources. Measures that reduce noise at a site should be used wherever practical in preference to measures which only protect interior spaces.]*

2. **Nonresidential Uses.** For land uses in the SIC categories of 805, 806, and 82 (nursing and personal care facilities, hospitals, and educational facilities), cultural facilities including churches, auditoriums, and theaters, measures to achieve a noise level reduction (outdoor to indoor) of 25 dB must be incorporated into the design and construction of the structure(s). Outdoor music shells or amphitheaters shall not be permitted.

D. **Use Limitations and Noise Level Reduction (NLR) Standards in the AO-2 Airport Overlay District.** In addition to the use limitations presented for the underlying zoning district(s) in which the AO-2 Airport Overlay District is located, the use limitations set forth in this Section shall also apply to the specific AO-2 Airport Noise Impact Area. Uses within the AO-2 District shall be permitted only in accordance with the following guidelines:

1. **Residential Uses.** For all residential uses measures to achieve a noise level reduction (outdoor to indoor) of 30 dB must be incorporated into the design and construction of the residential structure(s). Mobile home parks or courts shall not be permitted.

*[Commentary: Normal construction can be expected to provide a noise level reduction of 20 dB; thus, the reduction requirements are about 10 dB over standard construction and normally assume mechanical ventilation and closed windows year round. Noise level reduction criteria will not eliminate outdoor noise problems. However, building location and site planning, design and use of berms and barriers can help mitigate outdoor noise exposure particularly from ground level sources. Measures that reduce noise at a site should be used wherever practical in preference to measures which only protect interior spaces.]*

2. **Nonresidential Uses.** Measures to achieve a noise level reduction (outdoor to indoor) of 25 dB must be incorporated into the design and construction of the structure(s) for uses in the SIC manufacturing categories of 20, 22, 23, 24, 25, 26, 127, 28, 29, 30, 32, 33, 34, 38, and 39; SIC transportation, communication, and utilities categories of 40, 41, 42, 44, 45, 48, and 49; the SIC trade categories of 50 and 51; the SIC retail categories of 52, 53, 54, 56, 57, 58, and 59; and the SIC services categories of 72, 73, and 76.
3. **Nonresidential Uses in the SIC Categories of 805, 806, and 82.** For land uses in the SIC categories of 805, 806, and 82 (nursing and personal care facilities, hospitals, and educational facilities), cultural facilities including churches, auditoriums, and theaters, measures to achieve a noise level reduction (outdoor to indoor) of 30 dB must be incorporated into the design and construction of the structure(s). Outdoor music shells or amphitheaters shall not be permitted.

## **SECTION 15-3.0609**

## **PERMITTED AND SPECIAL USES IN THE HPO HISTORIC PRESERVATION OVERLAY ZONING DISTRICT**

This Section sets forth those uses which are permitted uses and special uses in the HPO Historic Preservation Overlay District.

- A. **Permitted Uses in the HPO Historic Preservation Overlay District.** All permitted uses in the underlying zoning district(s) shall be permitted by right.
- B. **Special Uses in the HPO Historic Preservation Overlay District.** All special uses which may be allowed in the underlying zoning district(s) may be permitted as special uses.

## **DIVISION 15-3.0700 SPECIAL USE STANDARDS AND REGULATIONS**

### **SECTION 15-3.0701 GENERAL STANDARDS FOR SPECIAL USES**

- A. **General Standards.** No special use permit shall be recommended or granted pursuant to this Ordinance unless the applicant shall establish the following:
  - 1. **Ordinance and Comprehensive Master Plan Purposes and Intent.** The proposed use and development will be in harmony with the general and specific purposes for which this Ordinance 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. **No Interference 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. **No Traffic Congestion.** The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

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.
  7. **Compliance with Standards.** The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Common Council pursuant to the recommendations of the Plan Commission. The proposed use and development shall comply with all additional standards imposed on it by the particular provision of this Division and Ordinance authorizing such use.
- B. **Special Standards for Specified Special Uses.** When the zoning district regulations authorize a special use in a particular zoning district and that special use is indicated as having special standards, as set forth in Section 15-3.0702 and 15-3.0703 of this Division, a Special Use Permit for such use in such zoning district shall not be recommended or granted unless the applicant shall establish compliance with all such special standards.
- C. **Considerations.** In determining whether the applicant's evidence establishes that the foregoing standards have been met, the Plan Commission and the Common Council shall consider the following:
1. **Public Benefit.** Whether and to what extent the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community.
  2. **Alternative Locations.** Whether and to what extent such public goals can be met by the location of the proposed use and development at some other site or in some other area that may be more appropriate than the proposed site.
  3. **Mitigation of Adverse Impacts.** Whether and to what extent all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping, and screening.
  4. **Establishment of Precedent of Incompatible Uses in the Surrounding Area.** Whether the use will establish a precedent of, or encourage, more intensive or incompatible uses in the surrounding area.
- D. **Conditions on Special Use Permits.** The Plan Commission may recommend, and the Common Council may impose, such conditions and limitations concerning use, construction, character, location, landscaping, maintenance, screening, operation, hours of operation, and other matters relating to the purposes and objectives of this Ordinance upon the premises benefited by the issuance of a Special Use Permit as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property, upon such public facilities and services, protection of the public interest, and to secure compliance with the standards and requirements specified in this Ordinance. Such conditions shall be expressly set forth in the ordinance granting the Special Use Permit, and the Common Council may require the unconditional consent of the applicant to such conditions. Violation of

any such condition or limitation shall be a violation of this Ordinance and shall constitute grounds for revocation of the Special Use Permit.

- E. **Affidavit of Compliance with Conditions.** In all cases in which special uses are granted, the Common Council shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being, and will be, complied with. Whenever any Special Use Permit granted pursuant to this Ordinance is made subject to conditions or limitations to be met by the applicant, the applicant shall, upon meeting such conditions, file an affidavit with the Zoning Administrator so stating.
- F. **Effect of Issuance of a Special Use Permit.** The grant of a Special Use Permit shall not authorize the establishment or extension of any such use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any other permits or approvals that may be required by the ordinances and codes of the City of Franklin, including but not limited to Building Permit, Zoning Compliance Permit, land division approval, site plan approval, or other type of permit or approval.
- G. **Limitations on Special Use Permits.**
1. **Time Limitations.** Subject to an extension of time granted by the Common Council, upon recommendation of the Plan Commission, no Special Use Permit shall be valid for a period longer than one (1) year 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 is issued and a use commenced within that period.
  2. **Use Discontinuance.** A Special Use Permit shall be deemed to authorize only the particular use for which it was issued, and such permit shall automatically expire and cease to be of any force or effect if such use shall, for any reason, be discontinued for a period of six (6) consecutive months or more.
  3. **Special Use Permit Runs with Land and Not the Applicant.** Except when otherwise provided in the resolution granting a Special Use Permit, a Special Use Permit shall be deemed to relate to, and to be for the benefit of, the use and lot in question rather than the applicant, owner, or operator of such use or lot.
  4. **Additions and Enlargements to *Legal* Special Uses.** Any additions or enlargements of an existing *legally* granted special use for which a Special Use Permit has been issued may be amended, varied, or altered only pursuant to the procedures and subject to the standards and limitations provided in this Ordinance for its original approval.
  5. **Additions and Enlargements to *Illegal* Special Uses.** Any additions or enlargements of an existing illegal special use for which a Special Use Permit has *not* been issued shall not be allowed unless the entire use is made to conform to all the regulations of the zoning district in which it is located and pursuant to the procedures and subject to the standards and limitations provided in this Ordinance.

- H. **Amendments to Special Use Permits.** A Special Use Permit may be amended, varied, or altered only pursuant to the procedures and subject to the standards and limitations provided in this Ordinance for its original approval.

**SECTION 15-3.0702**

**DETAILED STANDARDS FOR SPECIAL USES IN  
RESIDENTIAL DISTRICTS**

- A. **Open Space Subdivision.** The following specific requirements and standards shall apply to all "Open Space Subdivision" options in the R-1, R-2, R-3, R-3E, R-4, R-5, R-6, and R-7 Districts:

1. **Must Meet District Standards.** All "Open Space Subdivisions" shall meet the applicable open space ratio, density, lot dimension, living area per dwelling unit, and height requirements for both the zoning district and "Open Space Subdivision" option selected.
2. **Conservation and/or Open Space Preservation Easements.** All "Open Space Subdivisions" shall have submitted conservation and/or open space preservation easements regulating the protection of natural resource features and/or open space in the proposed development. Such documents shall assure that all such conservation and/or open space preservation easements are held privately and in perpetuity under a Wisconsin non-profit membership corporation (homeowners' association). Said conservation and/or open space preservation easements shall cover the total required Open Space Ratio, or OSR, area of the Open Space Subdivision.
3. **Wisconsin Non-Profit Membership Corporation (Homeowners' Association).** All "Open Space Subdivisions" shall have submitted the legal instruments and rules for the creation of a Wisconsin non-profit membership corporation (homeowners' association). Said non-profit membership corporation shall be responsible for maintaining all open space areas and conservation and/or open space easements in the development.
4. **City Attorney Review.** The City Attorney shall review all conservation and/or open space easements and homeowners' associations and shall approve said instruments as to form.
5. **Minimum Required Width of Open Space When Abutting an Adjacent "Conventional Subdivision."** A minimum fifty (50) foot-wide open-space buffer shall be provided between an "Open Space Subdivision" and an abutting "Conventional Subdivision." Said open space buffer shall be protected by a conservation and/or open space preservation easement and shall count towards the total required amount of open space for the "Open Space Subdivision."

- B. **Stables, Private.** The following specific standards shall be used in the R-1, R-1E, and R-2 Districts:

1. **Minimum Lot Area.** The minimum lot area shall be three (3.0) acres. This minimum lot area shall be increased by forty thousand (40,000) square feet for each equine in addition to three (3).
2. **Required Setbacks.** The following minimum setbacks shall also be provided:

- a. On parcels of land less than two hundred thousand (200,000) square feet, all feed and bedding shall be stored indoors.
    - b. On parcels of land two hundred thousand (200,000) square feet or more, piles of feed or bedding shall be located seventy-five (75) feet from any public street right-of-way or lot line of an adjacent nonresidential district and one hundred (100) feet from any lot line of an adjacent residential district lot line, in order to minimize odor and nuisance problems.
  3. **Pasture Location.** Pasture area may extend to the lot line.
  4. **Manure Maintenance.** Manure piles shall be stored, removed, and/or applied in accordance with applicable City requirements.
  5. **Stable Location.** All points on the perimeter of any stable building or corral shall be at least thirty (30) feet from the nearest boundary line or right-of-way line of the parcel on which it is located.
- C. Ch. 980 Stats. supervised release and crimes against children sex offender use. “Person” as used within this Subsection, shall have the meaning set forth within §167-2. of the Municipal Code. The following factors, in addition to the general standards for special uses to be established by an applicant under Section 15-3.0701 of this Ordinance, shall be established by an applicant for a Ch. 980 Stats. supervised release and crimes against children sex offender use:
1. **Residency Restrictions.** No Ch. 980 Stats. supervised release and crimes against children sex offender use may be established or exist within two thousand feet of the real property comprising any of the following:
    - a. Any facility for children (which means a public or private school, a group home, as defined in §48.02 (7), Stats., a residential care center for children and youth, as defined in §48.02 (15d), Stats., a shelter care facility, as defined in §48.02 (17), Stats., a foster home, as defined in §48.02 (6), Stats., a treatment foster home, as defined in §48.02 (17q), Stats., a day care center licensed under §48.65, Stats., a day care program established under §120.13 (14), Stats., a day care provider certified under §48.651, Stats., or a youth center, as defined in §961.01 (22), Stats.);
    - b. Any facility used for:
      1. a public park, parkway, parkland, park facility;
      2. a public swimming pool;
      3. a public library;
      4. a recreational trail;
      5. a public playground;;
      6. a school for children;
      7. athletic fields used by children;
      8. a movie theatre;
      9. a daycare center;
      10. the Milwaukee County Sports Complex and grounds;



11. a ski hill open to the public;
12. any specialized school for children, including, but not limited to a gymnastics academy, dance academy or music school;
13. a public or private golf course or range; and
14. aquatic facilities open to the public.

The distance shall be measured from the closest boundary line of the real property supporting the residence of a person to the closest real property boundary line of the applicable above enumerated use(s). A map depicting the above enumerated uses and the resulting residency restriction distances, as amended from time to time, is on file in the Office of the City Clerk for public inspection.

2. **Residency Restriction Exceptions.** A person residing within or a Ch. 980 Stats. supervised release and crimes against children sex offender use within two thousand feet of the real property comprising any of the uses enumerated in Subs. 1. above, does not commit a violation of this Subsection if any of the following apply:
  - a. The person is required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution or facility or the use results therefrom.
  - b. The person has established a residence/Ch. 980 Stats. supervised release and crimes against children sex offender use prior to the effective date of this Subsection on December 16, 2006, which is within two thousand feet of any of the uses enumerated in Subs. 1. above, or such enumerated use is newly established after such effective date and it is located within such two thousand feet of a residence of a person/Ch. 980 Stats. supervised release and crimes against children sex offender use, which was established prior to the effective date of this Chapter.
  - c. The person residing in the Ch. 980 Stats. supervised release and crimes against children sex offender use is a minor or ward under guardianship.
3. **Original Domicile Restriction.** In addition to and notwithstanding the foregoing, but subject to Subs. 2. above, no person and no individual who has been convicted of a sexually violent offense and/or a crime against children, shall be permitted to reside in the City of Franklin and no such Ch. 980 Stats. supervised release and crimes against children sex offender use shall be established in the City of Franklin, unless such person was domiciled in the City of Franklin at the time of the offense resulting in the person's most recent conviction for committing the sexually violent offense and/or crime against children.
4. **Child Safety Zones.** No person who has been convicted of or has been found delinquent of or has been found not guilty by reason of disease or mental defect of a sexually violent offense and/or a crime against children, as defined in §167-2. of the Municipal Code, shall enter or be present upon any real property upon which there exists any facility used for or which supports a use of:
  - a. Any facility for children (which means a public or private school, a group home, as defined in §48.02 (7), Stats., a residential care center for children and youth, as

defined in §48.02 (15d), Stats., a shelter care facility, as defined in §48.02 (17), Stats., a foster home, as defined in §48.02 (6), Stats., a treatment foster home, as defined in §48.02 (17q), Stats., a day care center licensed under §48.65, Stats., a day care program established under §120.13 (14), Stats., a day care provider certified under §48.651, Stats., or a youth center, as defined in §961.01(22), Stats.);

b. Any facility used for:

1. a public park, parkway, parkland, park facility;
2. a public swimming pool;
3. a public library;
4. a recreational trail;
5. a public playground;;
6. a school for children;
7. athletic fields used by children;
8. a movie theatre;
9. a daycare center;
10. the Milwaukee County Sports Complex and grounds;
11. a ski hill open to the public;
12. any specialized school for children, including, but not limited to a gymnastics academy, dance academy or music school;
13. a public or private golf course or range; and
14. aquatic facilities open to the public;

and no such enumerated uses shall be used to allow such person upon the property supporting such use. A map depicting the locations of the real property supporting the above enumerated uses, as amended from time to time, is on file in the Office of the City Clerk for public inspection.

5. **Child Safety Zone Exceptions.** A person does not commit a violation of Subs. 4. above and the enumerated uses may allow such person on the property supporting such use if any of the following apply:

- a. The property supporting an enumerated use under Subs. 4. also supports a church, synagogue, mosque, temple or other house of religious worship (collectively "church"), subject to the following conditions:
  1. Entrance and presence upon the property occurs only during hours of worship or other religious program/service as posted to the public; and
  2. Written advance notice is made from the person to an individual in charge of the church and approval from an individual in charge of the church as designated by the church is made in return, of the attendance by the person; and
  3. The person shall not participate in any religious education programs which include individuals under the age of 18.

- b. The property supporting an enumerated use under Subs. 4. also supports a use lawfully attended by a person's natural or adopted child(ren), which child's use reasonably requires the attendance of the person as the child's parent upon the property, subject to the following conditions:
    - 1. Entrance and presence upon the property occurs only during hours of activity related to the use as posted to the public; and
    - 2. Written advance notice is made from the person to an individual in charge of the use upon the property and approval from an individual in charge of the use upon the property as designated by the owner of the use upon the property is made in return, of the attendance by the person.
  - c. The property supporting an enumerated use under Subs. 4. also supports a polling location in a local, state or federal election, subject to the following conditions:
    - 1. The person is eligible to vote;
    - 2. The designated polling place for the person is an enumerated use; and
    - 3. The person enters the polling place property, proceeds to cast a ballot with whatever usual and customary assistance is provided to any member of the electorate; and the person vacates the property immediately after voting.
  - d. The property supporting an enumerated use under Subs. 4. also supports an elementary or secondary school lawfully attended by a person as a student, under which circumstances the person who is a student may enter upon that property supporting the school at which the person is enrolled, as is reasonably required for the educational purposes of the school.
6. **Violations.** Violations of this Subection shall be subject to those remedies and penalties as are set forth under §167-8. of the Municipal Code for violations of the residency restriction and child safety zone regulations, respectively, and those set forth under §15-9.0502 of this Ordinance.

## **SECTION 15-3.0703**

## **DETAILED STANDARDS FOR SPECIAL USES IN NONRESIDENTIAL DISTRICTS**

- A. **Amusement Parks.** The following standards shall apply to all amusement parks:
- 1. **Contiguity with Arterial or Collector Street Required.** All amusement parks shall be located contiguous to an arterial or collector street.
  - 2. **Bufferyard Requirements.** A landscaped bufferyard opacity value of 1.00 (see Division 15-5.0300 of this Ordinance) shall be provided along all property lines of the entire amusement park and said amusement park shall be enclosed with a masonry wall of at least eight (8) feet or more in height so as to discourage entrance from areas other than

the designated entrances to said facilities; or enclosed by an earthen berm of at least eight (8) feet in height or higher and a chain-link fence, fully screened from view by vegetation so as to discourage entrance from areas other than the designated entrances to said facilities.

3. **Property Abutting Residential Zoning District.** If the property abuts a residential zoning district, then a bufferyard with a minimum width of one hundred (100) feet comprised of an earthen berm equal to the height of the top of the roofs shall be constructed with a slope of no greater than two to one (2:1), and landscaping installed to provide one hundred (100) percent canopy cover over said bufferyard area. A minimum level of opacity of said bufferyard shall be 1.00 (see Division 15-5.0300 of this Ordinance).
4. **Lighting.** All off-street parking areas and access ways shall be adequately illuminated. Cut-off lighting shall be required. The total cut-off of light shall be at an angle of less than ninety (90) degrees and shall be located so that the bare light bulb, lamp, or light source is completely shielded from the direct view of an observer five (5) feet above the ground at the point where the cut-off angle intersects the ground and so that no light can be viewed from said residential districts.
5. **Loudspeaker and Announcement Systems.** Loudspeaker and announcement systems shall be so located with respect to the zoning district boundaries so that the level of sound, as measured in decibels, as measured at the property line shall not exceed forty (40) db during the hours of 9 A.M. to 6 P.M. or 35 db during the time period from 6 P.M. to 10 P.M.
6. **Minimum Required Site Area.** The minimum acreage required for an amusement park shall be one hundred (100) acres.

B. **Animal Hospitals and Veterinary Clinics.** Animal hospitals and veterinary clinics shall meet the following requirements:

1. **Activities to be Conducted within Enclosed Building.** All activities, except animal exercise areas, shall be conducted within an enclosed building which allows for adequate ventilation.
2. **Minimum Building Distance from Adjoining Residential Zoning District.** Buildings housing animal hospitals and veterinary clinics which are fully enclosed, shall be located no closer than seventy-five (75) feet from any adjacent residential zoning district. Buildings housing animal hospitals or veterinary clinics which are not fully enclosed, shall be located no closer than one hundred fifty (150) feet from any adjacent residential zoning district.
3. **Enclosed Exercise Areas.** Enclosed exercise areas shall be not less than one hundred (100) feet from any residential zoning district. The operator of the animal hospital or veterinary clinic shall be responsible for using good management practices to discourage undesirable odors, insects, and excessive noise. All exercise areas shall be enclosed by a fence and adjacent to the principal building.

C. **Apartment, Commercial.** Commercial apartments shall meet the following requirements:

1. **Location in Commercial Building.** This dwelling type shall be located on the second or third story, or level, of a building with commercial uses occupying the ground floor.
2. **Additional Landscaping Requirements.** Landscaping shall require a ten (10) percent increase in parking lot landscaping and one (1) additional canopy type tree for every two (2) apartments.

D. **Boarding House.** Boarding houses shall meet the following requirements:

1. **Maximum Allowable Density.** In each boarding house, for the purposes of calculating density, every 2.17 residents [*Note: This number is based upon the 1990 U.S. Census of 2.17 persons per occupied rental housing unit in the City of Franklin*] shall constitute one (1) dwelling unit. Therefore the facility must be located on a lot large enough to meet the density requirements of the Comprehensive Master Plan for the equivalent number of dwelling units or the minimum requirements of the zoning district in which the proposed boarding house is located, whichever is more restrictive.
2. **Direct Access to Collector or Arterial Street.** All boarding houses containing more than fifteen (15) residents shall have direct access to a collector or arterial street.
3. **Other Applicable Regulations.** All boarding houses shall comply with all applicable state and local regulations.

E. **Bus Terminals.** Bus terminals shall meet the following requirements:

1. **Direct Access to Collector or Arterial Street.** All bus terminals shall have direct access to an arterial street which is a federal, state, or county designated highway.
2. **Use Abutting Residential Zoning District Prohibited.** Such use shall not adjoin a residential zoning district.

F. **Campgrounds, Travel and Recreational Vehicle Trailer Parks, and Tents.**

1. **Location.** All campgrounds, travel and recreational vehicle trailer parks, and tents shall have direct access to an arterial street which is a federal, state, or county designated highway.
2. **Minimum Required Site Area.** All campgrounds, travel and recreational vehicle trailer parks, and tents shall have a minimum site area of thirty (30) contiguous acres.
3. **Trailer and Vehicle Parking Spaces.** All trailer and vehicle parking spaces are to be paved with asphaltic concrete.

4. **Limitations on Campground Use.** No more than fifteen (15) percent of the travel trailer park shall be used for campground purposes.
5. **Accessory Uses.** Accessory uses may be allowed by the City of Franklin as follows:
  - a. Recreational facilities, laundry buildings, one (1) service retail store (not to exceed two thousand (2,000) square feet in total floor area), manager's office and storage buildings, sanitary facilities, and fences, constructed in accordance with all the provisions of this Ordinance and all other applicable City of Franklin regulations.
  - b. No accessory buildings or structures shall be used for human occupancy, except as may be permitted by a Special Use Permit.
6. **Development and Design Requirements.**
  - a. A maximum density of fifteen (15) units per acre.
  - b. Each unit or site shall be improved with a minimum parking space for the travel trailer or recreational vehicle with a minimum area of ten (10) feet by twenty-five (25) feet in addition to the access driveway.
  - c. Vehicle Parking:
    - (1) One (1) paved parking space, nine (9) feet by twenty (20) feet shall be located on each site (may be located in front or side yard setback areas).
    - (2) Guest parking, one (1) space for each ten (10) trailer sites, shall be provided off of the interior drives.
  - d. Recreation area requirements shall be at a ratio of one hundred (100) square feet per unit site.
  - e. No direct access to an individual site shall be permitted from a public street.
  - f. All public utilities shall be placed underground.
  - g. Minimum bufferyard opacity value of 1.00 is required on all exterior boundaries including street frontage (see Division 15-5.0300 of this Ordinance).
  - h. Interior landscaping of the park shall require at least one (1) tree per lot, existing or if planted, and the tree shall be a minimum of three (3) inch caliper.
  - i. Individual travel trailer or recreational vehicle sites development standards:
    - (1) Minimum width: twenty-five (25) feet.
    - (2) Minimum depth: forty-five (45) feet.

- j. Campground areas of any travel trailer park shall provide a minimum of five hundred (500) square for each tent site. A ten (10) foot separation shall be maintained between tents.
- 7. **Sanitary Garbage Pickup.** In every campground there shall be provided at least one (1) sanitary garbage pickup area on the site. Said garbage pickup area shall be screened from view in accordance with this Ordinance and all other applicable City regulations.
- 8. **Compliance with Regulations.** All campgrounds shall comply with all State and local regulations.
- G. **Cemeteries, Human.** Cemeteries for humans shall meet the following requirements:
  - 1. **State Requirements.** All requirements of the Wisconsin State Statutes regarding the interment of human dead shall be met.
  - 2. **Minimum Required Site Area.** A minimum required site size for the entire cemetery site shall be three (3) acres.
  - 3. **Off-Street Parking and Maneuvering of Funeral Corteges.** There shall be adequate space within the site for the parking and maneuvering of funeral corteges.
  - 4. **Minimum Interment Setbacks.** No interment shall take place within fifty (50) feet of any adjoining lot line.
  - 5. **Minimum Structure Setback.** All structures shall be set back a minimum of fifty (50) feet from any boundary line of the cemetery property plus two (2) feet for each one (1) foot of structure height over twenty-five (25) feet to the maximum height permitted by the zoning district in which it is located.
- H. **Commercial Communication Towers.** (See Division 15-3.0805)
- I. **Convenience Stores.** Convenience stores shall meet the following requirements:
  - 1. **Direct Access to Arterial Streets Required.** All convenience stores shall have direct access to an arterial street which is a federal, state, or county designated highway, except where it is part of a nonresidential development where access is provided by a parallel access road, or reverse frontage road, where nonresidential uses will be on both sides of the street.
  - 2. **Required Additional Landscape Bufferyard When Abutting Residential Zoning Districts.** When abutting a residential zoning district, convenience stores shall provide an additional 0.2 opacity level to that already required under the provisions set forth in Section 15-5.0300 of this Ordinance.
  - 3. **Screening of All Loading, Storage, and Garbage or Waste Facilities.** All loading, storage, and garbage or waste facilities shall be fully enclosed and screened from view as deemed appropriate by the Plan Commission. Under no circumstances, however, shall such requirements be less than those specified elsewhere in this Ordinance.

4. **Architectural Design.** All convenience stores adjoining residential uses and zoning districts shall have pitched roofs matching the roof lines of adjoining residential structures. Each convenience store building shall use the same architectural materials on all sides of the building.
5. **Fuel Pump Location.** Any fuel pumps, underground fuel storage tanks, and islands, shall be at least fifty (50) feet from any street or abutting lot line and meet all other State of Wisconsin regulations.
6. **Canopies.** The canopies provided over the pump islands of convenience stores with gas pumps shall meet the yard requirements of a principal structure. In addition:
  - a. **Obstruction of Visibility at Rights-of-Way Prohibited.** The canopy shall not block visibility at intersections of rights-of-way or drives.
  - b. **Zoning District Front Yard Requirements Shall Be Met.** All pump islands, their surrounding structures, and the canopy overhang shall meet the zoning district's front yard requirement.
  - c. **Canopies to be Counted Towards Maximum Permitted GFAR and FAR.** All canopies shall be counted towards the maximum permitted gross floor area ratio (GFAR) and maximum net floor area ratio (NFAR) of the nonresidential zoning in which the canopy is to be constructed.
  - d. **Maximum Height.** Under no circumstances shall the canopy be higher than twenty-five (25) feet.
  - e. **Signs Not Permitted.** No signs shall be permitted on canopy roofs or fascia.
7. **Lighting.** The off-street parking and fueling area may be illuminated. Total cut-off of light shall be at an angle of less than ninety (90) degrees and shall be located so that the bare light bulb, lamp, or light source is completely shielded from the direct view of an observer five (5) feet above the ground at the point where the cut-off angle intersects the ground and so that no light can be viewed from any abutting residential zoning districts. Maximum footcandle levels allowed are set forth in Division 15-5.0400 of this Ordinance for the zoning district in which the convenience store is located.
8. **Hours of Operation.** Hours of operation shall be established by the Common Council.
- J. **Drive-In Theaters.** Drive-in theaters shall meet the following requirements:
  1. **Location of Theater Screen, Projection Booth, or Other Building.** No part of any theater screen, projection booth, or other building shall be located closer than five hundred (500) feet from any residential zoning district nor closer than two hundred (200) feet from any abutting property line.



2. **Visibility of Theater Screen from Adjoining Areas.** The image on the theater screen shall not be visible from any arterial or collector street or from any residential zoning district.
3. **Automobile Queuing Space to be Provided.** Queuing space within the parcel or lot shall be provided for patrons awaiting admission in an amount equal to or greater than thirty (30) percent of the vehicular capacity of the theater.

K. **Farm Labor Housing.** Farm labor housing shall meet the following requirements:

1. **Minimum Parcel Size.** The farm labor housing shall be an accessory use to an agricultural use which agricultural use has a minimum parcel size of thirty-five (35) acres.
2. **Maximum Permitted Density.** The maximum density of the farm labor housing shall not exceed one (1) dwelling unit per two (2) acres of the zoning lot devoted to agriculture. The units may be clustered but the area of land used in calculating the density cannot be further subdivided or used for uses other than agriculture. Dormitories, for purposes of density calculations, shall be calculated at 2.17 residents equaling one (1) dwelling unit.

*Note: This number is based upon the 1990 U.S. Census of 2.17 persons per occupied rental housing unit in the City of Franklin.]*

3. **Minimum Front, Side, and Rear Yard Requirements.** Farm labor housing shall provide front, side, and rear yards of fifty (50) feet.
4. **Minimum Landscaped Bufferyard Required.** A minimum bufferyard area equal to that required under Section 15-5.0300 of this Ordinance shall be provided between the farm labor housing and adjacent properties if the farm labor housing is located within two hundred (200) feet of the zoning lot line of an adjacent property under different ownership.
5. **Minimum Required Distance Between Dwelling Structures and Other Structures.** All structures containing dwelling units shall be located a minimum of thirty (30) feet from any other structure.
6. **Adequate Sewage Disposal and Water Supply System to be Provided.** All farm labor housing shall provide adequate sewage disposal and water supply systems which meet all Federal, state and local requirements.
7. **Maintenance.** All farm labor housing shall be maintained in a neat, orderly, and safe manner.
8. **Other Requirements.** All Federal, state and local requirements for such uses shall be complied with.

L. **Firing Range, Small Arms.** Firing ranges for small arms shall meet the following requirements:

1. **Type of Range: Indoor Only.**

2. **Maximum Caliber Allowed to be Fired.** The maximum caliber for rifled barrels used on the range shall be .45 and for non-rifled barrel shall be 12 gauge.
3. **Projectile-Proof Backstop Required.** A projectile-proof backstop, consisting of concrete, steel, earth or a combination thereof, at least fifteen (15) feet high shall be erected and maintained behind all target areas.
4. **Nuisances Prohibited.** The use shall not constitute a nuisance or be a hazard to life or property as determined by the City of Franklin.
5. **Maximum Noise Level.** The noise level shall not exceed fifty-five (55) dBA at the property boundary.
6. **Hours of Operation.** The hours of operation shall be between 9:00 A.M. and 7:00 P.M.
7. **Design and Safety Standards.** The design and safety standards of the National Rifle Association, The National Skeet Shooting Association, and the Amateur Trap Shooting Association shall be met.
8. **Proximity to Residential Districts.** The use shall not abut or be located within one thousand (1,000) feet any residential zoning district or any area planned for residential use as set forth in the City of Franklin Comprehensive Master Plan or component thereof.
9. **Term of Special Use Permit.** The Special Use Permit shall expire in three (3) years but may be renewed, subject to the same process by which it was approved. Should the area within one thousand (1,000) feet be either rezoned or developed so that fifty (50) percent of the residentially zoned lands have homes placed on them, then the Special Use Permit shall not be renewed unless it can be scientifically demonstrated that the noise at the property line is below forty (40) dBA during firing, in which case the City may permit a renewal of the Special Use Permit for another three (3) year period.

M. **Gas Stations (including Automotive Repair Facilities and Gas Stations with Automotive Repair Facilities).** Gas stations, gas stations with automotive repair facilities, and automotive repair facilities shall meet the following requirements:

1. **Direct Access to Arterial Streets Required.** All gas stations shall have direct access to an arterial street which is a Federal, state, or county designated highway, except where it is part of a nonresidential development where access is provided by a parallel access road or reverse frontage road where nonresidential uses will be on both sides of the street.
2. **Required Additional Landscape Bufferyard When Abutting Residential Zoning Districts.** When abutting a residential zoning district, gas stations shall provide an additional 0.3 bufferyard opacity value to that already required under the provisions set forth in Section 15-5.0300 of this Ordinance.
3. **Screening of All Loading, Storage, and Garbage or Waste Facilities.** All loading, storage, and garbage or waste facilities shall be fully enclosed and screened from view

within a fully enclosed masonry wall eight (8) feet in height. Under no circumstances, however, shall such requirements be less than those specified elsewhere in this Ordinance.

4. **Architectural Design.** All gas stations adjoining residential uses and zoning districts shall have pitched roofs matching the roof lines of adjoining residential structures. The buildings shall use the same architectural materials on all sides of the building.
5. **Fuel Pump Location.** Any fuel pumps, underground fuel storage tanks, and islands, shall be at least fifty (50) feet from any street or abutting lot line and meet all other State of Wisconsin regulations.
6. **Canopies.** The canopies provided over the pump islands of gas stations with gas pumps shall meet the yard requirements of a principal structure. In addition:
  - a. **Obstruction of Visibility at Rights-of-Way Prohibited.** The canopy shall not block visibility at intersections of rights-of-way or drives.
  - b. **Zoning District Front Yard Requirements Shall Be Met.** All pump islands, their surrounding structures, and the canopy overhang shall meet the zoning district's front yard requirement.
  - c. **Canopies to be Counted Towards Maximum Permitted GFAR and NFAR.** All canopies shall be counted towards the maximum permitted gross floor area ratio (GFAR) and maximum net floor area ratio (NFAR) of the nonresidential zoning in which the canopy is to be constructed.
  - d. **Maximum Height.** Under no circumstances shall the canopy be higher than twenty-five (25) feet.
  - e. **Signs Not Permitted.** No signs shall be permitted on canopy roofs or fascia.
7. **Lighting.** The off-street parking and fueling area may be illuminated. Total cut-off of light shall be at an angle of less than ninety (90) degrees and shall be located so that the bare light bulb, lamp, or light source is completely shielded from the direct view of an observer five (5) feet above the ground at the point where the cut-off angle intersects the ground and so that no light can be viewed from any abutting residential zoning districts. Maximum footcandle levels allowed are set forth in Division 15-5.0400 of this Ordinance for the zoning district in which the gas station is located.
8. **Repair Services.** All repair services shall be performed within a completely enclosed building and shall meet the following requirements:
  - a. No more than the required off-street parking set forth under the provisions of Section 15-5.0203 shall be allowed.

- b. All storage of vehicles awaiting needed parts shall be within the building or in an enclosed or screened-in yard.
- c. All damaged or nonoperable parts shall be stored indoors until removed from the premises.
- d. An automotive repair facility shall store all vehicle parts within a completely enclosed building.
- e. The maximum allowable number of tow trucks which can be parked at the site shall be determined by the Plan Commission as a condition of approval of the Special Use Permit.

9. **Hours of Operation.** Hours of operation shall be established by the Common Council.

N. **Golf Driving Ranges.** Golf driving ranges shall meet the following requirements:

- 1. **Minimum Required Site Area.** The site shall be a minimum of twelve (12) acres in area and shall be of such configuration so as to permit a minimum driving distance of three hundred (300) yards from each proposed tee, exclusive of all required bufferyard areas.
- 2. **Additional Site Plan Requirements.** A site plan of the facility shall be submitted showing the layout of the property with all ranges, roughs, tees, structures, off-street parking areas, fencing, and proposed plant materials and location.
- 3. **Site Lighting.** Lighting used at the site shall be designed, located, and constructed so as to prevent glare and minimize reflection onto neighboring property. Those lighting standards set forth in Division 15-5.0400 shall be adhered to.
- 4. **Minimum Setbacks.** Minimum setbacks for front, rear, and side yards shall be one hundred (100) feet.
- 5. **Direct Access to Arterial Streets Required.** All golf driving ranges shall have direct access to an arterial street which is a Federal, state, or county designated highway.

O. **Heliports.** Heliports shall meet the following requirements:

- 1. **Minimum Site Size.** The area proposed for this use shall be sufficient in size, and the site shall otherwise be adequate to meet the standards for the type of facility proposed of the Federal Aviation Administration and the Department of Transportation in accordance with their published Rules and Regulations. In no case, shall a site be less than fifteen (15) contiguous acres in area.
- 2. **Location of Landing Area on the Site.** Any proposed landing area shall be situated so that any structures, high voltage power lines, towers, chimneys, and natural obstructions within the approach zones, shall comply with regulations for height restrictions in airport approach zones of the Federal Aviation

Administration, Wisconsin Division of Aeronautics, or other airport authority qualified by law to establish hazard zoning regulations. No planned approach areas shall be permitted over proposed residential areas. Landing and take-off areas shall be located a minimum of one hundred fifty (150) feet from any zoning lot boundary and a minimum of five hundred (500) feet from any dwelling unit or residential zoning district.

3. **Required Off-Street Parking.** In addition to those off-street parking requirements set forth in Division 15-5.0200 of this Ordinance, one (1) space for every helicopter space within a hangar or enclosed aircraft storage area, plus one (1) space for every aircraft tie-down space, plus one (1) space for every two (2) employees shall be required.
4. **Minimum Required Setbacks.** Any building, hangar, or other structure shall be at least one hundred (100) feet from any street right-of-way line. Hangars and repair facilities shall be set back at least one hundred fifty (150) feet from any zoning lot boundary and all other buildings shall be set back at least fifty (50) feet from any zoning lot boundary.
5. **Repairs.** All repair of airplanes and machinery shall be done inside hangars.
6. **Limitations on the Location of Nearby Residential Structures.** Residential uses shall not be located within the approach path or within the sixty-five (65)  $L_{dn}$  unless measures to achieve a noise level reduction of 25 dBA (outdoor to indoor) are incorporated into the design and construction of the residential structures.
7. **Applicable Federal, State, and Local Regulations to be Met.** Heliports shall meet all applicable Federal, state and local regulations.

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

1. **Minimum Site Size.** The area proposed for this use shall be sufficient in size and the site shall otherwise be adequate to meet the standards for the type of facility proposed of the Federal Aviation Administration and the Department of Transportation in accordance with their published Rules and Regulations.
2. **Location of Landing Area on the Site.** Any proposed landing area shall be situated so that any structures, high voltage power lines, towers, chimneys, and natural obstructions within the approach zones, shall comply with regulations for height restrictions in airport approach zones of the Federal Aviation Administration, Wisconsin Division of Aeronautics, or other airport authority qualified by law to establish hazard zoning regulations. Landing and take-off areas shall be located a minimum of one hundred fifty (150) feet from any zoning lot boundary and a minimum of five hundred (500) feet from any dwelling unit or residential zoning district.

3. **Limitations on the Location of Nearby Residential Structures.** Residential uses shall not be located within the approach path or within the sixty-five (65)  $L_{dn}$  unless measures to achieve a noise level reduction of twenty-five (25) dBA (outdoor to indoor) are incorporated into the design and construction of the residential structures.
4. **Applicable Federal, State, and Local Regulations to be Met.** Heliports shall meet all applicable Federal, state and local regulations.

Q. **Junkyards.** Junkyards shall meet the following requirements:

1. **Required Bufferyards and Visibility Requirements.** Such uses shall have a minimum bufferyard with 1.0 opacity value on all sides. The applicant shall demonstrate that berms or fences are used to ensure that no part of the facility is visible from residential dwellings or public streets located within five hundred (500) feet of the use. If the use covers more than ten (10) acres in area, the distance shall be increased to two thousand (2,000) feet.
2. **Prevention of Contamination.** The site shall have appropriate measures taken that prevent site contamination from oils, gas, grease, or other contaminants, including metals. At a minimum, there shall be five (5) feet of soil between the water table or bedrock. If water supply wells are located within one thousand (1,000) feet of the site, the Plan Commission may require a special liner and bonds for removal of contaminated topsoil.

R. **Kennels.** Kennels shall meet the following requirements:

1. **Solid Waste and Feces Removal.** The disposal of all feces and other solid waste generated by the kennel operation shall be reviewed and approved by the City of Franklin Health Department.
2. **Required Fencing.** All runs and kennel areas shall be fenced with chain link, solid wood fencing, or a masonry wall of a height to be determined by the Plan Commission. The fence or wall shall be of quality material and be neat in appearance.
3. **Noises, Smoke, and Odor.** Any training of animals shall not include the use of loud noises or produce smoke or odor. The kennel facility shall not generate adverse, off-site noise or odor impacts.
4. **Humane Society of the United States (HSUS) Guidelines to be Used.** Humane Society of the United States (HSUS) Guidelines shall be used, at a minimum, for the flooring, walls between kennels, drainage, heating and cooling, cage sizes, and runs.
5. **Minimum Required Setbacks.** All outdoor runs shall be a minimum of one hundred fifty (150) feet from any residential zoning district and all exercise areas shall be a minimum of fifty (50) feet from any residential zoning district.

- S. **Landfill and Disposal Uses.** The following shall be considered landfill and disposal operations: solid waste disposal facility, landfills, trash transfer sites, incinerators, sludge or other land disposal; storage of septic tank wastes or sludges, trash, and recycling facilities. When applying for a Special Use Permit or zoning district change, the applicant shall provide the following plans and information in addition to what is otherwise required for a Special Use Permit:

1. **Plans or Data Required.**

- a. A full set of all documentation and plans required for such uses as set forth in Chapters NR 504 and 510 of the Wisconsin Administrative Code as amended for the type of facility requested.
- b. The widths, bearing capacity, type of road surface of all City of Franklin or County roads used by truck traffic to or from the site and of the nearest state trunk highways; and the weight of the vehicles using the facility. An analysis shall indicate the improvements needed to bring these roads up to adequate standards to accommodate the weight of vehicles using the facility.

2. **Performance Criteria and Standards.**

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

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

- T. **Mini-Warehouses.** Mini-warehouse facilities shall meet the following requirements:
1. **Limitations on Use of Facilities.** Such facilities shall be used only for the storage of materials or articles and shall not be used for assembly, fabrication, processing, or repair.
  2. **Services and Sales Activities Prohibited.** No services or sales shall be conducted from any storage unit. Garage sales and/or flea market type activities are prohibited.
  3. **Practice Rooms, Meeting Rooms, and Residences Prohibited.** Facilities shall not be used for practice rooms, meeting rooms, or residences.
  4. **Outdoor Storage Prohibited.** No outdoor storage shall be permitted.
  5. **Storage of Explosive or Highly Flammable Material Prohibited.** Storage of explosive or highly flammable material shall be prohibited.
- U. **Outdoor Nursery and Garden Sales.** Outdoor nursery and garden sales shall meet the following requirements:
1. **Outdoor Sales of Merchandise to be Accessory to Enclosed Building.** There shall be an enclosed building with outdoor sales of merchandise accessory to said building.
  2. **No Outdoor Display Permitted Not Accessory to Enclosed Building.** No outdoor display shall be permitted which is not accessory to an enclosed building.
  3. **Maximum Area of Outdoor Sales.** The overall area of any outdoor sales accessory use shall not exceed the area of the principal enclosed building.
- V. **Power Generation Facilities.** Power generation facilities shall meet the following requirements:
1. **Direct Access to Arterial Streets Required.** All power generation facilities shall have direct access to an arterial street which is a federal, state, or county designated highway.
  2. **Minimum Required Setbacks.** Front, rear, and side yards shall be a minimum of fifty (50) feet from all lot and public street right-of-way lines. When adjacent to a residential zoning district, yards shall be a minimum of one thousand (1,000) feet from said residential zoning district line.
  3. **All Applicable Local, State, and Federal Environmental Standards to be Met.** Proof of the ability to meet all applicable local, State, and federal environmental standards shall be provided.
- W. **Radio and Television Transmitting and Receiving Facilities.** Radio and television transmitting and receiving facilities shall meet the following requirements:
1. **Interference With Air Traffic Prohibited.** The proposed structure would not result in restriction or interference with air traffic or air travel to or from any existing or proposed airport.



2. **Minimum Tower Setback Requirements.** The proposed tower shall be set back from the zoning lot line one (1) foot for every three (3) feet of height of the tower.
3. **Locational Requirements for Radio and Television Receiving Dishes Associated with Radio and Television Transmitting and Receiving Facilities.**
  - a. A radio or television receiving dish shall be located within the rear yard of the property except for corner lots. On corner lots, the dish may be located in the portion of the lot which functions as a rear yard, but shall not be located closer to the street than front edge of the principal use (the portion of the principal use closest to the street). Any dish located within a required side yard shall be located behind (further from the street than) the principal structure on any lot abutting the side yard.
  - b. On parcels or lots of a minimum size of five (5) acres, radio and television receiving dishes shall not be located within required front and side yards.
  - c. All dishes shall be screened from view from any street by a fence, wall, or hedge a minimum of six (6) feet in height and seventy-five (75) percent opaque.

X. **Stables, Public.** Public stables shall meet the following requirements:

1. **Minimum Lot Area.** The minimum lot area shall be ten (10) acres.
2. **Required Minimum Setbacks.** Front, rear, and side yard setbacks shall be a minimum of seventy-five (75) feet.
3. **Pasture Location.** Pasture area may extend to thirty (30) feet from the lot line.
4. **Manure Removal and General Maintenance.** Manure piles shall be stored, removed, and/or applied in accordance with applicable City requirements. The operator of the stable shall be responsible for using good management practices to discourage undesirable odors and insects.
5. **Stable Location.** All points on the perimeter of any stable building or corral shall be at least seventy-five (75) feet from the nearest boundary line or right-of-way line of the parcel on which it is located.
6. **Feed and Bedding Storage.** All feed and bedding shall be stored indoors.

**DIVISION 15-3.0800      ACCESSORY AND TEMPORARY USES AND  
STRUCTURES STANDARDS AND REGULATIONS**

**SECTION 15-3.0801      GENERAL STANDARDS FOR ACCESSORY USES AND  
STRUCTURES**

- A.    **Accessory Uses and Structures.** Accessory uses and structures are permitted in any zoning district but not until the principal structure is present or under construction on the lot or parcel. Residential accessory uses and structures shall not involve the conduct of any business, trade, or industry, except as allowed for Home Occupations defined and regulated in this Ordinance. Accessory uses and structures include incidental repairs; storage; parking facilities; gardening; servants, owners, itinerant agricultural laborers, and watchmen's temporary quarters, not for rent; decks; private above ground swimming pools (except wading pools having a depth of less than two (2) feet and which are readily moveable); private in-ground swimming pools and spas (outdoors); and private emergency shelters.
- B.    **Location.**
1.    No part of an accessory structure shall be located in a front yard, corner side yard, or any rear yard abutting a street on a corner lot. For a rear yard abutting a street on a corner lot, the setback shall be the required corner side setback of the zoning district, except as provided in B.2, 3, 4 and 5 below. Where the front of a principal structure on a double frontage lot faces a street other than an arterial street and the principal structure is not on a corner lot, an accessory use or structure may be placed in the yard facing the arterial street provided that all zoning district front and side yard setbacks from the arterial street lot line are met, except where otherwise allowed for fences per subsection 15-3.0905 and Section 15-3.0802E2b.
  2.    A maximum of one (1) accessory structure (not including private swimming pools and outdoor spas) not exceeding one hundred fifty (150) square feet in area shall be setback at least five (5) feet from the side or rear lot lines and shall also be subject to the minimum wetland setback for the zoning district in which it is located and all wetland buffer and shore buffer provisions of this Ordinance.
  3.    Accessory structures (not including private swimming pools and outdoor spas) exceeding one hundred fifty (150) square feet in area shall be set back from the side or rear lot lines in accordance with the required setbacks for the principal building of the zoning district.
  4.    Private swimming pools (except wading pools having a depth of less than two (2) feet and which are readily movable) and outdoor spas, shall be set back at least ten (10) feet from the side or rear lot lines and shall also be subject to the minimum wetland setback for the zoning district in which it is located and all wetland buffer and shore buffer provisions of this ordinance.
  5.    When an alley exists, no part of an accessory building shall be located closer than five (5) feet to the right-of-way line.

C. **Maximum Size.**

1. Accessory structures on properties not exceeding 40,000 square feet in area shall not exceed 720 square feet in size.
2. Accessory structures on properties exceeding 40,000 square feet in area shall not exceed 900 square feet in size.
3. Notwithstanding the above, any masonry constructed accessory structure shall not exceed 1,200 square feet in size.

D. **Location On Easements.** No accessory structure shall be constructed within or over on an easement.

E. **Time of Construction.** No accessory structure shall be constructed on any lot prior to the start of construction of the principal building to which it is accessory.

F. **Percentage of Required Rear Yard Occupied.** No accessory structure or structures shall occupy more than forty (40) percent of the area of a required rear yard.

G. **Height of Accessory Buildings or Structures.** No accessory structure, or portion thereof, shall exceed the maximum permitted height of the zoning district in which the accessory structure is located.

H. **No Slab Required for Accessory Structures (Excluding Private Swimming Pools, and Outdoor Spas) of 150 Square Feet or Less in Area.** Accessory structures of one hundred fifty (150) square feet or less in area (excluding trash and garbage waste receptacles, or dumpsters, in the R-8, PDD, and all nonresidential zoning districts) shall not require a concrete slab foundation. If a concrete slab foundation is not provided for such accessory structure, the flooring shall be constructed of decay resistant wood and the structure shall be securely anchored to the ground.

**SECTION 15-3.0802**

**DETAILED STANDARDS FOR ACCESSORY USES IN  
RESIDENTIAL DISTRICTS**

The following are detailed standards for certain accessory uses which are permitted accessory uses in residential districts:

A. **Antennas, Satellite.**

1. **Number.** No more than one (1) satellite antenna shall be allowed on a residential lot.
2. **Location.** The antenna shall be located within the rear yard areas only and shall conform to the side and rear yard setbacks required for the principal structure in that zoning district.
3. **Height.** Satellite antennas shall meet the following height requirements of this Ordinance:
  - a. **Ground Mounted Antennas.** Not to exceed fifteen (15) feet above grade.

- b. **Building Mounted Antennas.** Not to exceed the maximum building height allowed in that zoning district.
  - c. **Maximum Dish Area (Size).** An antenna shall not exceed twelve (12) feet in diameter.
- 4. **Mounting.**
  - a. **Ground Mounted Antennas.** An antenna shall be mounted and installed in accordance with manufacturer's specifications and shall be able to withstand a minimum wind load of eighty (80) miles per hour (mph).
  - b. **Building Mounted Antennas.** The owner shall demonstrate that reception will not be possible in a less conspicuous location and shall submit a plan from a Registered Professional Engineer that certifies that the installation of such antenna will not structurally damage the building upon which it is to be mounted.
- 5. **Advertising.** No form of advertising shall be allowed on the antenna, base, or framework other than the manufacturer's identification plate.
- 6. **Portable Antennas.** Portable or trailer mounted antennas are not allowed except for a temporary installation for demonstration which shall not exceed two (2) days.
- 7. **Electrical Installation.** All electrical installation shall be in accordance with the National Electrical Code.
- 8. **Cable Installation.** All cable to and from the antenna shall be installed underground unless the antenna is mounted on a building where cable will go directly into the structure.
- 9. **Zoning Compliance Permit Required for Antenna Installation.**
  - a. No antenna shall be installed without a Zoning Compliance Permit.
  - b. The application for a Zoning Compliance Permit shall include a plot plan indicating the proposed location of the antenna and the manufacturer's installation specifications.
  - c. All applications for a Zoning Compliance Permit for an antenna installation, as specified herein, shall be reviewed and approved by the Architectural Review Board prior to issuance of a Zoning Compliance Permit.
- B. **Automobile or Motor Vehicle Repair in Residential Districts.** The repair of an automobile or a motor vehicle in any residential or agricultural zoning district (automobile or motor vehicle repair outdoors is not permitted in the R-8 District or multiple-family uses and nonresidential uses in a PDD District), is limited to resident-owned vehicles subject to the following restrictions:

1. **Minor Repairs and Maintenance.** Only minor repairs and maintenance may be performed which, for purposes of this Paragraph, are defined as the changing and replenishment of fluid levels, such as hydraulic fluid, windshield washer fluid, and lubricating oil; the replacement of sparkplugs or ignition points; the rotation of tires and the checking of adequate pressure; and the replacement of drive belts and hydraulic lines, and other similar minor repairs.
  2. **Other Repairs.** Any other repairs on the motor vehicle or automobile shall be restricted to totally enclosed spaces which are properly ventilated and only accomplished on privately registered vehicles having current State of Wisconsin license plates, or motor vehicles designated by the State of Wisconsin as qualifying for an antique, or horseless carriage designation.
- C. **Commercial Vehicle Parking.** The parking of more than one (1) commercial vehicles in any residential district is prohibited. This requirement shall not be interpreted to prohibit vehicles from loading and unloading in any residential district. Commercial vehicles so parked shall not exceed eight thousand (8,000) pounds.
- D. **Decks.** Decks shall be located a minimum of ten (10) feet from side and rear lot lines and shall also be subject to the minimum wetland setback for the zoning district in which it is located and all wetland buffer and shore buffer provisions of this Ordinance. A deck upon a lot of record subject to the “minimum shore yard” (30 feet) regulations for principal structures under this Unified Development Ordinance as it existed from August 1, 1998 to the effective date of amendment of such regulations on May 1, 2003, shall also be subject to such 30 foot minimum shore yard.
- E. **Fences.**
1. **General.** The following are required of all fences installed in the City of Franklin:
    - a. All fences shall be maintained in good repair and in structurally sound condition. All fences shall be constructed and maintained in a good aesthetic condition and in such a manner and of such materials and colors so as not to adversely affect the value of adjoining property or property in the immediate neighborhood. No fence may be constructed or maintained which is detrimental to human life or safety or causes a traffic hazard. All fences shall be constructed and maintained straight, plumb, and of an even height along its length, except for such deviations as required by grade.
    - b. No advertising or signs shall be permitted on any fence in any zoning district.
    - c. No materials shall be stored between a fence located adjacent to a lot line and the lot line.
    - d. Fencing shall be constructed with the finished or decorative side facing the adjacent or abutting property or street.

- e. No fence shall be constructed in the City without first obtaining a Building Permit from the Building Inspector.
- f. Snow fencing will only be permitted between November 15 and April 15 of each year. No Building Permits for the installation of said snow fencing shall be required.

**2. Fencing in Residential Zoning Districts.**

- a. Fences having a height of six (6) feet or less may be used to locate property lines within the required side and rear yard areas in the residential districts.
- b. Fences shall not be located within the front yard, except decorative fencing may be installed within the front yard areas in the residential districts. In the case of a double-frontage lot, fences may be constructed to locate property lines in the yard opposite the front of the residence, provided such fence is constructed and maintained in compliance with all other applicable provisions of subsection 15-3.0802E.
- c. In the R-8 General Residence District or a PDD (Residential) District, where aesthetic appearance may require a fence or wall to shield parking lots or other unattractive areas or to generally improve the aesthetics of the development, a wall or fence may be erected in the front yard of the development by approval of the Plan Commission, and which approval may include design or other architectural requirements.
- d. No barbed wire, chicken wire, or electrically charged fences shall be allowed in residential zoning districts.
- e. Fences shall not be located in a corner side yard, or any rear yard abutting a street on a corner lot. For a rear yard abutting a street on a corner lot, the setback shall be the required corner side setback of the zoning district, or not any closer to the street than the distance from the street to the principal building to which it is accessory, whichever distance is greater.

**F. Home Occupations and Home Offices in the R-1, R-1E, R-2, R-3, R-3E, R-4, R-5, R-6, R-7, R-8, A-1, and A-2 Districts.** The following specific standards shall be used for home occupations and home offices located as accessory uses in R-1, R-2, R-3, R-3E, R-4, R-5, R-6, R-7, R-8, A-1, and A-2 Districts:

- 1. **Home Occupation Employees.** No person shall be employed other than members of the immediate family residing on the premises.
- 2. **Maximum Floor Area Permitted to be Used for Home Occupation.** The use of the dwelling unit for the home occupation or home office shall be clearly incidental and secondary to its use for residential purposes. No more than twenty-five (25) percent of

- the floor area of the dwelling unit shall be used in the conduct of the home occupation or home office; and no outside display, storage, or use of land is permitted.
3. **No Change in the Outside Appearance of the Building, Accessory Structure, or Premises Permitted.** There shall be no change in the outside appearance of the building, accessory structure, or premises as a result of such home occupation or office, with the exception of an unlighted sign or nameplate, not more than one (1) square foot in total area, attached to and not projecting from the building.
  4. **Conduct of Home Occupation in Accessory Building or Structure Prohibited.** No home occupation or home office shall be conducted in any accessory building or structure or outdoors.
  5. **Use of Mechanical and Electrical Equipment.** No mechanical equipment shall be used on the premises, except such that is normally used for purely domestic or household purposes. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television sets off the premises, or causes fluctuations in line voltage in excess of that normally associated with household use. Computer equipment which meets the aforementioned criteria and which can be purchased for use in the home shall be considered as "normally associated with household use."
  6. **Sale and Display of Commodities and Goods.** No commodity or good not produced on the premises shall be sold on the premises nor displayed on the exterior or interior of the premises, or warehoused on the premises for sale elsewhere. This does not preclude taking orders for sales or provision of services off-site.
  7. **Traffic.** No vehicular or pedestrian traffic shall be generated by such home occupation or home office in greater volume than would normally be expected from the principle use. In the case of measuring vehicular traffic, criteria established in the most current edition of the Institute of Transportation Engineer's publication titled Trip Generation shall be used.
  8. **Home Occupation Uses--Permitted and Not Permitted.** A home occupation may include, but not be limited to the following: domestic crafts such as seamstress, sewing, tailoring, weaving, washing and ironing, private tutoring and instruction (limited to three [3] pupils at any one time), and home offices shall include professional services. Millinery shops, tearooms, restaurants, tourist homes, bed and breakfast establishments, auto repair and tune-up, general offices which would require more off-street parking than which is required for the type of residential use which is permitted in the residential district, clinics, physician's, dentist's and offices of the like, welding shops, animal hospitals, veterinary clinics, catering or other food preparation businesses, funeral parlors and undertaking establishments, antique shops, rooming houses, dancing schools, and kennels, among others, shall not be deemed to be home occupations.
  9. **Levels of Noise, Emissions, Radiation, Vibration, Heat, Glare, Smoke, Dust, Fumes, Odors, or Electrical Interference.** There shall be no levels of noise, emissions, radiation, vibration, heat, glare, smoke, dust, fumes, odors, or electrical interference

created which is detectable to the normal senses outside the dwelling unit in excess of that normally associated with household use.

10. **Refuse.** No refuse in excess of the amount allowable for regular residential pick-up shall be generated by any home occupation.
11. **Nuisance Causing Activities.** No home occupation shall cause or create any nuisance; cause or create any substantial or undue adverse impact on any adjacent property or the character of the area; or threaten the public health, safety or general welfare; or be noxious, offensive, or hazardous.
12. **Materials Which Decompose by Detonation Prohibited.** No materials which decompose by detonation shall be allowed in conjunction with a home occupation.
13. **Public Utility Use Exceeding Typical Residential Dwelling Unit Demand Not Permitted.** No home occupation shall be permitted which generates sewerage or water use in excess of what is typical for a residential dwelling unit.

G. **Home Occupations and Home Offices in the VR and VB Districts.** The following specific standards shall be used for home occupations and home offices located as accessory uses in VR and VB Districts:

1. **Home Occupation Employees.** No person shall be employed other than members of the immediate family residing on the premises.
2. **Maximum Floor Area Permitted to be Used for Home Occupation.** The use of the dwelling unit for the home occupation or home office shall be clearly incidental and secondary to its use for residential purposes. No more than twenty-five (25) percent of the floor area of the dwelling unit, including basement space, shall be used in the conduct of the home occupation or home office.
3. **No Change in the Outside Appearance of the Building, Accessory Structure, or Premises Permitted.** There shall be no change in the outside appearance of the building, accessory structure, or premises as a result of such home occupation or office, with the exception of an unlighted sign or nameplate, not more than one (1) square foot in total area, attached to and not projecting from the building.
4. **Conduct of Home Occupation in Accessory Building or Structure Prohibited.** A home occupation or home office may be conducted in any accessory building or structure, provided vehicles are not parked outdoors that would otherwise be parked in an accessory building or structure.
5. **Use of Mechanical and Electrical Equipment.** No mechanical equipment shall be used on the premises, except such that is normally used for purely domestic, household, or hobby purposes. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television sets off the premises, or causes fluctuations in line voltage in excess of that normally associated with



household use. Computer equipment which meets the aforementioned criteria and which can be purchased for use in the home shall be considered as "normally associated with household use."

6. **Sale and Display of Commodities and Goods.** No commodity or good not produced on the premises shall be sold on the premises nor displayed on the exterior or interior of the premises, or warehoused on the premises for sale elsewhere. Commodities or goods produced on the premises shall be allowed to be displayed between the front setback line of the dwelling and the front property boundary line, given the display materials shall not restrict visibility of traffic on the public street, nor create a nuisance to neighboring property owners.
7. **Traffic.** No vehicular or pedestrian traffic shall be generated by such home occupation or home office in greater volume than would normally be expected from the principal use. In the case of measuring vehicular traffic, criteria established in the most current edition of the Institute of Transportation Engineer's publication titled Trip Generation shall be used.
8. **Home Occupation Uses--Permitted and Not Permitted.** A home occupation may include, but not be limited to the following: domestic crafts such as seamstress, sewing, tailoring, weaving, washing and ironing, private tutoring and instruction (limited to three [3] pupils at any one time), and home offices shall include professional services. Millinery shops, tearooms, restaurants, tourist homes, bed and breakfast establishments, auto repair and tune-up, general offices which would require more off-street parking than which is required for the type of residential use which is permitted in the residential district, clinics, physician's, dentist's and offices of the like, animal hospitals, veterinary clinics, catering or other food preparation businesses, funeral parlors and undertaking establishments, rooming houses, dancing schools, and kennels, among others, shall not be deemed to be home occupations.
9. **Levels of Noise, Emissions, Radiation, Vibration, Heat, Glare, Smoke, Dust, Fumes, Odors, or Electrical Interference.** There shall be no levels of noise, emissions, radiation, vibration, heat, glare, smoke, dust, fumes, odors, or electrical interference created which is detectable to the normal senses outside the dwelling unit in excess of that normally associated with household use.
10. **Refuse.** No refuse in excess of the amount allowable for regular residential pick-up shall be generated by any home occupation.
11. **Nuisance Causing Activities.** No home occupation shall cause or create any nuisance; cause or create any substantial or undue adverse impact on any adjacent property or the character of the area; or threaten the public health, safety or general welfare; or be noxious, offensive, or hazardous.
12. **Materials Which Decompose by Detonation Prohibited.** No materials which decompose by detonation shall be allowed in conjunction with a home occupation.

13. **Public Utility Use Exceeding Typical Residential Dwelling Unit Demand Not Permitted.** No home occupation shall be permitted which generates sewerage or water use in excess of what is typical for a residential dwelling unit.

H. **Rental Residential Complex Offices.** One (1) rental office shall be allowed within a rental residential complex. The office may be the rental manager's dwelling. Rental complex offices shall be subject to the following restrictions:

1. **Hours of Operation.** All rental complex offices shall open no earlier than 7:00 A.M. and shall close prior to 9:00 P.M. during the spring, summer, and fall seasons, and shall close prior to 8:00 P.M. during the winter season. No rental complex office shall be open on Sunday before 12:00 noon.
2. **Lighting.** All exterior lighting must meet the requirements set forth in Division 15-5.0400 of this Ordinance for the zoning district in which the rental office is located. All off-street parking areas must be illuminated. All exterior lighting associated with the rental office shall be extinguished at the closing time of the rental complex office.
3. **Off-Street Parking.** All rental complex offices shall provide off-street paved parking for the public. An area contiguous to the structure within which the rental complex office is located shall be utilized for the off-street, paved parking lot for public use. The number of required off-street parking spaces shall be six (6) per rental complex office. Such parking spaces shall be in addition to those otherwise required by Division 15-5.0200 of this Ordinance.
4. **Trash Receptacles.** Trash receptacles shall be provided around the rental complex office for used by the public.

I. **Skateboard Ramps (Private).** A skateboard ramp which is used by the residents of the primary structure and nonpaying guests shall be permitted in the residential and agricultural zoning districts subject to the following restrictions:

1. **Location.** A private skateboard ramp may occupy required side and rear yards, but shall not occupy required front yards or side yards abutting a street except as described below:
  - a. For corner lots, private skateboard ramps shall be permitted within one (1) front yard, which functions as a side yard, provided the skateboard ramp is located no more than ten (10) feet into the required front yard, as measured from the rear line of the front yard. However, in residential districts requiring side yards greater than ten (10) feet, this permitted intrusion shall be increased up to a distance equal to said required side yard.
  - b. For double frontage lots, skateboard ramps shall be permitted within the front yard which functions as a rear yard, provided that the ramp is screened from the rear street by a fence, wall, or hedge.
2. **Fencing.** Private skateboard ramps shall be enclosed with a fence not less than four (4) and not more than six (6) feet in height. Such fencing shall be equipped with self-closing and self-latching gates so that the skateboard ramp is inaccessible to small children.

3. **Minimum Setback from Abutting Property Line.** Private skateboard ramps shall be set back a minimum of ten (10) feet from any abutting property line.
4. **Maximum Height.** Private skateboard ramps shall not exceed a height of ten (10) feet.
5. **Hours of Use.** Private skateboard ramps shall only be used between the hours of 9 A.M. and 9 P.M.

J. **Trash Dumpsters and Garbage Receptacles (Trash, Garbage, and Recyclable Storage).** The following requirements shall be met for trash dumpsters and garbage receptacles located in residential districts:

1. **Centralized Location(s) of Trash Dumpsters and Garbage Receptacles Required.** All new multiple-family residential buildings and uses, except for single-family and two-family dwellings, shall provide facilities for the central and accessible storage of solid waste within the parcel or lot. The location of said facilities shall be approved by the City Planner. Multiple locations may be required by the Plan Commission.
2. **Trash Dumpster and Garbage Receptacle Enclosures Required.** All garbage cans, trash dumpsters, trash containers, and other storage devices situated on any property shall be closed containers with lids and shall be concealed or suitably screened from public view. Sight-proof fencing (wood or masonry) and landscaping shall be used to totally obstruct vision into the storage areas. Where such facilities are provided outside of a building, they shall be screened from public rights-of-way and adjacent property by an enclosure constructed of materials compatible with the materials on the front building wall of the main building.
3. **Trash Dumpster and Garbage Receptacle Maintenance Required.** Fencing and landscaping for storage areas shall be maintained in good condition and kept litter-free. All garbage cans, trash containers, and other garbage storage devices shall be emptied and the contents thereof properly disposed of not less than once every seven (7) days.
4. **Unenclosed Storage of Trash or Waste Prohibited.** No portion of the lot shall be used for open or unenclosed storage of trash or waste of any kind.
5. **Trash Dumpster and Garbage Receptacle Location in Off-Street Parking Space or Drive Prohibited.** No trash dumpster or other trash or waste receptacle shall be permitted in any off-street parking space or drive.
6. **Concrete Slab Required.** All trash dumpsters and garbage receptacles shall be placed upon a concrete slab which has a thickness of not less than five (5) inches.
7. **Adequate Size to Accommodate Recycling Materials.** All trash dumpster and garbage receptacle areas shall be of an adequate size to accommodate the storage of materials to be recycled.

8. **Building Permit Required for the Construction of Garbage, Trash, Waste, and Dumpster Enclosures.** A Building Permit shall be required for the construction of any garbage, trash, waste, or dumpster enclosure.

#### **SECTION 15-3.0803**

#### **DETAILED STANDARDS FOR ACCESSORY USES IN NONRESIDENTIAL DISTRICTS**

- A. **Agricultural Equipment, Storage of.** The storage of agricultural equipment such as but not limited to tractors, trailers, fertilizer spreaders, wagons, planters, and the like, as a use accessory to a permitted use in the A-1 and A-2 Districts, shall be subject to the following requirements:
  1. **Use of Equipment.** The equipment shall be used in association with the permitted use.
  2. **Storage of Junk.** The storage of junk is prohibited, such as scrap materials or anything worn-out or fit to be discarded.
  3. **Motor Vehicle Sales Prohibited.** This provision shall not be used to permit the establishment of motor vehicle sales as a use within the A-1 and A-2 Districts.
- B. **Canopies as Accessory Uses.** The canopies provided over the pump islands at gas stations, convenience stores with gas pumps, automobile and motor vehicle service stations, drive-in and drive-thru facilities associated with financial institutions, restaurants, cleaners, and similar uses, shall meet the yard requirements of a principal structure. In addition:
  1. **Obstruction of Visibility at Rights-of-Way Prohibited.** The canopy shall not block visibility at intersections of rights-of-way or drives.
  2. **Zoning District Front Yard Requirements Shall Be Met.** All pump islands, their surrounding structures, and the canopy overhang shall meet the zoning district's front yard requirement.
  3. **Canopies to be Counted Towards Maximum Permitted GFAR and NFAR.** All canopies shall be counted towards the maximum permitted gross floor area ratio (GFAR) and maximum net floor area ratio (NFAR) of the nonresidential zoning district in which the canopy is to be constructed.
  4. **Maximum Height.** Under no circumstances shall the canopy be higher than twenty-five (25) feet.
  5. **Signs Not Permitted.** No signs shall be permitted on canopy roofs or fascia.
- C. **Fences.**
  1. **General.** The following are required of all fences installed in the City of Franklin:
    - a. All fences shall be maintained in good repair and in structurally sound condition. All fences shall be constructed and maintained in a good aesthetic condition and in such a manner and of such materials and colors so as not to adversely affect the

value of adjoining property or property in the immediate neighborhood. No fence may be constructed or maintained which is detrimental to human life or safety or causes a traffic hazard. All fences shall be constructed and maintained straight, plumb and of an even height along its length, except for such deviations as required by grade.

- b. No advertising or signs shall be permitted on any fence in any zoning district.
  - c. No materials shall be stored between a fence located adjacent to a lot line and the lot line.
  - d. Fencing shall be constructed with the finished or decorative side facing the adjacent or abutting property or street.
  - e. No fence shall be constructed in the City without first obtaining a Building Permit from the Building Inspector.
  - f. Snow fencing will only be permitted between November 15 and April 15 of each year. No Building Permits for the installation of said snow fencing shall be required.
2. **Fencing in Nonresidential Zoning Districts (excluding A-1, A-2, I-1, and P-1 Districts).**
- a. Fences may be located in all yards in nonresidential zoning districts. Fences located in the front yard shall be approved by the Plan Commission prior to the issuance of a Building Permit for the construction of the fence.
  - b. Fences installed in nonresidential zoning districts shall not exceed six (6) feet in height, except when required to enclose outside storage areas or when approved by the Plan Commission may be up to ten (10) feet in height.
  - c. Fencing constructed to enclose outside storage areas shall be at least eight (8) feet in height and in no case lower in height than the enclosed storage area when approved by the Plan Commission.
  - d. Barbed wire may be allowed on the top of fences six (6) feet or more in height.
  - e. All fencing constructed to enclose outside storage areas in non-residential zoning districts shall be approved by the Plan Commission.
3. **Fencing in the A-1 and A-2 Zoning Districts.**
- a. Fencing shall be permitted in all yards in the A-1 and A-2 Districts and in all yards on legal nonconforming agricultural uses for replacement of existing fencing. Fencing shall be permitted in front yards only for the enclosure of cultivated fields, pastures and animal pens.
  - b. Fencing for areas other than those described in Paragraph a. above shall comply with the residential zoning district fencing requirements.

- c. Fencing may be constructed in the A-1 and A-2 Districts for cultivated fields and pastures before a principal structure is present.
- 4. **Location of Fencing in the I-1 and P-1 Zoning Districts.**
  - a. Fencing over six (6) in height, enclosing a park, elementary, middle or high school site shall be permitted in all yards.
  - b. All fencing in institutional districts or for institutional uses shall be limited to open mesh-type fencing (chain link).
- D. **Home Occupations and Home Offices in the VB District.** See the requirements set forth in Section 15-3.0802(H) of this Ordinance pertaining to both the VR and VB Districts.
- E. **Mechanical Penthouses and Mechanical Accessory Structures.** Where mechanical penthouses are installed, they shall be designed to blend into the building's architecture. The mechanical penthouse shall not be taken into account in determining whether the building meets the maximum height allowed under the zoning district dimensional requirements set forth in Divisions 15-3.0200 and 15-3.0300 of this Ordinance. A penthouse shall not be counted as a story, provided that:
  - 1. The penthouse is less than ten (10) feet in height, except that in the case of a building whose height (excluding any penthouse) is fifty (50) feet or more, the penthouse shall be no greater than eighteen (18) feet in height.
  - 2. The penthouse floor area covers less than twenty-five (25) percent (thirty (30) percent in the case of a building whose height is fifty (50) feet or more) of the area of the roof on which the penthouse is located.
  - 3. In the event that a mechanical accessory structure is supplied, it shall be fully screened from view by a combination of berms and evergreens. This screening shall be approved by the Plan Commission.
- F. **Open Storage, Screening of.** Open storage areas shall be screened from view of any street, and from the view from all residential zoning districts as follows:
  - 1. **Abutting a Collector or Arterial Street.** When an open storage area abuts a collector or arterial street, the method of screening shall consist of solid masonry walls or solid wooden fences at least six (6) feet in height, with access only through solid gates which shall be closed except when said storage area is in use. An existing permanent structure may be used to screen such storage areas.
  - 2. **Abutting a Residential Zoning District.** When an open storage area abuts a residential zoning district, the method of screening shall consist of solid wooden fences or masonry walls at least six (6) feet in height along the boundary of the storage areas and the entire residential district.

3. **Fencing.** All fencing shall conform to the requirements of Section 15-3.0803(C).

G. **Roadside Stands for the Sale of Agricultural Products.** The following specific standards shall be used:

1. **Off-Street Parking and Loading.** The use shall provide for all required off-street parking and loading on private property.
2. **Vehicular Access to Public Street.** The use shall be located along and have direct vehicular access to a public street.
3. **Sales or Display on Public Lands Prohibited.** No sales or display activity shall be located on public land.
4. **Access.** Access to and from the site shall be in accord with the requirements of the applicable highway or arterial street access authority including the Wisconsin Department of Transportation, Milwaukee County, and/or the City of Franklin.
5. **Use Location.** The use shall be located on a commercially productive farm.

H. **Stables, Private.** The following specific standards shall be used in the A-1 and A-2 Districts:

1. **General.** The keeping of horses shall follow the minimum standards set forth in the City of Franklin Municipal Code as well as those additional requirements set forth herein.
2. **Required Setbacks.** The following minimum setbacks shall also be provided:
  - a. On parcels of land less than two hundred thousand (200,000) square feet, all feed and bedding shall be stored indoors.
  - b. On parcels of land two hundred thousand (200,000) square feet or more, piles of feed or bedding shall be located a minimum of seventy-five (75) feet from any public street right-of-way or lot line of an adjacent nonresidential district and one hundred (100) feet from any lot line of an adjacent residential district lot line, in order to minimize odor and nuisance problems.
3. **Pasture Location.** Pasture area may extend to the lot line.
4. **Manure Maintenance.** Manure piles shall be stored, removed, and/or applied in accordance with applicable City requirements.
5. **Stable Location.** All points on the perimeter of any stable building or coral shall be at least thirty (30) feet from the nearest boundary line or right-of-way line of the parcel on which it is located.

- I. **Trash Dumpsters and Garbage Receptacles (Trash, Garbage and Recyclable Storage).** The following requirements shall be met for trash dumpsters and garbage receptacles located in nonresidential districts:
1. **Trash Dumpster and Garbage Receptacle Enclosures Required.** All garbage cans, trash dumpsters, trash containers, and other storage devices situated on any property shall be closed containers with lids and shall be concealed or suitably screened from public view. Sight-proof fencing (wood or masonry) and landscaping shall be used to totally obstruct vision into the storage areas. Where such facilities are provided outside of a building, they shall be screened from public rights-of-way and adjacent property by an enclosure constructed of materials compatible with the materials on the front building wall of the main building.
  2. **Trash Dumpster and Garbage Receptacle Maintenance Required.** Fencing and landscaping for storage areas shall be maintained in good condition and kept litter free. All garbage cans, trash containers and other garbage storage devices shall be emptied and the contents thereof properly disposed of not less than once every seven (7) days.
  3. **Unenclosed Storage of Trash or Waste Prohibited.** No portion of the lot shall be used for open or unenclosed storage of trash or waste of any kind.
  4. **Trash Dumpster and Garbage Receptacle Location in Off-Street Parking Space or Drive Prohibited.** No trash dumpster or other trash or waste receptacle shall be permitted in any off-street parking space or drive.
  5. **Concrete Slab Required.** All trash dumpsters and garbage receptacles shall be placed upon a concrete slab which has a thickness of not less than five (5) inches.
  6. **Adequate Size to Accommodate Recycling Materials.** All trash dumpster and garbage receptacle areas shall be of an adequate size to accommodate the storage of materials to be recycled.
  7. **Building Permit Required for the Construction of Garbage, Trash, Waste, and Dumpster Enclosures.** A Building Permit shall be required for the construction of any garbage, trash, waste, or dumpster enclosure.



A Temporary Use Permit is required prior to the commencement of and for the duration of any Temporary Use in any zoning district in the City of Franklin. A Temporary Use is an activity that is short-term in nature, will be conducted for only a specified limited period of time, and for a specific use that is not the permanent use of the property, and which use though not already expressly authorized to be an actual use on the property, is incidental to or accessory to and compatible with, as a limited duration use, the existing use of the property and, as a limited duration use, is compatible with and will not adversely affect adjoining properties.

The Zoning Administrator and designees of the City Planning Department are authorized to issue Temporary Use Permits upon application therefore. An application for a Temporary Use Permit shall be signed by the owner of the land involved, as a responsible party, together with the person applying for the permit, if other than the owner, who shall also be a responsible party by reason of such application. The applicant shall also pay an application fee at the time of filing the application, which fee shall be in such amount as may be approved by and specified within the resolution of the Common Council from time to time and kept on file in the Office of the City Clerk. The form and content of the application shall be as reasonably required by the Zoning Administrator or designee of the City Planning Department so that all information reasonably required by and to effectuate the terms and provisions of this Section shall be provided. Each permit granted shall specify the time period (dates) during which the use may occur and the hour during each day in the period during which the use may occur. A permit shall lapse if not used within the dates approved.

The Zoning Administrator and designees of the City Planning Department may refer any application for a Temporary Use Permit to the Plan Commission for review and approval, where the Zoning Administrator or designee of the City Planning Department determines that the application involves an issue of interpretation as to whether the proposed temporary use is incidental or accessory to the existing use of the property, or is a use which is compatible, as required herein, or that there is a question as to whether the proposed temporary use may adversely affect adjoining property due to the nature of, size or area of, noise, debris, lighting, or the like or other resultant from the proposed temporary use. Plan Commission review and approval is required for any proposed temporary use of a type not specifically listed below.

Each permit shall be conditioned upon and shall additionally contain such specific conditions to obtain compliance with this Section and the purposes of the zoning district within which the use will be located; the protection of the public health, safety and general welfare; and ensuring that the operation and maintenance of the temporary use shall be in a manner compatible with existing uses upon the subject property and adjoining properties and in the surrounding area.

The uses for which Temporary Use Permits may be issued following administrative review by the Zoning Administrator or designee of the City Planning Department are as follows:

- A. **Commercial Temporary Outdoor Sales.** A commercial temporary outdoor sale is an outdoor sale of merchandise, upon property supporting an existing retail use principal structure in the B-1, B-2, B-3, B-4 or B-5 zoning districts, and any commercial or retail sales planned development district or commercial or retail sales area of a mixed use planned development district, by either

the owner or occupant of the principal structure, of the type of merchandise for sale within the principal structure.

1. **Location.** No display, sales or parking is permitted in any street right-of-way, except such parking on-street as is regularly permitted. In addition, no display, sales or parking shall obstruct pedestrian or vehicular traffic. All display areas or temporary structures shall comply with the minimum required yard setbacks for the zoning district for the property upon which the commercial temporary outdoor sale occurs.
2. **Parking.** All parking shall be on-site, except such on-street parking as is regularly permitted. The applicant must demonstrate that there will be adequate parking for the existing uses as well as the proposed commercial temporary outdoor sale.
3. **Trash and Debris.** The applicant must demonstrate and provide adequate facilities to dispose of all trash or other waste generated by the commercial temporary outdoor sale.
4. **Outdoor Sales Shall be Permitted Only Four (4) Times per Year per Property.** Each individual outdoor sales event (up to 4 per year, per property) shall be no longer than 14 consecutive days; provided, however, that the total days of such temporary uses during a calendar year shall not exceed 30 calendar days. Owners must obtain a Temporary Use Permit for each such temporary outdoor sale before the use is permitted.
5. **Signage.** All signage shall be in accordance with the sign regulations set forth in this Ordinance.
6. **A Site Plan is Required.** A site plan showing location of existing buildings, locations of proposed structures for the sales/events, locations of parking spaces, signage, hours of operation, what merchandise is being sold and any other information pertinent to the review of the sales/events and as may be so required by the Zoning Administrator or designee of the City Planning Department or the Plan Commission, as applicable, shall be submitted as part of the application for a commercial temporary outdoor sale use.

B. **Temporary Miscellaneous Outdoor Sales.** A temporary miscellaneous outdoor sale use includes those activities involving the sales of merchandise from trucks or a temporary outdoor or tented sales area upon property supporting an existing retail use principal structure in the B-1, B-2, B-3, B-4 or B-5 zoning districts, and any commercial or retail sales planned development district or commercial or retail sales area of a mixed use planned development district. Examples include, but are not limited to, flower and plant sales, general apparel and accessories sales, motor vehicle and recreation vehicles sales, and other similar goods and products.

1. **Location.** No display, sales or parking is permitted in any street right-of-way, except such parking on-street as is regularly permitted. In addition, no display, sales or parking shall obstruct pedestrian or vehicular traffic. All display areas or temporary structures shall comply with the minimum required yard setbacks for the zoning district for the property upon which the temporary miscellaneous outdoor sale occurs.

2. **Parking.** All parking shall be on-site, except such on-street parking as is regularly permitted. The applicant must demonstrate that there will be adequate parking for the existing uses as well as the proposed temporary miscellaneous outdoor sale.
3. **Trash and Debris.** The applicant must demonstrate and provide adequate facilities to dispose of all trash or other waste generated by the temporary miscellaneous outdoor sale.
4. **Signage.** All signage shall be in accordance with the sign regulations set forth in this Ordinance.
5. **Temporary Outdoor Structures.** All proposed temporary outdoor structures (tents, canopies) are subject to review and approval of the Fire Inspector and the Building Inspector.
6. **Temporary Miscellaneous Outdoor Sales Shall be Limited to Fourteen (14) Consecutive Days.** Owners must obtain a Temporary Use Permit for each temporary miscellaneous outdoor sale before the use is permitted. Each such uses shall not exceed 14 consecutive calendar days. The total days of such temporary uses during a calendar year shall not exceed 30 calendar days.
7. **A Site Plan is Required.** A site plan showing location of existing buildings, locations of proposed structures for the sales/events, locations of parking spaces, signage, hours of operation, what merchandise is being sold and any other information pertinent to the review of the sales/events and as may be so required by the Zoning Administrator or designee of the City Planning Department or the Plan Commission, as applicable, shall be submitted as part of the application for a commercial temporary outdoor sale use.

C. **Christmas Tree Sales Lot.** The following specific standards shall be used:

1. **Location.** Trees shall not be located in any right-of-way.
2. **Parking.** All parking shall be on-site, except such on-street parking as is regularly permitted.
3. **Visibility.** The location of trees on the property shall not block visibility for vehicles or pedestrians on or off the lot in a way that would create a safety hazard.
4. **Hours of Operation.** The Christmas tree sales shall be limited between the hours of 7 A.M. and 9 P.M.
5. **Trash and Debris.** All trash and debris shall be removed when sales end.
6. **Written Consent May Be Required.** Written consent from the owner, or authorized agent, of the property shall be provided if required by the Zoning Administrator or designee of the City Planning Department.
7. **Signage.** All signage shall be in accordance with the sign regulations set forth in this Ordinance.

8. **Removal of Trees by December 31st.** Trees remaining on hand after December 25th shall be removed from the premises no later than December 31st of that same year.

D. **Temporary Concrete Batch Plants or Asphalt or Asphalt Reprocessing Plants (including materials processing and handling) and Temporary Stone Crushers. A Temporary Use Permit for these uses may only be granted by the Plan Commission.** The following specific standards shall be used:

1. **Routing Plan Required.** The contractor shall submit a routing plan for trucks to and from the proposed plant to the City Planner and City Engineer for their review and recommendations as a condition prior to approval.
2. **Financial Assurance Required for Potential Damage to Roads.** The contractor shall provide a financial assurance in the amount requested by the City Engineer to pay for correcting any damage done to City or County roads during the course of said facility's operation and for the planned restoration of the site.
3. **Access.** Such facilities shall only be allowed access via arterial or collector roads or highways. Access via dedicated existing local residential roads and/or collector roads serving residential areas shall be prohibited.
4. **Restoration Plan.** A restoration plan shall be provided the City for review and approval of the City Engineer.
5. **When Allowed.** Such facilities shall be erected only in conjunction with a City, County, or state/federal highway or road improvements.
6. **Maximum Period of Use.** The allowable period of such use shall be for the period of such roadway or highway work with a maximum of an eight (8) month period.
7. **General Location.** Such facilities shall be located not less than one thousand (1,000) feet from any occupied building, with the exception of an associated accessory construction trailer/office which may be located on the same site.
8. **Outside Sales Prohibited.** No outside sales of batch plant materials shall be permitted. The sale of crushed stone shall not be permitted.
9. **Site Plan of Operation and Facilities Required.** Such facilities will be shown on a site plan and be contained within a maximum five (5) acre area.
10. **Location of Stone Crushers.** Stone crushers shall be located not less than one thousand (1,000) feet from any building used for residential purposes.
11. **Prevention of Dust, Fumes, Vapors, Mists, or Gas Nuisances.** The prevention of any dust, fumes, vapors, mists, or gas nuisances due to operations shall be maintained at all times in accordance with established City, County, State, and federal air pollution standards.

\*The following temporary uses are allowed without the issuance of a Temporary Use Permit:

E. **\*Construction Trailers as Temporary Offices.**

1. **Removal of Trailer Required Upon Completion of Work.** A licensed contractor engaged upon a construction project for which a Building Permit has been issued by the Building Inspector may temporarily use a construction trailer for office facilities in the location where the work is being done, provided such construction trailer shall not be placed upon the streets but upon the property on which the Building Permit authorizes the construction. The construction trailer shall be removed within thirty (30) days after substantial completion of the work for which the Building Permit has been issued. If, in the opinion of the Building Inspector or Zoning Administrator or designee of the City Planning Department, the location of the construction trailer poses a safety hazard it shall be moved to an appropriate location as directed by such officer immediately upon such direction.
2. **Use of Mobile Homes, or Modular Homes, as Temporary Offices During Remodeling.** A Zoning Compliance Permit may be issued by the Plan Commission for a one (1) year period for the use of mobile homes, or modular homes, as temporary offices while business properties are being remodeled, provided that they are placed upon the property for which there is a Building Permit issued by the Building Inspector for the remodeling. The permit shall be for a period of one (1) year or until the remodeling is completed, whichever is the shorter period. The Zoning Compliance Permit may not be renewed after the expiration of the one (1) year period.

F. **\*Dumpsters for Trash and Garbage Required for Construction Sites.**

1. **No Building Permit to be Issued.** No Building Permit shall be issued to construct any building in any zoning district or for any other construction as required by the Building Inspector or Zoning Administrator, or designee of the City Planning Department unless the applicant shows to the satisfaction of the Building Inspector that the applicant will provide and maintain on each construction site a dumpster with a minimum capacity of ten (10) yards. The dumpster shall be packed in such a way so as to eliminate the possibility of its contents from blowing about the construction site or on to neighboring properties. The dumpster shall be placed on the property prior to commencing of the framing of the new structure.
2. **Failure to Comply.** Failure to comply with obtaining, utilizing, emptying and maintaining of a dumpster for construction debris shall, after notification to the builder by the Zoning Administrator or designee of the City Planning Department or Building Inspector and the lapsing of a grace period of forty-eight (48) hours, necessitate the issuance of citations to the builder in the matter. The Building Inspector may also authorize, obtain and maintain dumpsters on construction sites pursuant to the procedures in Chapter 66.62 of the Wisconsin Statutes as amended. Pursuant to Chapter 66.62 of the Wisconsin Statutes as amended, the City can provide reasonable notice and a hearing before the Common Council as to whether this section has been violated. If the Common

Council finds that this section has been violated, the Common Council may order a dumpster be obtained and maintained on the construction site with the cost charged to the property owner benefited thereby and placed as a special assessment and a lien against the property.

- G. **\*Garage and Yard Sales.** Garage, yard, tag, patio, and apartment sales are specifically permitted, as a temporary use, in all residential zoning districts without a Zoning Compliance Permit granted by the Board of Zoning and Building Appeals. Such sales shall be limited to one (1) such sale during each six (6) month period, for a duration not to exceed three (3) consecutive days.
- H. **\*Model Homes, Model Dwelling Units, and Pre-Construction Sales Offices.** Model homes, model dwelling units, and pre-construction sales offices are residential type structures used as sales offices by a builder/developer and to display the builder/developer's product after approval by the Common Council. The same may be furnished within, since its purpose is to display to perspective buyers the builder/developer's features (such as exterior siding treatments, roofing materials, interior trim, moldings, floor coverings, etc.) in the environment of a completed home, and may be staffed by the builder/developer's sales force. Model homes shall be subject to the following restrictions:
1. **District Dimensional Requirements to be Met.** The model dwelling unit shall meet all district requirements for lot and yard dimensions.
  2. **Sign Illumination.** Signs shall not be illuminated after 9:00 P.M.
  3. **Business Activity Not Permitted Before 9:00 A.M. Nor After 9:00 P.M.** The model dwelling unit shall not be used for any business activity before 9:00 A.M. nor later than 9:00 P.M.
  4. **Lighting.** All exterior lighting must be "downlighting," so that absolutely no light shall be cast onto adjoining residential properties. All off-street parking areas must be illuminated. All exterior lighting shall be extinguished at the closing time of the model home.
  5. **Off-Street Parking.** All model homes shall provide off-street, paved parking for the public. Such off-street, paved parking shall be located as directed by the Board of Zoning and Building Appeals. The number of required off-street parking spaces shall be six (6) per model home. The driveway of the model home may be utilized for not more than two (2) of the required spaces.
  6. **Screening and Trash Receptacles.** Landscape drawings shall be required and show adequate landscaping and screening from adjoining residential lots, together with the clear marking of the boundaries of the model home lot. Trash receptacles shall be provided around the model home for use by the public.
  7. **Construction and Issuance of an Occupancy Permit.** The construction of all model homes shall be approved by the Common Council, at which time the Common Council may establish additional standards not stated herein, for the minimum protection of the

general public health, safety and welfare. Occupancy Permits shall not be issued until after the abutting street has been dedicated to the City and provided with a hard surface.

8. **Termination of Use.** The use of model homes within a residential subdivision, or within any single phase of a multi-phase subdivision, shall terminate when building permits have been issued for ninety (90) percent of the lots therein.
9. **Model Dwelling Unit Constructed in Nonresidential Zoning Districts.** Model dwelling units may be erected or displayed in districts which exclude residential uses, provided that such models shall not be used for residential purposes, but only for display as a means to sell homes in districts in which they are permitted and provided that all other requirements of the district in which the model dwelling unit is erected shall be met.
10. **Temporary Sales Structure in Multiple-Family Developments.** In those zoning districts where multi-family dwelling uses are permitted, a temporary structure may be used as a pre-construction sales office for the purpose of displaying a typical dwelling unit arrangement, subject to the following restrictions:
  - a. The structure shall be limited to two (2) stories in height.
  - b. The structure shall be appropriately landscaped.
  - c. The structure shall be subject to the same front yard requirements as the principal structure to be erected and shall otherwise be subject to all yard requirements for the district in which located.
  - d. Adequate off-street parking facilities (a minimum of six [6] spaces) and access driveways shall be developed within those locations approved for such facilities in conjunction with the permanent multiple-family structure, and no additional parking areas or access driveways shall be permitted.
  - e. Signs shall be permitted only in accordance with the regulations set forth for the use within the district and in compliance with this Ordinance.
  - f. The structure shall comply fully with all existing building codes and ordinances of the City of Franklin.
  - g. The structure shall be completely and totally removed within six (6) months from the date of the issuance of a Building Permit or upon the completion of the permanent residential dwelling structure, whichever date is later.
  - h. In the event that the structure should not be removed or demolished by the owner or other parties in interest within the terms of this Section, the City of Franklin, to the extent permitted by law, acting through its Building Inspector, is authorized to vacate, demolish, or remove, either with forces or by independent contractor submitting the lowest qualified bid, any such building or structure. The City of

Franklin shall assess the entire costs of such vacation, demolition, or removal against the owner or other parties in interest.

- I. **\*Temporary Roadside Stands for the Sale of Agricultural Products.** The following specific standards shall be used:
1. **Off-Street Parking and Loading.** The use shall provide for all required off-street parking and loading on private property.
  2. **Access.** The use shall be located along and have direct vehicular access to a public street. Access to and from the site shall be in accord with the requirements of the applicable highway or arterial street access authority including the Wisconsin Department of Transportation, Milwaukee County, and/or the City of Franklin.
  3. **Sales or Display Prohibited on Public Land.** No sales or display activity shall be located on public land.
- J. **\*Public Interest and Special Events.** A public interest event on a commercial property is limited to no more than six (6) times per year and each event shall be no longer than fourteen (14) days. Public interest events shall include but not be limited to outdoor food sale, outdoor car wash, or other gathering for the benefit of the community, a particular service or a non-profit organization.
- K. **Additional City Department Review May be Required.** Those uses listed above as not required to receive a “Temporary Use Permit” may still be required to receive other use permits/approvals issued by the City of Franklin, including, but not limited to an amendment to an existing Special Use Permit for the subject property and approvals such as for “Special Events” as defined in Chapter 121 and “Transient Merchants” as defined in Chapter 237 of the Municipal Code. In addition, food service associated with a temporary outdoor use may be subject to the review and approval of the Health Department. All temporary uses shall otherwise comply in all respects with all applicable governmental laws, statutes, codes, rules, orders, regulations and ordinances.
- L. **Issuance and Expiration of Permit.** The Zoning Administrator or designee of the City Planning Department(s) shall approve, conditionally approve, deny or refer to the Plan Commission an application for a temporary use permit under this Section within 30 days of its filing in the Planning Department Office. The Plan Commission shall approve, conditionally approve or deny an application within 30 days of the referral of such application to the Commission. Any decision to deny an application under this section shall be in writing, shall set forth the reasons for the denial, and a copy of such decision shall be mailed by regular mail to the applicant within the aforesaid time limits. Each Temporary Use Permit shall specify the date upon which such use may commence and the date upon which such use shall expire; in no event, except as otherwise specifically and expressly set forth in this Section, shall any temporary use exceed 90 days in duration during any calendar year.
- M. **Appeal.** An appeal of a decision regarding a temporary use made by the Zoning Administrator or designee of the City Planning Department shall be made in writing and filed with the Office of





2. **Antenna:** Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals, which may include omnidirectional (rod), directional (panel) or parabolic (disc) antennas.
3. **Antenna array:** The grouping of antennas that encompasses both the transmitters and receivers of the telecommunications provider.
4. **Antenna support structure:** A structure which is attached to an alternative tower structure and which is designed to support an antenna at a height sufficient to permit effective receipt or transmission of wireless communications.
5. **Antenna support structure height:** No antenna support structure, including any antenna or other device attached thereto, shall extend more than 20 feet above the highest point of the structure to which the antenna support structure is attached.
6. **Backhaul network:** The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.
7. **Collocation:** The provision of multiple antennas of more than one commercial wireless communication service provider or government entity on a single tower or structure.
8. **FAA:** Federal Aviation Administration.
9. **FCC:** Federal Communications Commission.
10. **Height:** When referring to a tower or other structure, the distance measured from finished grade to the highest point on the tower or other structure or antenna support structure height, including the base pad and any building or structure upon which the tower or other structure is located.
11. **Pre-existing towers/antennas:** Any tower or antenna for which a building permit, special use permit or other necessary approval has been properly issued prior to the effective date of this Ordinance.
12. **Tower:** Any structure that is designed and constructed for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

C. **Applicability.**

1. **New Towers and Antennas:** All new towers or antennas in the City of Franklin shall be subject to these regulations, except as provided in Divisions 15-3.0805(C)(2) and 15-3.0805(C)(3).
2. **Amateur Radio Station Operators/Receive Only Antennas:** This Ordinance shall not govern any tower, or the installation of any antenna, that is owned and operated by a Federally-licensed amateur radio station operator or is used exclusively for receive only antennas.
3. **Pre-existing Towers or Antennas:** Pre-existing towers and pre-existing antennas shall not be required to meet the requirements of this Ordinance, other than the requirements of Division 15-3.0805(E)(2).

D. **Permit Required:** Except as set forth under Division 15-3.0805(F), no tower or antenna shall be installed unless a special use permit pursuant to Division 15-9.0103 of this Code is first obtained by the owner or the owner's agent. In addition to the special use application requirements, the following specific information shall be required as part of the application submittal.

1. A scaled site plan clearly indicating the location, type and height of the proposed tower and appurtenant equipment, any proposed and existing structures, adjacent land uses and structures, adjacent roadways, on-site parking and driveways, tower and equipment setbacks from property lines, and other information deemed by the Planning and Zoning Administrator to be necessary to assess compliance with this Section;
2. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties and unplatted residentially zoned properties;
3. The separation distance from all other towers, antennas or sites approved for towers, whether within or outside the City of Franklin, that are within one (1) mile of the proposed site, including specific information about the location, height, and design of each tower (the one mile radius is an application information requirement only and shall not limit any consideration under Division 15-3.0805(J)(3)).
4. Landscape plan showing specific plant materials;
5. Method of fencing or other security design, installation or equipment, including location, materials and finished color and, if applicable, vegetative screening;
6. Description of compliance with Division 15-3.0805(E); and
7. A needs analysis clearly demonstrating why the proposed location is necessary for the operation of applicant's communication system.

- E. **General Requirements.** In addition to compliance with all applicable regulations of this Ordinance, the following standards shall apply for the installation of any tower or antenna:
1. **Building Codes; Safety Standards.** To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable State or local building codes and the applicable standards for towers that are published by the Electronic Industries Association which are in effect at the time of issuance of the building permit for the subject tower. If, upon inspection, the Building Inspector concludes that a tower fails to comply with such codes and standards and/or constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards and/or makes same safe. Failure to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
  2. **State or Federal Requirements.** All towers and antennas shall meet or exceed current standards and regulations of the FAA, FCC, and any other agency of the State or Federal government with the authority to regulate towers and antennas which are in effect at the time of issuance of the building permit for the subject tower. If such standards and regulations are changed, then the owner of a tower and antenna governed by this Ordinance shall bring such tower and antenna into compliance with such revised standards and regulations within such time as is mandated by the controlling State or Federal agency. If no compliance time is mandated by such other agency, but delegated locally and such revised standards and regulations are necessary to prevent danger to persons or property, the owner shall bring such tower and antenna into compliance within 30 days of the effective date of such revised standards and regulations. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
  3. **Collocation.** A proposed tower shall be structurally and electrically designed to accommodate the applicant's antenna and comparable antennas for additional users. Towers shall be designed to allow for future rearrangement of antennas and to accept antennas mounted at varying heights. All special use permits granted under this section shall require the permittee to allow collocation for such number of additional users as the permitted tower will support under existing technology and shall not make access to the tower and tower site for the additional users economically unfeasible. If additional user(s) demonstrate (through an arbitrator or other pertinent means, with the cost to be shared by the holder of the permit and the proposed additional use) that the holder of a tower permit has made access to such tower and tower site economically unfeasible, then the special use permit shall be null and void.
  4. **Height.** No tower or other structure supporting an antenna shall exceed 180 feet in height, subject to Division 15-3.0805(J)(2). Antennas shall be installed and maintained in accord with applicable State or local building codes, and in compliance with current standards of the FAA, FCC and any other agency of the State or Federal government with the authority to regulate antennas. No antenna and no antenna support structure, including any antenna or other device attached thereto, shall extend more than 20 feet above the highest point of the structure to which the antenna or antenna support structure is attached.

5. **Setbacks.** A tower shall be located pursuant to the zoning district setbacks applicable to the tower site, subject to Subsections E.6 and J.1 below. Guy wires and appurtenant equipment and buildings shall comply with requirements of the underlying zoning district in which the tower is located.
6. **Separation Between Land Uses.** Tower separation shall be measured from the nearest point of the base of the tower to the nearest point of the lot line of the adjoining off-site use and/or designated area as specified herein.

<u><b>Land Use/Designated Area</b></u>	<u><b>Separation Distance</b></u>
Single family or two-family homes, Including modular homes or mobile homes used for living purposes; vacant land zoned for residential use which has been platted or has unexpired preliminary subdivision plat approval.	300 feet or 300% height of tower, whichever is greater.
Unplatted vacant land zoned for residential use and land designated by the Comprehensive Master Plan for future residential use.	200 feet or 200% height of tower, whichever is greater.
Multi-family dwellings	200 feet or 100% of height of tower, whichever is greater
Land zoned for business and manufacturing use, or non-residential use.	No closer than 100% tower height from the building setback line upon any adjoining property, except where such adjoining property is undeveloped or is developed without habitable structures within 100% of the tower height from the building setback line on the tower site property; then, the building setback line of the tower site property, provided that the Common Council finds that such closer distance will not impede the orderly development of the applicable adjoining property.
Public street right-of-way.	Zoning district regulations or setbacks of tower site or 50% of tower height from public right-of-way, whichever is greater.

7. **Aesthetics.** Towers shall maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness. Where an antenna is installed on a structure other than a tower, the antenna and appurtenant equipment must be of a neutral color that is identical to, or closely compatible with, the color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as aesthetically pleasing and visually unobtrusive as possible.
8. **Signs.** No advertising material or signage other than warning or equipment information shall be allowed on any antenna or tower. This prohibition shall include the attachment to an antenna or tower of any flag, decorative sign, streamers, pennants, ribbons, spinners or waving, fluttering or revolving devices, but not including weather devices.

9. **Lighting.** Towers shall not be artificially illuminated unless required by the FAA or any other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
10. **Fencing.** A tower shall be enclosed by security fencing not less than six (6) feet in height and secured or otherwise secured by such design or security structure or equipment installation approved by the Common Council, so that it is not accessible by the general public. Fence or other security structure or equipment design, materials and colors shall reflect the character of the surrounding area.
11. **Landscaping.** A buffer of plant materials to effectively screen the tower compound from public view and from adjacent properties shall be provided. The minimum buffer shall consist of a landscaped strip at least five (5) feet in width outside the perimeter of the tower compound. Equipment cabinets or structures shall be screened from view by an evergreen hedge or other suitable vegetation, except where the use of non-vegetative screening would better reflect and complement the architectural character of the surrounding neighborhood. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived. Existing mature tree growth and natural land forms shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.
12. **Appurtenant Equipment and Buildings.** Antennas mounted on alternative tower structures or rooftops: The equipment cabinet or structure used in association with an antenna may be located on a roof provided that such equipment or structure is placed to be screened from public view as unobtrusively as possible. Equipment storage buildings or cabinets shall comply with all applicable building and Unified Development Code requirements.

Antennas mounted on utility poles, light poles or towers: The equipment cabinet or structure used in association with an antenna shall be sited in accordance with the development standards of the underlying zoning district. Any ground located equipment cabinet or structure shall be designed either for expansion or attachment to like equipment facilities required by later collocation users.

#### F. **Permitted Uses.**

1. **Cable Microcell Network:** The installation of a cable microcell network may be permitted through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.
2. **Additional collocated antennas:** Collocation of an additional antenna on an existing tower supporting an antenna, both previously permitted under this Section; provided: the collocated antenna array or equipment is similar in size and function to that installed by the holder of the special use permission for the tower, does not significantly alter the appearance or structural integrity of the tower approved and permitted under this Section, is fully in compliance with all conditions contained in the original conditional use permit, and site plan approval is obtained for such additional collocated antenna prior to installation.

3. **Antennas installed upon alternative tower structures:** Antennas installed upon alternative tower structures and any antenna support structure; provided: Site plan approval is obtained prior to installation, which approval shall include a finding of consent to such installation by the owner of the alternative tower structure, and such structure is located within those zoning districts specified under Division 5-3.0805G.
4. **Monopole tower in replacement of a water tower structure:** A monopole tower not exceeding 180 feet in height, without regard to antennas, to be installed in replacement of an alternative tower structure which pre-existed the adoption of the Wireless Telecommunications Towers and Antennas Ordinance on July 14, 1998, to wit: a water tower exceeding 180 feet in height, located in an A-1 Agricultural District, shall be a permitted use, provided: the pre-existing water tower is removed pursuant to all laws, codes and ordinances prior to May 1, 2010; the monopole tower is installed in the immediate vicinity of the pre-existing water tower, and in which event, the setback from buildings on adjoining property shall not apply where the applicant owns the monopole tower site property and the subject adjoining property and the adjoining subject property is vacant, with any future building development of the adjoining property to not occur closer than the distance which is equal to 100% of monopole tower height; and Site Plan approval for the monopole tower is obtained, following the consideration by the Plan Commission of the purpose of the Wireless Telecommunications Towers and Antennas Ordinance, its other applicable provisions, and all other laws, codes and ordinances.

G. **Special Uses.** The installation of towers and antennas, including the placement of appurtenant equipment or buildings shall be prohibited in all areas of the City of Franklin, except as provided under Division 15-3.0802A and Division 15-3.0901 and as may be allowed by special use permit in the M-1, M-2, BP (including the Franklin Industrial Park and Franklin Business Park Planned Development Districts), I-1 and L-1 zoning districts. Any special use permission granted under this Section shall include the permission to install a replacement tower upon the removal of the original tower by the owner in the ordinary course of business and not under circumstances constituting abandonment, provided the owner secures all necessary governmental permits for such removal and replacement and that such replacement tower meets all applicable local, State and Federal building codes and safety standards in effect upon installation.

H. **Removal of Abandoned Antennas and Towers.** An antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 90 days of receipt of notice from the City of Franklin notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said 90 days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. The tower owner shall always remain liable for the removal of the tower and all antennas located thereon and no act or omission of the City shall be construed to release or waive such liability unless expressly waived or released in writing in the sole discretion of the City. Any special use permit or site plan approval granted shall include a requirement that the permittee post a performance bond or letter of credit approved by the City of Franklin Attorney, in an amount required by the Plan Commission as reasonably necessary so that the City of Franklin remains secure that the tower or antenna will be removed without cost to

the City. “Removal” of a tower or an antenna under this subsection means the removal of the entirety of the installation appurtenant to and serving the tower or antenna, including footings.

**I. Non-conforming Uses.**

1. **Not Expansion of Non-conforming Use.** Towers that are constructed, and antennas that are installed, in accordance with the provisions of this Section shall not be deemed to constitute the expansion of a non-conforming use or structure, when located upon property supporting such non-conforming use or structure.
2. **Pre-existing Towers.** Pre-existing towers shall be allowed to continue their usage as they presently exist. Routine maintenance shall be permitted on such pre-existing towers. New construction on a pre-existing tower shall comply with the requirements of this Section.

**J. Additional Special Use Permit Requirements.**

Wireless Telecommunications Towers and Antennas.

1. **Separation Between Towers.** Separation distances between towers shall be applicable for a proposed tower and any pre-existing towers. The separation distance shall be measured by a straight line between the nearest point of the base of an existing tower and the nearest point of the base of a proposed tower.

NEW TOWER TYPE			EXISTING TOWER TYPE	
			Monopole 75 Ft. in Height or <u>Greater</u>	Monopole Less Than 75 Ft. in <u>Height</u>
Lattice	1,500	1,500	1,500	750
Guyed	1,500	1,500	1,500	750
Monopole 75 Ft. in Height or Greater	1,500	1,500	1,500	750
Monopole Less Than 75 Ft. in Height	750	750	750	750

2. **Tower Height:** The following criteria shall apply in determining the maximum height of a tower:
  - (a) For a single user, up to 90 feet.
  - (b) For two (2) users, up to 120 feet.
  - (c) For three (3) or more users, up to 180 feet.
3. **Availability of Suitable Existing Towers. Other Structures or Alternative Technology.** No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Common Council that no existing tower, structure or alternative technology that does not require the use of towers or structures can



accommodate the applicant's proposed antenna. Evidence submitted to the Common Council to determine that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

- a. No existing towers or structures are located within the geographic area which meet the applicant's engineering requirements.
- b. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
- c. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
- d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- g. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

K. **Variances.** The provisions of Divisions 15-3.0805(E)(4), 15-3.0805(E)(5), 15-3.0805(E)(6), 15-3.0805(J)(1), and 15-3.0805(J)(2) shall be available to the variance regulations set forth under Division 15-10.0206 et seq., provided the purposes set forth under Division 15-3.0805(A).

## **DIVISION 15-3.0900      MODIFICATIONS**

### **SECTION 15-3.0901          HEIGHT**

The district height limitations stipulated elsewhere in this Ordinance may be exceeded, but such modification shall be in accord with the following:

- A.     **Architectural Projections.** Architectural projections such as spires, steeples, belfries, parapet walls, cupolas, domes, flues, and chimneys are exempt from the height limitations of this Ordinance.
- B.     **Special Structures.** Special structures such as elevator penthouses, mechanical penthouses, gas tanks, grain elevators, observation towers, and scenery lofts, manufacturing equipment and necessary appurtenances, cooling towers, fire towers, substations, and smoke stacks are exempt from the height limitations of this Ordinance; provided the special structures are an integral part of and do not detract from the design of the principal structure as approved by the Plan Commission and/or Architectural Board.
- C.     **Essential Services, Utilities, Water Towers, and Electric Power and Communication Transmission Lines.** Essential services, utilities, water towers, and electric power and communication transmission lines are exempt from the height limitations of this Ordinance.
- D.     **Communication Structures.** Ground-mounted earth station dish antennas shall not exceed a height of fifteen (15) feet. Building-mounted earth station dish antennas shall not exceed the maximum height regulation of the district in which they are located.
- E.     **Agricultural Structures.** Agricultural structures, such as barns, silos, windmills, shall not exceed in height twice their distance from the nearest lot line.
- F.     **Public or Semipublic Facilities.** Public or semipublic facilities, such as schools, churches, hospitals, monuments, sanatoriums, libraries, and governmental offices and stations, may be erected to a height of sixty (60) feet, provided all required yards are increased not less than one (1) foot for each foot the structure exceeds the district's maximum height requirement.
- G.     **Modification of Other Ordinances and Regulations Not Permitted Under this Division.** Modifications permitted under this Division of this Ordinance do not modify any requirements of federal, State, or local building codes relating to the elements addressed in this Division of this Ordinance.

### **SECTION 15-3.0902          YARDS**

The yard requirements stipulated elsewhere in this Ordinance may be modified as follows:

- A.     **Uncovered Stairs, Landings, and Fire Escapes.** Uncovered stairs, landings, and fire escapes may project into any yard, but not further than six (6) feet and shall not be closer than three (3) feet to any lot line.

- B. **Architectural Projections.** Architectural projections, such as chimneys, flues, sills, eaves, belt courses, and ornaments, may project into any required yard; but such projections shall not exceed two (2) feet. (See Section 15-2.0202(E)(1)(2) of this Ordinance for exceptions.)
- C. **Essential Services, Utilities, and Electric Power and Communication Transmission Lines.** Essential services, utilities, and electric power and communication transmission lines are exempt from the yard and distance requirements of this Ordinance.
- D. **Landscape Bufferyards, Landscaping, Vegetation, and Areas of Natural Resource Features Mitigation Exempt from Yard and Setback Requirements.** Landscape bufferyards, landscaping, vegetation, and natural resource features mitigation area are exempt from the yard and setback requirements of this Ordinance. Landscape plantings such as shrubs shall not be permitted in the street right-of-way unless approved by the Plan Commission.

### **SECTION 15-3.0903                      ADDITIONS AND AVERAGE STREET YARDS**

Additions in the street yard of existing structures shall not project beyond the average of the existing street yards on the abutting lots or parcels.

### **SECTION 15-3.0904                      CORNER LOTS**

Structures shall provide a street yard as required by this Ordinance on the street that the structure faces. A second street yard shall be provided on the side of the structure abutting a second public or private street. The setbacks on each street shall be as specified in this Ordinance.

### **SECTION 15-3.0905                      DOUBLE FRONTAGE LOTS**

Lots abutting two (2) opposite streets shall provide the front yard setback required by the district in which the lot is located from each street upon which the lot abuts, except fences may be constructed to locate property lines in the yard opposite the front of the residence, in accordance with the applicable provisions of subsection 15-3.0802E.2.b.

### **SECTION 15-3.0906                      FLOODWAY LANDS ELIGIBLE FOR MEETING AREA REQUIREMENTS**

Where a lot is located partially within the FW District that portion of the lot in the FW District shall be utilized to meet the lot area requirements of the adjoining zoning district. In no case, shall the FW District be used to increase the maximum permitted net floor area ratio (NFAR) or maximum net density (ND) of any parcel of land or lot which exceeds those levels as determined by the site intensity calculations and capacity calculations of Division 15-3.0500 of this Ordinance.

**SECTION 15-3.0907****RESOURCE****ELIGIBLE FOR MEETING AREA REQUIREMENTS****DEED RESTRICTED AND PRESERVED NATURAL****PROTECTION AND OPEN SPACE LANDS**

Where a lot is located partially within a deed restricted and preserved natural resource protection area or open space area (see Divisions 15-3.0500 and 15-4.0100) that portion of the lot in such an area may be utilized to meet the lot area requirements of the zoning district. In no case, however, shall such eligibility be used to increase the maximum permitted net floor area ratio (NFAR) or maximum net density (ND) of any parcel of land or lot which exceeds those levels as determined by the site intensity calculations and capacity calculations of Division 15-3.0500 of this Ordinance. For residential properties from the front property line to the area to be preserved shall not be less than 110 feet at any point. Any buildings or structures shall not be located any closer than thirty (30) feet from a wetland and seventy-five (75) feet from an FC District, FFO District or FW District.

**SECTION 15-3.0908****NOISE**

Sirens, whistles, and bells which are maintained and utilized solely to serve a public purpose are exempt from the sound level standards of this Ordinance. (Also see Section 15-3.1107B.)

**DIVISION 15-3.1000****NONCONFORMING BUILDINGS, STRUCTURES, AND USES****SECTION 15-3.1001****EXISTING NONCONFORMING USES**

The lawful nonconforming use of a structure, land, or water existing at the time of the adoption or amendment of this Ordinance may be continued although the use does not conform with the provisions of this Ordinance provided that:

- A. **Portion of the Land or Water in Actual Use May Be Continued.** Only that portion of the land or water in actual use may be so continued and the nonconforming use may not be extended, enlarged, substituted, or moved, except when required to do so by law or order or so as to comply with the provisions of this Ordinance.
- B. **Substitution of New Equipment.** Substitution of new equipment may be permitted by the Board of Zoning and Building Appeals if such equipment will reduce the incompatibility of the nonconforming use or structure with the neighboring uses.
- C. **Conforming Special Uses.** See Division 15-9.0100 for uses existing at the effective date of this Ordinance, which would be classified as Special Uses under the provisions of this Ordinance.

## **SECTION 15-3.1002**

## **EXISTING NONCONFORMING STRUCTURES**

The lawful nonconforming use of a structure existing at the time of the adoption or amendment of this Ordinance may be continued although the structure's size or location does not conform with the established building setback line along streets or the yard, height, parking, loading, access, floor area ratio, and lot area provisions of this Ordinance provided that:

- A. **Total Structural Repairs or Alterations.** Total structural repairs or alterations to a nonconforming structure shall not exceed fifty (50) percent of the municipality's equalized assessed value of the structure unless it is permanently changed to conform to the use provisions of this Ordinance.
- B. **Substitution of New Equipment.** Substitution of new equipment may be permitted by the Board of Appeals if such equipment will reduce the incompatibility of the nonconforming use or structure with the neighboring uses.
- C. **Repairs and Alterations.** Repairs and alterations permitted under the provisions of this Ordinance to nonconforming buildings and structures located in floodplains shall include floodproofing to those portions of the building or structure involved in such repairs or alterations. Certification of floodproofing shall be made to the Zoning Administrator and shall consist of a plan or document certified by a registered professional engineer that the flood-proofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the 100-year recurrence interval flood level for the particular area.

## **SECTION 15-3.1003**

## **EXISTING SUBSTANDARD LOTS**

- A. **Residential Substandard Lots.** A lot located in a residential district which does not contain sufficient area to conform to the dimensional requirements of this Ordinance, but which lot is at least fifty (50) feet wide and six thousand (6,000) square feet in area, may be used as a single building site provided that:
  - 1. The use is permitted in the zoning district.
  - 2. The lot is a lot of record in the Milwaukee County Register of Deeds Office prior to the effective date of this Ordinance.
  - 3. The lot has the ability to connect to public sanitary sewer, if less than 40,000 square foot in size.
- B. **Nonresidential Substandard Lots.** A lot located in a nonresidential zoning district which does not contain sufficient area to conform to the dimensional requirements of this Ordinance may be used as a building site provided that the lot is a lot of record in the Milwaukee County Register of Deeds Office prior to the effective date of this Ordinance.
- C. **Setback and Yard Requirements.** Substandard lots granted permits under this Ordinance shall be required to meet the setback and other yard requirements of this Ordinance. A Building Permit

for the improvement of a lot with lesser dimensions and requisites than those stated in Paragraph A. of this Section shall be issued only after a variance is granted by the Board of Appeals.

- D. **Two (2) or More Substandard Lots with Continuous Frontage Under the Same Ownership.** If two (2) or more substandard lots with continuous frontage have the same ownership as of the effective date of this Ordinance, the lots involved shall be considered to be an individual parcel for the purpose of this Ordinance.

#### **SECTION 15-3.1004 CONTINUANCE OF USE**

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

#### **SECTION 15-3.1005 DISCONTINUANCE OF USE**

- A. **Building, Structure, or Land Occupied by a Nonconforming Use Changed to or Replaced by a Conforming Use.** Whenever any part of a building, structure, or land occupied by a nonconforming use is changed to or replaced by a conforming use, such premises shall not thereafter be used or occupied by another nonconforming use, even though the building may have been originally designed and constructed for the prior nonconforming use.
- B. **Discontinuance of Nonconforming Use.** Whenever a nonconforming use or part thereof has been discontinued for a period of twelve (12) consecutive months, or whenever there is evidence of a clear intent on the part of the owner to abandon a nonconforming use, such use shall not, after being discontinued or abandoned, be re-established, and the use of the premises thereafter shall be in conformity with the regulations of the zoning district in which the use is located.
- C. **Discontinuance of Nonconforming Use Where No Enclosed Building Is Involved.** Where no enclosed building is involved, discontinuance of a nonconforming use for a period of twelve (12) months shall constitute abandonment, and shall not thereafter be used in a nonconforming manner.

- D. **Nonconforming Uses to be Discontinued.** A nonconforming use not authorized by the provisions of the City of Franklin Unified Development Ordinance at the time of the adoption of this Ordinance shall be discontinued.

#### **SECTION 15-3.1006                      REPAIRS AND ALTERATIONS**

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

#### **SECTION 15-3.1007                      DAMAGE AND DESTRUCTION**

- A. **Damaged or Destroyed Building, or Other Structure Containing a Nonconforming Use.** If a non-conforming building or other structure, or a building or structure containing a nonconforming use is damaged or destroyed by any means to the extent of fifty (50) percent or more of its replacement value at that time, the building or other structure can be rebuilt or used thereafter only for a conforming use and in compliance with the provisions of the zoning district in which it is located. In the event the damage or destruction is less than fifty (50) percent of its replacement value, based upon prevailing costs, the building may then be restored to its original condition and the occupancy or use may be continued.
- B. **Reconstruction of Buildings and Structures Located on Floodplains.** Reconstruction permitted under the provision of this Division to building and structures located on floodplains shall include floodproofing to a height two (2) foot above the elevation of the one hundred (100) year recurrence interval flood as delineated on large-scale topographic maps prepared by the City or by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) under the Root River Watershed study or as determined through the use of flood profiles and accompanying hydrologic and hydraulic engineering data, to those portions of the building or structure involved in such reconstruction. Certification of floodproofing shall be made to the Building Inspector and shall consist of a plan or document certified by a registered professional engineer that the

floodproofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the one hundred (100) year recurrence interval flood level for the particular area.

#### **SECTION 15-3.1008**

#### **ADDITIONS AND ENLARGEMENTS**

- A. **Nonconforming Building Shall Not Be Extended.** A nonconforming building shall not be extended unless the entire building is thereafter devoted to a conforming use and said extension meets all applicable Ordinance requirements, and is made to conform to all the regulations of the zoning district in which it is located.
- B. **Buildings Partially Occupied by a Nonconforming Use.** No building partially occupied by a nonconforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such nonconforming use.
- C. **Limitations on the Expansion of a Nonconforming Use.** No nonconforming use may be extended in such a way as to occupy any required usable open space, or any land beyond the boundaries of the zoning lot as it existed on the effective date of this Ordinance, or to displace any conforming use in the same building or on the same parcel of land.
- D. **Building or Structure Nonconforming with Respect to Yards, Floor Area Ratio, or Any Other Element of Bulk.** A building or structure which is nonconforming with respect to yards, floor area ratio, or any other element of bulk shall not be altered or expanded in any manner which would increase the degree or extent of its nonconformity with respect to the bulk regulations for the district in which it is located.
- E. **Additions and Enlargements Located on Floodplains.** Additions and enlargements permitted under the provisions of this Division to building and structures located on floodplains shall include floodproofing to a height two (2) foot above the elevation of the one hundred (100) year recurrence interval flood as delineated on large-scale topographic maps prepared by the City or by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) under the Root River Watershed study or as determined through the use of flood profiles and accompanying hydrologic and hydraulic engineering data, to those portions of the building or structure involved in such additions and enlargements. Certification of floodproofing shall be made to the Building Inspector and shall consist of a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the one hundred (100) year recurrence interval flood level for the particular area.

#### **SECTION 15-3.1009**

#### **CHANGES AND SUBSTITUTIONS**

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



its status as a legal nonconforming use and the substituted use shall become subject to all the conditions required by the Board.

## **SECTION 15-3.1010**

## **EXEMPTED BUILDINGS, STRUCTURES, AND USES**

Whenever a lawfully existing building or other structure otherwise conforms to the use regulations of the zoning district in which it is located, but is nonconforming only in the particular manner hereinafter specified, the building and use thereof shall be exempt from the requirements of Section 15-3.1006.

- A. **Dwelling Structure Nonconforming Only as to the Number of Dwelling Units Contained.** In any residential zoning district where a dwelling structure is nonconforming only as to the number of dwelling units it contains, provided no such building shall be altered in any way so as to increase the number of dwelling units therein.
- B. **Business or Industrial District Where the Use is Less Distant from a Residential Zoning District than Specified.** In any business or industrial district, where the use is less distant from a residential zoning district than that specified in the regulations for the district in which it is located.
- C. **Other.** In any zoning district where an established building, structure, or use is nonconforming with respect to the standards prescribed herein for any of the following:
  - 1. Floor area ratio including both net floor area ratio (NFAR) and gross floor area ratio (GFAR).
  - 2. Yards – front, corner, side, rear, or transitional.
  - 3. Off-street parking and loading.
  - 4. Lot area.
  - 5. Building height.
  - 6. Gross floor area.
  - 7. Landscaping, landscape bufferyards, landscape surface ratio (LSR), and open space ratio (OSR).
- D. **Pre-existing Lot Sizes.** Where a lot size was conforming prior to the adoption of this Ordinance, and regulates if this Ordinance has revised minimum lot size requirements for a particular zoning district, the lot shall continue to be considered a conforming lot.
- E. **Enlargement or Extension of a Nonconforming Use May be Allowed by the Common Council.** The enlargement or extension of a nonconforming use may be allowed by the Common Council, following a public hearing duly noticed and held by the Board of Zoning Appeals, provided that the Board shall determine and set forth in writing:
  - 1. Such enlargement or extension is consistent with the public interest.
  - 2. Such enlargement or extension will not have an “adverse” effect on property in the surrounding neighborhood on account of visual appearance, increased traffic

(pedestrian or vehicular), noise, smoke, odor, or other factors. Further, no such enlargement or extension of a nonconforming use shall be permitted unless all building height, yard, coverage, and off-street parking and loading requirements of this ordinance for the district in which such use is located are adhered to. In the event that a written protest against any enlargement or extension of a nonconforming use, signed and acknowledged by the owners of twenty (20) percent of the property immediately adjoining or across an alley therefrom, or by the owners of twenty (20) percent of the frontage directly across the street therefrom, is filed with the Zoning Board of Appeals, such enlargement or extension shall not be allowed, except by a three-fourths (3/4) vote of the Common Council. No nonconforming use may be enlarged or expanded in floor area or lot area by more than fifty (50) percent in the aggregate, based upon its size or scope on the effective date of this amendatory ordinance, whether or not such aggregate enlargement or expansion occurs at one time or at successive times.

3. Enlargements or extensions permitted under the provisions of this section to building and structures located on floodplains shall include floodproofing to a height two (2) foot above the elevation of the one hundred (100) year recurrence interval flood as delineated on large-scale topographic maps prepared by the City or by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) under the Root River Watershed study or as determined through the use of flood profiles and accompanying hydrologic and hydraulic engineering data, to those portions of the building or structure involved in such enlargements or extensions. Certification of floodproofing shall be made to the Building Inspector and shall consist of a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the one hundred (100) year recurrence interval flood level for the particular area.

#### **SECTION 15-3.1011**

#### **NONCONFORMING USES AND STRUCTURES IN THE FW, FC AND FFO DISTRICTS.**

- A. **Floodplain Nonconforming Use or Structure.** In accordance with Section 62.23(7)(h) of the Wisconsin Statutes, no modification to a floodplain nonconforming use or structure shall be permitted that would, over the life of the nonconforming use or structure, exceed 50 percent of the equalized assessed value of the structure at the time of modification, unless the entire structure is changed to a conforming structure with a conforming use or was damaged or destroyed after March 1, 2006, and meets the requirements of Section 62.23(7)(hc) of the Wisconsin Statutes and all of the minimum requirements under 44 CFR Chapter I-Part 60 of the Code of Federal Regulations (CFR), or the regulations promulgated thereunder. The percentage shall be derived from the cost of the modification compared to the structure's equalized assessed value at the time of the modification. Ordinary maintenance repairs are not considered structural repairs or alterations. Such ordinary maintenance repairs include internal and external painting, decorating, and paneling; the replacement of doors, windows, and other nonstructural components; and the maintenance, repair, or replacement of existing sewage systems, water supply systems, or connections to public utilities. Ordinary maintenance repairs do not include any costs associated with the repair of a damaged structure in a floodplain. The cost of elevating

a nonconforming building or a building with a nonconforming use to the flood protection elevation is excluded from the 50 percent provision in this paragraph.

A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure; the alteration will have low flood damage potential and comply with the standards contained in the applicable floodplain districts in Sections 15-3.0319, 15-3.0320, and 15-3.0321; flood resistant materials are used; and construction practices and floodproofing methods that comply with Section 15-3.1112 of this Ordinance are used.

The Building Inspector shall maintain records of all floodplain nonconforming uses and structures, and modifications made to floodplain nonconforming uses and structures. Records shall reflect the current equalized assessed value of nonconforming structures, the costs of any modifications that are permitted, and the percentage of the structure's current value that those modifications represent.

**B. Additional Requirements for Nonconforming Uses and Structures in the FW Floodway District.** No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the floodway, unless such modification or addition complies with the following:

1. Has been granted a permit or variance that meets the requirements of Sections 15-3.0319 and 15-3.0604 of this Ordinance.
2. Contiguous dry land access will be provided for residential, commercial, and institutional uses in compliance with Section 15-3.0606B.1.
3. Will not increase the obstruction to flood flows or regional flood height.
4. Any addition to the existing structure shall be floodproofed, pursuant to Section 15-3.1112, by means other than the use of fill, to the flood protection elevation, except where paragraph 5 below applies.
5. If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
  - a. The enclosed area shall be designed by a registered engineer or architect to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade.
  - b. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials.
  - c. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation.

- d. The use must be limited to parking or limited storage.
- 6. No new private onsite wastewater treatment system (POWTS), or addition to an existing POWTS except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the floodway. Any replacement, repair, or maintenance of a POWTS in the floodway shall meet all applicable City ordinances and Chapter Comm 83 of the Wisconsin Administrative Code.
- 7. No new well or modification to an existing well used to obtain water for ultimate human consumption shall be allowed in the floodway. Any replacement, repair, or maintenance of an existing well in the floodway shall meet all applicable requirements of City ordinances and Chapters NR 811 and 812 of the Wisconsin Administrative Code.

C. **Additional Requirements for Nonconforming Uses and Structures in the FC Floodplain Conservancy District and FFO Floodplain Fringe Overlay District.** No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the floodplain fringe areas, unless such modification or addition complies with the following:

- 1. Has been granted a permit or variance by the City.
- 2. The modification or addition shall be placed on fill or floodproofed to the flood protection elevation in compliance with the standards for that particular use in Sections 15-3.0320, 15-3.0321, 15-3.0605, and 15-3.0606, except where paragraph 3 below applies.
- 3. Where compliance with the fill or floodproofing provisions of paragraph 2 above would result in unnecessary hardship, and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Zoning and Building Appeals, using the procedures established in Section 15-9.0105, may grant a variance for modifications or additions which are protected to elevations lower than the flood protection elevation provided:
  - a. No floor is allowed below the regional flood elevation for residential or commercial structures.
  - b. Human lives are not endangered.
  - c. Public facilities, such as water or sewer, will not be installed.
  - d. Flood depths will not exceed two (2) feet.
  - e. Flood velocities will not exceed two (2) feet per second.
  - f. The structure will not be used for storage of materials described in Section 15-3.0320C.
- 4. An addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in the FC and FFO Districts on a one-time basis only, provided that the addition:

- a. Has been granted a permit or variance by the City.
  - b. Does not exceed 60 square feet in area.
  - c. In combination with other previous modifications or additions to the building, does not exceed 50 percent of the present equalized assessed value of the building.
- 5. All new private onsite wastewater treatment systems (POWTS), or additions to, replacement, repair, or maintenance of a POWTS shall meet all applicable provisions of City ordinances and Chapter Comm 83 of the Wisconsin Administrative Code.
- 6. All new wells, or additions to, replacement, repair, or maintenance of a well shall meet all applicable provisions of City ordinances and Chapters NR 811 and 812 of the Wisconsin Administrative Code.

## **SECTION 15-3.1012            WETLAND NONCONFORMING USES**

Notwithstanding Section 62.23(7)(h) of the Wisconsin Statutes, the repair, reconstruction, renovating, remodeling or expansion of a legal nonconforming structure, or any environmental control facility related to a legal nonconforming structure, located in the SW Shoreland Wetland Overlay District and in existence at the time of adoption or subsequent amendment of this Ordinance is permitted pursuant to Section 62.231(5) of the Wisconsin Statutes.

## **DIVISION 15-3.1100    HAZARD ABATEMENT PERFORMANCE STANDARDS**

### **SECTION 15-3.1101            COMPLIANCE IN ALL ZONING DISTRICTS**

Any use established hereafter in any zoning district shall be so operated as to comply with the hazard abatement performance standards set forth in this Division unless otherwise specified. However, within Planned Development Districts Nos. 23 and 24, provisions stated within those districts shall apply when in conflict with the hazard abatement standards of this district.

### **SECTION 15-3.1102            AIR POLLUTION, CONTAMINANTS, AND SMOKE**

- A. **Smoke and Particulate Matter.** The provisions of Paragraphs 1 and 2 below shall not apply in the case of an equipment breakdown which makes compliance not reasonably possible, and shall not apply to home fireplaces not used for heating, to barbecues, and to burning incidental to agricultural operations for clearing land, but not for waste disposal.
- 1. **Measurement of Smoke Emissions.** Smoke emissions shall be measured by the use of the Ringlemann Chart, as adopted and published by the United States Department of the Interior, Bureau of Mines Information Circular 8333, May 1967, on which are illustrated graduated shades of gray for use in estimating the light-obscuring capacity of smoke. All uses shall conform with the following standard. The density of smoke shall be measured at the point of emission, except when the point of emission cannot be readily observed, it may be measured at an observable point on the plume nearest the point of emission.

2. **Established Requirements Not to be Exceeded.** No person or activity shall emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities so as to substantially contribute to exceeding the established requirements of the City of Franklin, Milwaukee County, State of Wisconsin, or federal air pollution standards set forth by the U.S. Environmental Protection Agency. In case of conflict, the most restrictive requirements shall govern.
3. **Maximum Amount of Particulate Matter on a Single Site.** Emission of particulate matter from all sources shall be included in the maximum amount permitted for a single site as prescribed by the requirements of the agencies and regulations cited in Paragraph 2 above.
4. **Wind-Borne Particulate Matter.** Emission of particulate matter from materials or products subject to becoming wind-borne from such sources as storage areas, yards, roads, and so forth, within lot boundaries, shall be kept to a minimum by landscaping, paving, wetting, or other means not in violation of any other applicable laws or regulations in order to render the surface wind-resistant.
5. **Maximum Smoke Units.** No stack shall emit more than ten (10) smoke units during any one (1) hour, nor shall smoke or a density in excess of Ringelmann No. 2 be emitted, provided that during a single one (1) hour period in each twenty-four (24) hour day, each stack may emit up to twenty (20) smoke units when blowing soot or cleaning fires, and during such cleaning of fires, smoke of a density of Ringelmann No. 3 may be emitted, but for not more than four (4) minutes each period except for a plume consisting entirely of condensed steam.
6. **Declaration of Public Nuisance.** In addition to the performance standards specified herein, the emission of smoke or particulate matter in such manner or quantity as to be detrimental to or endanger the public health, safety, comfort, or welfare is hereby declared to be a public nuisance.

**B. Toxic and Noxious Matter.** All uses shall conform with the following standards.

1. **Ambient Air Quality Standards.** The ambient air quality standards of the State of Wisconsin and the U.S. Environmental Protection Agency, or any other federal agency having jurisdiction shall limit the release of airborne toxic and noxious materials. In case of conflict, the most restrictive requirements shall govern.
2. **Toxic Materials Not Included in Ambient Air Quality Standards.** When toxic materials are not included in the ambient air quality standards of the State of Wisconsin, the U.S. Environmental Protection Agency, or any other federal agency, the release of such materials shall not exceed one one-fortieth (1/40) of the threshold limit value across site boundary lines of those toxic materials currently listed in the "Threshold Limit Values" adopted by the American Conference of Governmental Industrial Hygienists. Unless otherwise stated, the measurement of all toxic and noxious matter shall be at ground level or habitable elevation, and shall be the average of a twenty-four (24) hour sampling period. The City of Franklin may request that an applicant submit a statement from the Wisconsin Department of Natural Resources that the proposed levels of toxic matter to be released will not result in any hazard to human life or health or to wildlife.

3. **Discharge Across Property Boundaries Prohibited.** No use on any property shall discharge across the boundaries of said property toxic or noxious matter in such concentrations as to be detrimental to or endanger the public health, safety, comfort, or welfare, or cause injury or damage to other property or business.

### **SECTION 15-3.1103 FIRE AND EXPLOSIVE HAZARDS**

Fire and explosive hazards shall be controlled as set forth in this Section.

- A. **Storage or Manufacture of Materials or Products Which Decompose by Detonation Not Permitted.** Activities involving the storage or manufacture of materials or products which decompose by detonation are not permitted unless licensed by the City of Franklin. If such activities are permitted by City of Franklin license, such activities shall take place exclusively in the M-2 District.
- B. **Storage, Utilization, or Manufacture of Materials Ranging from Free to Active Burning May be Permitted With Conditions.** The storage, utilization, or manufacture of materials determined to be highly volatile by the Fire Chief is permitted in the M-2 District under the following conditions:
  1. **Location.** All storage, utilization, or manufacture of such materials or products shall be within completely enclosed buildings or structures having noncombustible exterior walls.
  2. **Setbacks and Sprinkler Protection.** All such buildings or structures shall be set back at least forty (40) feet from property boundaries unless greater standards are required by the specific zoning district in which said materials are located, or, in lieu thereof, shall be protected throughout by an automatic sprinkler system complying with standards for installation prescribed by the National Fire Protection Association.
  3. **Noncombustible to Moderate Burning Materials.** The storage, utilization, or manufacture of materials ranging from noncombustible to moderate burning (as determined by the Zoning Administrator) is permitted.
  4. **Materials or Products Which Produce Flammable or Explosive Vapors.** Materials or products which produce flammable or explosive vapors or gases under ordinary weather temperatures shall not be permitted in this district, with the exception of the following, which are permitted:
    - a. Materials required for emergency or standby equipment.
    - b. Materials used in secondary processes which are auxiliary to a principal operation--such as paint-spraying of finished products.

- c. Flammable liquids and oils stored, sold, and used in conjunction with the operation of an automobile service station and customarily required or used in such operation.
- 5. **Manufacture, Possession, Storage, Transportation, and Use of Hazardous Materials.** All manufacture, possession, storage, transportation, and use of hazardous materials which include explosives and blasting agents, flammable and combustible liquids, liquefied petroleum gas, and hazardous chemicals shall be required to comply with all applicable State and local fire codes or as set forth in the National Fire Protection Association's Fire Protection Handbook--1986 Edition as amended, whichever is stricter.
- 6. **No Storage Allowed Within 100-Year Recurrence Interval Floodplain.** Any permitted structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids and gases, or other toxic materials which could be hazardous to public health or safety, shall be located at elevations a minimum of four (4) feet above the 100-year recurrence interval flood elevation.

#### **SECTION 15-3.1104**

#### **GLARE**

- A. **Prohibition of Glare.** All glare shall be prohibited, which is defined as the direct view of any light source, whether direct or reflected, whether natural or produced light, that temporarily blinds eye sight on neighboring properties or on adjoining right-of-ways.
- B. **Glare Standards.** All uses shall conform to the following minimum standards:
  - 1. **Maximum Illumination Increase.** Any operation or activity producing glare shall be conducted so that direct or indirect illumination from the source of light shall not cause an illumination beyond the site boundary line as measured during the day or at night.
  - 2. **Flickering and Intrinsically Bright Sources of Illumination.** Flickering and intrinsically bright sources of illumination shall be controlled by luminaire shielding or aiming the light source away from roads and nearby sites. Exposed sources of light shall be shielded so as not to exceed the outdoor lighting standards set forth elsewhere in this Ordinance.
  - 3. **Reflective Materials Which Cause Glare Prohibited.** Reflective roofs, sidings, and building surfaces including reflective glass shall not be permitted with the exception of solar heating devices.
- C. **Declaration of Public Nuisance.** Any operation producing intense glare shall be performed within a completely enclosed building and effectively screened in such a manner as not to create a public nuisance or hazard along property boundaries.



## **SECTION 15-3.1105**

## **HEAT AND HUMIDITY**

The following standards shall apply to heat and humidity.

- A. **Location.** Any activity producing intense heat shall be conducted within an enclosed building in such a manner as not to raise the temperature of the air beyond the site boundary line.
- B. **Increases in Humidity in the Form of Steam or Moist Air from Cooling Towers or Equipment.** Increases in humidity in the form of steam or moist air from cooling towers or equipment shall be controlled so that they do not create an ice hazard. Cooling towers shall be controlled by either reheating the plume or using a closed system.
- C. **Declaration of Public Nuisance.** Any operation producing intense heat or humidity shall be performed within a completely enclosed building and effectively screened in such a manner as not to create a public nuisance or hazard along property boundaries.

## **SECTION 15-3.1106**

## **WATER QUALITY PROTECTION**

- A. **General Water Quality Standards.** No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that might run off, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.
- B. **Minimum State Requirements to be Met.** No activity shall withdraw or discharge any liquid or solid materials so as to exceed, or contribute toward the exceeding of, the minimum standards set forth in Paragraph A above, and those other standards and the application of those standards set forth in Chapter NR-102 of the Wisconsin Administrative Code as amended.

## **SECTION 15-3.1107**

## **NOISE**

- A. **Measurement of Noise.** Noise shall be measured using a sound level meter meeting the standards of the American National Standards Institute's (ANSI S1.4-1961) "American Standard Specification for General Purpose Sound Level Meters." The instrument shall be set to the A-weighted filter response scale and the meter to the slow response. Measurements shall be conducted in accord with ANSI S1.2-1962 "American Standard Method for the Physical Measurement of Sound." Measurements of sound may be made at any point along a district boundary or site boundary line. In the case of measuring impact sounds, however, the impact sound shall be measured using the fast response of the sound level meter. Traffic, aircraft, and other background noises must not be considered in measuring noise levels except when the background noise constitutes a part of the noise being measured.
- B. **Exemptions from Standards of this Section.** Noises exempt from the requirements of this Section include the following (also see Section 15-3.0908):

1. Noises of vehicles, when utilized in normal vehicle use activities, as the vehicles were originally intended.
2. Home appliances, when utilized as intended.
3. Chain saws, lawnmowers, and snowblowers in private use (not including commercial repair services), when utilized as intended.
4. Occasionally used safety signals, warning and emergency signals, and emergency pressure relief valves.
5. Unamplified human voice, when not intended to disrupt the peace.
6. Legal freedom of speech bells or chimes.
7. The lowing of cattle, the clucking of fowl, the neighing of horses, the baying of hounds, or other sounds of reasonably cared for agricultural or domestic animals, as well as the sound of necessary farming equipment for a bona fide agricultural operation.
8. Temporary construction operations, not earlier than 7:00 a.m., or later than 9:00 p.m.

C. **Maximum Permitted Sound Levels in All Zoning Districts.** At no point either on the boundary of a zoning district or site boundary line shall the sound level of a use exceed the decibel level shown in Table 15-3.1107(C) for the zoning districts indicated.

**Table 15-3.1107(C)**

**MAXIMUM PERMITTED SOUND LEVELS IN dBA BY ZONING DISTRICT**

<b>Zoning District</b>	<b>Maximum Permitted Sound Level (dBA) 7:00 A.M. - 10:00 P.M.</b>	<b>Maximum Permitted Sound Level (dBA) 10:00 P.M. - 7:00 A.M.</b>
All Agricultural, All Residential, B-1 and I-1 Districts	50	45
B-2, B-3, B-4, and B-5 Districts	65	60
B-6, CC, and VB Districts	55	50
M-1, M-2, BP, and L-1 Districts	65	65
P-1 District	55	55
AO Airport Overlay District	65 (also see Section 15- 3.0607)	65 (also see Section 15- 3.0607)
FW, FC, FFO, and SW Districts	45	40

- D. **Increases to Maximum Permitted Sound Levels.** The sound levels set forth in Table 15-3.1107(C) may be exceeded by ten (10) dBA for a single period as indicated in Table 15-3.1107(c), not to exceed fifteen (15) dBA in any one (1) day except in the B-2, B-3, B-4, B-5, M-1, M-2, BP, P-1, AO, L-1, and PDD (business and industrial uses only) Districts.
- E. **Impact Noises.** For impact noises, the sound levels set forth in Table 15-3.1107(C) may be increased by ten (10) dBA, in the M-1, M-2, BP, and L-1 Districts.
- F. **Creation of Excessive Noise in Noise-Sensitive Areas Prohibited.** The creation of, or causing the creation of, any sound within any noise-sensitive area, containing a hospital, nursing home, school, court or other designated area, so as to exceed the specified land use noise standards set forth in this Section is prohibited, provided that conspicuous signs are displayed indicating the presence of the noise sensitive area.
- G. **Creation of Excessive Noise in Areas Adjacent to Noise-Sensitive Areas Prohibited.** The creation of, or causing the creation of, any sound adjacent to any noise-sensitive area, containing a hospital, nursing home, school, court or other designated area, so as to exceed the specified land use noise standards set forth in this Section and to interfere with the functions of such activity or annoy the occupants in the activity, is prohibited, provided that conspicuous signs are displayed indicating the presence of the noise-sensitive area.
- H. **Occasional Outdoor Activities Exempted.** The provisions of this Section shall not apply to occasional outdoor gatherings, public dances, shows, and sporting and entertainment events (excluding regularly scheduled school athletic events), provided the events are conducted pursuant to any permits required and issued by the City of Franklin relative to the event.

## **SECTION 15-3.1108            ODOR**

- A. **Generation of Odor.** Any use in any district may generate any odor that reaches the "Odor Threshold Concentration" or does not exceed the lowest amount set forth in Table III, "Odor Thresholds," of Chapter 5, "Physiological Effects," of the Air Pollution Abatement Manual of the Manufacturing Chemists Association, according to the latest edition of such table for the compounds therein described. For compounds not described in Table III, odor thresholds may be established by methods indicated in Chapter 5 of the manual. No odor shall be permitted at any lot line exceeding the amount determined by the application of such methods as measured at:
1. **Two or More Uses Occupying a Single Lot or Parcel of Land.** The outside boundary of the immediate space occupied by the use generating the odor.
  2. **Single Use Lot or Parcel of Land.** The lot line of the use generating the odor if said use is the only use on the lot.
- B. **Public Nuisance or Hazard Prohibited.** The emission of odorous matter from any property in such concentrations at any point along the boundaries of said property or in such concentrations as to create a public nuisance or hazard beyond such boundaries is prohibited.

## **SECTION 15-3.1109**

## **RADIOACTIVITY**

All uses shall conform to the following specified standards pertaining to radioactivity.

- A. **Maximum Concentrations of Radioactivity Permitted.** The maximum permissible concentrations of radioactivity that can be released shall be subject to the regulations of the State of Wisconsin, and any federal agency having jurisdiction. In the case of conflict, the most restrictive requirements shall govern.
- B. **Storage of Radioactive Materials.** Radioactive materials shall be stored in fireproof containers made of steel and concrete, but shall not be stored in containers made of lead or other low melting metals or alloys unless completely encased in steel.
- C. **Medical Sources of Radiation Residues.** Medical sources of radiation residues, such as X-ray machines, gamma and neutron sources, and pharmaceutical isotopes which are used for diagnostic and therapeutic purposes, shall be permitted when located within a hospital, clinic, medical or dental office, or medical research facility. Other uses of radioactive materials shall be limited to measuring in X-ray and similar apparatus, and in connection with the processing and preservation of food.

## **SECTION 15-3.1110**

## **VIBRATION**

- A. **Measurement.** Earth-borne vibrations are measured with a seismograph or accelerometer and are measured in three mutually perpendicular directions [one (1) vertical and two (2) horizontal]. Vibration shall be measured at the site boundary lines. All uses shall conform to the standards set forth in this Section.
- B. **Permitted Steady State Vibration Displacement.** Except for temporary construction activities and agricultural activities, no activity shall cause or create a displacement in excess of the permitted steady state vibration displacement for the frequencies set forth in Table 15-3.1110(B).

**Table 15-3.1110(B)**

### **MAXIMUM PERMITTED STEADY STATE VIBRATION DISPLACEMENT**

<b>Frequency (cycle per second)</b>	<b>Vibration Displacement (inches)</b>
10 and below	.0008
10-20	.0005
20-30	.0003
30-40	.0002
40 and over	.0001

- C. **Impact Vibrations.** For impact vibrations, the maximum permitted vibration displacement shall be twice that permitted for steady state vibrations.

- D. **Temporary Construction Activities Exempt from Requirements.** Vibrations resulting from temporary construction activity that occurs between 7:00 A.M. and 7:00 P.M. shall be exempt from the requirements of this section provided that steady state vibrations and impact vibrations shall not exceed twice the permitted displacement for permanent operations.
- E. **Prohibition on Vibrations Beyond Property Boundaries.** Except for temporary construction activities, no activity shall be permitted which creates a vibration beyond the boundaries of the site of the activity sufficient to cause a displacement of three one-thousandths (0.003) of one (1) inch.
- F. **Public Nuisance Prohibited.** In no case shall vibrations be allowed to create a public nuisance or hazard beyond the property boundaries.

**SECTION 15-3.1111                      ELECTRICAL DISTURBANCE, INTERFERENCE, AND  
ELECTROMAGNETIC FIELDS**

- A. **No Use, Activity, or Process Allowed Which Produces Electric and/or Magnetic Fields or Radiation With Adverse Effects.** In all zoning districts, no use, activity, or process shall be conducted which produces electric and/or magnetic fields or radiation which adversely affects public health, safety, and welfare including but not limited to interference with normal radio, telephone, or television reception from off the premises where the activity or process is conducted or the use is located.
- B. **Minimum Standards for Electromagnetic Radiation.** Where electrical systems are planned to be established which are either equal to or exceed a level of electromagnetic radiation of sixty (60) Hertz (Hz), the following standards shall be applicable:
  - 1. **Environmental and Health Assessment Reports Required.** Environmental and health assessment reports of such proposed systems shall be prepared at the expense of the developer of such systems. An electromagnetic field mitigation plan shall be a component of all such reports.
  - 2. **Location of Residential Land Uses and Places of Assembly.** No residential land uses or places of assembly shall be allowed to be sited in areas exposed to four (4) or more milligauss of sixty (60) Hertz (Hz) electromagnetic fields.

**SECTION 15-3.1112                      FLOODPROOFING**

Where floodproofing by means of elevating on fill is deemed inappropriate or impractical, and where floodproofing by means other than filling is permitted, floodproofing measures shall be in accordance with the following:

- A. **Floodproofing Measures.** Floodproofing measures shall be designed to:
  - 1. Withstand the flood pressures, depths, velocities, uplift and impact forces, and other factors associated with the 100-year recurrence interval flood.

2. Assure protection to an elevation at least two (2) feet above the elevation of the 100-year recurrence interval flood.
  3. Provide anchorage of structures to foundations to resist flotation and lateral movement.
  4. Ensure that the structural walls and floors are watertight and completely dry without human intervention during flooding to a point at least two (2) feet above the elevation of the 100-year recurrence interval flood, and the interior remains completely dry during flooding without human intervention.
- B. **Permit or Variance.** No permit or variance shall be issued until the applicant submits a plan or document certified by a registered professional engineer or architect certifying that the floodproofing measures are adequately designed to protect the structure or development to a point at least two (2) feet above the elevation of the 100-year recurrence interval flood.
- C. **Additional Floodproofing Measures.** Floodproofing measures may include, but are not limited to, any one or combination of the following measures:
1. Reinforcement of walls and floors to resist rupture or collapse caused by water pressure or floating debris.
  2. Addition of mass or weight to structures to prevent flotation.
  3. Placement of essential utilities above the flood protection elevation.
  4. Installation of surface/subsurface drainage systems, including pumping facilities, to relieve external foundation wall and basement floor pressures.
  5. Construction of water supply wells and waste treatment and collection systems to prevent the infiltration of floodwaters into such systems.
  6. Cutoff valves on sewer lines and the elimination of gravity flow basement drains.
7. The additional floodproofing measures identified in the definition of “floodproofing” in Section 15-11.0103.

# Part 4

## **PART 4: NATURAL RESOURCE PROTECTION**

### **DIVISION 15-4.0100 NATURAL RESOURCES**

#### **SECTION 15-4.0101 NATURAL RESOURCE PROTECTION STANDARDS**

All development in the City of Franklin shall comply with the natural resource protection standards set forth in Table 15-4.0100. All the natural resources required to be protected under this Division shall remain undisturbed and in a natural state except those natural resources where mitigation is permitted and where that mitigation is in strict accord with those requirements set forth in this Division of this Ordinance. Any person or entity violating any provision of this Part 4 and any property owner upon whose property there exists or occurs a violation of this Part 4, shall be subject to the penalty and remedy provisions of Division 15-9.0500 of this Ordinance. In addition, the provisions of this Part 4 may be enforced by the City by way of all other legal and equitable remedies and the undertaking by the City to cure any violations or complete any plans, work or measures in furtherance thereof, with the costs of such undertaking to be assessed against the property owner and entered upon the tax roll pursuant to the procedures for a special charge under §66.0627, Stats. Any violation of this Part 4 is hereby declared to be a public nuisance.

#### **SECTION 15-4.0102 NATURAL RESOURCE FEATURES DETERMINATION**

- A. **Steep Slopes.** Steep slopes are defined in Division 15-11.0100 of this Ordinance. Steep slopes shall be measured and graphically indicated on a topographic drawing and on the "Natural Resource Protection Plan." Such steep slope drawing shall graphically indicate those steep slope areas, by slope type, of the property pursuant to the "steep slope" definition set forth in Division 15-11.0100 of this Ordinance. Steep slopes are to be determined through the use of the following sources and/or methods in the order indicated below. If the first source is considered inaccurate or inappropriate, as determined by the Zoning Administrator, the second source shall be used:
1. Topographic survey prepared by and certified by a Wisconsin registered land surveyor at a contour interval of not less than two (2) feet.
  2. Large scale 1"=100' City of Franklin topographic maps.



Table 15-4.0100

## NATURAL RESOURCE PROTECTION STANDARDS

NATURAL RESOURCE FEATURE	ZONING DISTRICT TYPE					
	Agricultural		Residential (a)		Nonresidential (b)	
	Protection Standard	Mitigation Permitted	Protection Standard	Mitigation Permitted	Protection Standard	Mitigation Permitted
<b>Steep Slopes:</b> <b>10-19%</b> <b>20-30%</b> <b>+30%</b>	0% 65% (d) 90% (d)	N/A No No	60% (d) 75% (d) 85% (d)	No No No	40% (d) 70% (d) 80% (d)	No No No
<b>Woodlands &amp; Forests:</b> <b>Mature</b> <b>Young</b>	70% (d)(e) 50% (d)(e)	No No	70% (d)(e) 50% (e)	No Yes	70% (e) 50% (e)	Yes Yes
<b>Lakes &amp; Ponds</b>	100% (d)	No	100%	Yes	100%	Yes
<b>Streams</b>	100% (c)(d)	No	100% (c)(d)	No	100% (c)(d)	No
<b>Shore Buffers</b>	100% (c)(d)	No	100% (c)(d)	No(f)	100% (c)(d)	No(f)
<b>Floodplains/ Floodways</b>	100% (c)(d)	No	100% (c)(d)	No	100% (c)	Yes
<b>Wetlands &amp; Shoreland Wetlands</b>	100% (c)(d)	No	100% (c)(d)	No	100% (c)	Yes
<b>Wetland Buffers</b>	100% (c)(d)	No	100% (c)(d)	No	100% (c)	Yes

N/A = Not Applicable

- (a) Including residential "Planned Development Districts" (or residential portions thereof). Where mitigation is permitted, said mitigation shall meet the intent of Section 15-4.0103 of this Unified Development Ordinance unless specified otherwise in this footnote. Said natural resource protection standards shall not be applicable to essential services and their associated easements (as defined in Section 15-11.0103 of this Ordinance); however, areas of disturbance of natural resource features to provide for said essential services shall be restored to the restoration standards of Section 15-4.0102I. of this Ordinance immediately following the construction of the essential service(s). Private roads, public rights-of-way for arterial streets, highways, collector streets, and minor streets within the boundaries of a residential development site are considered residential development for the purposes of Part 4 of this Ordinance. See §15-3.0607 for permitted and special uses allowed in the SW Shoreland Wetland Overlay District. Also see §15-9.0110 and §15-10.0208 of this Ordinance for Special Exceptions to the shore buffer, navigable water-related, wetland, wetland buffer and wetland setback requirements of this Ordinance and for improvements or enhancements to natural resource features.
- (b) Including non-residential "Planned Development Districts" (or non-residential portions thereof). Where mitigation is permitted, said mitigation shall meet the intent of Section 15-4.0103 of this Unified Development Ordinance unless specified otherwise in this footnote. Said natural resource protection standards shall not be applicable to essential services and their associated easements (as defined in Section 15-11.0103 of this Ordinance); however, areas of disturbance of natural resource features to provide for said essential services shall be restored to the restoration standards of Section 15-4.0102I. of this Ordinance immediately following the construction of the essential service(s). Private roads, public rights-of-way for arterial streets, highways, collector streets, and minor streets within the boundaries of a residential development site are considered residential development for the purposes of Part 4 of this Ordinance. See 15-3.0607 for permitted and special uses allowed in the SW Shoreland Wetland Overlay District. Also see 15-9.0110 and 15-10.0208 of this Ordinance for Special Exceptions to the shore buffer, navigable water-related, wetland, wetland buffer and wetland setback requirements of this Ordinance and for improvements or enhancements to natural resource features.
- (c) Except as may otherwise be allowed under this Ordinance, including, but not limited to, its provisions for special exceptions, variances and permitted and special uses. Structural support(s) consisting of piers and/or abutments for bridges shall be allowed to be placed within shore buffers, wetland buffers, and wetland setbacks provided that areas of disturbance of natural resource features to provide for said structural supports shall be restored to the restoration standards of Section 15-4.0102I. of this Ordinance immediately following the construction. The Permitted and Special Uses set forth within the SW Shoreland Wetland Overlay Zoning District regulations at §15-3.0607 of this Ordinance shall and may be allowed as permitted and special uses within this natural resource feature, subject to footnote (f), below; provided, however, that areas of disturbance of the natural resource feature to construct such use, though not being a part of the installed structure, shall be restored to the restoration standards of Section 15-4.0102I. of this

Ordinance immediately following the construction and that the area of any impermeable surface or other permanent structure installation which permanently displaces any area of a natural resource feature shall be mitigated. Upon the denial of a Special Use application for a listed SW District Special Use, no Special Exception may be subsequently granted for such use.

- (d) Resource protection percentages indicated in this Table represent the portion of the total natural resource feature present on a site which shall be preserved.
- (e) All woodland and forest areas are at all times subject to these natural resource protection standards. The clearing or removal of trees within a woodland or forest area is development and subject to these natural resource protection standards. All such removal and clearing development shall comply with these natural resource protection standards. Any proposed changes to woodland and forest resources are a change of use and require the issuance of a Zoning Compliance Permit in order to assure that required protection levels are met under the standards set forth under this Unified Development Ordinance.
- (f) Mitigation shall be allowed in shore buffers and streams only in cases of crossings (street, bicycle or pedestrian) which are determined to be in the best interests of the City and which crossings are at or near a 90° angle, measured in conjunction with the methodology set forth in 15-4.0102E. of Part 4 of this Ordinance, to the water resource to be crossed. The area of a shore buffer which is disturbed for a crossing and which area is not restored, shall be mitigated.

B. **Woodlands and Forests.** Woodlands and forests (mature and young) are defined in Division 15-11.0100 of this Ordinance. Woodlands and forests shall be measured and graphically indicated on the "Natural Resource Protection Plan." Such woodland and forest area drawing shall indicate all woodland and forest areas of the property. The determination of woodland and forest boundaries shall be based on the sources in the order indicated below. If the first source is considered inaccurate or inappropriate, as determined by the Zoning Administrator, the succeeding source shall be used:

- 1. A field survey of trees compiled by a registered land surveyor and identified by a landscape architect, forester, arborist, or botanist with a professional degree in one of those fields of endeavor. The location, size, and species of all healthy trees having a diameter of eight (8) inches or greater Diameter at Breast Height (DBH) that are located in woodland and forest areas within twenty-five (25) feet of any proposed improvement and/or in woodland and forest areas to be demolished due to the placement of improvements or grading are to be graphically shown on the "Natural Resource Protection Plan" or submitted as a separate drawing. For the remaining undisturbed areas of the development, Certified Survey Map, Subdivision Plat, or Condominium only the outline of woodland and forest areas indicating whether they are mature or young woodlands is required.
- 2. 1" = 400' aerial photographs prepared by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) and available from SEWRPC (most recent date only).

C. **Lakes and Ponds.** Lakes and ponds are to be determined through the use of the definitions of "Lake" and "Pond" as set forth in Division 15-11.0100 of this Ordinance and the sources in the order indicated below. If the first source is considered inaccurate or inappropriate, as determined by the Zoning Administrator, the succeeding source shall be used:

- 1. Topographic survey prepared by and certified by a Wisconsin registered land surveyor at a contour interval of not less than two (2) feet.
- 2. Large scale 1"=100' City of Franklin topographic maps.
- 3. U.S.G.S. 7.5-minute topographic quadrangle maps.

The area of lakes and ponds (in square feet or acres) shall be measured and graphically delineated on the "Natural Resource Protection Plan."

D. **Streams.** Streams, as defined in Division 15-11.0100 of this Ordinance, are to be determined through the use of the definitions of "Channel" and "Stream" (see Division 15-11.0100 of this Ordinance) and the sources in the order indicated below. If the first source is considered inaccurate or inappropriate, as determined by the Zoning Administrator, the succeeding source shall be used:

1. Topographic survey prepared by and certified by a Wisconsin registered land surveyor at a contour interval of not less than two (2) feet.
2. Large scale 1"=100' City of Franklin topographic maps.
3. U.S.G.S. 7.5-minute topographic quadrangle maps.

The area of streams (in square feet and acres) shall be measured and graphically delineated on the "Natural Resource Protection Plan."

E. **Shore Buffers.** Shore buffers, as defined in Division 15-11.0100 of this Ordinance, are to be determined as the undisturbed land area (including undisturbed natural vegetation) within seventy-five (75) feet landward of the ordinary high water mark of all navigable waters (lakes, ponds, and streams) and parallel to that ordinary high water mark. Shore buffers do not include any area of land adjacent to any stream enclosed within a drainage structure, such as a pipe or culvert. The area of shore buffers (in square feet and acres) shall be measured and graphically delineated on the "Natural Resource Protection Plan." A shore buffer is also a setback.

F. **Floodplain/Floodway.** Floodplains and floodways are defined in Division 15-11.0100 this Ordinance. The one hundred (100) year recurrence interval floodplain and floodways shall be determined as depicted on the large-scale City of Franklin "Official Zoning Map" with topography overlay. The boundaries of unnumbered A zones shall be determined by use of the scale contained on the City of Franklin "Official Zoning Map" dated May 18, 1982 as amended. Where a conflict exists between the floodplain limits as shown on the City of Franklin "Official Zoning Map" and actual field conditions, the elevations from the 100-year recurrence interval flood profiles contained in the published Flood Insurance Study--City of Franklin, Wisconsin prepared by the Federal Emergency Management Agency (FEMA) dated January 6, 1981 as officially amended shall be used.

G. **Wetlands and Shoreland Wetlands.** Wetlands and shoreland wetlands are defined in Division 15-11.0100 of this Ordinance. Wetland areas shall be determined by reference to the following sources in the order shown below. If the first source is considered inaccurate or inappropriate, as determined by the Zoning Administrator, the succeeding source shall be used. All wetland boundary determinations shall be consistent with the procedures identified in the publication titled *U.S. Army Corps of Engineers Wetland Delineation Manual — Final Report* dated January 1987, as amended from time to time. No wetland delineation shall be valid for any purpose required under this Ordinance after the expiration of five years from the date the delineation was performed. While wetland delineations performed within the five years preceding the submission of use thereof where required under this Ordinance are generally acceptable to meet the purposes for which such delineation is required, a current re-delineation may be required where there exists extrinsic evidence of or cause to reasonably believe that such original delineation is incorrect or that the wetland boundary has changed substantially, considering the size and quality of the wetland and the circumstances of any proposed development impact upon the wetland, since the original delineation. The area of wetlands and shoreland wetlands (in square feet and acres) shall be measured and graphically delineated on the "Natural Resource Protection Plan."

1. Field survey of plant material by a botanist with a professional degree in either botany or biology.
2. 1"=400' aerial photographs prepared by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) and available from SEWRPC (most recent date only).
3. Wetland inventory maps prepared for the City of Franklin as part of the "Wisconsin Wetland Inventory" prepared by the Wisconsin Department of Natural Resources as amended."

**H. Wetland Buffers.** Wetland buffers, as defined in Division 15-11.0100 of this Ordinance, are to be determined as the undisturbed land area (including undisturbed natural vegetation) within thirty (30) feet landward of the delineated boundary of any wetland and parallel to that delineated wetland boundary. Delineated wetland boundaries shall be determined as set forth in Section 15-4.0102H. of this Ordinance. The area of wetland buffers (in square feet and acres) shall be measured and graphically delineated on the "Natural Resource Protection Plan." Disturbance of a wetland as may be specifically allowed under this Ordinance also allows for the disturbance of the appurtenant wetland buffer upon the same terms and conditions, unless otherwise specifically provided under this Ordinance or an approval granted hereunder.

**I. Wetland Setbacks.** Wetland setbacks are defined in Division 15-11.0100 of this Ordinance. If construction or disturbance occurs in that area of land which lies between the landward edge of the required wetland buffer and the required wetland setbacks then:

1. Permanent vegetative cover shall be established or reestablished and maintained throughout the remaining area (or adjacent to that area, as applicable in the case of the construction of stormwater management facilities and stormwater quality ponds) in which the construction or disturbance is located. The vegetative cover required under this Section shall be sufficient to provide filtering of pollutants from up slope overland flow areas. Seeding of non-aggressive vegetative cover shall be used and native vegetation is preferable. Turf grasses are prohibited. The vegetative cover within such area of the wetland setback which is outside of the wetland buffer may be mowed and otherwise similarly maintained.
2. Non-vegetative materials, such as rock rip-rap, may be employed as necessary to prevent erosion such as on steep slopes or where high velocity flows occur.

Disturbance of a wetland buffer as may be specifically allowed under this Ordinance also allows for the disturbance of the appurtenant wetland setback upon the same terms and conditions, unless otherwise specifically provided under this Ordinance or an approval granted hereunder. The area of wetland setbacks (in square feet and acres) shall be measured and graphically delineated on the "Natural Resource Protection Plan".

**J. Exemptions.** The following artificial wetlands are exempt from the wetland provisions of Part 4 of this Ordinance unless the Wisconsin Department of Natural Resources determines, under the provisions set forth under NR 103.06(4) of the Wisconsin Administrative Code, that the artificial wetland has significant functional values or uses under NR 103.03 (1)(e), (f) or (g) of the Wisconsin Administrative Code:

1. Sedimentation and stormwater detention basins and associated conveyance features operated and maintained only for sediment detention and flood storage purposes.
2. Active sewage lagoons, cooling ponds, waste disposal pits, fish rearing ponds and landscape ponds.
3. Actively maintained farm drainage and roadside ditches.
4. Artificial wetlands within active nonmetallic mining operations.

However, the above exemptions do not exempt existing sedimentation and stormwater detention basins, sewage lagoons, cooling ponds, waste disposal pits, fish rearing ponds, and landscape ponds from the lakes and ponds protection standards provisions of this Ordinance as set forth in Tables 15-3.0503 and 15-4.0100 for the purposes of the performance of site intensity and capacity calculations for residential and nonresidential development to determine maximum permitted density yields and/or maximum permitted floor area yields of sites.

- K. **Natural Resources Measurement.** All land area within a proposed development, Certified Survey Map, Subdivision Plat, or Condominium consisting of the natural resource features defined in this Ordinance shall be accurately measured. The total square feet and acreage of each natural resource feature shall be multiplied by its respective "Natural Resource Protection Standard" as set forth in Table 15-4.0100 "Natural Resource Protection Standards" of this Ordinance to determine the amount of each natural resource feature to be protected by a conservation easement. The methodology, termed "Site Intensity and Capacity Calculations," to be used for such calculations is set forth in Division 15-3.0500 of this Ordinance. If two (2) or more natural resource features are present on the same area of land, only the most restrictive natural resource protection standard shall be used. *[For example, if floodplains and woodlands and forests occupy the same space on a site, the natural resource protection standard would be 100% (100% is the resource protection standard for a floodplain) for this area representing the higher of the two standards.]* Those areas to be demolished due to improvements or site grading or disturbed through the application of permitted mitigation techniques shall also be measured and so noted but shall not be counted as a natural resource area to be preserved.

## **SECTION 15-4.0103**

## **NATURAL RESOURCE FEATURES MITIGATION**

- A. **Intent of Mitigation.** The City of Franklin recognizes that, under certain circumstances, property owners, Subdividers, or non-residential Condominium Developers may wish to develop in portions of those protected natural resource features areas that are shown as eligible for mitigation as indicated at Table 15-4.0100. In Paragraph B. of this Section, the conditions for mitigation and mitigation standards are set forth for the various natural resource features for which mitigation is allowed under the provisions of Table 15-4.0100. The intent of this Section is not to provide for or allow mitigation under all circumstances, but rather to set specific standards to be applied only under certain circumstances when the extent of or the nature of the natural resources features on a site, when balanced against the benefit of the proposed development to the community, considering practicable alternatives available for the development, render strict application of the natural resource protection regulations to such natural resource features to be unreasonable and that such natural resources features may be

better preserved and/or enhanced by using a more permissive mitigation approach, so that the functional values of natural resource features will be preserved or enhanced in co-existence with development.

- B. **Mitigation Standards.** The following methods, requirements, standards and/or criteria shall be followed for the mitigation of those natural resource features that may be mitigated under the requirements set forth under Table 15-4.0100:

1. **Woodlands and Forests.** The following shall be applicable to woodland and forest areas:

- a. Mitigation shall include the planting of one and one-quarter (1.25) acres of new woodland/forest for every one (1) acre, or portion thereof, of disturbed woodland/forest for which mitigation is required. The new woodland/forest shall survive at least two (2) growing seasons, or shall be replaced.
- b. Mitigation shall include the replacement of woodlands/forests that have been disturbed. Such mitigation shall consist of the planting of new woodland/forest areas, as specified in Paragraph (a) above, using the following numbers of plants per acre of mitigated area:

10 canopy trees, minimum 4-inch caliper\*  
25 canopy trees, minimum 2.5-inch caliper\*  
100 canopy trees, minimum 5-foot high whips  
35 understory trees, minimum 5-foot high whips  
30 shrubs, minimum 12-inches high

*\*Note: 4-inch caliper canopy trees may be substituted with 12-foot high evergreen trees; 2.5-inch caliper canopy trees may be substituted with 6-foot high evergreen trees.*

- c. The species of plants used in the mitigation of woodlands/forests shall be similar to those that are destroyed.
  - d. The land upon which the mitigation is to take place shall be protected with a deed restriction and conservation easement as a permanent natural resource features conservation easement.
  - e. No tree-cutting or removal, subsequent to the adoption of this Ordinance, shall reduce the woodland/forest natural resource features protection requirements of this Ordinance.
2. **Lakes and Ponds.** Lakes and ponds may be mitigated as may be permitted under the requirements of this Ordinance. Where permitted under the requirements of this Ordinance, the required lakes and ponds natural resource protection standard may be reduced and/or mitigated only if such reduction and/or mitigation is part of a City Engineer approved stormwater drainage system that meets, at a minimum, all of the following criteria:

- a. The time of concentration of stormwater flows remains unchanged or is lengthened.
  - b. Stormwater storage capacity is unchanged or increased.
  - c. Additional water is not backed up onto adjoining properties.
3. **Floodplains.** Floodplains may be mitigated as may be permitted under the requirements of this Ordinance.
4. **Wetlands and Shoreland Wetlands.** Wetlands and shoreland wetlands as may be permitted under the requirements of this Ordinance. In addition, a permit from the U.S. Army Corps of Engineers pursuant to the requirements of Section 404 of the Clean Water Act (33 U.S.C. 1344) shall be submitted to the City of Franklin certifying that filling has been approved and permitted by the Corps, as a condition of City review. No person shall deposit any solid fill or other solid material into any wetland unless a “Natural Resource Protection Plan” in full compliance with this Unified Development Ordinance as determined by City staff has been filed and such filling has been previously permitted by the City of Franklin pursuant to the mitigation provisions of this Part 4, any prior special use approval, special exception or variance granted by the City of Franklin, and all required state and federal permits. Mitigation of any wetland where permitted, allowed or required under this Part 4 shall be made at a ratio of 1.5 times the wetland buffer acreage permanently disturbed (which means 1.5 acres of compensation for each acre of impacted wetland).
5. **Wetland Buffers.** Disturbed wetland buffers may be mitigated (as allowed by this Part 4 for non-residential development or required by a grant of Special Exception for residential development) by the restoration of the disturbed wetland buffer to a wetland buffer of equal or greater quality than that existing prior to disturbance and/or through expansion of other existing wetland buffer and/or creation of new wetland buffer on the same property on which the wetland buffer disturbance occurred. Where new wetland buffer is created or expanded, mitigation requires new/expanded wetland buffer at a ratio of 1.5 times the wetland buffer acreage permanently disturbed. Restored and created new wetland buffer shall be planted with native plant species and provide for soils of equal or greater quality than those found in the disturbed wetland buffer. Restored and created new wetland buffer shall comply with the minimum width of 30 feet as required under §15-4.0102H. of this Part 4.
6. **Shore Buffers.** Disturbed shore buffers may be mitigated (as may be permitted, allowed or required by this Part 4 or required by a grant of Special Exception) by the restoration of the disturbed shore buffer to a shore buffer of equal or greater quality than that existing prior to disturbance and/or through expansion of other existing shore buffer and/or creation of new shore buffer on the same property on which the shore buffer disturbance occurred. Where new shore buffer is created or expanded, mitigation requires new/expanded shore buffer at a ratio of 1.5 times the shore buffer acreage permanently disturbed. Restored and created new shore buffer shall be planted with native plant species and provide for soils of equal or greater quality than those found in the disturbed shore buffer.

- C. **Off-Site Mitigation.** Off-site mitigation may be permitted by the Plan Commission provided that such off-site mitigation occurs within the same subwatershed as the natural resource feature, or property, being mitigated, and the Plan Commission determines that on-site mitigation is unavailable or less beneficial to the environment than the mitigation proposed to occur off-site. Off-site mitigation outside of the same subwatershed as the natural resource feature or property being mitigated, may be permitted by the Plan Commission provided that such off-site mitigation occurs within the City and the Plan Commission determines that off-site mitigation within the same subwatershed is unavailable or less beneficial to the functional values of the natural resource feature type being mitigated or less beneficial to the environment or to living creatures than the mitigation proposed to occur outside of the same subwatershed. All mitigation shall follow the methods, requirements, standards, and/or criteria set forth under Paragraph B of Section 15-4.0103 of this Ordinance.
- D. **Performance Surety.** The Plan Commission or Common Council may require a Letter of Credit or another surety, as approved by the City Attorney, to insure compliance with Natural Resource Protection Standards.



# Part 5

## **PART 5: DESIGN STANDARDS**

### **DIVISION 15-5.0100     DESIGN STANDARDS FOR LAND DIVISIONS**

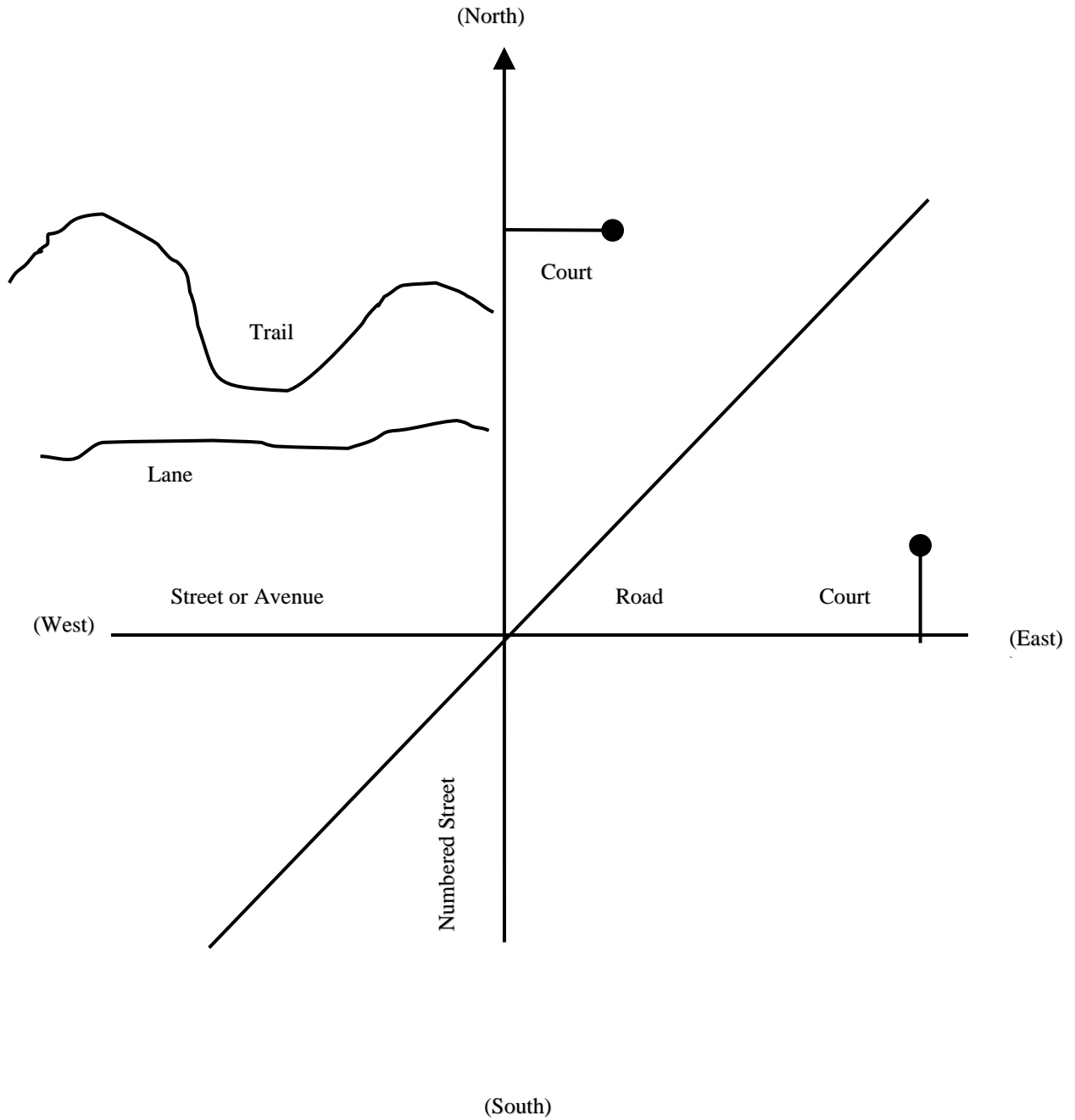
#### **SECTION 15-5.0101     STREET ARRANGEMENT**

- A. **Street Layout to Conform to Official Map and/or Adopted Plans.** In any new Subdivision, Certified Survey Map, or Condominium the street layout shall generally conform to the arrangement, width, and location indicated on the official map, County jurisdictional highway system plan, County Development Plan, City of Franklin Comprehensive Master Plan or plan component, detailed planning district plan, or detailed neighborhood development plan of the City.
- B. **Street Layout in Areas with No Official Map or Adopted Plans.** In areas for which such plans as enumerated in Paragraph A above have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas.
1. **Access to Public Streets Required.** The Certified Survey Map or Subdivision shall be designed so as to provide each lot with a minimum of 60 feet frontage along a public street.
  2. **Arterial Streets.** Arterial streets, as hereafter defined, shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.
  3. **Collector Streets.** Collector streets, as hereinafter defined, shall be arranged to provide ready collection of traffic from residential areas and conveyance of this traffic to the arterial street, major street, and highway system and shall be properly related to the mass transportation system, to special traffic generators such as schools, churches, or shopping centers, business parks, and other concentrations of population or employment and to the arterial and/or major streets to which they connect. Where neighborhoods and/or commercial activity/employment centers abut along arterial streets or highways, collector streets shall be planned to align to provide secondary interconnections between abutting neighborhoods or between abutting commercial activity/employment centers.
  4. **Minor Streets.** Minor streets, as hereafter defined, shall be arranged to conform to the topography, to discourage use by through traffic to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.

5. **Proposed Streets.** Proposed streets shall extend to the boundary lines of the tract being subdivided or developed as a Condominium unless prevented by topography or other physical conditions or unless, in the opinion of the Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the Subdivision or Condominium or for the advantageous development of the adjacent tracts.
6. **Arterial Street and Highway Protection.** Whenever a proposed Certified Survey Map or Subdivision contains or is adjacent to an arterial street or highway, for adequate protection of residential properties, the limitation of access and separation of through and local traffic shall be provided by reversed frontage, with screen planting contained in a nonaccess reservation along the rear property line, or by the use of frontage streets.
7. **Stream or Lake Shores.** Stream or lake shores shall have a minimum of sixty (60) feet of public access platted to the low water mark at intervals of not more than one-half (1/2) mile as required by Section 236.16(3) of the Wisconsin Statutes.
8. **Reserve Strips.** Reserve strips, which intentionally prevent access to a public street from an abutting property, shall not be provided on any plat or Condominium to control access to streets or alleys, except where control of such strips is placed with the City under conditions approved by the Plan Commission.
9. **Alleys.** Alleys may be provided in commercial and industrial areas for off-street loading and service access if required by the Plan Commission, but shall not be approved in residential districts. Dead-end alleys shall not be approved by the Plan Commission. Alleys shall not connect to a major thoroughfare.
10. **Street Names.** Street names shall not duplicate or be similar to existing street names elsewhere in southern Milwaukee County, and existing street names shall be projected wherever possible. "Court" may be used in a street name only for cul-de-sac streets. The naming of streets shall be coordinated with the City Engineer. Street names, in general, should conform to the system set forth in Figure 15-5.0101 below.

Figure 15-5.0101

STREET NAMING SYSTEM



**SECTION 15-5.0102**

**LIMITED ACCESS HIGHWAY TREATMENT**

Whenever the proposed Subdivision, Certified Survey Map, or Condominium contains or is adjacent to a limited access highway right-of-way, the design shall provide the following treatment:

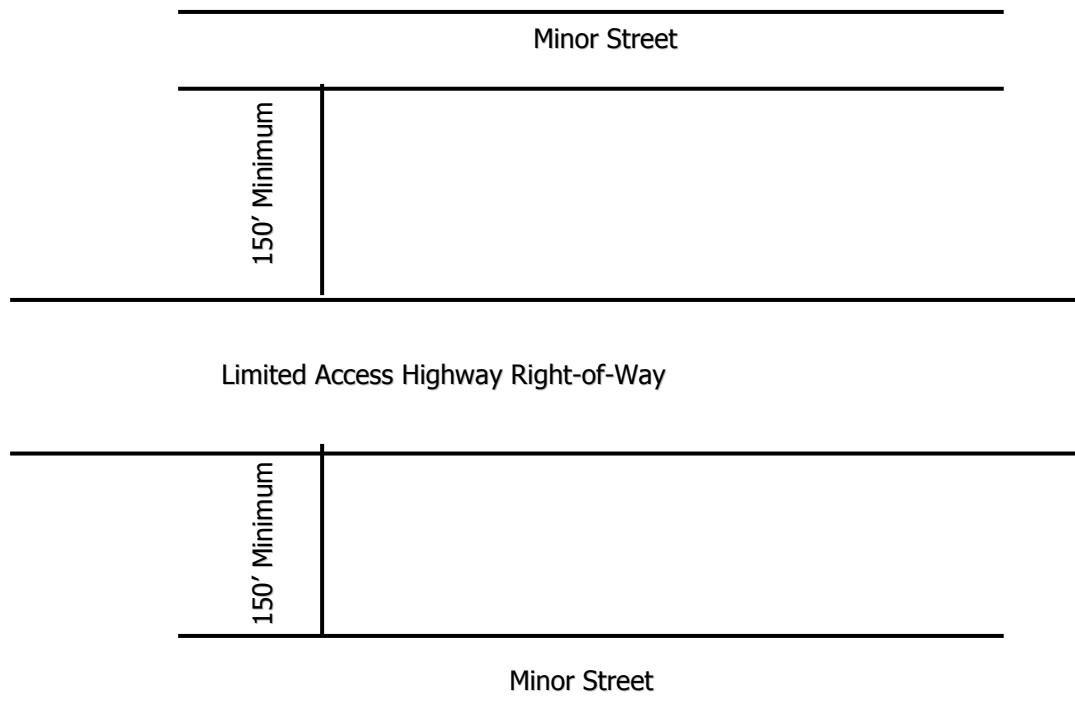
- A. **Landscape Bufferyard Easement Required.** When lots within the proposed Subdivision, Certified Survey Map, or Condominium back upon the right-of-way of an existing or proposed limited access arterial street or highway, a planting strip (landscape bufferyard easement) a minimum thirty (30) feet in depth (width), or as otherwise required by the City of Franklin Unified Development Ordinance (see Division 15-5.0300 of this Ordinance) or the Comprehensive Master Plan, shall be provided adjacent to the highway in addition to the normal lot depth. This strip shall be a part of the platted lots but shall have the following restriction lettered on the face of the plat:

*"Landscape Bufferyard Easement: This strip is reserved for the planting of trees and shrubs; the building of structures hereon is prohibited."*

- B. **Streets Serving Commercial and Industrial Properties Which Abut a Limited Access Highway.** Commercial and industrial properties shall provide, on each side of a limited access highway, a minor street approximately parallel to and not less than one hundred fifty (150) feet from the highway to serve the land between the streets and highway. This concept is illustrated in Figure 15-5.0102 below.

**Figure 15-5.0102**

**STREETS SERVING COMMERCIAL AND INDUSTRIAL PROPERTIES  
WHICH ABUT A LIMITED ACCESS HIGHWAY**



- C. **Streets Parallel to a Limited Access Highway Right-of-Way.** Streets parallel to a limited access highway right-of-way, when intersecting a major street and highway or collector street which crosses said highway, shall be located at a minimum distance of one hundred and seventy-five (175) feet from said highway right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.
- D. **Minor Streets Adjacent and Parallel to Arterial Streets and Highways.** Minor streets immediately adjacent and parallel to arterial streets and highways shall be avoided in residential areas.

### **SECTION 15-5.0103**

### **STREET AND ROAD DESIGN STANDARDS**

The minimum right-of-way and roadway width of all proposed streets and alleys shall be as specified on the official map, County jurisdictional highway system plan, County Development Plan, City of Franklin Comprehensive Master Plan or plan component, detailed planning district plan, or detailed neighborhood development plan, or if no width is specified therein, the minimum widths shall be as shown in Table 15-5.0103.

Street sections are for standard arterial streets only. Cross-sections for freeways, expressways, and parkways should be based upon detailed engineering studies. In addition:

#### **A. Cul-de-Sac Streets.**

1. **Length.** Cul-de-sac streets designed to have one (1) end permanently closed shall not exceed eight hundred (800) feet in length.
2. **Adequate Turn-Around to be Provided.** Cul-de-sac streets shall terminate in a circular turn-around having a minimum right-of-way radius of sixty (60) feet and a minimum outside curb radius of forty-five (45) feet.

- B. **Temporary Street Termination.** Temporary termination of streets longer than two hundred and fifty (250) feet intended to be extended at a later date shall be accomplished with a temporary cul-de-sac in accordance with the standards set forth above, or by the construction of a temporary 'T' intersection twenty-four (24) feet in width and thirty (30) feet in length (as measured from the centerline of the street right-of-way) abutting the right-of-way lines of the access street on each side. Figure 15-5.0103(B) illustrates the design of a temporary street termination. The removal of a temporary street termination shall be the full responsibility of the developer of adjoining property for which development the extension of the street is required.

**Table 15-5.0103**

**MINIMUM DIMENSIONAL DESIGN STANDARDS FOR STREETS AND OTHER PUBLIC WAYS**

Type of Street or Other Public Way	Required Minimum Section in Urban Areas (a)		Required Minimum Section in Rural Areas (a)	
	Width of Dedicated Right-of-Way (feet)	Dimensions of Section Components (feet)	Width of Dedicated Right-of-Way (feet)	Dimensions of Section Components (feet)
Arterial Streets (four-lane)	130	Pavement = Dual 36 (face of curb to face of curb) Median=26 Curb Lawn=10 per side Sidewalk=5 Outside Sidewalk=1	130	Pavement = Dual 24 Median=18 Shoulders=10 outside, 6 inside Roadside Ditch=16 per side
Arterial Streets (two-lane rural to suburban to urban transitional)	130	Pavement=24 Shoulder=8 (paved) (Note: The balance of the right-of-way is to accommodate future improvements)	100	Pavement=24 Shoulder=8 (paved) (Note: The balance of the right-of-way is to accommodate future improvements)
Collector Street	80	Pavement=40 (face of curb to face of curb) Curb Lawn=14 per side Sidewalk=5 Outside Sidewalk=1	None	None
Minor Streets (Typical for Multiple-Family Area)	66	Pavement=36 (face of curb to face of curb) Curb Lawn=9 per side Sidewalk=5 Outside Sidewalk=1	None	None
Minor Streets (Typical)	60	Pavement=28 (face of curb to face of curb) Curb Lawn=10 per side Sidewalk=5 Outside Sidewalk=1	60	Pavement=24 Shoulders=5 per side Roadside Ditch=13 per side
Minor Streets (Difficult Site/Natural Resource Protection Option)	50	Pavement=28 (face of curb to face of curb) Curb Lawn=11 per side Sidewalk = None	50	Pavement=22 Shoulders=5 per side Roadside Ditch=9 per side
Cul-de-Sac (turn-around)	60 radius	Pavement=45 radius (outside face of curb radius) and 21 (inside pavement radius forming planting island in center of cul-de-sac) Curb Lawn=15 Sidewalk = None Required	60 radius	Pavement=39 radius (outside face of curb radius) and 21 (inside pavement radius forming planting island in center of cul-de-sac) Shoulders=6 Roadside Ditches=15 Sidewalk = None Required

Type of Street or Other Public Way	Required Minimum Section in Urban Areas (a)		Required Minimum Section in Rural Areas (a)	
	Width of Dedicated Right-of-Way (feet)	Dimensions of Section Components (feet)	Width of Dedicated Right-of-Way (feet)	Dimensions of Section Components (feet)
Alleys	25	Pavement=20 Outside Pavement=2.5 per side	Not Permitted	Not Permitted
Bicycle Path	20(b)	Pavement=10 Outside Pavement=5 per side	20(a)	Pavement=10 Outside Pavement=5 per side
Pedestrian Ways	20(b)	Pavement=5 Outside Pavement=7.5 per side	20(a)	Pavement=5 Outside Pavement=7.5 per side

(a) See Division 15-11.0101 for definitions of "Urban Area" and "Rural Area."

(b) An easement may be permitted by the Plan Commission rather than a dedicated public right-of-way.

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

1. Freeways and arterial streets and highways shall be designed so they will not be overtopped by the 100-year recurrence interval flood.
2. Collector and local minor land access streets shall be designed so they will not be overtopped by the 10-year recurrence interval flood.

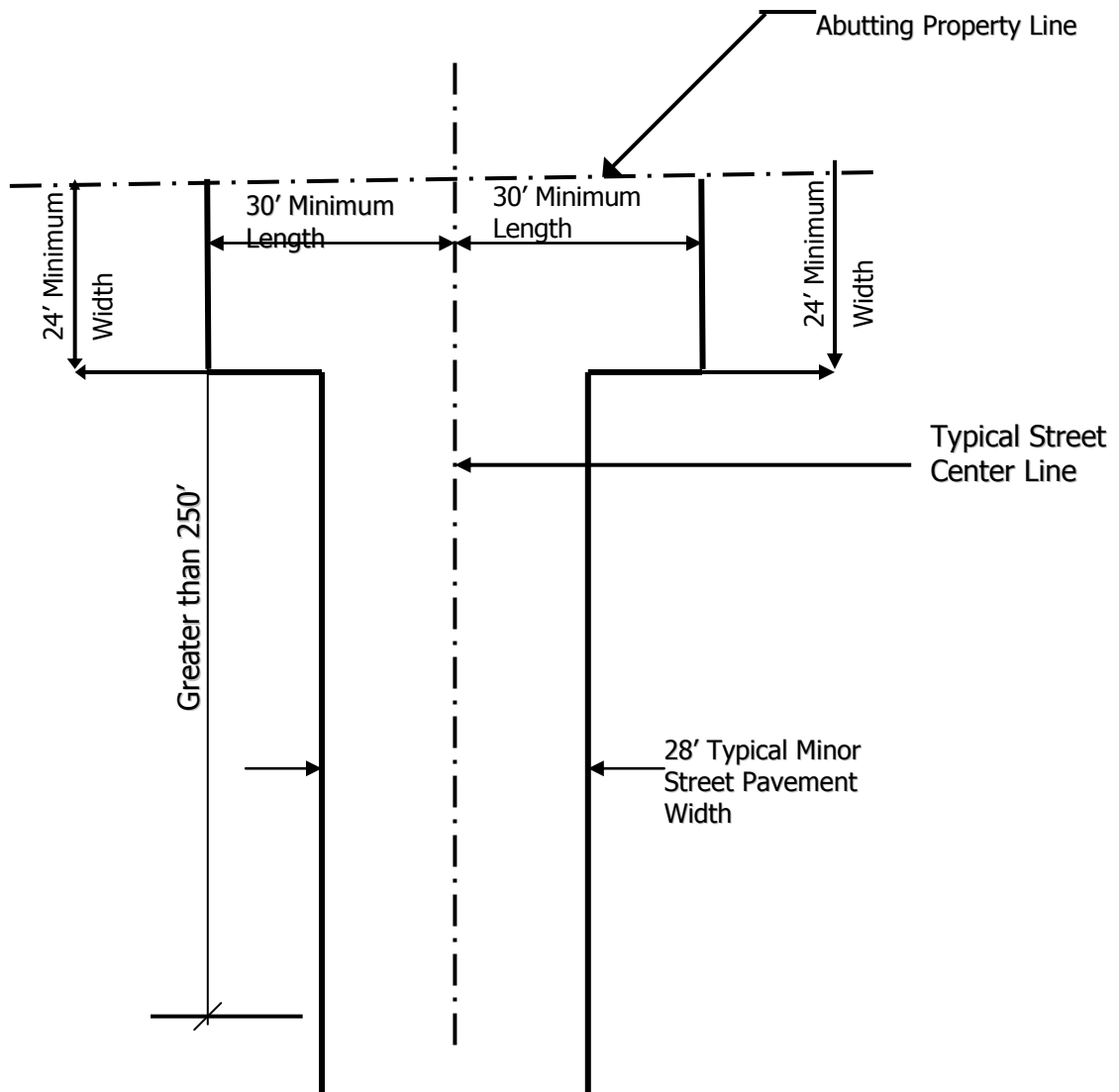
**D. Street Grades.**

1. Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth, and general leveling of the topography.
2. All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to fifteen (15) times the algebraic difference in the rates of grade for arterial streets, and one-half (0.5) this minimum for all other streets.
3. Unless necessitated by exceptional topography and subject to the approval of the Plan Commission, the maximum centerline grade of any street or public way shall not exceed the following:
  - a. Arterial streets: five (5) percent.
  - b. Collector streets: six (6) percent.



Figure 15-5.0103(B)

TEMPORARY 'T' STREET TERMINATION



- c. Minor streets, alleys, and frontage streets: six (6) percent.
  - d. Pedestrian ways: eight (8) percent and meeting all applicable *"American with Disabilities Act (ADA) Accessibility Guidelines."*
4. Street grades may be varied as provided for in Section 15-5.0103(E) of this Ordinance, but in no case shall any street grade be permitted to exceed eight (8) percent or be less than one-half (0.5) of one (1) percent.

E. **Radii of Curvature.**

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

F. **Half-Streets.** Where an existing dedicated or platted half-street is adjacent to the tract being subdivided by either a Subdivision Plat or Certified Survey Map, the other half of the street shall be dedicated by the Subdivider. The platting of new half-streets shall not be permitted..

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

**SECTION 15-5.0104 STREET INTERSECTIONS**

Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit. In addition:

- A. **Maximum Number of Streets Converging at Single Intersection.** The number of streets converging at one intersection shall be reduced to a minimum, preferably not more than two (2).
- B. **Number and Distance Between Intersections Along Arterial Streets and Highways.** The number of intersections along arterial streets and highways shall be held to a minimum. Wherever practicable, the distance between such intersections shall not be less than twelve hundred (1,200) feet.
- C. **Continuous Alignment of Minor Streets Required at Intersections.** Minor streets shall not necessarily continue across arterial or collector streets; but if the centerlines of such minor streets approach the major streets from opposite sides within two hundred fifty (250) feet of each other, measured along the centerline of the arterial or collector street, then the location shall be adjusted so that the adjoinment across the major or collector street is continuous; thus a jog is avoided.

## **SECTION 15-5.0105**

### **BLOCKS**

The widths, lengths, and shapes of blocks that are created shall be suited to the planned use of the land, zoning requirements, overall residential density, the need for convenient access, control and safety of street traffic, and the limitations and opportunities of topography. In addition:

- A. **Maximum Block Length.** The length of blocks in residential areas shall not, as a general rule, be less than six hundred (600) feet nor more than fifteen hundred (1,500) feet in length unless otherwise dictated by the City of Franklin Unified Development Ordinance, exceptional topography, natural resource features, request of the Plan Commission, or other limiting factors of good design.
- B. **Pedestrian Ways Required at Center of Blocks Over 900 Feet in Length.** Pedestrian ways (easement or dedicated public right-of-way) of not less than twenty (20) feet in width may be required near the center and entirely across any block over nine hundred (900) feet in length where deemed essential by the Plan Commission to provide adequate pedestrian circulation or access to schools, parks, shopping centers, churches, or transportation facilities.
- C. **Block Width.** The width of blocks shall be wide enough to provide for two (2) tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.
- D. **Mid-Block Utility Easements Required.** Utility easements for electric power and telephone service shall, where practical, be placed on mid-block easements along rear lot lines, unless the protection of Natural Resources require placement elsewhere. When Natural Resources to be protected are present, all utility easements shall be shown on the Final Plat of Subdivision, Certified Survey Map, or Condominium Plat prior to approval by the City.

## **SECTION 15-5.0106**

### **LOTS**

The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the building contemplated. In addition:

- A. **Lot Lines.** Lot lines shall follow municipal boundary lines rather than cross them.
- B. **Double Frontage Lots.** Double frontage and reverse frontage lots shall be prohibited except where necessary to provide separation of development from through traffic or to overcome specific disadvantages of topography and orientation.
- C. **Access.** Every lot shall front or abut for a distance of at least sixty (60) feet on a public street as measured at the right-of-way line and, in the case of a cul-de-sac, as measured at the arc.
- D. **Area and Dimensional Requirements of Lots.** Areas and dimensions of all lots shall conform to the requirements of the City of Franklin Unified Development Ordinance for incorporated areas of the City of Franklin or to the applicable town or county zoning ordinance for areas

within the City's extraterritorial plat review jurisdiction. Those building sites not served by a public sanitary sewage system or other approved system shall be of sufficient area to permit the use of an on-site soil absorption sewage disposal system designed in accordance with Chapters ILHR 83 and 85 of the Wisconsin Administrative Code as amended.

- E. **Lot Depth.** Lots shall have a minimum lot depth of one hundred and ten (110) feet as measured at any point from the front lot line to the rear lot line, or to any floodplain or wetland. Excessive depth of lots in relation to width shall be avoided. The preferred ratio of depth to width is 2 to 1. Depth of lots or parcels reserved or laid out for multiple-family development, commercial, institutional, or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated as set forth in Division 15-5.0200 of this Ordinance.
- F. **Lot Width.** Width of lots shall conform to the requirements of the City of Franklin Unified Development Ordinance or other applicable ordinance, as measured at the front setback line.
- G. **Corner Lots.** Corner lots shall have a minimum extra width as described by the lot dimensional requirements of the zoning district in which the lot is located in order to permit adequate building setbacks from side streets and shall have a minimum depth not less than ninety (90) percent of the minimum required corner lot width.
- H. **Plats Abutting a Lake or Stream.** In any plat abutting a lake or stream, lands lying between the meander line and the water's edge and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots, or public dedications.
- I. **Land Remnants.** All land remnants below the minimum lot size shall be platted as "Outlots" which may be combined with adjacent parcels in the future.
- J. **Large Lots.** Where lots are created of a size larger than the minimum lot size required by the underlying zoning district, the Plan Commission may require that the plat be so designed as to allow for the possible future resubdivision of such lots into lot sizes compatible with the underlying zoning district.
- K. **Flag Lots Prohibited.** Flag-shaped lots, or lots not meeting the minimum frontage requirements of this Ordinance or where access to a public street right-of-way to such lots is by a narrow strip of land, shall not be permitted. Flag lots are where the rear of the lot is disproportionate in width to the front of the lot width without a gradual widening of the lot as the lot increase in depth (shaped like a flag with the pole being the lot frontage).

## **SECTION 15-5.0107**

## **ACCESS TO PUBLIC STREETS**

This Section sets forth vehicular access requirements for Certified Survey Maps, and Subdivision Plats, Condominiums and proposed site plans for developments which abut both arterial, collector, and minor streets. This Ordinance recognizes that public streets are a public investment which require control mechanisms in order to assure both public safety and functional capacity. Proposed development, Certified Survey Maps, Subdivision Plats, and Condominiums for residential and nonresidential uses shall meet the following requirements:

- A. **Access Standards for All Residential and Nonresidential Uses.** All proposed Certified Survey Maps, Subdivision Plats, Condominiums and site plans proposed for residential and/or

nonresidential uses located in residential and/or nonresidential zoning districts shall meet the following standards:

1. **Controlled Access to Public Streets.** Lot and parcel vehicular access points shall be permitted only at locations in accordance with this Ordinance and other adopted City of Franklin ordinances and plans. The Plan Commission may limit vehicular access to any adjoining arterial, collector, or minor street.
2. **Distance Between Vehicular Access Points.** The spacing of vehicular access points from arterial streets and highways to lots and parcels shall be determined as a function of arterial street and highway operating speeds.
3. **Limitation of Access to Interstate, United States, and State Trunk Highways.** No new direct vehicular access shall be allowed to interstate, United States, and state trunk highway public rights-of-way unless approved by the Wisconsin Department of Transportation, or Milwaukee County as appropriate, and the City of Franklin Plan Commission.
4. **Temporary Access.**
  - a. On City streets, the Common Council may grant temporary access to properties and require their closure when access through adjoining properties is acquired upon recommendation by the Plan Commission. Such access shall be temporary, revocable, and subject to any conditions required and shall be issued for a period not to exceed twelve (12) months.
  - b. Temporary access to State highway rights-of-way are reviewed and may be approved by the Wisconsin Department of Transportation. It is the Subdivider's or Developer's (as applicable) responsibility to obtain all necessary approvals from the Wisconsin Department of Transportation for all such temporary access points proposed prior to Certified Survey Map, Subdivision Plat, Condominium, or site plan approval by the City.
5. **Area Circulation Plan May Be Required.** The City of Franklin Plan Commission may require the preparation of an area circulation plan for the proposed development, Certified Survey Map, Subdivision Plat, Condominium, or site plan or covering several properties in an area surrounding a proposed Certified Survey Map, Subdivision Plat, Condominium, or development. The delineation of the area for the preparation of an area circulation plan shall be determined by the Plan Commission upon recommendation of either the City Engineer or City Planner. Such a plan may require the sharing of access locations or temporary access. All landowners, except those with a previously approved Certified Survey Map, Subdivision Plat, Condominium, or site plan, shall be required to conform to such an area circulation plan once it is adopted by the Plan Commission as a component, or element, of the City of Franklin Comprehensive Master Plan. The Plan Commission may require that such an area circulation plan be prepared based upon the conduct of a traffic impact analysis conducted by a licensed professional engineer with expertise in traffic engineering. The City Engineer and City Planner shall review all such studies and assist the Plan Commission.

6. **Vehicular Nonaccess Reservations Required.** The Plan Commission may require that deed restrictions be placed on Certified Survey Maps, Subdivision Plats, Condominiums, or parcels for which a site plan is proposed in order to limit vehicular access to abutting arterial, collector, or minor streets and highways. A landscaped bufferyard of adequate opacity, determined by the Plan Commission or by Division 15-5.0300 of this Ordinance, shall be provided in vehicular nonaccess reservations along the property line abutting a public street right-of-way. In such situations, vehicular access to such lots may be provided by an abutting minor or collector street at designated access driveways. Such vehicular nonaccess reservations shall be graphically so noted on Certified Survey Maps, Subdivision Plats, Condominium Plats, site plans, or as a formal deed restriction formally filed with the Milwaukee County Register of Deeds prior to their approval by the City.
7. **Arterial Street and Highway Access and Street Intersections.** No new direct public or private access shall be permitted to an arterial street or highway within one hundred and fifteen (115) feet of the intersection of the right-of-way lines of another arterial street or highway; and, where lot or parcel size permits, no new direct public or private access shall be permitted to an arterial street or highway within five hundred (500) feet of the intersection of the right-of-way lines of another arterial street unless approved by the Plan Commission.
8. **Minor Streets and Vehicular Access Point Alignments.** Minor streets and vehicular access points along both sides of a collector and/or arterial street shall be aligned to assist in reducing the number of driveways needed and to improve safety conditions related to access to the street system.
9. **Sight Distance and Driveway Placement.** Driveway placement on abutting collector and arterial streets and highways shall be such that an exiting vehicle has a safe unobstructed sight distance.

B. **Access Standards for Nonresidential and Multiple-Family Residential Uses.** All proposed Certified Survey Maps, Subdivision Plats, Condominiums, and site plans proposed for nonresidential and multiple-family residential uses located in nonresidential and/or multiple-family residential zoning districts shall meet the following standards:

1. **Maximum Number of Vehicular Access Points Per Lot.** Generally, along arterial streets and highways (including lots which abut the frontage roads of said rights-of-way), where the abutting street frontage is less than three hundred and fifty (350) feet, a maximum of one (1) vehicular access point shall be permitted to a particular lot from each of any one (1) or two (2) abutting arterial streets and highways. One (1) additional driveway entrance along a single continuous lot with frontage in excess of four hundred (400) feet may be permitted by the Plan Commission. When a shared vehicular access point is used by two (2) or more abutting lots, said shared vehicular access point shall be considered as one (1) single vehicular access point for each lot or parcel served.
2. **Provision of Shared Vehicular Access Points Between Lots.** Vehicular access points planned to be located along property lines, or within six (6) feet of a property line, shall be shared vehicular access points with the abutting lot or parcel. The vehicular access point centerline may be the property line between two (2) lots or parcels of land or may be a mutually agreed upon land access easement.

## **SECTION 15-5.0108**

### **BUILDING SETBACK LINES**

- A. **Plan Commission May Increase Minimum Required Setback Lines.** Building setback lines appropriate to the location and type of development contemplated, which are more restrictive than the regulation of the zoning district in which the Subdivision, Certified Survey Map, or Condominium is located, may be required by the Plan Commission.
- B. **Minimum Required Building Setbacks from Arterial Streets and Highways.** Unless a greater setback distance is specified in Divisions 15-3.0200, 15-3.0300, Division 15-3.0400, or elsewhere in this Ordinance, the minimum required setback from the ultimate right-of-way line of all arterial streets and highways (*as specified by the City of Franklin Comprehensive Master Plan, Official Map, or components and/or amendments thereto*) shall be forty (40) feet. An exception to this requirement, however, shall be that segment of W. St. Martins Road (CTH MM) within that area defined as the "Village of St. Martins" in the City of Franklin Comprehensive Master Plan.

## **SECTION 15-5.0109**

### **EASEMENTS**

- A. **Natural Resource Features Protection/Mitigation, Conservation, Landscape Bufferyard, and Utility Easements Required.** The Plan Commission shall require natural resource features protection/mitigation, conservation, landscape bufferyard, and/or utility easements of widths deemed adequate for the intended purpose on each side of all rear lot lines and on side lot lines or across lots where necessary or advisable for natural resource feature protection, landscape bufferyards (see Division 15-5.0300 of this Ordinance), electric power and communication lines, wires, conduits, storm and sanitary sewers, and gas, water, and other utility lines.
- B. **Site, Subdivision, Certified Survey Map, or Condominium Plat Traversed by Watercourse, Drainageway Channel, or Stream.** Where a site, Subdivision, Certified Survey Map, or Condominium Plat is traversed by a watercourse, drainageway channel, or stream, an adequate drainageway or easement shall be provided as may be required by the City Engineer. The location, width, alignment, and improvement of such drainageway or easement shall be subject to the approval of the Plan Commission, and parallel streets or parkways may be required in connection therewith. Where necessary, stormwater drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. These design details are subject to review and approval by the City Engineer.
- C. **Minimum Width Required for All Utility Easements.** All utility easements shall be a minimum of twelve (12) feet in width or wider where recommended by the City Engineer.

## **SECTION 15-5.0110**

### **PARKS, PLAYGROUNDS AND OTHER RECREATIONAL AND MUNICIPAL FACILITIES**

In order that sites for public open spaces and parks, playgrounds and other recreational and municipal facilities may be properly located and preserved as the City of Franklin develops, and in order that the cost of providing public park and recreation sites and facilities necessary to serve the additional families brought into the City by Certified Survey Map, Subdivision, Condominium, any residential special use, any residential PDD Planned Development District, and residential uses in a mixed PDD Planned

Development District, or multiple-family development may be most equitably apportioned on the basis of the additional need created by the individual Certified Survey Map, Subdivision, Condominium, any residential special use, any residential PDD Planned Development District, and residential uses in a mixed PDD Planned Development District, or multiple-family development, and pursuant to Sections 236.45(1) and 62.23(7) of the Wisconsin Statutes, the following provisions are established:

- A. **Reservation and/or Dedication of Suitable Sites of Adequate Area for Parks and Playgrounds.** In the design of a Subdivision Plat, Certified Survey Map, Condominium, any residential special use, any residential PDD Planned Development District, and residential uses in a mixed PDD Planned Development District, or multiple-family dwelling development zoned for agricultural or residential uses, due consideration shall be given to the reservation and/or dedication of suitable sites of adequate area for parks and playgrounds.
1. If designated on the County development plan or element thereof, City of Franklin Comprehensive Master Plan, plan component, official map, or component detailed planning district plan or neighborhood or subarea development plan, such park areas shall be made a part of the Certified Survey Map, Subdivision Plat, Condominium, any residential special use, any residential PDD Planned Development District, and residential uses in a mixed PDD Planned Development District, or multiple-family dwelling development.
  2. If not so designated, consideration shall be given in the location of such sites to the preservation of scenic and historic sites, young or mature woodlands, wetlands, lakes and ponds, watercourses, watersheds, drainageways, steep slopes, and ravines.
- B. **Selection of Options.** The Plan Commission shall, at the time of reviewing the Certified Survey Map, Preliminary Plat, Condominium, any residential special use, any residential PDD Planned Development District, and residential uses in a mixed PDD Planned Development District, or multiple-family dwelling development, recommend to the Common Council one of the following options. The Common Council, at the time of reviewing the development and after reviewing the recommendation of the Plan Commission, shall select one of the following options and incorporate same into any approval granted:
1. Dedicate open space lands designated on the County development plan or component thereof, City of Franklin Comprehensive Master Plan or plan component; or
  2. Reserve such open space lands and require a Park, Playground and Other Recreational Facility development fee payment pursuant to Division 15-5.0110(F)(4); or
  3. Where no open space lands are directly involved, require a Park, Playground and Other Recreational Facility development fee payment pursuant to Division 15-5.0110(F)(4).
- C. **Exemptions.** Subject to the requirements and provisions of, Division 15-5.0110(F)(4), where a lot, parcel or dwelling unit for which dedication or fee in lieu of dedication has once been paid is further divided or additional dwelling units created, dedication or payment in lieu of dedication shall be required only for the additional lots, parcels, or dwelling units created. No lot or dwelling unit which is fully developed for residential purposes at the time of the creation of the Subdivision, Certified Survey Map, Condominium, any residential special use, any residential PDD Planned Development District, and residential uses in a mixed PDD Planned Development District, or multiple-family dwelling development shall be required to pay a Park, Playground



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

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

1. **Determination of the Amount of Land to be Dedicated.** Whenever a proposed playground, park, or other public recreational or open space land designated on the County's development plan or element thereof, City of Franklin Comprehensive Master Plan, detailed planning district or neighborhood development or subarea plan, or other comprehensive plan component is encompassed, all or in part, within a tract of land to be divided by either a Certified Survey Map or Subdivision Plat or is a part of a Condominium, any residential special use, any residential PDD Planned Development District, and residential uses in a mixed PDD Planned Development District, or multiple-family dwelling development, the publicly designated lands shall be made a part of the Certified Survey Map, Preliminary Plat, Condominium, any residential special use, any residential PDD Planned Development District, and residential uses in a mixed PDD Planned Development District, or multiple-family dwelling development and shall be dedicated to the public by the Subdivider or "Developer".
2. **Dedication of Land.**
  - a. Where land has been required by the Plan Commission to be reserved or when the Developer owns other land that has been determined by the Plan Commission to be acceptable for park open space and recreation purposes, the Developer may be required to dedicate such land.
  - b. The representative cash value of the land to be dedicated shall be determined by the City and Developer on the basis of full and fair market value of the land to be dedicated. If the value of such land cannot be determined satisfactorily by the City and the Developer, an appraisal board consisting of one appraiser selected by the City at its own expense, one selected by the Subdivider or Developer at his own expense, and a third selected by the other two appraisers at City expense, shall determine the value upon a consensus of a majority of the board. If a majority determination is not made by the appraisal board within forty-five (45) days of the date of selection of the third appraiser, the average of the three appraisals shall be the value. If such determination is not made prior to the time required for the payment of fees under Division 15-5.0110(F)(4), such fees shall be paid as required for other development facilities under Division 15-5.0110(F)(5)(b);
  - c. The determination as to the feasibility of dedication shall be made by the Plan Commission.
3. **Maximum Period of Land Reservation.** Any such proposed lands in excess of the rate established herein shall be reserved for a period not to exceed five (5) years, unless

extended by mutual agreement, for purchase by the public agency having jurisdiction at undeveloped land prices. If the lands in excess of the established rate are not acquired within the five (5) year period as set forth herein, the land will be released from reservation to the property owner. If the parties are unable to agree on an acquisition price for said reserved lands, either party may commence an action for declaratory judgment to determine the fair market value of such property and to compel conveyance accordingly; the filing of such action shall toll the expiration of the five (5) year time period.

4. **Stormwater Detention/Retention Areas or Basins, Wetlands, Shoreland Wetlands, and/or Floodplains Not Qualified for Meeting Land Area Requirements.** Areas used or required for stormwater detention or retention areas or basins, wetlands, shoreland wetlands, and/or floodplains shall not qualify for meeting the land area requirements set forth herein for the dedication of suitable public outdoor recreation lands. If such sites are dedicated for public use, they shall be in addition to suitable land area that meets the land area dedication requirements set forth herein.

- E. **Reservation of Site Options.** Whenever a proposed playground, park, or other public open space land designated on the County's development plan or element thereof, City of Franklin Comprehensive Master Plan, detailed planning district, neighborhood or subarea development plan, or other comprehensive plan component is encompassed, all or in part, within a tract of land to be divided by either a Certified Survey Map or Subdivision Plat or is a part of a Condominium, any residential special use, any residential PDD Planned Development District, and residential uses in a mixed PDD Planned Development District, or multiple-family dwelling development, and whenever the Developer is given the option to dedicate or reserve public sites and open spaces by the Plan Commission, the public lands shall be made a part of the Certified Survey Map, Preliminary Plat, Condominium, any residential special use, any residential PDD Planned Development District, and residential uses in a mixed PDD Planned Development District, or multiple-family dwelling development and reserved for a period not to exceed five (5) years, unless extended by mutual agreement, for purchase by the public agency having jurisdiction at undeveloped land prices.

1. For reserved lands, restrictive covenants shall be placed on plats identifying the outlots reserved along with the date of release from the restrictions.
2. Reserved lands will be released from reservation to the owner if the lands in excess of the established rate are not acquired within the five (5) year period.

- F. **Fire Protection, Law Enforcement, Library and Emergency Medical.** In order that sites for fire protection, law enforcement, library and emergency medical may be property located and preserved as the community develops, and in order that the cost of providing fire protection, law enforcement, library and emergency medical and park, playground and other recreational facilities, necessary to serve the additional families brought into the community by subdivision development and development occurring from residential special use, residential and mixed use residential Planned Development District and multiple-family approvals, may be most equitably apportioned on the basis of the additional need created by such development, and pursuant to Section 236.45(1) and Section 62.23(7), WI Stats., the following provisions are established:

1. **Reservation of Potential Future Sites.** In the design of the plat, consideration shall be given to the adequate provision of, and correlation with fire protection, law enforcement, library and emergency medical sites and facilities.
2. **Reservation Timeframe.** When it is determined by the Plan Commission that a portion of the plat is required by such future fire protection, law enforcement, library and emergency medical sites and facilities, the developer may be required to reserve such area for not more than five (5) years, during which the City shall either acquire the property or release the reservation. If the parties are unable to agree on an acquisition price, either party may commence an action for declaratory judgment to determine the fair market value of such property and to compel conveyance accordingly; the filing of such action shall toll the expiration of the five (5) year time period.
3. **Fire Protection, Law Enforcement, Library and Emergency Medical and Park, Playground and Other Recreational Sites and Facilities Development Fee Obligation.**
  - a. Within the jurisdiction as set forth in Division 15.2.0102 of this Code, the developer shall pay a fee to the City to provide for land and facilities to meet the fire protection, law enforcement, library and emergency medical and park, playground and other recreational needs of the development except as provided in Divisions 15-5.0110© and (D)(2)(b) as they pertain to Park, Playground and Other Recreational Sites and Facilities and Division 15-5.0110(F)(4)(a).
  - b. The amount of the fee to be paid shall be in the respective amounts per dwelling unit to be provided, added, or created by the proposed development, as follows:

Park, Playground and Other Recreational Facilities	\$296.00
Fire Protection	311.00
Law Enforcement	216.00
Emergency Medical	36.00
Library	33.00

See Division 15-5.0110(F)(7) for adjustments to the fee amounts.
  - c. The fee shall be imposed as a condition of approval of any final plat or certified survey map and development occurring from residential special use, residential and mixed use, residential Planned Development District and multiple-family approvals, and the payment thereof shall be made to the City prior to the issuance of building permits.
  - d. Such fees collected shall be placed in a special fund for sites and facilities development, which shall be separate from the general fund of the City, and said special fund and all interest earned thereon shall be exclusively for the acquisition and capital improvement of fire protection, law enforcement, library and emergency medical sites and facilities within the City.
  - e. When a lot or parcel for which payment has once been made is further divided, payment shall be required only for the additional lot(s) or parcel(s) created.
  - f. No payment shall be required on any outlot or lot which supports a residential structure existing prior to the approval of the final plat or certified survey map.

- g. Such fees shall be expended by the City for the aforesaid purpose within ten (10) years of the date of payment or such fee amount paid shall be refunded to the then owner(s) of the property upon which such fee was collected.

4. **Dedication of Land.**

- a. Where land has been required to be reserved pursuant to Division 15-5.0110(F)(1) above, or when the developer owns other land that has been determined by the Plan Commission to be acceptable for park, playground and other recreational sites and facilities purposes, the developer may be required to dedicate such land as part of the fee payment.
- b. The representative cash value of the land to be dedicated shall be determined by the City and developer on the basis of full and fair market value of the land to be dedicated. If the value of such land cannot be determined satisfactorily by the City and the developer, an appraisal board consisting of one appraiser selected by the City at its own expense, one selected by the other two appraisers at City expense, shall determine the value upon a consensus of a majority of the board. If a majority determination is not made by the appraisal board within 45 days of the date of selection of the third appraiser, the average of the three appraisals shall be the value. If such determination is not made prior to the time required for the payment of fees under this section, such fees shall be paid as required, subject to a credit refund to be made upon the value determination. Any credit or credit refund hereunder shall be granted to the fee payor(s) obligation, determined by the proportion of the total credit to the total fee obligation to be imposed upon the proposal development.
- c. The determination as to feasibility of dedication shall be made by the Plan Commission.

5. **Development Fee Deduction.** Any development fee imposed under this section shall be reduced to compensate for capital costs otherwise imposed and collected by the City, upon the land development subject to this section for the same public facilities for which development fee has been imposed under this section, including by way of special assessments, special charges, impact fees or any other items of value. Development fees imposed under this section shall also be reduced to compensate for monies received from the Federal or State Government specifically to provide or pay for the public facilities for which the development fees under this division are imposed. The payment of a development fee imposed under Section 30.09 of the municipal Code, as amended, for any site or facility for which a development fee is imposed under this division shall satisfy such development fee obligation under this section.

6. **Development Fee Administration and Review.** All fees collected and special accounts maintained under this section, shall be subject to administration by the City Business Administrator. Commencing upon the effective date of this section, the City Business Administrator shall report annually to the Common Council with regard to all deposits, withdrawals and fund balances in these accounts. The purpose of the annual report is to provide the Common Council with information necessary to determine that all funds collected are spent within the time required for the purposed intended and that the amount

of fees imposed continues to represent an equitable and reasonable apportionment of the cost of public improvements and requirements generated by land development. Upon such considerations and for such purposes, the Common Council may make reasonable adjustments to the amount of such fees and determine whether there exists any reasonable need for refund of fees previously collected. The development fees imposed under this division shall be adjusted annually each December, with any adjustment to be effective on the January 1 next following, upon and equal to any change from one (1) year prior in the latest available Engineering News Record Construction Cost Index—Chicago/Minneapolis Average, 1913 Base. The City Business Administrator or designee shall determine and make such adjustment and maintain a copy of the index upon which such adjustment was made in the Office of the City Clerk.

7. **Appeal.** Any developer, upon whom development fee is imposed under this section, shall have the right to contest the amount, collection or use of the development fee to the Common Council, provided that the developer files a written notice of appeal in the City Clerk's Office within 15 days of the development approval upon which the impact fee is imposed. Such notice of appeal shall be entitled "Notice of Appeal of Development Fee" and shall state the developer's name, address, telephone number, and legal description of the land development upon which the development fee is imposed, and a statement of the nature of and reasons for the appeal. The Business Administrator shall schedule the appeal for consideration by the Common Council at a regular meeting as soon as reasonably practicable under the circumstances and shall notify the developer of the time, date and place of such meeting in writing by regular mail, deposited in the mail no later than at least three (3) days before the date of such meeting. Upon review of such appeal, the Common Council may adjust the amount, collection or use of the development fee upon just and reasonable cause shown.

**G. Suitability.**

1. The location and suitability of all land to be dedicated are subject to review and final acceptance by City of Franklin or the municipality or town in which the lands are located.
2. Lands unsuitable for residential development or conventional construction methods may be dedicated to fulfill required obligations only upon written approval by the City of Franklin Common Council or the appropriate municipality.

**H. Public Pedestrian Access.**

1. In addition to those requirements set forth under Division 15-2.0301(E) of this Ordinance, where a Certified Survey Map, Preliminary Plat, Condominium, any residential special use, any residential PDD Planned Development District, and residential uses in a mixed PDD Planned Development District, or multiple-family dwelling development abuts a public use area, such as a park, lake, stream, hunting grounds, or any similar type of public recreational area, the Developer, at the option of the City of Franklin and/or the appropriate municipality shall provide a pedestrian access easement at least twenty (20) feet wide at approved distance intervals connecting such public area with a public street.

2. If it is deemed to be in the public interest by City of Franklin or the appropriate municipality to reserve additional area for proper development of the public access thoroughfare, the Developer of a Certified Survey Map, Preliminary Plat, Condominium, any residential special use, any residential PDD Planned Development District, and residential uses in a mixed PDD Planned Development District, or multiple-family dwelling development, shall reserve for acquisition by the City of Franklin or the municipality in which the land is located, a tract of land adjacent to the thoroughfare which, in the judgment of the City of Franklin or the appropriate municipality, will adequately serve the public interest. Such tract shall be reserved for a period of five (5) years from the date of recordation of the Certified Survey Map, Final Plat, Condominium, any residential special use, any residential PDD Planned Development District, and residential uses in a mixed PDD Planned Development District, or multiple-family development and if not acquired within that time, it shall be released to the owner.
3. The dedication of land for public purposes, such as parkways or recreational corridors, parks, playgrounds, open space sites, right-of-ways, or easements, becomes effective at the time of approval and/or recording of Certified Survey Map, Preliminary Plat, Condominium, any residential special use, any residential PDD Planned Development District, and residential uses in a mixed PDD Planned Development District, or multiple-family dwelling development.
4. On lands reserved for eventual public acquisition, no building or development is permitted during the period of reservation.
  - a. The reservation period shall not be longer than five (5) years unless arranged otherwise with the Subdivider.
  - b. Land so reserved must be clearly delineated and dimensioned (including square footage or acreage) on the Final Plat, Certified Survey Map, Condominium, site plan for residential special use, site plan for residential PDD Planned Development District, and site plan for residential uses in a mixed PDD Planned Development District, or multiple-family dwelling development plans.

**I. Minimum Site Preparation Required of Dedicated Public Sites.** When public sites are dedicated as public sites, as described herein, the Developer shall, at a minimum, be required to:

1. Properly grade and contour the public site for proper drainage and for the anticipated use of the area.
2. Cover areas to be seeded with a minimum of four (4) inches of quality topsoil. Said topsoil furnished for the park site shall consist of natural loam, sandy loam, silt loam, silty clay loam, or clay loam humus-bearing soils adapted to the sustenance of plant life, and such topsoil shall be neither excessively acid nor excessively alkaline.
3. Provide such improvements to the public site as may be agreed upon and as set forth in the "Subdivider's Agreement" between the City and the Developer.
4. If the Developer fails to satisfy the requirements of this Section, the Common Council may take the appropriate action to satisfy the requirements and bill such costs to the Developer

following written notice to the Developer of noncompliance. Failure of the Developer to pay such costs may result in the immediate withholding of all Building Permits for the Subdivision, Certified Survey Map, Condominium, any residential special use, any residential PDD Planned Development District, and residential uses in a mixed PDD Planned Development District, or multiple-family dwelling development until such costs are paid.

## **SECTION 15-5.0111 PUBLIC SCHOOL SITES**

To properly locate and preserve sites for public schools as the City develops on the basis of the additional need created by the individual Certified Survey map, Subdivision Plat, or Condominium, the following provisions are established:

### **A. Reservation of Potential Future School Sites.**

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

### **B. Dedication of Land.**

1. Where land has been required to be reserved pursuant to Section 15-5.0111(A) above, or when the Subdivider or Developer (as applicable) owns other land that has been determined by the Plan Commission and Franklin Public Schools to be acceptable for school site purposes, the Subdivider or Condominium Developer (as applicable) may be required to dedicate such land.
2. The representative cash value of the land to be dedicated shall be determined by the City and Subdivider or Condominium Developer (as applicable) on the basis of full and fair market value of the land to be dedicated. If the value of such land cannot be determined satisfactorily by the City and the Subdivider or Condominium Developer (as applicable), an appraisal board consisting of one appraiser selected by the City at its own expense, one selected by the Subdivider or Condominium Developer (as applicable) at his own expense, and a third selected by the other two appraisers at City expense, shall determine the value upon a consensus of a majority of the Plan Commission. If a majority determination is not made by the appraisal board within forty-five (45) days of the date of selection of the third appraiser, the average of the three appraisals shall be the value.

3. The determination as to the feasibility of dedication shall be made by the Plan Commission.

## **DIVISION 15-5.0200      **TRAFFIC, OFF-STREET PARKING AND LOADING, AND HIGHWAY ACCESS****

### **SECTION 15-5.0201      **TRAFFIC VISIBILITY****

- A. **No Obstructions Permitted.** No visual obstructions, such as structures, parking, or vegetation, shall be permitted in any district between the heights of two and one-half (2.5) feet and ten (10) feet above the plane through the mean curb grades within the triangular space formed by any two (2) existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines, located a minimum of thirty (30) feet from their intersection.
- B. **Corner Cut-Off Distances for Intersecting Arterial and/or Collector Streets.** In the case of arterial and/or collector streets intersecting with other arterial and/or collector streets, the corner vision clearance distances establishing the triangular vision clearance space shall be sixty (60) feet from the two (2) intersecting street rights-of-way lines and a line joining the two (2) points on such lines.

### **SECTION 15-5.0202      **OFF-STREET PARKING REQUIREMENTS****

In all districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended, or increased, off-street parking stalls for all vehicles in accordance with the following:

- A. **Adequate Access.** Adequate access to a public street shall be provided for each parking space, and driveways shall be at least twelve (12) feet wide for one- and two-family dwellings, and a minimum of twenty-four (24) feet wide for all other uses. Each required off-street parking space shall open directly onto an aisle or driveway that is wide enough to provide safe and efficient means of vehicular access to the parking space.
- B. **Minimum Parking Space Size.** The size of each parking space shall be not less than one hundred and eighty (180) square feet nor less than nine (9) feet in width, exclusive of the space required for ingress and egress, except that the size of each parking space in an Accessory Parking Structure housing more than 500 vehicles, and upon a site supporting a public secondary school, shall be not less than one hundred sixty-two (162) square feet nor less than nine (9) feet in width, exclusive of the space required for ingress and egress.
- C. **Minimum Required Parking Lot Setbacks and Screening/Landscaping.**
  1. **General.** Any building hereafter erected or structurally altered shall be provided with off-street parking spaces within the property line limits of the property being served, or within the limits of a common parking lot serving one (1) or more buildings, and in no



case closer than ten (10) feet to the base setback line including front yard, side yard, and rear yard.

2. **Minimum Off-Street Parking Setback When Abutting the R-1, R-1E, R-2, R-3, R-3E, R-4, R-5, R-6, and VR Residential Districts.** No parking stall or driveway, except in the R-1, R-1E, R-2, R-3, R-3E, R-4, R-5, R-6, and VR Residential Districts, shall be closer than fifteen (15) feet to a R-1, R-1E, R-2, R-3, R-3E, R-4, R-5, R-6, or VR Residential District lot line or a street line opposite a R-1, R-1E, R-2, R-3, R-3E, R-4, R-5, R-6, or VR Residential District.
3. **Minimum Screening and Landscaping Requirements to be Met When Off-Street Parking Areas Abut the R-1, R-1E, R-2, R-3, R-3E, R-4, R-5, R-6, and VR Residential Districts.** All off-street parking areas, except in the R-1, R-1E, R-2, R-3, R-3E, R-4, R-5, R-6, and VR Residential Districts, shall be screened and maintained at the base setback from any abutting R-1, R-1E, R-2, R-3, R-3E, R-4, R-5, R-6 and VR Residential Districts pursuant to the bufferyard and landscape requirements set forth in Division 15-5.0300 of this Ordinance. All screening and plant materials shall be a minimum of six (6) feet in height at the time of installation.
4. **Minimum Off-Street Parking Setback in Non-Residential District.** No parking stall or driveway in a non-residential district shall be located closer than ten (10) feet to any property line, except for greater setbacks as required in this Ordinance.
5. **Minimum Off-Street Parking Setbacks in R-7 and R-8 Residential Districts.** No parking stall or driveway in an R-7 or R-8 Residential District shall be located closer than ten (10) feet to any property line.
6. **Shared Driveway Setbacks.** Where a shared driveway between neighboring lots or parcels is provided to serve as access to a State or County Highway for the purposes of highway safety as approved by either the Wisconsin Department of Transportation or Milwaukee County Highway Department, any minimum driveway setback as required by the Zoning Ordinance shall be waived, given that such waiver of setback is for the shared driveway that is constructed over or abutting property lines of lots or parcels that benefit from the shared driveway. All other driveways on such lots or parcels shall conform to required setbacks.
7. **Access to Public Streets or Between Neighboring Properties.** Notwithstanding the required driveway setbacks in the Ordinance, approved access points to public streets or shared access between neighboring properties may be allowed to cross the required setbacks at right angles to provide site access.
8. **Minimum Off-Street Parking Setback When the R-1, R-1E, R-2, R-3, R-3E, R-4, R-5, R-6 and VR Residential Districts Abut.** In the R-1, R-1E, R-2, R-3, R-3E, R-4, R-5, R-6 and VR Residential Districts, no parking stall or driveway shall be closer than six (6) feet to a side lot line of an abutting R-1, R-1E, R-2, R-3, R-3E, R-4, R-5, R-6, or VR Residential District except where the Zoning Board of Appeals grants a variance.

9. **Minimum Distance of Truck Parking from Any Residential Zoning District.** No truck parking shall be allowed within one hundred and fifty (150) feet of any residential zoning district.

D. **Off-Street Parking Area Surfacing.** All open, off-street loading and parking spaces shall be improved with pavement of either asphalt or concrete and stormwater drainage facilities as approved by the City Engineer. This Paragraph shall not apply to single-family residential districts or to single-family detached dwellings in the R-7 or R-8 Residential Districts.

E. **Concrete Curb and Gutter Required.**

1. **Concrete Curb and Gutter Required for All Off-Street Parking Areas.** Concrete curb and gutter shall be installed surrounding all new driveway, parking lot and landscape islands. This provision may be waived by the Plan Commission for additions to existing structures located in areas without a predominance of curb and gutter when curb and gutter is not installed on the adjacent street right-of-way, or is not anticipated to be constructed on the street right-of-way in a future street reconstruction in a reasonable period of time.
2. **Minimum Distance of Required Concrete Curbing from Property Lines.** Required concrete curb and gutter for off-street parking areas shall be installed a minimum of ten (10) feet from a property line (as measured from the back of curb) so as to prevent the parked vehicles from extending over any lot lines.
3. **Driveway Widths.** All driveways shall be a minimum width of twenty-four (24) feet measured between face of curbs.
4. **Setbacks.** Setbacks for driveways and parking lots from adjoining property lines shall conform with the minimum setback standards of this Ordinance of the zoning district in which the property is located, and any additional required buffer from adjoining residential zoning districts or properties. Curb and gutter shall not be allowed within the required setback area.

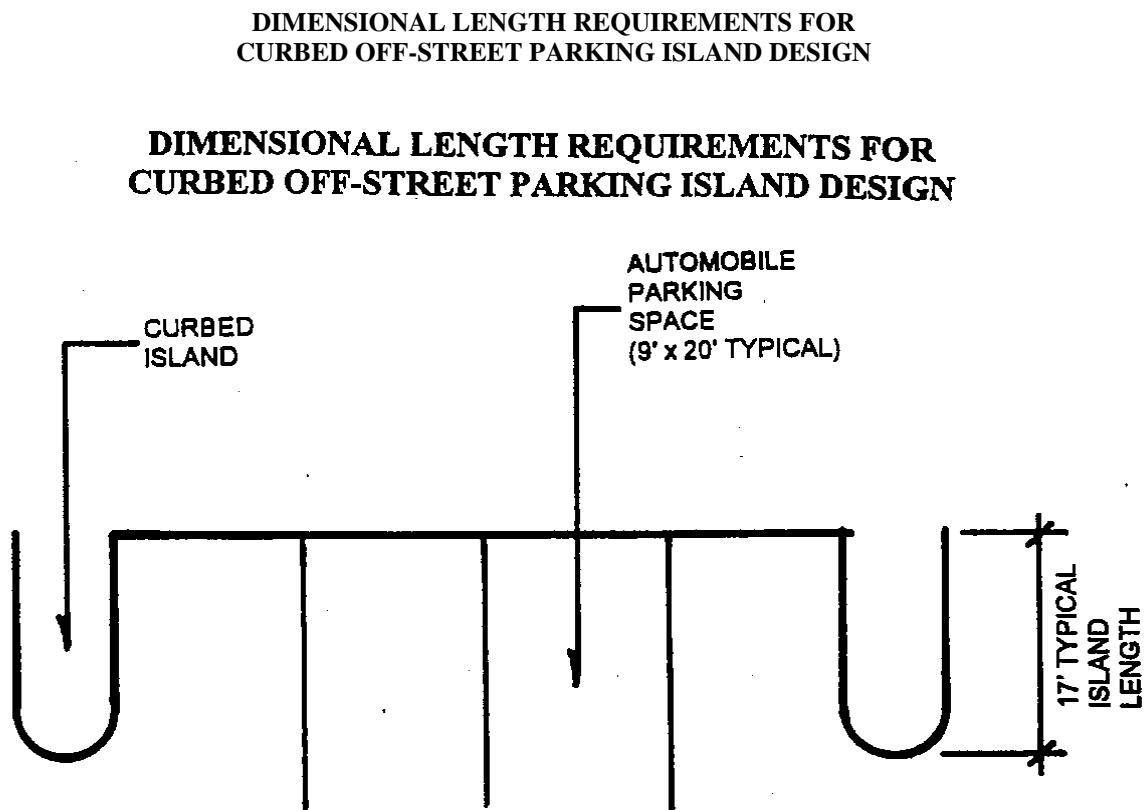
F. **Off-Street Parking Stalls.** Off-street parking stalls shall be marked by painted lines or other approved material and shall be maintained so as to be legible at all times.

G. **Parking of Trucks and Equipment.** No truck or other vehicular equipment of a commercial or industrial nature shall be parked regularly on a lot or parcel in any zoning district except as hereinafter specifically provided or as follows:

1. Agricultural equipment in an R-1, R-1E, Single-Family District, an A-1 or A-2 Agricultural District; or
2. Only passenger automobiles, panel trucks, vans or pick-up trucks, each individually not exceeding 8,000 pounds manufactured Gross Vehicle Weight, may be parked in an R-1, R-1E, R-2, R-3, R-3E, R-4, R-5, R-6, R-7, R-8, P-1, I-1, FW, FC or VR District.
3. Any vehicle over 8,000 pounds rated Gross Vehicle Weight may be parked in districts not previously mentioned in the normal course of business in conjunction with a commercial or industrial use of the property; however, any overnight parking shall be allowed only with a Special Use.

- H. **Landscaping.** All public off-street parking areas which serve five (5) vehicles or more and are created or redesigned and rebuilt subsequent to the adoption of this Ordinance shall be provided with accessory landscape areas meeting all applicable requirements of Division 15-5.0300 of this Ordinance.
- I. **Parking Spaces for Use by Persons with Disabilities.** All open, off-street parking areas shall provide parking spaces for persons with disabilities meeting all applicable "Americans with Disabilities Act (ADA) Guidelines for Buildings and Facilities," as amended. Unless conflicting with the "Americans with Disabilities Act (ADA) Guidelines for Buildings and Facilities," as amended, the minimum required number of accessible off-street parking spaces for persons with disabilities shall be as indicated in Table 15-5.0202(I)(1). The minimum required number of accessible off-street parking spaces for use by persons with disabilities shall be considered as a part of the total off-street parking spaces.
- J. **Dimensional Length Requirements for Curbed Off-Street Parking Island Design.** Required curbed off-street parking islands shall meet the dimensional length requirements as set forth in Figure 15-5.0202.

Figure 15-5.0202



**Table 15-5.0202(I)(1)**

**MINIMUM REQUIRED NUMBER OF ACCESSIBLE  
OFF-STREET PARKING SPACES**

Total Number of Off-Street Parking Spaces in Parking Lot or Area	Minimum Required Number of Accessible Off-Street Parking Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total
1,001 and over	20 plus 1 for each 100 over 1,000

1. **Minimum Dimensions for Off-Street Parking Spaces Provided for Use by Persons with Disabilities.** The minimum dimensions for all parking spaces provided for use by persons with disabilities shall be thirteen (13) feet wide by twenty feet (20) feet long for automobiles and sixteen (16) feet wide by twenty (20) feet long for vans, except that, in Accessory Parking Structures housing more than five hundred (500) vehicles, the minimum dimensions for all parking spaces provided for use by persons with disabilities shall be nine (9) feet in width and eighteen (18) feet in length for automobiles and vans and each such space shall be served by an adjacent loading area not less than five (5) feet in width which complies in all respects with the Americans with Disabilities Act.
2. **Distance to Facility Entrances for the Location of Off-Street Parking for Persons with Disabilities.** Off-street parking spaces provided for the use of persons with disabilities shall be located as close as possible to an entrance which allows such persons to enter and leave the parking area without assistance.
3. **Signage of Off-Street Parking Spaces Serving Individuals with Disabilities.** All parking spaces provided for use by persons with disabilities shall be marked by a sign which includes the international symbol for barrier-free environments and a statement informing the public that the parking space is reserved for use by persons with disabilities. Such signs shall comply with the requirements of the aforementioned "Americans with Disabilities Act (ADA) Guidelines for Buildings and Facilities" as amended and with Sections 346.50, 346.503, and 346.505 of the Wisconsin Statutes as amended.

- A. **Standards for Off-Street Parking Spaces and On-Site Queuing Required for Uses.** Table 15-5.0203 designates the Standard Parking Ratio for specific uses. The Standard Parking ratio maximum limit may be exceeded by 10% or 5 parking spaces, whichever is greater, and the minimum limit may be exceeded by no more than 25% below the Standard Parking Ratio (except as may be set forth in a Planned Development District Ordinance or a Special Use Permit). The Common Council, Plan Commission or Department of City Development, within their respective approval authorities (“approval authority”), may reject parking plans within an application which are within the above stated requirements, and set forth other parking requirements, upon a determination that the application plan is inappropriate due to site conditions or other reasonable land use factor considerations.
- B. **Potential Parking Increases and Reductions.** The approval authority may approve parking and queuing requirements above or below the standards set forth under Subsection A. above, subject to the following requirements:
- i. **Potential Parking Reduction Considerations (below 25% of the Standard Parking Ratio).**
    - 1. For on-site parking, the applicant submits reasonably sufficient proof that the minimum number of required parking spaces would exceed the proposed use’s projected parking demand. Evidence may include, but not limited to, parking standard comparisons and/or comparisons of parking demand for existing similar uses.
    - 2. For on-site queuing, the applicant provides reasonably sufficient proof that vehicle stacking will not interfere with roadways, parking lot circulation or pedestrian safety.
    - 3. For on-site parking, in cases of proposed shared parking by two (2) or more uses on the same or adjoining property or properties, the applicant submits reasonably sufficient proof that:
      - a. The uses that share parking have peak parking demand at different and non-conflicting times.
      - b. Pedestrian sidewalks or paths shall be provided as safe connections between all uses sharing the parking area.
      - c. A shared parking agreement shall be submitted with and/or as a condition of any approval.
    - 4. For on-site parking, in the alternative or in addition to the requirements of Subsections 1. and 3. above, the applicant provides a plan reserving certain lands for the potential future development of paved off-street parking to meet the full requirements of Table 15-5.0203, if needed in the future. When proposed by an

applicant, this reserved off-street parking area shall be shown and noted on the site plan, maintained as open space and then, when needed, developed with paved off-street parking spaces, upon a determination by the approval authority that such off-street parking is necessary due to parking demand on the property exceeding original approval conditions or expectations. The approval authority may require the provision of a letter of credit or other approved financial surety at the time of permit issuance in an amount not to exceed one hundred and twenty-five (125) percent of the estimated cost of the reserved paved off-street parking area construction. The reserved parking area shall not be considered in the calculation of any required green space, snow storage or landscaping area(s) otherwise required under this Ordinance.

ii. **Potential Parking Increase Considerations (above 10% or 5 spaces of the Standard Parking Ratio).**

1. For on-site parking, the applicant submits reasonably sufficient proof that the maximum number of required parking spaces would be insufficient for the proposed use's projected parking demand. Evidence may include, but not limited to, parking standard comparisons and/or comparisons of parking demand for existing similar uses.
2. For on-site queuing, the applicant provides reasonably sufficient proof that additional vehicle stacking space is needed to prevent interference with roadways, parking lot circulation or pedestrian safety.
3. For on-site parking, the applicant submits reasonably sufficient proof that there are no reasonable opportunities to share parking within or adjacent to the site.
4. For on-site parking, the applicant submits reasonably sufficient proof of a greater need for handicapped accessible parking spaces, while still needed to provide sufficient standard parking spaces.

C. **Cross Parking/Access Agreements.** Cross parking/access may be required by and shall be subject to the review and approval by the approval authority. Cross parking/access agreements shall be recorded with the Office of the Register of Deeds for Milwaukee County.

D. **Off-Street Parking Requirements for Use Types.** A proposed parking lot in which the number of parking spaces substantially exceeds the minimum number of parking spaces required under Table 15-5.0203 is discouraged. Parking calculations shall be based upon the definition of "Floor Area, Gross (For Determining Requirements for Off-Street Parking and Off-Street Loading)", set forth in Section 15-11.0103 of this Ordinance.

Table 15-5.0203

**OFF-STREET PARKING & ON-SITE QUEUING REQUIREMENTS FOR USE TYPES**

Use	Standard Parking Ratio for Off-Street Parking Spaces
<b>Agricultural Uses:</b>	
Agriculture	None Required
Nurseries	1 space per 4,000 sq. ft. of outdoor display area, plus 1 for each company vehicle plus 1 for each employee
<b>Residential Uses:</b>	
Single-Family Detached Dwelling Structure	2 spaces per D.U. One (1), two (2) car attached garage for each single-family dwelling. A detached garage for off-street parking which meets all other codes, is permitted upon lots of record prior to August 1, 1998.
Two-Family Dwelling Structure	2 spaces per D.U. One (1), two (2) stall attached garage per dwelling unit. A detached garage for off-street parking which meets all other codes, is permitted only in the Village of St. Martins VR Village Residence District and VB Village Business District on a lot of record less than 40,000 square feet in area
Mobile Home	2 spaces per D.U.
Mobile Home Park	2 spaces per D.U.
Efficiency and One Bedroom Apartment	1 spaces per D.U.
Two Bedroom Apartment	2 spaces per D.U.
Three or More Bedroom Apartment	2.5 spaces per D.U.
Group Homes or Institutional Residential not within a residential neighborhood	1 space per bedroom
<b>Recreational Uses:</b>	
Camps, Day or Youth	1 space per employee
Campgrounds	1 space per travel trailer space
Golf Course	3 spaces per hole, plus any required for other uses which are a part of the facility
Golf Driving Range or Rifle Range	1 space per 10 linear ft. of driving or firing line plus 1 space per employee
Arenas or Stadiums	0.33/seat
Playing Fields	1 space per 4,000 sq. ft. of outdoor playfield area, plus 1 space per acre of passive recreation area
Resorts	1 space per 3 patrons
Riding Arenas, Equestrian Centers or Public Stables	1 space per 4 equestrian stalls, plus 1 per 2,000 sq. ft. of riding area
Riding Stables	1 space per 4 equestrian stalls
Skating Rink	6 spaces per 1,000 sq. ft. of rink area, plus additional parking spaces as may be required by buildings or areas used for other purposes.
Swimming Pool	1 space per 100 sq. ft. of pool area, plus additional parking spaces as may be required by buildings or areas used for other purposes
Tennis, Racquetball, or Handball Courts	2 spaces per court
Volleyball Courts	4 spaces per court
Bowling Alleys	6 spaces per lane, 2 spaces per pool/billiard table, plus additional parking spaces as may be required by buildings or areas used for other purposes
Dance Halls	1 space per each 3 patrons based on the maximum number of persons that can be accommodated at the same time in accordance with design capacity and Fire District regulations, plus 6 queuing spaces.
Health Club or Spa	4/1,000 sq. ft. of GFA
Library	3.5/1,000 sq. ft. of GFA
Museum	3.5/1,000 sq. ft. of GFA
Recreation Center	5/1,000 sq. ft. of GFA, plus 6 queuing spaces
Theaters, Assembly Rooms, Gymnasiums, Grandstands, Meeting Halls, Convention Halls, or Exhibition Halls (and all other public assembly places)	Where not seated, 0.25/person, based on permitted capacity. Where seated, 0.3/seat.
<b>Institutional Uses: Indoor</b>	
Church or Synagogue	0.4/seat, plus 6 queuing spaces
Clubs, Lodges, or Associations	1 space per 50 sq. ft. of GFA, plus 5 queuing spaces
Hospital	1 space per employee plus 2 spaces per bed and 8 queuing spaces

Use	Standard Parking Ratio for Off-Street Parking Spaces
Nursing Homes	1 space per employee plus 1 spaces per 3 beds and 6 queuing spaces
Schools: Elementary or Junior High (Public or Private)	0.2/gym or auditorium seat, or 0.3/student, whichever is greater and 10 queuing spaces
Schools: Senior High (Public or Private)	0.3/gym or auditorium seat, or 0.3/student, whichever is greater and 12 queuing spaces
Colleges, Junior Colleges, or Universities (Public or Private)	0.5 space per classroom seat, or the maximum number of students that can be accommodated in accordance with design capacity, whichever is greater.
Trade School, Music, School, Dance School, or Business School	1 space per student based upon the maximum number of students that can be accommodated within the design capacity of the facility.
Rooming or Boarding Houses including Apartment Hotels	1.5 spaces per lodging room, suite of rooms to accommodate 1 lodger, or dwelling unit
Public Service or Utilities	1 space per employee plus 1 space per stored vehicle
Day Care Home (In Residential Structure)	As required per type of D.U. plus 1 space for picking up and dropping off children
Day Care Center or Nursery School	0.3/person, based on licensed enrollment capacity, plus 6 queuing spaces.
<b>Commercial Uses: General Office</b>	
General, including Government Offices	3.33/1,000 sq. ft. of GFA
Medical, Outpatient or Dental Office/Clinic	6.5/1,000 sq. ft. of GFA, plus 6 queuing spaces
Veterinary Office/Clinic	4.5/1,000 sq. ft. of GFA, plus 6 queuing spaces
Hospital or Medical Center	Should be established in accordance with a study of parking needs prepared specific for the subject institution.
<b>Commercial Uses: Retail</b>	
Convenience Market	8/1,000 sq. ft. of GFA
Department Stores	4/1,000 sq. ft. of GFA
Drugstores	5/1,000 sq. ft. of GFA
Grocery or Foodstores	6/1,000 sq. ft. of GFA
Furniture Stores, Carpet Stores, Appliance Stores	1.5/1,000 sq. ft. of GFA
Hardware, Paint or Home Improvement	3.5/1,000 sq. ft. of GFA
Liquor Store	5/1,000 sq. ft. of GFA
Shopping Centers (4 stores or more)	5/1,000 sq. ft. of GFA
Other Miscellaneous Freestanding Retail Stores	5/1,000 sq. ft. of GFA
<b>Commercial Uses: Automobile Related</b>	
Auto Sales	2/1,000 sq. ft. of GFA
Vehicle Repair Shop (without the Dispensing of Gasoline)	4 spaces per service bay
Automobile Laundries or Car Washes	1 space per bay, plus 10 queuing spaces per wash bay for automatic wash and 6 per bay for manual wash bay
General Auto Service Station (with the Dispensing of Gasoline)	1.5/1,000 sq. ft. of GFA without convenience market; 8/1,000 sq. ft. of GFA with convenience market
<b>Commercial Uses: Services</b>	
Beauty Parlors, Salons, or Barber Shops	3 spaces per chair, plus 1 space per employee
Commercial Laundry or Dry Cleaner	1 space per employee, 1 space per company vehicle, plus 1 space per 170 sq. ft. of customer service area
Financial	5/1,000 sq. ft. of GFA
Funeral Homes, Funeral Parlors, or Undertaking Establishments	1 space per 30 sq. ft. of floor area of assembly rooms, plus 12 queuing spaces
Gunsmith	2/1,000 sq. ft. of GFA
Laundromat	4/1,000 sq. ft. of GFA
Repair Shops	2/1,000 sq. ft. of GFA
Taxidermist	2/1,000 sq. ft. of GFA
<b>Commercial Uses: Bars or Restaurants</b>	
Bars or Taverns	10/1,000 sq. ft. of GFA
General Restaurant	20/1,000 sq. ft. of GFA for indoor dining/seating area and 6.5/1,000 sq. ft. for kitchen and employee service areas, plus 7 queuing spaces per service lane



Use	Standard Parking Ratio for Off-Street Parking Spaces
<b>Commercial Uses: Commercial Lodging</b>	
Hotels, Motels and Convention Centers	1 space per guest room (in suite, each bedroom shall constitute a separate guestroom), plus 1 space per 30 sq. ft. of assembly room, plus 1 space per 500 sq. ft. of accessory commercial space
Dude or Guest Ranch	1 space per rental unit
Bed or Breakfast	2.5 spaces per D.U. and 1 space per rental room
Agricultural Support or Services	5/1,000 sq. ft. of GFA
<b>Home Uses:</b>	
Home Occupations or Home Businesses	As required per type of D.U. plus 1 space for any allowed business vehicle
Day Care Home (In Residential Structure)	2.67/1,000 sq. ft. of GFA
<b>Industrial Uses:</b>	
Bakeries (Nonretail)	0.25/1,000 sq. ft. of GFA
<b>Industrial Uses: Extraction or Disposal</b>	
Extraction or Disposal	2/1,000 sq. ft. of GFA, plus required parking spaces for offices, sales, or similar uses where those uses exceed 10% of GFA
Junkyards	2/1,000 sq. ft. of roofed area, plus 1/15,000 sq. ft. of outside storage area
<b>Special Land Uses:</b>	
Commercial Communication Towers	1 space per employee
Landing Strips, Heliports, or Airports	7 spaces per daily airplane movement (i.e., one way airplane trip)
<b>Temporary Uses:</b>	
Christmas Tree Sales	1/1,000 sq. ft. of outdoor sales and display area
Contractor's Construction Site Office	10/1,000 sq. ft. of GFA
Public Interest Events	1 space per 3 attendee
Special Event	1 space per 3 attendee
Real Estate Sales Office	3.3/1,000 sq. ft. of GFA
Farm Stand	5/1,000 sq. ft. of GFA, plus 1 space per 1,000 sq. ft. of outdoor sales and display area
Concrete or Asphalt Batch Plant	1 space per employee, plus 1 space for each truck stored on-site.
<b>Off-Street Parking Requirements for Uses Not Listed: See Section 15-5.0203(B) of this Ordinance</b>	
<b>Light Industrial Uses:</b>	
Light Industry	2/1,000 sq. ft. of GFA, plus required parking spaces for offices, or similar uses where those uses exceed 10% of GFA
Contractor Shop	1/1,000 sq. ft. of GFA, plus required parking spaces for offices, or similar uses where those uses exceed 10% of GFA
Warehouse	0.5/1,000 sq. ft. of GFA, plus required parking spaces for offices, or similar uses where those uses exceed 10% of GFA
Mini-warehouses	1 space per 10 storage units
<b>Industrial Uses: Heavy Industry</b>	
Heavy Industry	2.5/1,000 sq. ft. of GFA
Trucking (no loading or warehousing)	1.5/1,000 sq. ft. of GFA

- E. **Uses Not Listed in Table 15-5.0203 and Other Uses.** Parking spaces for Permitted Uses and Special Uses, and uses deemed similar, though not listed, by the Plan Commission, which are not listed in Table 15-5.0203, shall be provided in accordance with requirements designated by the approval authority.
- F. **Employee Parking.** Parking spaces required on an employee basis as set forth in Table 15-5.0203 shall be based on the average number of employees on duty or residing, or both, on the premises at any one time.
- G. **Off-Street Parking Requirements for Mixed or Combined Uses Located within the Same Building or On the Same Lot or Parcel.** Combinations of any of the uses set forth in Table 15-5.0203 shall provide the total number of off-street parking stalls and/or queuing space required for each individual use.

## **SECTION 15-5.0204**

## **OFF-STREET PARKING LOT DESIGN**

- A. **Minimum Width of Off-Street Parking Rows and Aisles.** The design of all off-street parking regulated by this Ordinance shall be in conformance with the requirements set forth in Table 15-5.0204. For any angle not shown in Table 15.50204, the width requirement shall be established via calculation of a ratio compared to the angles shown.

**Table 15-5.0204**

### **MINIMUM WIDTH OF OFF-STREET PARKING ROWS AND AISLES**

Type of Row	Parallel Spaces	45 Degree Angle Spaces	60 Degree Angle Spaces	90 Degree Angle Spaces
Single Row & Aisle	20 ft.	35 ft.	40 ft.	45 ft.
Double Row & Aisle	28 ft.	60 ft.	62 ft.	65 ft. (a)

- (a) In Accessory Parking Structures housing more than five hundred (500) vehicles, the minimum double row and aisle width for 90 degree spaces shall be 60 ft.

- B. **Required Curbs, Barriers, and Overhangs.** See Section 15-5.0304(C).

## **SECTION 15-5.0205**

## **OFF-STREET LOADING REQUIREMENTS**

Off-street loading spaces accessory to designated uses shall be provided as follows:

- A. **Location.** All required loading spaces shall be located on the same lot as the use served. No permitted or required loading space shall be located within forty (40) feet of the nearest point of intersection of any two (2) streets. No loading space shall be located in a required side yard abutting a residential zoning district, residential portion of a PDD District, or a required front yard.
- B. **Access.** Each required off-street loading space shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. Loading spaces on lots located adjacent to public ways shall be so situated as to enable the vehicles to back into the loading dock from areas other than public ways. The blocking of loading spaces by other loading spaces, permanent or moveable structures of any type, including trash receptacles or compactors, shall be prohibited.
- C. **Surfacing.** All open off-street loading spaces shall be improved with pavement and storm water drainage facilities in accordance with such standards set forth in Section 15-5.0202 of this Ordinance.
- D. **Computation.** Where the total floor area of the use being served is less than two thousand (2,000) square feet, the required off-street loading spaces may be used to satisfy the requirements for any off-street parking spaces. Employee parking maneuver areas may also be used for access to loading docks and as truck standing areas.
- E. **Repair and Service.** No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any residential or nonresidential zoning districts.

- F. **Maneuvering Space Required to Service Outdoor Loading Areas.** Adequate off-street truck maneuvering area shall be provided on-site and not within any public street right-of-way or other public lands.
- G. **Interference With Fire Exit or Emergency Access Prohibited.** Off-street loading facilities shall be designed so as not to interfere with any fire exits or emergency access facilities to either a building or site.

## **SECTION 15-5.0206**

## **OFF-STREET LOADING SPACE DESIGN**

- A. **Minimum Required Off-Street Loading Spaces Accessory to Nonresidential Uses in Business and Public and Semi-Public Districts.** The minimum number of required off-street loading spaces accessory to nonresidential uses in the B-1, B-2, B-3, B-4, B-5, B-6, CC, VB, I-1 and P-1 Districts shall be one (1) loading space for buildings containing ten thousand (10,000) to one hundred thousand (100,000) square feet of gross floor area, plus one (1) additional loading space for each additional one hundred thousand (100,000) square feet of gross floor area or fraction thereof. The minimum required size of such loading space shall be ten (10) feet in width and twenty-five (25) feet in length, exclusive of aisle and maneuvering space, and it shall have a vertical clearance of not less than fifteen (15) feet.
- B. **Minimum Required Off-Street Loading Spaces Accessory to Nonresidential Uses in Industrial Districts.** The minimum number and size of off-street loading spaces accessory to uses in the M-1, M-2, and BP Districts shall be in accordance with Table 15-5.0206. For each additional one hundred thousand (100,000) square feet of gross floor area, or fraction thereof, over one hundred thousand (100,000) square feet of gross floor area, one (1) additional loading space shall be provided. Such additional space shall be a minimum of twelve (12) feet in width by fifty (50) feet in length, and have a vertical clearance of not less than fifteen (15) feet. Loading spaces on lots located on public ways shall be so situated as to enable the vehicles to back into the loading dock from areas other than the public way.

**Table 15-5.0206**

**MINIMUM NUMBER OF REQUIRED OFF-STREET LOADING SPACES  
ACCESSORY TO NON-RESIDENTIAL USES IN INDUSTRIAL DISTRICTS  
AND RELATED MINIMUM DIMENSIONAL REQUIREMENTS**

Gross Floor Area of Building/Use Served	Minimum Required Number of Off-Street Loading Spaces	Minimum Size of Required Off-Street Loading Spaces	Minimum Vertical Clearance Required for Each Off-Street Loading Space
5,000 to 10,000 sq.ft.	1	10 ft. x 35 ft.	15 ft.
10,000 to 25,000 sq.ft.	2	12 ft. x 40 ft.	15 ft.
25,000 to 40,000 sq.ft.	2	12 ft. x 50 ft.	15 ft.
40,000 to 100,000 sq.ft.	3	12 ft. x 60 ft.	15 ft.

## **SECTION 15-5.0207**

## **DRIVEWAYS**

All driveways installed, altered, changed, replaced, or extended after the effective date of this Ordinance shall meet the following requirements as well as those set forth in Section 15-5.0107 of this Ordinance.

- A. **Islands.** Islands between driveway openings shall be provided with a minimum of twelve (12) feet between all driveways and six (6) feet from all lot lines.
- B. **Openings.** Openings for vehicular ingress and egress shall not exceed twenty- four (24) feet at the street right-of-way line and thirty (30) feet at the roadway, unless a greater distance is approved by the Plan Commission in a non-residential district.
- C. **Vehicular Entrances and Exits.** Vehicular entrances and exits to drive-in theaters; banks; restaurants; motels; funeral homes; vehicular sales, service, washing and repair stations; garages; and public parking lots shall be not less than two hundred (200) feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter, or other place of public assembly.

#### **SECTION 15-5.0208                      HIGHWAY ACCESS**

No direct private access shall be permitted to the existing or proposed rights-of-way of expressways or to any controlled access arterial street without permission of the highway agency that has access control jurisdiction.

#### **SECTION 15-5.0209                      AREA CIRCULATION PLAN REQUIRED**

In order to minimize the number of vehicular access points on arterial and collector streets when development occurs in an area, the City may require an area circulation plan be prepared pursuant to the requirements set forth in Section 15-5.0107(A)(5) of this Ordinance.

#### **SECTION 15-5.0210                      SNOW STORAGE REQUIREMENTS FOR OFF-STREET PARKING AND LOADING AREAS**

- A. **Snow Storage Prohibited in Required Off-Street Parking, Drive, and Loading Areas.** The storage of snow for more than forty-eight (48) hours is hereby prohibited in required off-street parking, drive, and loading areas.
- B. **Snow Storage Plan Required.** Prior to the approval of any site plan for any off-street parking area which exceeds five (5) vehicles or a loading area which exceeds one (1) outdoor loading berth, a snow storage and/or removal plan shall be submitted to the City Planner for review and approval.

1. Said snow storage plan shall adequately address, either graphically and/or in writing, the on-site storage of snow removed from said off-street parking or loading area or the removal from the site of such snow.
2. If the snow is to be physically removed from the site, the location of the proposed snow repository site shall be made known to the City Planner in writing.
3. A determination shall be made by the City Planner if the proposed repository site is adequate to accommodate the proposed storage of snow.
4. If the snow is proposed to be stored off-site, a letter of permission from the owner of the snow repository site shall be furnished the City Planner with the snow storage or removal plan.

C. **On-Site Snow Storage Standards for Parking and Loading Areas.** If an off-site snow repository is not used, adequate on-site snow storage shall be provided using the following standards:

1. A minimum site area representing ten (10) percent of the total required off-street parking or loading area, inclusive of access drives, shall be provided as the snow storage area.
2. The required snow storage area may be paved or not paved. In either case, adequate drainage of the snow storage area shall be provided to accommodate snowmelt, and no snowmelt shall drain on abutting properties.
3. Required setbacks, yards, and bufferyards may be used to accommodate the required snow storage area. However, areas landscaped with shrubs and/or trees shall not be used as snow storage areas.

## **DIVISION 15-5.0300      REQUIRED LANDSCAPING**

### **SECTION 15-5.0301      APPLICABILITY**

- A. **Landscaping Required.** Landscaping is required for on-lot landscaping, street bufferyards, peripheral bufferyards, and in off-street parking areas and in areas where vegetative mitigation (see Section 15-4.0103 of this Ordinance) is required. The area and/or length of each, as required herein must be measured in order to determine the amount of landscaping required.
- B. **Exemptions and Modifications.** All developments shall meet the provisions of this Division except as specifically exempted below:
  1. **Residential Development on Existing Lots of Record in the A-1, R-1, R-1E, R-2, R-3, R-3E, R-4, R-5, R-6, R-7, and VR Districts.** Residential development on existing lots of record in the A-1, R-1, R-1E, R-2, R-3, R-3E, R-4, R-5, R-6, R-7, and VR Districts as of the date of the adoption of this Ordinance.

2. **Additions to Existing Buildings Where the Total Floor Area is not Increased More than Ten (10) Percent.** Additions to existing buildings where the total floor area is not increased more than ten (10) percent of the existing total floor area.
  3. **Additions to Buildings Which Increase Overall Building Area From Ten (10) to Fifty (50) Percent.** Additions to buildings which increase their overall building area from ten (10) to fifty (50) percent shall conform to the landscaping standards set forth in this Division reduced by up to thirty (30) percent.
  4. **Floodplain and Wetland Areas.** Areas located within the FW, FC, FFO, and SW Districts are exempt from the landscaping requirements set forth in this Division.
- C. **Bufferyards to Ameliorate Nuisances Between Certain Adjacent Zoning Districts.** A bufferyard is a combination of a setback and a visual buffer or barrier, and is a yard or area together with the planting and/or landscape structure required thereon. The amount of land, the type of planting, and the amount of planting specified for each bufferyard requirement of this Ordinance are designed to ameliorate nuisances between certain adjacent zoning districts. Bufferyards are also designed to ensure a desired character along public streets and roads.
- D. **Bufferyards Required to Separate Different Zoning Districts.** Bufferyards shall be required to separate different zoning districts from each other. Bufferyards function to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs, and unsightly buildings or parking areas, or to provide spacing to reduce adverse impacts of noise, odor, or danger from fires or explosions.

## **SECTION 15-5.0302**

## **MINIMUM LANDSCAPE STANDARDS**

### **A. STANDARD PLANT UNITS**

All landscaping requirements are stated in terms of the number of standard plant units required. This Section defines the standard plant unit and its definitions of this Section. The following Table 15-5.0302 specifies the plant unit requirements.

**Table 15-5.0302**

#### **MINIMUM NUMBER OF STANDARD PLANT UNITS**

##### **Multi-Family**

<u>Type</u>	<u>Planting Size</u>	<u>Minimum Quantity</u>
Canopy/Shade Tree	2.5 inch caliper	1.5 per dwelling unit
Evergreens	4 feet tall	1 per dwelling unit
Decorative Trees	1.5 inch caliper	1 per dwelling unit
Shrubs	3 feet tall	3 per dwelling unit

##### **Commercial, Office, Institutional and Similar Uses**

<u>Type</u>	<u>Planting Size</u>	<u>Minimum Quantity</u>
Canopy/Shade Tree	2.5 inch caliper	1 per 5 provided parking spaces
Evergreens	4 feet tall	1 per 5 provided parking spaces
Decorative Trees	1.5 inch caliper	1 per 5 provided parking spaces
Shrubs	3 feet tall	1 per 5 provided parking spaces

**Manufacturing (Industrial)**

<u>Type</u>	<u>Planting Size</u>	<u>Minimum Quantity</u>
Canopy/Shade Tree	2.5 inch caliper	1 per 10 provided parking spaces
Evergreens	4 feet tall	1 per 10 provided parking spaces
Decorative Trees	1.5 inch caliper	1 per 10 provided parking spaces
Shrubs	3 feet tall	1 per 10 provided parking spaces

B. **DEFINITIONS AND CONDITIONS.** The following definitions and conditions shall apply to the application of Table 15-5.0302.

1. Canopy/Shade trees are deciduous trees, evergreens are coniferous trees, and decorative trees are flowering and/or fruit bearing trees, normally growing to full growth shorter than a shade tree.
2. The number of plantings required per parking space shall be rounded to the next highest range. For example, 52 spaces in a commercial development shall require 11 shade trees, not 10.
3. The minimum number of plantings shall be 5 per property for each type.
4. In the event a use does not provide an amount of parking commensurate with the use (i.e., service station), then the minimum amount of landscaping shall be twenty (20) shade trees per acre, twenty (20) evergreen trees per acre, ten (10) decorative trees per acre, and thirty (30) shrubs per acre. Each acre shall be divisible, rounded to the next number of plantings (i.e., 1.68 acres = 34 shade trees).
5. In the event decorative trees and/or shrubs are not appropriate for a development, then those types may be replaced by the following schedule:
  - a. One (1) shade tree for every one (1) required decorative tree.
  - b. One (1) shade tree or evergreen for every two (2) required shrubs.
6. In the event evergreens are not appropriate for a non-multi-family development, then each required evergreen may be replaced by a shade tree, but not greater than 70% replacement.
7. Upright growing arborvitae may be used as an evergreen, given the same minimum planting size.
8. Bush-type arborvitae may be used as a shrub, given the same minimum planting size.
9. See Section 15-11.0103 for the definition of caliper.

C. **BUFFERYARD.** When development abuts or is across a street from a residential zoning or use, or a less intense use such as a church or school, the following bufferyard requirements apply:

1. The minimum quantity of plantings required in Table 15-5.0302 increases by twenty (20) percent.
2. Emphasis shall be on placing the increased amount of plantings within the bufferyard, except where preservation of existing plant material does not allow additional plantings.
3. Evergreens and arborvitae are required within the buffer yard with a minimum planting height of six (6) feet.

D. **CREDIT FOR PRESERVED EXISTING PLANT MATERIALS.** Every attempt shall be made to preserve existing plant materials, in which case the following applies.

1. In a non-bufferyard, existing shade trees, evergreens, and decorative trees over six (6) feet in height shall replace one (1) equivalent type of required planting.
2. In a bufferyard, existing shade trees, evergreens and decorative trees over six (6) feet in height shall replace one-half (1/2) equivalent type of required planting.
3. In both a non-buffer and bufferyard; existing shrubs over five (5) feet in height shall replace one (1) required shrub planting.
4. Plantings to be preserved shall be shown on the submitted landscape plan, including exact location, size and type.

E. **ALTERNATIVE MINIMUM LANDSCAPE SURFACE RATIO**

Use of the Alternative Minimum Landscape Surface Ratio shall require a minimum caliper of three (3) inch shade trees, a minimum caliper of two (2) inch decorative trees and a minimum size of six (6) foot evergreens, along with an increase by 20% of the minimum quantity of plantings required by Table 15-5.0302. If a bufferyard is present, then the required quantity increases by 30%.

F. **SPECIES OF PLANTINGS.** To encourage a variety of year-round colors and planting of native vegetation, and to prevent destruction of the landscaping through disease, the following species mix is required for each planting type.

<u>Provided Plantings</u>	<u>Minimum Number of Different Species</u>	<u>Minimum Number of Each Species Planted</u>
5 to 11	2	2
12 to 20	3	4
21 to 30	4	5
31 to 40	4	6
41 to 50	4	8
51 and above	4	10

1. No one species shall exceed 35% of species planted within a planting type, with three (3) or more species required.



2. At least two (2) species of shade trees must be native to the City, such as Ash, Elm, Sugar Maple, Red Oak, Basswood or Walnut.

G. **GROUND COVER.** All areas not covered by buildings or paving shall be covered with landscaping.

1. Open areas not covered by plantings shall be covered by grass, low growing ground cover, or other landscape materials, except where existing natural vegetation of the site makes the growing of grass impossible. The use of grass as ground cover on flat open areas is necessary. The use of growing, low maintenance ground cover on slopes is encouraged.
2. All parking lot landscaped islands shall be covered by grass. The use of stone, wood chips, or other non-grass material to cover a parking lot landscaped island shall be prohibited.
3. The type of ground cover to be used shall be shown on the Landscape Plan, and the cost of the ground cover shall be included with the submitted estimated landscape costs.

H. **PLACEMENT.** Generally, placement of all types of plantings shall be dispersed across the entire site at discretion of developer, with the following minimum guidelines:

1. Hardest species of plantings (including those engineered for high traffic areas) shall be placed in the highest vehicular and pedestrian traffic areas.
2. Native species of shade trees shall be placed away from the highest vehicular and pedestrian traffic areas.
3. Plantings shall be located so as not to obscure vehicle sight lines.
4. Plantings shall be located so future growth is not over a sidewalk or parking/ drive area.
5. Plantings shall be located to soften tall and long building walls.
6. Emphasis of plantings within buffer yards.
7. Any fruit bearing trees shall be located away from parking/drive areas.

I. **THE LANDSCAPE PLAN.** The Landscape Plan shall include preparer's name, date of preparation, a base site plan that matches the site plan submitted for approval, showing planting locations and existing plantings to be preserved, the Landscape Surface Ratio percentage, a planting schedule of common name, botanical name, planting size, and calculations showing how the plan exceeds the minimum quantity. Landscape Plans shall be submitted with initial application and for building permit, or as a condition of approval of an application as may otherwise be specifically set forth in the Ordinance, excepting that an applicant must at a minimum file a preliminary landscape plan generally depicting the landscaping for the site at the time of initial application filing. Landscape Plans must be approved by the Plan Commission.

- A. **Physical Containment of Landscaped Areas.** All landscaped areas located within or adjacent to a parking area, or adjacent to a public street or sidewalk, shall be designed to contain landscape materials and to prevent vehicular encroachment (i.e., through use of continuous concrete curbing, railroad ties, headers, or depressed construction).
- B. **Artificial Landscape Materials.** Artificial trees, shrubs, turf, or plants shall not be permitted as landscaping.
- C. **Groundcover.** The use of landscape fabrics under all areas landscaped with non-living materials, except those areas set aside for stormwater retention/detention, is recommended to prevent weed growth.
- D. **Irrigation.** A permanent, on-site, outdoor water supply (underground or drip irrigation, hose bibs, etc.) that provides complete coverage to all new living landscaped areas is required. Watering systems shall be designed to water landscaped areas efficiently and avoid irrigation of adjacent parking areas and access drives, sidewalks, buildings, and public streets. If hose bibs are used, they must be located within one hundred (100) feet of any landscaped area.
- E. **Location.** New vegetation shall be selected, planted, and maintained so that at maturity it will not interfere with utility lines, snow storage areas, vehicular parking, pedestrian circulation, traffic sight visibility at driveways and street intersections, and will not cause damage or upheaval of sidewalks and pavement.
- F. **Installation**
  - 1. **Timing of Installation.** Landscaping and watering devices shall be installed in accordance with the approved landscape plan prior to issuance of a Zoning Compliance Permit or commencement of operations. The City will have the right to refuse approval of any project not meeting the provisions of this Section.
  - 2. **Return of Financial Surety.** When it is determined that the landscaping and watering systems have been installed in accordance with the approved plans, the City shall return the surety to the applicant.
- G. **Maintenance**
  - 1. **Responsibility for Maintenance**
    - a. Maintenance of all landscaping shall be the responsibility of the owner, lessee, heirs, assigns, agents, homeowners' association, or other liable entity of the property and shall consist of regular watering, pruning, mowing, fertilizing, removal and replacement of irrigation systems, and architectural features.
    - b. The owner or liable entity in control of any private premises shall at all times maintain the premises free of litter and weeds.
  - 2. **Landscape Phasing.** Future building pads within a phased development shall be maintained in a dust-free condition vegetated with groundcover.

3. **Plant Replacement.** Any plant materials included in an approved landscaping plan that do not survive a plant establishment period of two (2) years after installation shall be replaced with plant material(s) of the same or like species of equal size within the next planting season, but in any event, within six (6) months of the plant's demise. Said replacement shall be made by the property owner or, in the case of landscape plant materials located within a landscape easement under the control of a homeowners' association, the homeowners' association shall be responsible for said replacement.
- H. **Plant Material Species Mixture.** All landscape plant materials selected shall be adequately mixed so that no singular species exceeds forty (40) percent of the total planting requirements. Said mixture shall include the use of both hardwood and softwood species types if deciduous materials are specified.

#### **SECTION 15-5.0304**

#### **MINIMUM LANDSCAPING STANDARDS FOR OFF-STREET PARKING AREAS AND LOTS**

- A. **Minimum Landscaping Requirements for Residential and Nonresidential Off-Street Parking Areas and Lots.** Each residential and nonresidential off-street parking lot shall contain landscaping within the parking lots and adjoining entrance drives and circulation drives.
- B. **Existing Vegetation May Count Toward the Provision of Minimum Off-Street Parking Landscape Requirements.** Existing trees that can be preserved, where grading does not cut them off from a reasonable supply of water and where the area under the canopy remains undisturbed, shall count toward the minimum off street parking landscape requirements. For plantings that are preserved within parking lot islands, the islands shall be a minimum of three hundred (300) square feet in area.
- C. **Curbs, Barriers, and Overhangs Required to Contain Landscape Areas.** The curb or barrier around landscape areas may be utilized as a wheel-stop provided the area of vehicle overhang does not exceed two (2) feet and does not damage or interfere with the landscaping. Where vehicle overhangs abut required landscape areas, a minimum five (5) foot wide planting area is required for a single vehicle overhang, and an eight (8) foot wide planter for a double vehicle overhang is required. Vehicle overhang into the public right-of-way is not permitted.
- D. **Uses Not Permitted in Required Landscaped Areas.** Parking (except where vehicle overhang is permitted), buildings, and display of equipment or vehicles are not permitted in required landscaped areas.
- E. **Required Landscape Materials Not to Constitute a Driving Hazard.** To ensure that landscape materials do not constitute a driving hazard, trees used to landscape parking islands shall have a clear trunk height of six (6) feet; mature shrubs, groundcover, or other landscaping material shall not exceed three (3) feet in height. The landscaped area within these planters may be used to satisfy, to the extent provided, the landscaping requirements.

#### **DIVISION 15-5.0400    LIGHTING STANDARDS**

**SECTION 15-5.0401****EXTERIOR LIGHTING STANDARDS**

Exterior lighting shall meet one (1) of the following standards:

- A. **Requirements for the Use of No Cut-Off Type Luminaires.** When a light source or luminaire has no cut-off type luminaire, the maximum permitted illumination and the maximum permitted luminaire height shall be as set forth in Table 15-5.0401(A).

**Table 15-5.0401(A)**

**REQUIREMENTS FOR THE USE OF NO CUT-OFF TYPE LUMINAIRES (a)**

Zoning District	Maximum Permitted Illumination (a) (footcandles)	Maximum Permitted Luminaire Height (feet)
A-1, A-2, R-1, R-1E, R-2, R-3, R-3E, R-4, R-5, R-6, and R-7 Residential Districts	0.20	10
R-8 and VR Districts	0.30	15
B-1, B-6, CC, and VB Districts	0.30	20
All Other Districts (excluding the FW, FC, FFO, and SW Districts)	0.30 (b)	25 (b)
City Required Street Lights in All Districts	Per the Requirements and Specifications of Section 15-5.0404 of the City of Franklin Unified Development Ordinance	Per the Requirements and Specifications of Section 15-5.0404 of the City of Franklin Unified Development Ordinance

- (a) These standards do not address illumination levels or fixture height which may be required by the City for the adequate lighting of public street rights-of-way. These represent maximum illumination levels on private property as measured at the property line.
- (b) See Section 15-5.0403 for lighting standards for outdoor recreational facilities in the P-1 Park District.

- B. **Requirements for Total Cut-Off Type Luminaires (with Angle Greater than 90 Degrees).** When a luminaire has total cutoff of light at an angle greater than ninety (90) degrees, the maximum illumination and the maximum permitted luminaire height shall be as set forth in Table 15-5.0401(B).

**Table 15-5.0401(B)**

**REQUIREMENTS FOR THE USE OF CUT-OFF TYPE LUMINAIRES  
WITH ANGLE GREATER THAN 90 DEGREES (a)**

Zoning District	Maximum Permitted Illumination (a) (footcandles)	Maximum Permitted Luminaire Height (feet)
A-1, A-2, R-1, R-1E, R-2, R-3, R-3E, R-4, R-5, R-6, and R-7 Residential Districts	0.5	12
R-8 and VR Districts	0.8	20
B-1, B-6, CC, and VB Districts	1.0	25

All Other Districts (excluding the FW, FC, FFO, and SW Districts)	2.0 (b)	30 (b)
City Required Street Lights in All Districts	Per the Requirements and Specifications of Section 15-5.0404 of the City of Franklin Unified Development Ordinance	Per the Requirements and Specifications of Section 15-5.0404 of the City of Franklin Unified Development Ordinance)

- (a) These standards do not address illumination levels or fixture height which may be required by the City for the adequate lighting of public street rights-of-way. These represent maximum illumination levels on private property as measured at the property line.
- (b) See Section 15-5.0403 for lighting standards for outdoor recreational facilities in the P-1 Park District.

- C. **Requirements for Total Cut-Off Type Luminaires (with Angle Less than 90 Degrees).** When a luminaire has total cut-off of light at an angle less than ninety (90) degrees and is located so that the bare light bulb, lamp, or light source is completely shielded from the direct view of an observer five (5) feet above the ground at the point where the cut-off angle intersects the ground, then the maximum permitted illumination and the maximum permitted height of the luminaire shall be as set forth in Table 15-5.0401(C).

**Table 15-5.0401(C)**

**REQUIREMENTS FOR THE USE OF CUT-OFF TYPE LUMINAIRES  
WITH ANGLE LESS THAN 90 DEGREES (a)**

Zoning District	Maximum Permitted Illumination (a) (footcandles)	Maximum Permitted Luminaire Height (feet)
A-1, A-2, R-1, R-1E, R-2, R-3, R-3E, R-4, R-5, R-6, and R-7 Residential Districts	0.8	15
R-8 and VR Districts	1.0	20
B-1 and VB Districts	2.0	25
B-6 and CC Districts	3.0	30
All Other Districts (excluding the FW, FC, FFO, and SW Districts)	4.0 (b)	50 (b)
City Required Street Lights in All Districts	Per the Requirements and Specifications of Section 15-5.0404 of the City of Franklin Unified Development Ordinance	Per the Requirements and Specifications of Section 15-5.0404 of the City of Franklin Unified Development Ordinance)

- (a) These standards do not address illumination levels or fixture height that may be required by the City for the adequate lighting of public street rights-of-way. These represent maximum illumination levels on private property as measured at the property line.
- (b) See Section 15-5.0403 for lighting standards for outdoor recreational facilities in the P-1 Park District.

## **SECTION 15-5.0402**

## **EXTERIOR LIGHTING PLAN REQUIRED**

- A. **General.** At the time any exterior light is installed or substantially modified, and whenever a Zoning Compliance Permit application is made, an exterior lighting plan shall be submitted to the City in order to determine whether the requirements of this Section have been met and that adjoining property will not be adversely impacted by the proposed lighting.
- B. **Lighting Plan Elements.** A Lighting Plan submitted pursuant to this Ordinance shall have, at a minimum, the following elements:
1. A catalog page, cut sheet, or photograph of the luminaire including the mounting method.
  2. A photometric data test report of the proposed luminaire graphically showing the lighting distribution at all angles vertically and horizontally around the luminaire.
  3. A plot plan, drawn to a recognized engineering or architectural scale, indicating the location of the luminaire(s) proposed, mounting and/or installation height in feet, the overall illumination levels (in footcandles) and uniformities on the site, and the illumination levels (in footcandles) at the property boundary lines. This may be accomplished by means of an isolux curve or computer printout projecting the illumination levels.
  4. A graphic depiction of the luminaire lamp (or bulb) concealment and light cut-off angles.

## **SECTION 15-5.0403**

## **EXTERIOR LIGHTING FOR SPECIFIED OUTDOOR RECREATIONAL USES**

Ball diamonds, playing fields, golf driving ranges, tennis courts and similar outdoor recreational facilities have unique requirements for nighttime visibility and generally have limited hours of operation. These uses may be exempted from the exterior lighting standards of the Division if the applicant can satisfy the Plan Commission, upon Site Plan Review, that the following requirements are met:

- A. **Site Plan.** The Site Plan must meet all other requirements of this Division and Ordinance; and
- B. **Exterior Light Sources.** Any exterior light sources shall not exceed the maximum permitted post height of sixty (60) feet; and
- C. **Shielded luminaires.** If the luminaire is shielded in either its orientation or by a landscaped bufferyard to prevent light and glare spill-over to adjacent residential property(s) or residential zoning districts, then the luminaire may exceed a total cut-off angle of ninety (90) degrees. The maximum permitted illumination at the interior bufferyard line of all required bufferyards shall not exceed two (2) footcandles; and
- D. **Lighting Plan Required.** A Lighting Plan meeting the requirements of Section 15-5.0402 of this Division shall be submitted to the Plan Commission for review and approval.

## **SECTION 15-5.0404**

## **STREET LIGHTING**

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

#### **SECTION 15-5.0405                      SEARCHLIGHTS**

The Zoning Administrator may permit the temporary use of a searchlight for advertising purposes in any non-residential zoning district, provided that the searchlight will not be located in any public right-of-way, will not be located closer than ten (10) feet to an adjacent property, and will not cause a hazard to traffic or adjoining properties. Searchlight permits shall not be granted for a period or more than five (5) days in any six- (6) month period.

#### **SECTION 15-5.0406                      ADDITIONAL REGULATIONS**

Notwithstanding any other provision of this Section to the contrary the following provisions shall also be applicable.

- A.     **Flickering and Flashing Lights.** No flickering or flashing lights shall be permitted.
- B.     **Light Sources and/or Luminaires Not to be Located Within Required Bufferyards.** Light sources or luminaires shall not be located within required bufferyard areas except on pedestrian walkways.
- C.     **Requirements of Other Applicable Codes and Ordinances to be Met.** The provisions of this Division are designed to supplement other applicable ordinances and codes and not as a substitute. All outdoor electrically powered illuminating devices shall be installed in conformance with the provisions of this Ordinance, applicable building codes and ordinances, electrical codes and ordinances, and all other codes and ordinances as applicable and under appropriate permit and inspection.

#### **SECTION 15-5.0407                      LIGHT MEASUREMENT**

- A.     **Metering Equipment.** Lighting levels shall be measured in footcandles with a direct-reading, portable light meter. The meter shall be read within an accuracy of plus or minus five (5) percent. It shall have been tested, calibrated, and certified by an independent commercial photometric laboratory or the manufacturer within thirty (30) days of its use.
- B.     **Method of Measurement.** The meter sensor shall be mounted not more than six (6) inches above ground level in a horizontal position at the interior line of the bufferyard or at the property line, as required herein. Readings shall be taken only after the cell has been exposed long enough to provide a constant reading. In order to eliminate the effects of moonlight and other ambient light, measurements shall be made after dark with the light source in question on, then with the same sources off. The average of the two (2) readings shall be compared to the maximum permitted illumination allowed under this Division.





# Part 6

## **PART 6: OTHER REQUIREMENTS**

### **DIVISION 15-6.0100     ADULT-ORIENTED ESTABLISHMENTS**

#### **SECTION 15-6.0101     DEFINITIONS**

- A. “Adult-oriented establishment” shall include, but is not limited to, “adult bookstores”, “adult motion picture theaters”, “adult mini-motion picture establishments”, or “adult cabarets”. It further means any premises to which public patrons or members are invited or admitted and which are so physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purposes of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, whether or not such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect.
- B. “Adult bookstore” means an establishment having as a substantial or significant portion of its stock in trade, for sale, rent, lease, inspection or viewing, books, films, video cassettes, DVDs, magazines or other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or related to “specified anatomical areas”, or “specified sexual activities”, as defined below, or an establishment with a segment or section devoted to the sale, rental or display of such material.
- C. “Adult motion picture theater” means an enclosed building with a capacity of fifty (50) or more persons used for presenting material having as its dominant theme, or distinguished or characterized by an emphasis on, matters depicting, describing or relating to “specified sexual activities”, or “specified anatomical areas”, as defined below, for observation by patrons therein.
- D. “Adult mini-motion picture theater” means an enclosed building with a capacity of less than fifty (50) persons used for presenting material having as its dominant theme, or distinguished or characterized by an emphasis on, matters depicting, describing or relating to “specified sexual activities”, or “specified anatomical areas”, as defined below, for observation by patrons therein.
- E. “Adult cabaret” means a cabaret which features dancers, strippers, male or female impersonators, or similar entertainers, performing or presenting material having as its dominant theme, or distinguished or characterized by an emphasis on, any actual or simulated “specified sexual activities”, or “specified anatomical areas”, as defined below, except as is prohibited by Section 10.30 of the Municipal Code.
- F. “Adult entertainment” means any motion pictures, live performance, display or dance of any type, which has as its dominant theme, or is distinguished or characterized by an emphasis on, any actual or simulated “specified sexual activities”, or “specified anatomical areas”, as defined below, except as prohibited by Section 10.30 of the Municipal Code.

G. “Specified sexual activities” means simulated or actual:

1. Showing of human genitals in a state of sexual stimulation or arousal;
2. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sado-masochistic abuse, fellatio or cunnilingus;
3. Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.

H. “Specified anatomical areas” means:

1. Less than completely and opaquely covered human genitals, pubic region, erineum, buttocks, female breasts below the point immediately above the top of the areola;
2. Human male genitals in a discernable turgid state, even if opaquely covered.

#### **SECTION 15-6.0102**

#### **LOCATION OF ADULT-ORIENTED ESTABLISHMENTS**

- A. In M-1 and M-2 Districts, adult-oriented establishments shall not locate within 1,000 feet of any residential district, any public or private school, child care center, church, religious institution, or any public park, and shall not locate within 1,000 feet of any tavern entertainment licensed premises or any other adult-oriented establishment.
- B. Adult-oriented establishments, as defined, are prohibited in all zones, except M-1 and M-2 Districts.
- C. Standards of Measurement
- D. The distances provided in this section shall be measured in a straight line without regard to intervening structures or objects from the closest point of the structure or portion of the structure occupied or proposed for occupancy by the adult-oriented establishment to the nearest point of the parcel of property or land use district boundary line from which the proposed land use is to be separated.

#### **SECTION 15-6.0103**

#### **CONFORMANCE WITH ZONING CODE AND LAWS**

In all zones where adult-oriented establishments are permitted, all regulations and requirements of the City of Franklin Zoning Code and all other applicable laws, statutes, rules and orders must be met. Additionally, all provisions of the zoning district in which the establishment is located must also be met.

#### **SECTION 15-6.0104**

#### **SEVERABILITY**

The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and not affect the validity of all other provisions, sections or portions thereof of the Ordinance which shall remain in full force and effect.

# Part 7

# **PART 7: REQUIRED PLANS, PLATS, AND MAPS**

## **DIVISION 15-7.0100     SITE PLAN**

### **SECTION 15-7.0101            GENERAL**

For the purpose of promoting compatible development and stability of property values, and to prevent impairment or depreciation of property values, no person shall commence any use or erect any structure, with the exception of essential services and single-family and two-family dwellings, without first obtaining the approval of the Plan Commission of a detailed Site Plan(s) as set forth in this Section. The Plan Commission shall review the site, natural resource features of the site, site intensity of use, building location, density of dwelling units, floor area, impervious surface area, existing and proposed structures, architectural plans, neighboring uses, potential impacts upon neighboring uses, utilization of landscaping and open space, off-street parking and loading areas, driveway locations, loading and unloading in the case of commercial and industrial uses, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation.

### **SECTION 15-7.0102            PRINCIPLES AND STANDARDS OF REVIEW**

The Plan Commission will approve said Site Plan(s) only after determining that:

- A.     **Conformity of Use to Zoning District.** The proposed use(s) conform(s) to the uses permitted as either a "Permitted Use" or "Special Use" (whichever is applicable) in the zoning district.
- B.     **Dimensional Requirements.** The dimensional arrangement of buildings and structures conform to the required area, yard, setback, and height restrictions of the Ordinance.
- C.     **Site Intensity and Site Capacity Calculations to be Reviewed.** The requirements of Division 15-3.0500 of this Ordinance shall be met. In this respect, the necessary worksheets for determining the maximum site intensity, or development capacity, of the site shall be submitted to the Plan Commission for review and approval.
- D.     **Use and Design Provisions.** The proposed use conforms to all use and design provisions and requirements (if any) as found in this Ordinance for the specified uses.
- E.     **Relation to Existing and Proposed Streets and Highways.** There is a proper relationship between the existing and proposed streets and highways within the vicinity of the project in order to assure the safety and convenience of pedestrian and vehicular traffic. In the case of arterial streets and highways not under the jurisdiction of the City of Franklin, that the applicable highway authority (County, State, or Federal) has been contacted and the needed permits have been obtained and submitted to the City for review.
- F.     **Impacts on Surrounding Uses.** The proposed on-site buildings, structures, and entry ways are situated and designed to minimize adverse effects upon owners and occupants of adjacent and surrounding properties by providing for adequate design of ingress/egress, and interior/exterior traffic flow, stormwater drainage, erosion, grading, lighting, and parking, as specified by this Ordinance or any other codes or laws.

- G. **Natural Resource Features Protection.** Natural features of the landscape are retained to enhance the development on the site, or where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes or where they assist in preserving the general safety, health, welfare, and appearance of the neighborhood. The requirements set forth in Divisions 15-4.0100, 15-7.0100, and 15-11.0100 are to be met. Where required, a "Natural Resource Protection Plan" meeting the requirements set forth in Division 15-7.0100 has also been submitted for Plan Commission review and approval.
- H. **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.
- I. **Provision of Emergency Vehicle Accessibility.** Land, buildings, and structures are readily accessible to emergency vehicles and the handicapped.
- J. **Building Location.** No building shall be permitted to be sited in a manner which would unnecessarily destroy or substantially damage the beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in the area; or which would unnecessarily have an adverse effect on the beauty and general enjoyment of existing structures on adjoining properties.
- K. **Location and Design of On-Site Waste Disposal and Loading Facilities.** No on-site waste disposal and/or loading facility shall be permitted to be designed or sited in a manner which would unnecessarily destroy or substantially damage the beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in the area; or which would unnecessarily have an adverse effect on the beauty and general enjoyment of the existing structures on adjoining properties.
- L. **Consistency with the Intent of the City of Franklin Unified Development Ordinance.** The Site Plan is consistent with the intent and purposes of the City of Franklin Unified Development Ordinance which is to promote the public health, safety, and general welfare, to encourage the use of lands in accordance with their character and adaptability, to avoid the overcrowding of population, to lessen congestion on the public roads and streets, to reduce hazards of life and property, to facilitate the implementation of the City of Franklin Comprehensive Master Plan, or component thereof, and those other purposes and intents of this Ordinance set forth in Division 15-1.0100 of this Ordinance.
- M. **Consistency with the Intent of the City of Franklin Comprehensive Master Plan.** The Site Plan is consistent with the public goals, objectives, principles, standards, policies, and urban-design criteria set forth in the City-adopted Comprehensive Master Plan or component thereof.
- N. **Plan Commission Reserves the Right to Determine a Site "Unsuitable" for Planned Use.** Pursuant to the requirements of Section 15-2.0103(B)(3) of this Ordinance, the Plan Commission reserves the right to declare land or structures unsuitable for planned use during the site plan review process.

The Site Plan(s) and related plans and data shall be submitted to the Zoning Administrator who shall transmit all Site Plan Review Applications and their accompanying Site Plan(s) and related plans and data to the Plan Commission for their review and approval. Twenty (20) full size copies of said Site Plan shall be submitted with twenty (20) copies of the Site Plan Review Application. Site Plan(s) submitted with Site Plan Review Applications shall include the following:

- A. **Scale and Name of Project.** Site Plan drawn to a recognized engineering scale with the name of project noted.
- B. **Owner's and/or Developer's Name and Address.** Owner's and/or developer's name and address noted on the Site Plan.
- C. **Architect and/or Engineer's Name and Address.** Architect and/or engineer's name, address, and seal noted.
- D. **Date.** Date of Site Plan submittal with all dates of revision.
- E. **Scale and Site Size.** The scale of drawing and the size of the site (in square feet or acres) noted on the Site Plan.
- F. **Existing and Proposed Topography.** Existing and proposed topography shown at a contour interval of not more than two (2) feet at National Geodetic Vertical Datum of 1929 (mean sea level). Existing contour lines may also be required to be shown a distance of two hundred (200) feet outside of the boundaries the subject property by the Zoning Administrator and/or Plan Commission. A site grading plan may also be required by the Zoning Administrator and/or Plan Commission.
- G. **Soils Data.** The characteristics and types of soils related to contemplated specific uses. Soil borings may be required by the City Engineer, Zoning Administrator, and/or Plan Commission.
- H. **Off-Street Parking Spaces, Loading, Ingress and Egress, and Driveway Locations of Adjoining Properties.** The total number of off-street parking spaces, loading areas, drives, curb cuts, and vehicular ingress and egress locations to the site. If the proposed development abuts an existing or planned collector or arterial street or highway, as identified on the City of Franklin Comprehensive Master Plan or component thereof, all driveway locations of all adjoining properties within two hundred (200) feet of the site shall be graphically indicated and dimensioned (with distances and widths noted) on the Site Plan.
- I. **Type, Size, and Location of All Structures and Signs.** The type, size, and location of all structures and signs with all building and sign dimensions.
- J. **Building Height.** Height of all building(s), including both principal and accessory, expressed in both feet and stories.
- K. **Existing and Proposed Street Names.** Existing and proposed street names.
- L. **Existing and Proposed Public Street Rights-of-Way or Reservations.** Existing and proposed public street rights-of-way or reservations and widths.

- M. **Setbacks, Shore Buffers, Wetland Buffers, Wetland Setbacks, and Building Lines.** All required setbacks, shore buffers, wetland buffers, wetland setbacks, and building lines shall be graphically indicated and dimensioned on the Site Plan.
- N. **North Arrow.** North arrow.
- O. **Proposed Sanitary Sewers, Storm Sewers, and Water Mains.** Existing and general location of proposed sanitary sewers, storm sewers (including direction of flow), water mains, and fire hydrants. All locations for the proposed connections and the proposed elevations of said connections to such utilities shall be indicated on the Site Plan
- P. **Proposed Stormwater Management Facilities.** Location of any proposed stormwater management facilities, including detention/retention area(s), and the submission of stormwater calculations which justify the stormwater detention/retention area(s). Said submission shall indicate how the planned stormwater drainage system meets the requirements of the City's stormwater management plan. An applicant may elect to only file a preliminary stormwater plan generally depicting the stormwater drainage and facilities for the site at the time of Site Plan Review Application filing, with the later submission of a Stormwater Management Plan as defined in §15-8.0605(44) of this Ordinance to be a condition of any final Application approval, except where Department of City Development staff requires the filing of a Stormwater Management Plan with the Application or the Plan Commission requires the Stormwater Management Plan submission during its review of the Application, upon a determination that same is reasonably necessary in order to properly review the stormwater impacts of the proposed development.
- Q. **"Natural Resource Protection Plan" Required.** Location of natural resource features present on the site, as defined in Divisions 15-4.0100 and 15-11.0100 of this Ordinance. A "Natural Resource Protection Plan" meeting the requirements of Division 15-7.0100 of this Ordinance shall be submitted with the Site Plan Review Application for Plan Commission review and approval. The "Natural Resource Protection Plan" shall contain any areas of the site where natural resources are to be mitigated and how and where the mitigation is to take place with natural resource protection easements indicated. Copies of any letters of review or permits granted by applicable Federal or State regulatory agencies having jurisdiction over said natural resources shall also be submitted.
- R. **"Landscape Plan" Required.** Where landscaping as required in Division 15-5.0300 of this Ordinance is to be installed on the site, a "Landscape Plan" meeting the requirements set forth in Division 15-5.0300 of this Ordinance shall be submitted for Plan Commission review and approval. An applicant may elect to only file a preliminary landscape plan generally depicting the landscaping for the site at the time of Site Plan Review Application filing, with the later submission of a Landscape Plan to be a condition of any final Application approval, except where Department of City Development staff requires the filing of a Landscape Plan with the Application or the Plan Commission requires the Landscape Plan submission during its review of the Application, upon a determination that same is reasonably necessary in order to properly review the visual impacts of the proposed development. Landscape Plans must be approved by the Plan Commission.
- S. **Site Intensity and Capacity Calculations to be Submitted.** The "Site Intensity and Capacity Calculation" worksheets required under Division 15-3.0500 for determining the maximum site intensity, or development capacity, of the site. For residential uses, the maximum number of dwelling units permitted on the site shall be determined based upon the zoning district's maximum density



(gross and net), the natural resources present on the site and the level of their preservation, minimum open space ratio, and the residential development option selected. For nonresidential uses, the maximum floor area permitted on the site shall be determined based upon the zoning district's allowable maximum floor area ratio (gross and net), the natural resources present on the site and their level of preservation, the minimum landscape surface ratio, and building height in feet and stories.

- T. **Pedestrian Sidewalks and Walkways.** The location of pedestrian sidewalks and walkways.
- U. **Development Staging/Phasing.** A graphic outline of any development staging or phasing which is planned.
- V. **Architectural Plans, Elevations, and Perspective Drawings and Sketches.** Architectural plans, elevations, and perspective drawings and sketches illustrating the design, character, materials, and dimensions of proposed structures. At this stage of the project review process, said architectural plans, elevations, perspective drawings, and sketches do not need to meet the requirements of Division 15-7.0800 of this Ordinance.
- W. **Lighting Plan Required.** A "Lighting Plan" which meets the lighting regulations set forth in Division 15-5.0400 of this Ordinance. Said Lighting Plan shall indicate the location, type, and illumination level (in footcandles) of all outdoor lighting proposed to illuminate the site. An applicant may elect to only file a preliminary lighting plan generally depicting the lighting for the site at the time of Site Plan Review Application filing, with the later submission of a Lighting Plan to be a condition of any final Application approval, except where Department of City Development staff requires the filing of a Lighting Plan with the Application or the Plan Commission requires the Lighting Plan submission during its review of the Application, upon a determination that same is reasonably necessary in order to properly review the visual impacts of the proposed development.
- X. **Easements.** The location of all existing and proposed easements on the site including natural resource protection and mitigation area easements, landscape easements, access easements, utility easements, and all other easements.
- Y. **Highway Access.** Copies of any letters of review or permits granted by applicable federal, State, or County regulatory agencies having jurisdiction over highway access, if applicable.
- Z. **Existing and Proposed Zoning Boundaries.** The existing and proposed zoning boundaries of the property.
- AA. **Market Analysis.** In the case of a commercial use on a parcel of land greater than thirty thousand (30,000) square feet in area, a market analysis, prepared and signed by an independent market analyst acceptable to the Plan Commission, containing the following:
  - 1. Trade area.
  - 2. Population of trade area, present and projected.
  - 3. Effective buying power in the trade area, present and projected (in the case of retail).

4. Residual buying power and how it may be expected to be expended in existing business areas serving the trade area.
- BB. **Financial Plan for Project Implementation to be Provided.** A financial plan for project implementation, acceptable to the Plan Commission.
- CC. **Project Summary.** A written project summary including fiscal impact upon the City of Franklin, operational information, building schedule, and estimate of project value and including all site improvement costs.
- DD. **Additional Data May be Required by the City.** Additional data as may be required by the Plan Commission, Zoning Administrator, City Planner, or City Engineer to review the Site Plan. Such other data may include the preparation and submittal of detailed traffic impact analyses studies performed by a transportation engineer or fiscal impact analyses studies.

#### **SECTION 15-7.0104**

#### **SITE PLAN REVIEW AND FINDINGS**

The Plan Commission shall review the referred plans within sixty (60) days following their submittal. The Plan Commission shall render a decision at a subsequent Plan Commission meeting. The Plan Commission shall not approve any Site Plan(s) or other required plans unless they find after viewing the Site Plan Review Application and data that the structure or use, as planned, will not violate the intent and purpose of this Ordinance. The Plan Commission will approve said plans only after determining the proposed building or buildings will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or traffic congestion, or otherwise endanger the public health or safety and provided such proposed development meets the various intent and purpose statements set forth in Division 15-1.0100 and elsewhere in this Ordinance. Said decision shall be filed with the Zoning Administrator in the form of a Plan Commission Resolution.

#### **SECTION 15-7.0105**

#### **FINANCIAL SURETIES REQUIRED**

The Plan Commission may impose time schedules for the completion of buildings, improved off-street parking and loading areas, open space utilization, utilities, landscaping, and natural resource features mitigation. The Plan Commission may require appropriate financial sureties as deemed necessary to guarantee that improvements including improved off-street parking and loading areas, open space areas, utilities, landscaping, and natural resource features mitigation will be completed on schedule. The amount of such financial surety may be reduced from time to time by the written approval of the Planning and Zoning Administrator upon application of the person required to provide such surety, in the amount of the cost of such improvements as satisfactorily completed for which such surety was in part imposed, in the reasonable determination of the Planning and Zoning Administrator. (Also see Section 15-5.0304).

## **SECTION 15-7.0106**

## **LIMITATIONS ON SITE PLAN APPROVAL AND EXPIRATION**

Except in the case of approved PDD Planned Development Districts, no site plan approval shall be valid for a period longer than one (1) year 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, Special Use Permit, or Occupancy Permit is issued and a use commences within that period.

## **SECTION 15-7.0107**

## **MINOR SITE PLAN AMENDMENT**

Notwithstanding anything to the contrary set forth in this Division 15-7.0100, any minor amendment (as set forth herein) to an approved Site Plan may be submitted to the Planning Manager for administrative approval. Any minor amendment is an amendment(s) which is supported by an application request due to a reasonable and bona fide change in circumstances occurring since the prior approval, and which does not: i) significantly alter the character, functionality, safety, or appearance of the development; ii) result in a significant decrease in the amount or quality of the approved amenities; iii) result in significant changes in architectural styles, colors or building materials that are inconsistent with the approved Site Plan; iv) result in changes to such items as a phasing plan or developer control, that substantially impact the development or development in the area; or v) result in any amendment that would modify any aspect or portion of an adopted Site Plan for which a specific condition was retained or added from input at a public hearing or other public input of record by the Plan Commission and/or the Common Council.

## **DIVISION 15-7.0200**

## **NATURAL RESOURCE PROTECTION PLAN**

### **SECTION 15-7.0201**

### **NATURAL RESOURCE PROTECTION PLAN REQUIREMENTS**

If natural resource features defined and described in Divisions 15-4.0100 and 15-11.0100 of this Ordinance are present on the property for which a Site Plan review, Certified Survey Map (except as otherwise provided for by the exclusions as identified in §15-3.0501C.), Subdivision Plat, or Condominium is requested, thirty (30) full size copies of a "Natural Resource Protection Plan" drawn to the same scale as the Site Plan, Certified Survey Map (except as otherwise provided for by the exclusions as identified in §15-3.0501C.), Preliminary Plat, or Condominium submission shall be prepared in accordance with this Ordinance and submitted. The "Natural Resource Protection Plan" shall show the following:

- A. **Proposed Name.** The proposed name of the development, project, Certified Survey Map, Subdivision Plat, or Condominium.
- B. **Location.** The location of the proposed development, project, Certified Survey Map, Subdivision Plat, or Condominium.
- C. **Names, Addresses, and Telephone Numbers of the Owners, Subdividers, Lessee and/or Developer.** The names, addresses, and telephone numbers of the owners, subdividers, lessee and/or developer(s) of the property and of the designer of the plan.
- D. **Date.** Date of the "Natural Resource Plan" submittal and all applicable revision dates.

- E. **Site Boundary.** The boundary line of the site with dimensions and bearings, indicated by a solid line, and the total land area encompassed by the site.
- F. **Lot Lines, Right-of-Way Lines, and Easements.** The location of all proposed lot lines, right-of-way lines, and easements.
- G. **Existing Streets.** The location, ownership, widths, and names (if available) of all existing and previously platted streets, rights-of-way, parks, and other public or open spaces located within or adjacent to the subject property.
- H. **Easements and Neighboring Property Boundaries.** The location and dimensions of all permanent easements on the subject property boundary lines and adjacent to the site.
- I. **Location and Extent of Existing Natural Resource Features.** The location and extent of any existing natural resource features defined and described in Divisions 15-4.0100 and 15-11.0100 of this Ordinance. Each individual resource area on the site shall be graphically and numerically shown on the "Natural Resource Protection Plan." All shore buffers, wetland buffers, and wetland setbacks and proposed building locations (if any buildings are proposed) shall be graphically indicated and dimensioned on the "Natural Resource Protection Plan."
- J. **Disturbed and Preserved Natural Resource Features.** Graphic and numerical illustration shown on the "Natural Resource Protection Plan" of those existing natural resource features that will be disturbed and those that will be preserved. The illustration the area (in square feet or acres) of each existing resource and those areas of resources that are to be preserved. Numerical data may be shown in tabular form with labeled reference to specific areas designated on the "Natural Resource Protection Plan." Any areas of the site where natural resources are to be mitigated and how and where the mitigation is to take place with natural resource protection easements shall be indicated.
- K. **Method of Natural Resource Preservation.** Graphic illustration and notes relating to how those natural resource features, which are to be preserved, will actually be preserved in perpetuity (conservation easements, deed restrictions, protective covenants, etc.).
- L. **Scale, North Arrow, Contours.** A drawing legend containing the scale appropriate to the size of the Site Plan, Certified Survey Map, Subdivision Plat, or Condominium, the date of preparation, north arrow, and designation of existing and proposed contours at a maximum two (2) foot contour interval.
- M. **Maximum Sheet Size of "Natural Resource Protection Plan."** The "Natural Resource Protection Plan" shall not exceed a maximum sheet size as required for the Site Plan, Certified Survey Map, Subdivision Plat, or Condominium whichever is applicable.
- N. **Site Intensity and Capacity Calculations" Required.** All applicable "Site Intensity and Capacity Calculations" as required under Division 15-3.0500 of this Ordinance.

## **DIVISION 15-7.0300   LANDSCAPE PLAN**

### **SECTION 15-7.0301       LANDSCAPE PLAN REQUIREMENTS**

A "Landscape Plan" in conformance with this Ordinance shall be prepared on tracing cloth, or reproducible drafting film, or paper of good quality at a map scale as appropriate and shall show correctly the following information:

- A.     **Proposed Name.** The proposed name of the development, project, Certified Survey Map, Subdivision Plat, or Condominium.
- B.     **Location.** The location of the proposed development, project, Certified Survey Map, Subdivision Plat, or Condominium.
- C.     **Names, Addresses, and Telephone Numbers of the Owners, Subdividers, Lessee and/or Developer.** The names, addresses, and telephone numbers of the owners, subdividers, lessee and/or developer(s) of the property, landscape architect (if any), and of the designer of the plan.
- D.     **Date.** Date of the "Landscape Plan" submittal and all applicable revision dates.
- E.     **Site Boundary.** The boundary line of the site with dimensions and bearings, indicated by a solid line, and the total land area encompassed by the site.
- F.     **Landscape Bufferyard Easements and Natural Resource Mitigation Areas.** All proposed "Landscape Bufferyard Easements" and/or areas of natural resource mitigation shall be clearly delineated and dimensioned. and graphically shown in relation to all proposed lot lines and lots upon which said "Landscape Bufferyard Easements" or mitigation areas are located.
- G.     **Location, Extent, Type, and Sizes of Existing Trees and Natural Resource Features.** Location, extent, type (common name and scientific name in the case of plant materials), and sizes of all existing trees and natural resource features in all areas of the proposed development, Subdivision, Certified Survey Map, or Condominium which are designated as a "Landscape Bufferyard Easement" and/or mitigation area. If any existing vegetation or other natural resource features are to be demolished or mitigated, the extent of such demolition or area to be mitigated shall be clearly delineated and so noted on the "Landscape Plan."
- H.     **Location, Extent, Type, and Sizes of Landscape Materials and Plantings.** Location, extent, type (common name and scientific name in the case of plant materials), and sizes of proposed landscaping and landscape plantings in all areas of the proposed development, Subdivision, Certified Survey Map, or Condominium which are designated as a "Landscape Bufferyard Easement" or for areas which are to serve as landscaped entrances or other special landscaped features of the development, Subdivision, Certified Survey Map, or Condominium.
- I.     **Natural Resource Features Mitigation Plan Required.** If any natural resource feature is to be mitigated, either on-site or off-site, the plan for such mitigation in adequate detail, as required by the Plan Commission, shall be submitted with the "Landscape Plan."

- J. **Maintenance.** Areas of a development, Subdivision, Certified Survey Map, or Condominium designated as landscape easement areas shall be maintained by the property owner and kept free of all debris, rubbish, weeds, and tall grass by the property owner or homeowner's association (whichever is applicable).

## **DIVISION 15-7.0400 SKETCH PLAN**

### **SECTION 15-7.0401 GENERAL**

A "Sketch Plan" for a subdivision is required under Division 15-9.0300 of this Ordinance. A "Sketch Plan" shall be based upon a survey by a registered land surveyor and the "Sketch Plan" prepared on tracing cloth, reproducible drafting film, or paper of good quality at a map scale of not more than one hundred (100) feet to the inch and shall show correctly on its face the following information:

- A. **Legal Description and Property Location.** Legal description and property location of the proposed subdivision by: government lot, quarter-section, township, range, county, and state.
- B. **Identification as "Sketch Plan."** The "Sketch Plan" shall be clearly noted and labeled on its face "Sketch Plan."
- C. **Location Sketch.** General location sketch showing the location of the subdivision within the U.S. Public Land Survey section.
- D. **Date, Scale, North Arrow.** Date of the "Sketch Plan" with all dates of revision, graphic scale, and north arrow.
- E. **Names and Addresses.** Names and addresses of the owner, Subdivider, and land planner or land surveyor who prepared the "Sketch Plan."
- F. **Contiguous Land Area.** Entire area contiguous to the proposed plat owned or controlled by the Subdivider shall be included on the "Sketch Plan."
- G. **Use Statement.** A statement of the proposed use of the lots stating the use type of buildings and/or uses proposed to occupy the lots, number of proposed lots, and number of dwelling units per lot.
- H. **Proposed Zoning Changes.** If any zoning changes are contemplated, the proposed zoning plan for the property, including dimensions. The indication of such information, however, shall not constitute an application for a zoning amendment. All applications for zoning amendments shall meet the applicable requirements of this Ordinance.

All "Sketch Plans" shall show, at a minimum, the following. Additional information may be indicated on the "Sketch Plan" by the Subdivider.

- A. **Exterior Plat Boundaries.** The exterior boundaries of the proposed subdivision and the total acreage encompassed thereby.
- B. **Corporate Limit Lines.** Any corporate limit lines within the exterior boundaries of the plat, coterminous to said exterior boundaries, or adjacent thereto.
- C. **Existing Right-of-Ways.** Location, right-of-way width, and names of all existing streets, alleys or other public ways, easements, railroad and utility right-of-ways within the exterior boundaries of the proposed plat or adjacent thereto.
- D. **Utility Location.** Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent to the lands being platted. The nearest such sewers or water mains which might be extended to serve such lands shall be indicated by their direction and distance from the nearest exterior boundary of the plat and their size.
- E. **Physical Features.** General locations of all existing property boundary lines, structures, driveways, streams and watercourses, rock outcrops, woodlands, railroad tracks, and other similar significant natural or man-made features within the tract being subdivided and adjacent thereto.
- F. **Proposed Streets and Public Right-of-Ways.** Location and width of all proposed streets and public right-of-ways, such as alleys and easements.
- G. **Size of Lots.** Approximate size (in square feet or acres) of all lots.
- H. **Sites to be Reserved or Dedicated.** Location and approximate dimensions and size (in square feet or acres) of any sites to be reserved or dedicated for parks, playgrounds, drainageways, or other public use or which are to be used for group housing, shopping centers, church sites, or other private uses not requiring formation of lots.
- I. **Lake or Stream Access Locations.** Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the proposed access.
- J. **Lake or Stream Improvements or Relocations.** Any proposed lake and stream improvement or relocation including any explanation of the proposed improvement and/or relocation.
- K. **Wetland and/or Floodplain Delineation.** Location and delineated extent of wetlands and floodplains.

## **DIVISION 15-7.0500      PRELIMINARY PLAT**

### **SECTION 15-7.0501              GENERAL**

A Preliminary Plat shall be required for all subdivisions and shall be based upon a survey by a Wisconsin registered land surveyor and the Preliminary Plat shall be prepared on tracing cloth, reproducible drafting film, or paper of good quality at a map scale of not more than one hundred (100) feet to the inch and shall show correctly on its face the following information:

- A.     **Title.** Title or name under which the proposed subdivision is to be recorded. Such title shall not be the same or similar to a previously approved and recorded plat, unless it is an addition to a previously recorded plat and is so stated on the plat.
- B.     **Identification as a "Preliminary Plat."** The "Preliminary Plat" shall be clearly noted and labeled on its face as a "Preliminary Plat."
- C.     **Legal Description and Property Location.** Legal description and property location of the proposed subdivision by: government lot, quarter-section, township, range, county, and state.
- D.     **Location Drawing.** General location drawing showing the location of the subdivision within the U.S. Public Land Survey section.
- E.     **Date, Scale, North Arrow.** Date with all dates of revision, graphic scale, and north arrow.
- F.     **Names and Addresses.** Names and addresses of the owner, Subdivider, and land surveyor preparing the plat.
- G.     **Contiguous Land Area.** Entire area contiguous to the proposed plat owned or controlled by the Subdivider shall be included on the Preliminary Plat even though only a portion of said area is proposed for immediate development. The Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Ordinance and severe hardship would result from strict application thereof.
- H.     **Use Statement.** A statement of the proposed use of the lots stating the use type of buildings and/or uses proposed to occupy the lots, number of proposed lots, and number of dwelling units per lot, and proposed density.
- I.     **Proposed Zoning Changes.** If any zoning changes are contemplated, the proposed zoning plan for the property, including dimensions. The indication of such information, however, shall not constitute an application for a zoning amendment. All applications for zoning amendments shall meet the applicable requirements of this Ordinance.
- J.     **Proposed Stormwater Management Facilities.** Locate any proposed stormwater management facilities, including detention/retention area(s), and the submission of stormwater calculations which justify the stormwater detention/retention area(s). Said submission shall indicate how the planned stormwater drainage system meets the requirements of the City's stormwater management plan.



- K. **Setbacks, Shore Buffers, Wetland Buffers, Wetland Setbacks, and Building Lines.** All required setbacks, shore buffers, wetland buffers, wetland setbacks, and building lines shall be graphically indicated and dimensioned on the Preliminary Plat.

## **SECTION 15-7.0502**

## **PLAT DATA**

All Preliminary Plats shall show the following:

- A. **Exterior Plat Boundaries.** Exact length and bearing of the exterior boundaries of the proposed Subdivision referenced to a corner established in the U.S. Public Land Survey and the total acreage encompassed thereby.
- B. **Corporate Limit Lines.** Any corporate limit lines within the exterior boundaries of the plat, coterminous to said exterior boundaries, or immediately adjacent thereto.
- C. **Existing and Proposed Contours.** Existing and proposed contours within the exterior boundaries of the Preliminary Plat and extending to the centerline of adjacent public streets. In addition:
1. Existing and proposed contours shall be at vertical intervals of not more than two (2) feet.
  2. Elevations shall be marked on such contours bases on National Geodetic Vertical Datum of 1929 (mean sea level).
  3. At least two (2) permanent bench marks shall be located in the immediate vicinity of the Preliminary Plat. The location of the bench marks shall be indicated on the Preliminary Plat together with their elevations referenced to National Geodetic Datum of 1929 (mean sea level) and the monumentation of the bench marks clearly and completely described on the Preliminary Plat.
- D. **Water Elevations of All Lakes, Ponds, Streams, Flowages and Wetlands.** Water elevations of all lakes, ponds, streams, flowages, and wetlands at the date of the survey and approximate high and low water elevations, all referred to National Geodetic Vertical Datum of 1929 (mean sea level).
- E. **Floodplain Limits.** Floodplain limits and the contour line lying a vertical distance of two (2) feet above the elevation of the 100-year recurrence interval flood, or where such data is not available, five (5) feet above the elevation of the maximum flood of record.
- F. **Existing Right-of-Ways, Easements, and Section and Quarter-Section Lines.** Location, right-of-way width, and names of all existing streets, alleys or other public ways, easements, railroad and utility right-of-ways and all U.S. Public Land Survey section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
- G. **Existing Street Pavements.** Type, width, and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevation, all to mean sea level (National Geodetic Vertical Datum of 1929).

- H. **Adjacent Subdivisions, Parks, Cemeteries and Owners of Record.** Location and names of any adjacent subdivisions, parks, and cemeteries, and owners of record of abutting unplatted lands.
- I. **Utility Location.** Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catch basins, hydrants, power and telephone poles, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent to the lands being platted. The nearest such sewers or water mains which might be extended to serve such lands shall be indicated by their direction and distance from the nearest exterior boundary of the plat and their size, and invert elevations.
- J. **Physical Features.** Locations of all existing property boundary lines, structures, driveways, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks, and other similar significant natural or man-made features within the tract being subdivided and immediately adjacent thereto.
- K. **Proposed Streets and Public Right-of-Ways.** Location, width and names of all proposed streets and public right-of-ways, such as alleys and easements.
- L. **Size of Lots.** Approximate dimensions and size (in square feet or acres) of each lot together with proposed lot and block numbers.
- M. **Sites to be Reserved or Dedicated.** Location and approximate dimensions and size (in square feet or acres) of any sites to be reserved or dedicated for parks, playgrounds, drainageways, or other public use or which are to be used for group housing, shopping centers, church sites, or other private uses not requiring formation of lots.
- N. **Curve Radii.** Approximate radii of all curves.
- O. **Existing Zoning.** Existing zoning on and adjacent to the proposed subdivision.
- P. **Lake or Stream Access Locations.** Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the proposed access.
- Q. **Lake or Stream Improvements or Relocations.** Any proposed lake and stream improvement or relocation including explanation of the proposed improvement and/or relocation.
- R. **Soil Types and Slopes.** Soil type, slope, and boundaries as shown on the detailed operational soil survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service.
- S. **Location of Soil Boring Tests.** Location of soil boring tests, where required by Chapters ILHR 83 and 85 of the Wisconsin Administrative Code as amended and in areas not served by municipal or sanitary district sewage treatment facilities, made to a depth of six (6) feet, unless bedrock is at a lesser depth. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one (1) test per three (3) acres shall be made initially. The results of such tests shall be submitted along with the Preliminary Plat.

- T. **Location of Soil Percolation Tests.** Location of soil percolation tests where required by Chapters ILHR 83 and 85 of the Wisconsin Administrative Code as amended and in areas not served by municipal or sanitary district sewage treatment facilities, conducted in accordance with Chapters ILHR 83 and 85 of the Wisconsin Administrative Code as amended, taken at the location and depth in which soil absorption waste disposal systems are to be installed.
1. The number of such tests initially made shall not be less than one (1) test per three (3) acres or one (1) test per lot, whichever is greater.
  2. The results of such tests shall be submitted along with the Preliminary Plat.
- U. **Wetland and/or Floodplain Delineation.** Location and delineated extent of wetlands and/or floodplains.
- V. **Location of Proposed Deed Restrictions, Landscape Easements, and/or Conservation Easements.** The location of any proposed deed restrictions, landscape easements, and/or conservation easements shall be graphically indicated and clearly delineated and dimensioned on the face of the Preliminary Plat. The location and extent of conservation easements should be directly related to the "Natural Resource Protection Plan."
- W. **"Natural Resource Protection Plan", and "Landscape Plan" for any landscape bufferyard easement areas.** As required by Sections 15-9.0303 of this Ordinance.
- X. **Market Analysis.** A market analysis, prepared and signed by an independent market analyst acceptable to the Plan Commission indicating the anticipated absorption rate of the lots or condominiums as well as other information as may be required by the City Planner or Plan Commission.
- Y. **Financial Plan for Project Implementation to be Provided.** A financial plan for project implementation, acceptable to the Plan Commission, is to be provided.
- Z. **Project Summary.** A written project summary including fiscal impact upon the City of Franklin, operational information, building schedule, and estimate of project value and including all site improvement costs.
- AA. **Additional Information.** Any additional information required by the City Planning and Zoning Administrator, Plan Commission, City Engineer, or Common Council.

## **SECTION 15-7.0503**

## **STREET PLANS AND PROFILES**

The Subdivider shall provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested by the City Engineer. All elevations shall be based upon mean sea level (National Geodetic Vertical Datum of 1929), and plans and profiles shall meet the approval of the City Engineer.

**SECTION 15-7.0504****TESTING**

The Plan Commission, upon recommendation of the City Engineer, shall require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to ground water table. Where the subdivision will not be served by public sanitary sewer service, the provisions of Chapters ILHR 83 and 85 of the Wisconsin Administrative Code as amended shall be complied with; and the appropriate data submitted with the Preliminary Plat.

**SECTION 15-7.0505****SOIL AND WATER CONSERVATION**

The Subdivider shall provide soil erosion and sedimentation control plans and specifications. Such plans shall generally follow the guidelines and standards set forth in the publications *U.S.D.A. Conservation Technical Guide*, prepared by the U.S. Department of Agriculture and the *Wisconsin Construction Site Best Management Practices Handbook* prepared by the Wisconsin Department of Natural Resources, as amended.

**SECTION 15-7.0506****NATURAL RESOURCE PROTECTION PLAN REQUIRED**

For properties proposed to be divided by Certified Survey Map or Subdivision Plat or developed as a Condominium, and that contain natural resource features as described in this Ordinance, a "Natural Resource Protection Plan," as described in Division 15-7.0100 of this Ordinance, shall be submitted for review by the City Planner and Plan Commission.

**SECTION 15-7.0508****SURVEYOR'S AFFIDAVIT**

The surveyor preparing the Preliminary Plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this Ordinance.

**DIVISION 15-7.0600****FINAL PLAT****SECTION 15-7.0601****GENERAL**

A Final Plat prepared by a Wisconsin registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Section 236.20 of the Wisconsin Statutes. A condominium plat shall be required for all condominiums. Pursuant to §703.27(1), Stats., as amended, all terms and provisions of this Ordinance pertaining to a final plat, including, but not limited to the submission of the plat for approval, as they may in any respect be applicable to a condominium plat, shall apply to a condominium plat.

## **SECTION 15-7.0602**

## **ADDITIONAL INFORMATION**

The plat shall show correctly on its face, in addition to the information required by Section 236.20 of the Wisconsin Statutes, the following:

- A. **Centerline of Streets.** Exact length and bearing of the centerline of all streets.
- B. **Street Width.** Exact street width along the line of any obliquely intersecting street.
- C. **Setbacks, Shore Buffers, Wetland Buffers, Wetland Setbacks, and Building Lines.** All required setbacks, shore buffers, wetland buffers, wetland setbacks, and building lines shall be graphically indicated and dimensioned on the Final Plat or Condominium Plat.
- D. **Utilities and Drainage Easements.** Utility and/or drainage easements.
- E. **Future Public Acquisition and Reservations.** All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.
- F. **Special Restrictions.** Special restrictions required by the Plan Commission relating to conservation easements, access control along public ways, delineation of floodplain and wetland limits, natural resource mitigation areas, or to the provision of "Landscape Bufferyard Easements."
- G. **Floodplain Limits.** Floodplain limits and the contour lines lying a vertical distance of two (2) feet above the elevation of the 100-year recurrence interval flood, or where such data is not available, five (5) feet above the elevation of the maximum flood of record.
- H. **Water Elevations of All Lakes, Ponds, Streams, Flowages and Wetlands.** Water elevations of all lakes, ponds, streams, flowages, and wetlands at the date of the survey and approximate high and low water elevations, all referred to National Geodetic Vertical Datum of 1929 (mean sea level). All stormwater calculations shall be submitted to the City Engineer.
- I. **City Planner May Require Additional Information.** Where the City Planner finds that in order to review the Final Plat he requires additional information relative to a particular problem presented by a proposed development, he shall have the authority to request in writing such information from the Subdivider.
- J. **Additional Information May Be Required By Others.** Any additional information required by the Plan Commission, City Engineer, or Common Council.

## **SECTION 15-7.0603**

## **DECLARATION OF DEED RESTRICTIONS, PROTECTIVE COVENANTS, CONSERVATION EASEMENTS, AND HOMEOWNERS' ASSOCIATION**

The following documents shall be submitted with the Final Plat or as a condition of any approval thereof, as required:

- A. **Declaration of Deed Restrictions and Protective Covenants.** The Planning Department shall require for administrative review and approval and Subdivider shall submit, the final draft of

declaration of deed restrictions and protective covenants whereby the Subdivider intends to regulate land use in the proposed Subdivision and otherwise protect the proposed development.

- B. **Conservation Easements.** The Planning Department shall require for administrative review and approval and Subdivider shall submit, the final draft of conservation easements whereby the Subdivider intends to regulate the protection of natural resource features in the proposed Subdivision in conjunction with the "Natural Resource Protection Plan." A conservation easement must additionally be approved by the Common Council.
- C. **Wisconsin Non-Profit Membership Corporation (Homeowners' Association).** The Planning Department shall require for administrative review and approval and Subdivider shall submit, the final draft of the legal instruments and rules for any proposed Wisconsin non-profit membership corporation (homeowners' association), for the purpose of demonstrating its existence, when the Subdivider proposes that property within a Subdivision would be either owned or maintained by such an organization of property owners, whereby the Subdivider intends to regulate land use in the proposed Subdivision and otherwise protect the proposed development.
- D. **Purpose and City Attorney Review.** The purpose of the required submissions under this section is only to provide for an enforceable method of regulating the maintenance of any common land areas or structures serving the development and any land or structures restricted for such service or for the public benefit. The City Attorney shall review all final declaration of deed restrictions and protective covenants, conservation easements, and homeowners' associations and shall approve said final instruments as to form as they may pertain to such purpose.

#### **SECTION 15-7.0604**

#### **SURVEY ACCURACY**

The City Engineer shall examine all Final Plats within the City and cause to be made by a registered land surveyor, as directed by the City Engineer, field checks for the accuracy and closure of survey, the proper kind and location of monuments, and the legibility and completeness of the drawing. In addition:

- A. **Maximum Error of Closure.** Maximum error of closure before adjustment of the survey of the exterior boundaries of the subdivision shall not exceed, in horizontal distance or position, the ratio of one (1) part in ten thousand (10,000), nor in azimuth four (4) seconds of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure is obtained. When a satisfactory closure of the field measurements has been obtained, the survey of the exterior boundary shall be adjusted to form a closed geometric figure.
- B. **Street, Block, and Lot Dimensions.** All street, block, and lot dimensions shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey. If field checks disclose an error for any interior line of the plat greater than the ratio of one (1) part in five thousand (5,000), or an error in measured angle greater than one (1) minute of arc for any angle where the shorter side forming the angle is three hundred (300) feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than three hundred (300) feet in length, the error shall not exceed the value of one (1) minute multiplied by the quotient of three hundred (300) divided by the length of the shorter side; however, such error shall not in any case exceed five (5) minutes of arc.

## **SECTION 15-7.0605**

## **SURVEYING AND MONUMENTING**

All Final Plats shall meet all the surveying and monumenting requirements of Section 236.15 of the Wisconsin Statutes.

## **SECTION 15-7.0606**

## **STATE PLANE COORDINATE SYSTEM**

Where the plat is located within a U.S. Public Land Survey quarter-section, the corners of which have been relocated or monumented by the Southeastern Wisconsin Regional Planning Commission (SEWRPC), County, or municipality, the Final Plat shall be tied directly to one of the section or quarter corners so relocated and monumented.

- A. **Grid Bearing and Distance of Tie Determined by Field Measurements.** The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner, to which the plat is tied, shall be indicated on the plat. The plat shall be tied to the horizontal control system established by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) for the City of Franklin.
- B. **Closed Survey Required.** The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the subdivision.
- C. **Reference to the Wisconsin Coordinate System.** All distances and bearings shall be referenced directly to the Wisconsin Coordinate System and adjusted to the County's control survey.

## **SECTION 15-7.0607**

## **CERTIFICATES**

All Final Plats shall provide all the certificates required by Section 236.21 of the Wisconsin Statutes. The certificate shall contain a description of the survey beginning at the U.S. Public Land Survey corner to which the survey is tied. In addition, the surveyor shall certify that he has fully complied with all the provisions of this Ordinance.

## **SECTION 15-7.0608**

## **RECORDATION**

The Final Plat shall be recorded with the County Register of Deeds only after the certificates of the Wisconsin Department of Agriculture, Trade and Consumer Protection, of the Common Council, of the Surveyor, and those certificates required by Section 236.21 of the Wisconsin Statutes are placed on the face of the Final Plat. The Final Plat shall be recorded as set forth in Division 15-9.0300 of this Ordinance.

## **DIVISION 15-7.0700      CERTIFIED SURVEY MAP**

### **SECTION 15-7.0701      GENERAL**

A Certified Survey Map prepared by a Wisconsin registered land surveyor shall be required for all minor land divisions. It shall comply in all respects with the requirements of Section 236.34 of the Wisconsin Statutes. The Certified Survey Map shall comply with the design standards and improvement requirements set forth in Divisions 15-8.0100, 15-8.0200, 15-8.0300, and 15-8.0400 of this Ordinance. The Certified Survey Map shall be tied to the horizontal control system established by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) for the City of Franklin.

### **SECTION 15-7.0702      ADDITIONAL INFORMATION**

The Certified Survey Map shall show correctly on its face, in addition to the information required by Section 236.34 of the Wisconsin Statutes, the following:

- A.    **Existing Features.** All existing buildings, watercourses, drainage ditches, and other features pertinent to proper land division.
- B.    **Setbacks, Shore Buffers, Wetland Buffers, Wetland Setbacks, and Building Lines.** All required setbacks, shore buffers, wetland buffers, wetland setbacks, and building lines shall be graphically indicated and dimensioned on the Certified Survey Map.
- C.    **Utility and Drainage Easements.** Utility and/or drainage easements.
- D.    **Reserved Lands.** All lands reserved for future acquisition.
- E.    **Special Restrictions.** Special restrictions required by the Plan Commission relating to conservation easements, access control along public ways, delineation of floodplain and wetland limits, natural resource mitigation areas, or to the provision of "Landscape Bufferyard Easements."
- F.    **Existing and Proposed Contours.** Existing and proposed contours at vertical intervals of not more than two (2) feet. Elevations shall be marked on such contours based on National Geodetic Vertical Datum of 1929 (mean sea level). This requirement may be waived if the parcel(s) created are fully developed.
- G.    **Floodplain Limits and Contours.** Floodplain limits and the contour lines lying a vertical distance of two (2) feet above the elevation of the 100-year recurrence interval flood, or where such data is not available, five (5) feet above the elevation of the maximum flood of record.
- H.    **Map Date.** Date of the Certified Survey Map with all dates of revision.
- I.    **Scale and North Arrow.** Graphic scale and north arrow.
- J.    **Owner, Subdivider, Land Surveyor.** Name and address of the owner, Subdivider, and Land Surveyor.
- K.    **Area Contiguous to Certified Survey Map.** Entire area contiguous to the proposed Certified Survey Map owned or controlled by the Subdivider shall be included on the Certified Survey Map even though only a portion of said area is proposed for immediate development. The Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Ordinance and severe hardship would result from strict application thereof.



- L. **Parcel and/or Lot Size.** The dimensions and size (in square feet or acres) of each parcel or lot created by the Certified Survey Map including outlots.
- M. **Existing Zoning.** The Certified Survey Map shall indicate on its face the current zoning and zoning boundary lines of all parcels, lots or outlots proposed to be created by the Certified Survey Map.
- N. **Location of Soil Boring Tests.** Location of soil boring tests, where required by Chapters ILHR 83 and 85 of the Wisconsin Administrative Code as amended and in areas not served by municipal or sanitary district sewage treatment facilities, made to a depth of six (6) feet, unless bedrock is at a lesser depth. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one (1) test per three (3) acres shall be made initially. The results of such tests shall be submitted along with the Certified Survey Map.
- O. **Location of Soil Percolation Tests.** Location of soil percolation tests where required by Chapters ILHR 83 and 85 of the Wisconsin Administrative Code as amended and in areas not served by municipal or sanitary district sewage treatment facilities, conducted in accordance with Chapters ILHR 83 and 85 of the Wisconsin Administrative Code as amended, taken at the location and depth in which soil absorption waste disposal systems are to be installed. The number of such tests initially made shall not be less than one (1) test per three (3) acres or one (1) test per lot, whichever is greater. The results of such tests shall be submitted along with the Certified Survey Map.
- P. **Location of Proposed Deed Restrictions, Landscape Easements, and/or Conservation Easements.** The location of any proposed deed restrictions, landscape easements, and/or conservation easements shall be graphically indicated and clearly delineated and dimensioned on the face of the Certified Survey Map. The location and extent of conservation easements should be directly related to the "Natural Resource Protection Plan." Deed restrictions and/or conservation easements as required by this Ordinance shall 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.
- Q. **"Natural Resource Protection Plan", and "Landscape Plan" for any landscape bufferyard easement areas.** As required by Section 15-9.0309 of this Ordinance.
- R. **Additional Information.** Any additional information required by the City Planner, Plan Commission, City Engineer, or Common Council.

#### **SECTION 15-7.0703**

#### **STATE PLANE COORDINATE SYSTEM**

The Certified Survey Map shall be tied directly to one (1) of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the map is tied shall be indicated on the map. All distances and bearings shall be referenced to the Wisconsin Coordinate System and adjusted to the Regional Planning Commission's, County's, or municipality's control survey, whichever is applicable.

## **SECTION 15-7.0704**

### **CERTIFICATES**

- A. **Surveyor's Certification of Compliance with Ordinance.** The surveyor shall certify on the face of the Certified Survey Map that he has fully complied with all the provisions of this Ordinance. The certificate shall contain a description of the survey beginning at the U.S. Public Land Survey corner to which the survey is tied. The Common Council, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map.
- B. **Owner's Certificate of Dedication of Streets and Other Public Areas.** The dedication of streets and other public areas shall require the owner's certificate and the mortgagee's certificate in substantially the same form as required by Section 236.21(2)(a) of the Wisconsin Statutes.

## **SECTION 15-7.0705**

### **RECORDATION**

The Certified Survey Map shall only be recorded with the County Register of Deeds within thirty (30) days of its approval by the Common Council and any other approving agencies. The certificate of the surveyor shall be placed on the face of the Certified Survey Map pursuant to the requirements of Section 15-7.0607 of this Ordinance.

## **DIVISION 15-7.0800**

### **ARCHITECTURAL PLANS**

## **SECTION 15-7.0801**

### **GENERAL**

For the purpose of promoting compatible development, stability of property values, and to prevent impairment or depreciation of property values, no person shall erect any structure without first obtaining the approval of the Plan Commission or Architectural Review Board of the Architectural Plans as set forth in this Division. On matters that require zoning approval by the Plan Commission, the Plan Commission shall act as the Architectural Review Board, and the Plan Commission may request assistance of the Architectural Board.

## **SECTION 15-7.0802**

### **PRINCIPLES AND STANDARDS OF REVIEW**

The following principles and standards for architectural review are used by the Architectural Review Board in its review, approval or denial of the Architectural Review Application. These are also intended to be a design aid for builders and owners to use in the preparation of architectural plans. To implement this Ordinance, the following architectural review principles and guidelines are established:

- A. **Building Scale and Mass.** The relative proportion of a building to its neighboring existing buildings, to pedestrians or observers, or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.
- B. **Building Rooflines and Roof Shapes.** The visual continuity of roofs and their contributing elements (parapet walls, coping, cornices, etc.) shall be maintained in building development or redevelopment.
- C. **Materials.** Material selection for architectural design shall be based upon the prevailing material already used on existing buildings in the area. No building shall be permitted where any exposed facade is constructed or faced with a finished material which is aesthetically incompatible with other building facades in the area or which presents an unattractive appearance to the public and surrounding properties.

- D. **Colors.** Since the selection of building colors has a significant aesthetic and visual impact upon the public and neighboring properties, color shall be selected in general harmony with the existing area or neighborhood buildings.
- E. **Design Repetition.** A building design may not be repeated within four lots, adjacent or facing on same street. This shall apply to all buildings, whether or not they are constructed by the same builder.
- F. **Elevations of Buildings Facing the Public Streets on a Corner Lot.** Buildings located on corner lots shall continue the major front elevation design elements around the corner elevation.
- G. **Building Elevations Clad with a Singular Exterior Surface Material.** Building elevations clad with a singular exterior surface material shall provide some additional architectural design element(s) to break up the plane of the wall. This may be done by the addition of window(s), gable end wall treatments, siding design and accent panels, or other architectural design treatments consistent with the principal building design.
- H. **Foundations Below Overhanging Bays.** Buildings shall be designed with foundations below all bays which overhang the building foundation. The Architectural Review Board will allow the construction of bay windows, projections of floors above the first floor. Front window bays will be permitted, provided that they are a minimum of twelve (12) inches above grade.
- I. **Enclosure of Metal Furnace Vents.** All chimney and fireplace vents shall be enclosed in a chase constructed of materials similar to those materials used on the building elevations; metal housings designed by the vent manufacturer to enclose the chimney vents are acceptable.

#### **SECTION 15-7.0803**

#### **APPLICATIONS FOR ARCHITECTURAL REVIEW**

Architectural Review Applications including Architectural Plans and related data and materials shall be submitted to the Building Inspector who shall transmit all Architectural Review Applications and their accompanying data and materials to the Architectural Review Board for their review and approval. The Architectural Review Board shall review plans for new buildings and building plans for additions to, or alterations of buildings which significantly alter the original design. (Second floor additions to ranch style houses and two-story additions attached to one-story buildings are typical of the type of plans relating to existing buildings which are required to be reviewed.) When the Plan Commission acts as the Architectural Board, the same plans shall be submitted to the Planning and Zoning Administrator. Architectural Plan(s) submitted with Architectural Review Applications shall include the following:

- A. **Required Application Submittal Materials.** Architectural plans, elevations, and perspective drawings and sketches illustrating the design and character of all proposed structures. A color building elevation or perspective rendering of the exterior of the proposed building(s) shall be required for review by the Architectural Review Board for all nonresidential and multiple-family dwelling structures. Said elevations and perspective drawings shall indicate the location and placement of all auxiliary building equipment such as heating, ventilating, and/or air-conditioning equipment. These drawings are to be drawn to a recognized architectural scale with the name of the project noted. Building plans shall be submitted with all details drawn on each elevation. Plans drawn with partial building details indicated will be returned to the Architectural Review Applicant for redrafting. Red-line drawings will only be accepted for

minor detail change; major changes will require redrafting of the building elevations. In addition, the following data, information, and materials are to be included:

1. **Owner/Developer.** Owner's and/or developer's name and address noted.
2. **Architect/Engineer.** Architect's and/or engineer's name and address noted.
3. **Date.** Date of submittal of plans.
4. **Scale.** Scale of drawings noted on each drawing.
5. **Building Type, Size, and Location.** The type, size, and location of all structures with all building dimensions shown.
6. **Height.** The height of building(s).
7. **Plan Commission Approved Site Plan Required.** The Plan Commission approved Site Plan indicating building location drawn to a recognized engineering or architectural scale, with the name of the project noted and north arrow shown.
8. **Exterior Materials Samples to be Provided.** Samples of exterior materials and their colors.
9. **Additional Information May be Required.** Additional information and data which may be required by the Building Inspector or Architectural Review Board may include, but not be limited to, the following upon request:
  - a. Photographs from the site of adjacent neighboring structures and/or property.
  - b. Detailed drawings of decorative elements of the building(s) or structure(s).
  - c. Sectional building or site drawings drawn to a recognized engineering or architectural scale.

# Part 8

## **PART 8: IMPROVEMENTS AND CONSTRUCTION**

### **DIVISION 15-8.0100      REQUIRED IMPROVEMENTS FOR LAND DIVISIONS**

#### **SECTION 15-8.0101      PAYMENT FOR IMPROVEMENTS**

The improvements prescribed in this Ordinance are required as a condition of approval of a Subdivision, Certified Survey Map, or Condominium. The required improvements described in this Ordinance shall be installed, furnished, and financed at the sole expense of the Subdivider or Condominium Developer. However, in the case of required improvements in a commercial, industrial, or other nonresidential area, the cost of such improvements, at the sole discretion of the Common Council, may be financed through special assessments. A contract, or "Subdivider's Agreement," with the Subdivider and/or Condominium Developer as specified under Section 15-2.0303 of this Ordinance shall be required. Financial sureties described in Section 15-2.0303 of this Ordinance shall be required.

#### **SECTION 15-8.0102      GENERAL STANDARDS**

The required improvements set forth in this Ordinance shall be installed in accordance with the City Engineer's *"Standards and Specifications for Development."* Where the City has no prescribed standards and specifications, the improvements shall be made in accordance with good engineering practices, approved prior to the commencement of construction by the City Engineer.

#### **SECTION 15-8.0103      SURVEY MONUMENTS**

The Subdivider shall install survey monuments placed in accordance with the requirements of Chapter 236.15 of the Wisconsin Statutes and as may be required by the City Engineer.

#### **SECTION 15-8.0104      GRADING**

- A. **Right-of-Way and Roadbed Grading.** After the installation of temporary block corner monuments by the Subdivider and establishment of street grades, the Subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the City and in conformance with the City Engineer's *"Standards and Specifications for Development."* The Subdivider shall grade the roadbeds in the street right-of-ways to subgrade.
- B. **Grading of Cut and Filled Lands.** Cut and filled lands shall be graded to a maximum slope of one to four (1:4), or the soil's angle of repose, whichever is the lesser, and covered with permanent vegetation.
- C. **Preservation of Septic Field Areas During Grading.** During grading operations, every effort shall be made by the Subdivider or Condominium Developer to preserve and protect any active septic field areas from damage.

- D. **Preservation of Existing Trees During Grading.** During grading operations, every effort shall be made by the Subdivider or Condominium Developer to preserve and protect from damage those existing trees identified in the "Natural Resource Protection Plan" to be preserved and retained as a part of the Subdivision, Certified Survey Map, or Condominium approval. (See Section 15-8.0204 of this Ordinance)

#### **SECTION 15-8.0105 SURFACING**

- A. **Roadway Surfacing.** After the installation of all required utility and stormwater drainage improvements, the Subdivider shall surface all roadways in streets proposed to be dedicated to the widths prescribed by these regulations and the City of Franklin Comprehensive Master Plan or plan components.
- B. **Required Surfacing Specifications.** Said surfacing shall be done in accordance with plans and standard specifications approved by the City including the City Engineer's *"Standards and Specifications for Development."*

#### **SECTION 15-8.0106 CURB AND GUTTER**

In all Subdivisions, Certified Survey Maps, and Condominiums the Plan Commission and Common Council shall require the Subdivider to construct concrete curbs and gutters in accordance with plans and *"Standards and Specifications for Development"* as approved by the City Engineer. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts.

#### **SECTION 15-8.0107 SIDEWALKS**

Sidewalks shall be required in the Subdivision, Certified Survey Map, or Condominium under the following conditions: one (1) side of all collector streets; on the school and/or public park side of a collector street; on minor, collector and/or arterial streets which provide adjacent access to school and/or public park sites; on arterial streets with an urban type of cross-section; and any other identified pedestrian access areas to accommodate safe and adequate pedestrian circulation. Where sidewalks are provided, they shall be a minimum of five (5) feet in width and be located within a dedicated public right-of-way or pedestrian access easement. If the sidewalk is to be located within a pedestrian access easement, said easement shall be a minimum of twenty (20) feet in width as specified in Table 15-5.0103 of this Ordinance.

#### **SECTION 15-8.0108 RURAL STREET SECTIONS**

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

## **SECTION 15-8.0109**

## **BICYCLE PATHS AND TRAILS**

The Subdivider or Condominium Developer shall install required bicycle paths and trails in accordance with the plans and specifications, including the City Engineer's *"Standards and Specifications for Development,"* approved by the City. The Subdivider shall assume the entire cost of such bicycle paths and trails except in the case of dual bicycle paths and streets. The added cost for streets wider than those required by Table 15-5.0103 of this Ordinance in order to accommodate bicycle paths and trails shall be the responsibility of the municipality charged with the maintenance of the proposed facility. In the event the Subdivider wishes to install dual lane facilities, which may not be required by the City, the total cost of such improvements shall be borne by the Subdivider or Condominium Developer as applicable.

## **SECTION 15-8.0110**

## **PUBLIC SANITARY SEWERS**

When public sanitary sewer facilities are available to the Subdivision Plat, Certified Survey Map or Condominium, the Subdivider or Condominium Developer shall construct sanitary sewer facilities in such a manner as to make adequate sanitary sewer service available to each lot within the Subdivision or Certified Survey Map or dwelling unit within a Condominium. In addition:

- A. **Extent of Required Installation of Lateral Sewer Lines.** The Plan Commission shall require the installation of sewer laterals to the street lot line.
- B. **Plans and Specifications Required.** The size, type, and installation of all sanitary sewers and sanitary sewer laterals proposed to be constructed shall be in accordance with plans and standard specifications, including the City Engineer's *"Standards and Specifications for Development,"* approved by the City of Franklin.
- C. **Costs Associated with Sanitary Sewers 8" or Less in Diameter.** The Subdivider or Condominium Developer (as applicable) shall assume the cost of installing all sanitary sewers that are eight (8) inches in diameter or less.
- D. **Costs Associated with Sanitary Sewers Larger than 8" in Diameter.** If larger than eight (8) inch diameter sanitary sewers are required to handle the contemplated sewage flows, the costs of such larger sewers shall be prorated in proportion to the ratio which the total sewage of the proposed Subdivision, Certified Survey Map, or Condominium is to the total sewage capacity to be served by such larger sewer and the excess cost shall be either borne by the City of Franklin or assessed against the total tributary sewer area.
- E. **Sanitary Sewer Availability and Requirements for Installation.** The Subdivider or Condominium Developer shall install sanitary sewers in accordance with this Ordinance and specifications of the City of Franklin, including the City Engineer's *"Standards and Specifications for Development."* All sanitary sewers shall be extended to the farthest property line of any property served which shall include the full property frontage along a public street right-of-way.



## **SECTION 15-8.0111**

## **WASTEWATER HOLDING TANKS**

Where public sanitary sewer facilities are not available in the B-1, B-2, B-3, B-4, B-5, B-6, M-1, M-2, M-3, I-1, P-1, and L-1 zoning districts only, the Plan Commission or Common Council may require the developer to construct either individual or common wastewater holding facilities sufficiently sized and placed to accommodate the proposed development. The individual or common wastewater holding facilities shall be constructed pursuant to all applicable State, County, and local regulations as amended and in such a manner so as to make available wastewater holding facilities to the proposed development.

## **SECTION 15-8.0112**

## **STORMWATER DRAINAGE FACILITIES**

The Developer, Subdivider or Condominium Developer shall construct stormwater drainage facilities adequate to serve the proposed development. These facilities may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, open channels, water retention and detention structures, basins, settling, and water quality basins. All such facilities shall be of adequate size and grade to hydraulically accommodate the design volumes of flow and shall be so designed as to prevent and control soil erosion and sedimentation and to present no hazards to life or property. All stormwater drainage facilities shall be constructed in accordance with the provisions of the City of Franklin Stormwater Management Ordinance. In addition:

- A. **Detailed Site Specific Stormwater Management Plan Required.** A detailed stormwater management plan shall be prepared by a Wisconsin registered professional engineer for property proposed for development which shall include, but not be limited to, the following:
1. Existing and proposed topography at two (2) foot contour intervals of the proposed Subdivision, Certified Survey Map, or Condominium.
  2. Proposed elevations of all streets.
  3. Proposed drainage swales.
  4. Proposed storm sewers, manholes, and inlets.
  5. Construction site erosion facilities.
  6. A report and map(s) showing the drainage basin for the entire area where the Subdivision, Certified Survey Map, or Condominium is located, including estimates of the total acreage in the drainage basin and percentage of the drainage basin within the proposed Subdivision, Certified Survey Map, or Condominium.
  7. Location of any planned stormwater detention and/or retention basins and applicable calculations for their sizing and design.
  8. Calculations relating to the amount of runoff from the site of the proposed Subdivision, Certified Survey Map, or Condominium prior to development and anticipated runoff following the development of the site.

**B. Drainage Facilities:**

1. Required drainage facilities shall include stormwater detention and/or retention basins, structures, and settling basins to prevent erosion and sedimentation where such facilities discharge into streams or lakes.
2. The design criteria, the size, type, grades, and installation of all stormwater drains and sewers and other cross-section, invert and erosion control paving check dams, flumes, or other energy dissipating structures and seeding and/or sodding of open channels and unpaved road ditches proposed to be constructed shall be in accordance with the plans and standard specifications, including the City Engineer's *"Standards and Specifications for Development,"* approved by the City.

**C. Storm Sewers:** The Developer shall assume the cost of installing all required storm sewers within the proposed development.

**D. Cost Responsibility.** Subdivider shall be responsible for all City costs to review the Stormwater Management Plan.

**SECTION 15-8.0113 WATER SUPPLY FACILITIES**

**A. Adequate Public Water Supply Facilities to be Made Available.** When public water supply and distribution facilities are available to the Subdivision Plat, Certified Survey Map, or Condominium or when it is proposed to establish a private water supply and distribution system to serve two (2) or more lots or dwelling units, the Subdivider or Condominium Developer shall cause such public water supply and distribution facilities to be installed in such a manner as to make adequate water service available to each lot within the Subdivision or Certified Survey Map or to each Condominium dwelling unit. Said water supply facilities shall be made available pursuant to City of Franklin Water Utility extension rules and policies.

**B. Additional Water Supply Facilities Requirements.** When a public water supply is not available, the Common Council may allow the Subdivider of a Subdivision or Certified Survey Map or Condominium Developer to make provision for adequate private water systems as required by the City in accordance with the standards of the State of Wisconsin. In addition:

1. **Water Laterals to Street Lot Line.** The installation of water laterals to the street lot line are required.
2. **Size, Type, and Installation of Public and Private Water Mains.** The size, type, and installation of all public and private water mains proposed to be constructed shall be in accordance with plans and standard specifications, including the City of Franklin's public water supply comprehensive system plan and the City Engineer's *"Standards and Specifications for Development,"* approved by the City.
3. **Costs of Installing Water Mains, Water Laterals, Water System Appurtenances or Wells.** The Subdivider or Condominium Developer shall assume the cost of installing all water mains, water laterals, water system appurtenances or wells within the proposed Subdivision, Certified Survey Map or Condominium except for the added cost of

installing public water mains greater than eight (8) inches in diameter pursuant to City of Franklin Water Utility extension policies. The cost of such larger water mains or other water system-related facilities shall be pursuant to City of Franklin Water Utility extension rules and policies.

4. **Installation of Water Main.** The Subdivider or Condominium Developer shall install water mains in accordance with this Ordinance and specifications of the City, including the City Engineer's *"Standards and Specifications for Development."* For all residential development (except Certified Survey Maps abutting existing public street rights-of-way), all water mains shall be extended to the farthest property line of any property served which shall include the full property frontage along a public street right-of-way.

#### **SECTION 15-8.0114            OTHER UTILITIES**

The Subdivider or Condominium Developer shall cause appropriate utilities such as gas, electrical power, cable television, and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the Subdivision or Certified Survey Map and to each dwelling unit in a Condominium. No such electrical, cable television, or telephone service shall be located on overhead poles. In addition, plans indicating the proposed location of all gas, electrical power and telephone, and distribution and transmission lines required to service the Subdivision, Certified Survey Map, or Condominium shall be approved by the City.

#### **SECTION 15-8.0115            STREET LIGHTS**

The Subdivider or Condominium Developer shall pay all costs associated with the installation of streetlights by the Wisconsin Electric Power Company along all streets proposed to be dedicated to the public. Said streetlights shall meet the following minimum standards:

- A. **Pole and Luminaire Design.** The design of the streetlights shall be compatible with the neighborhood and type of development proposed. Street light pole and luminaire design shall meet the requirements set forth in the City Engineer's *"Standards and Specifications for Development."*
- B. **Distribution and Placement.** Streetlights shall be placed at each street intersection and at each interior block location and other spacing as required by the City Engineer.

#### **SECTION 15-8.0116            TRAFFIC CONTROL AND STREET NAME SIGNS**

The Subdivider or Condominium Developer shall pay all costs associated with the City's installation of traffic control and street name signs along all streets proposed to be dedicated to the public. Traffic control and street name signs shall meet the following standards:

- A. **Traffic Control Signs.** The design and placement of traffic control signs shall follow state regulations or the requirements specified in the most current edition of the *Manual on Uniform Traffic Control Devices for Streets and Highways* published by the U.S. Department of Transportation.

- B. **Street Name Signs.** The Subdivider or Condominium Developer (as applicable) shall install at least two (2) street name signs, of a design and color as approved by the City, at each four-way street intersection proposed to be dedicated and one (1) at each "T" intersection. Signs shall be installed so as to be free of visual obstructions.

## **SECTION 15-8.0117 STREET TREES**

In all Subdivisions, Certified Survey Maps, and Condominiums the City shall require the Subdivider or Condominium Developer (as applicable) to plant a minimum of one (1) street tree of a City approved species and of a minimum caliper of one and three-quarters (1.75) to two (2) inches for each eighty-five (85) feet of lot frontage on each side of all streets to be dedicated to the public. Said required street trees shall be planted within the public right-of-way curblawn area. All required street trees shall be installed by the Subdivider or Condominium Developer (as applicable) in accordance with plans and specifications, including the City Engineer's *"Standards and Specifications for Development,"* and those plans and specifications approved by the Plan Commission. The species of such trees shall be planted in accordance with the planting plan established by the City of Franklin Engineering Department. In addition:

- A. **Timing of Tree Installation and City Inspection.** Street trees required to be installed shall be installed for a lot or parcel prior to the issuance of an Occupancy Permit for such lot or parcel. All tree installations must be inspected by a representative of the City Engineer.
- B. **Minimum Distance to Utility Poles.** No street trees shall be planted less than fifteen (15) feet from a utility pole.
- C. **Minimum Distance to Driveways.** No street trees shall be planted less than five (5) feet from a driveway.
- D. **Minimum Distance to Sidewalks.** No street trees shall be planted less than three (3) feet from a sidewalk.
- E. **Watering of Trees.** The watering of trees during times of insufficient rainfall shall be the responsibility of the Subdivider or Condominium Developer and the costs of such watering shall be borne by the Subdivider or Condominium Developer .
- F. **Street Tree Guarantee Required.** The Subdivider or Condominium Developer (as applicable) shall guarantee to replace any required street tree not surviving three (3) years from the date of planting. The City shall inspect all trees installed under this Section each Spring and Fall and the Subdivider or Condominium Developer shall replace any trees as required by the City at that time and up to two (2) times per year during the term of the Subdivider's or Condominium Developer's obligation hereunder. The Subdivider or the Condominium Developer shall notify the City Engineer in writing of the completion date of tree installation for each installation. In no case shall the street tree guarantee, as set forth herein, conflict with the surety bond herein and elsewhere described in this Ordinance.

The Subdivider or Condominium Developer shall plant those grasses, trees, and vines of a species and size as approved by the Plan Commission to prevent soil erosion and sedimentation. In addition:

- A. **Installation of Protection and Rehabilitation Measures.** The Plan Commission shall require the Subdivider or Condominium Developer to provide or install certain protection and rehabilitation measures to prevent soil erosion and sedimentation, such as fencing, sloping, seeding, rip-rap, revetments, jetties, clearing dredging, snagging, drop structures, brush mats, willow poles, and grade stabilization structures. Protection and rehabilitation measures shall be in conformance with Division 15-8.0300 of this Ordinance and the City Engineer's *"Standards and Specifications for Development."*
- B. **Tree Cutting and Shrubbery Clearing Limitations.** Tree cutting and shrubbery clearing shall not exceed the requirements set forth in this Ordinance for the specified zoning district, the limitations set forth in this Ordinance for natural resource features protection and the approved "Natural Resource Features Protection Plan" for the property as described in Division 15-4.0100 of this Ordinance, and shall be so conducted as to prevent erosion and sedimentation; preserve and improve scenic qualities; and, during foliation, substantially screen any development from stream or lake users.
- C. **Maximum Width of Paths and Trails in Wooded and Wetland Areas.** Paths and trails in wooded and wetland areas shall not exceed ten (10) feet in width unless otherwise approved by the Plan Commission, and shall be so designed and constructed as to result in the least removal and disruption of trees and shrubs and the minimum impairment of natural beauty. Any easements for such paths and/or trails shall meet those minimum requirements as set forth in Table 15-5.0103 of this Ordinance.
- D. **Earth Moving.** Earth moving, such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channel clearing, ditching, drain tile laying, dredging, and lagooning, shall be so conducted as to prevent soil erosion and sedimentation and to least disturb the natural fauna, flora, water course, water regimen, and topography (also see Divisions 15-8.0300 and 15-8.0400 of this Ordinance).
- E. **Review of the Conduct of Cutting, Clearing, and Moving.** Review of the conduct of such cutting, clearing, and moving may be requested of the County Soil and Water Conservation District, the State District Fish and Game Managers, and the State District Forester by the City Planner or the Plan Commission as they deem appropriate.
- F. **Slope and Terrace Protection.** Areas of cuts, fills, and terraces shall be landscaped sufficiently to prevent soil erosion. All roadway slopes steeper than one (1) foot vertically to four (4) feet horizontally shall be planted and stabilized with groundcover appropriate for the purpose and for soil conditions, water availability, and environment as determined by the City Engineer.

## **SECTION 15-8.0119**

## **IMPROVEMENTS EXTENDED TO LIMITS OF PARCEL**

- A. **Improvements to be Extended to Farthest Limits of Parcel or Lot.** Any and all improvements or utility services required by this Ordinance, or a municipality's ordinance concerning areas within that municipality's extraterritorial plat jurisdiction, for the Subdivision, Certified Survey Map, or Condominium shall be extended to the farthest limits of the parcel or lot upon which a building permit is requested unless the owner is excused from meeting such requirement by the Plan Commission.
- B. **Financial Sureties for Extension of Improvements Required.** In the event the improvements are required to the end of the parcel or lot, the owner, Subdivider, or Condominium Developer shall be required to post financial sureties with the City pursuant to Section 15-2.0303 of this Ordinance if improvements are not made.

## **DIVISION 15-8.0200 CONSTRUCTION**

### **SECTION 15-8.0201 COMMENCEMENT**

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

### **SECTION 15-8.0202 BUILDING PERMITS**

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

### **SECTION 15-8.0203 PLANS AND SPECIFICATIONS**

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

- A. **Street Plans and Profiles.** Street plans and profiles showing existing and proposed grades, elevations and typical cross-section(s) of required improvements.
- B. **Existing and Proposed Contours.** Existing and proposed contours at vertical intervals of not more than two (2) feet. Elevations shall be marked on such contours based on National Geodetic Vertical Datum of 1929 (mean sea level);

- C. **Sanitary Sewer Plans and Profiles.** Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations, and materials of required facilities.
- D. **Storm Sewer Plans and Profiles.** Storm sewer plans and profiles showing the locations, grades, sizes, cross-sections, elevations, and materials of required facilities. Also, a stormwater management plan shall be required as set forth in Section 15-8.0112 of this Ordinance.
- E. **Water Main Plans and Profiles.** Water main plans and profiles showing the locations, sizes, elevations, and materials of required facilities.
- F. **Gas, Electrical Power, Telephone, and Cable Television Plans.** Plans showing the location and size, where applicable, of all gas, electrical power, telephone, and cable television service.
- G. **Erosion and Sedimentation Control Plans.** Erosion and sedimentation control plans that generally follow the guidelines and standards set forth in Division 15-8.0300 of this Ordinance, the publications U.S.D.A. Conservation Technical Guide, prepared by the U.S. Department of Agriculture, and the Wisconsin Construction Site Best Management Practices Handbook prepared by the Wisconsin Department of Natural Resources, as amended, showing:
1. Those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation;
  2. The time span that soil will be exposed; and
  3. Plans to protect existing vegetation (fences, tree wells, etc.).
  4. A report on how the control will be handled--answering the questions: who, when, and how often?
- H. **Protection Against Erosion, Siltation, Sedimentation, and Washing Required.** The Subdivider shall cause all grading, excavations, open cuts, side slopes, and other land surface disturbances to be so mulched, seeded, sodded, or otherwise protected that erosion, siltation, sedimentation, and washing are prevented, in accordance with the plans and specifications, including the City's *"Standards and Specifications for Development,"* approved by the City and Division 15-8.0300 of this Ordinance. In addition:
1. Sod shall be laid in strips at those intervals necessary to prevent erosion and at right angles to the direction of drainage.
  2. Temporary vegetation and mulching shall be used to protect critical areas, and permanent vegetation shall be installed as soon as practical.
  3. Construction at any given time shall be confined to the smallest practical area and for the shortest practical period of time.
  4. Sediment basins shall be installed and maintained at all drainageways to trap, remove, and prevent sediment and debris from being washed outside the area being developed.

5. All erosion control procedures must be carried out in conformance with Division 15-8.0300 of this Ordinance.

- I. **Landscape and Planting Plans.** Landscape and planting plans (see Division 15-7.0300 of this Ordinance) showing the locations, age, caliper, and species of any required grasses, vines, shrubs, and trees.
- J. **Record "As-Built" Plans.** After completion of all public improvements and prior to final acceptance of said improvements, the Subdivider or Condominium Developer shall make or cause to be made three (3) complete sets of record "as-built" plans for each of the plans required as set forth in this Section of this Ordinance and showing the actual location of all improvements made as the required by the City Engineer. These plans shall be prepared as specified by the City Engineer and shall bear the signature and seal of a professional engineer registered in Wisconsin. The presentation of the record "as built" plans shall be a condition of final acceptance of the improvements and release of the financial surety assuring their completion. These plans shall be submitted to the City Engineer for permanent filing in the Engineering Department at the City of Franklin Municipal Building.
- K. **Additional Plans.** Additional special plans or information as required by City Engineer.

#### **SECTION 15-8.0204                      EXISTING TREES AND FLORA**

The Subdivider or Condominium Developer (as applicable) shall make every effort to protect and retain all existing trees, shrubbery, vines, and grasses not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, paths, and trails. Such trees are to be protected and preserved during construction in accordance with sound conservation practices, including the preservation of trees by well islands or retaining walls whenever abutting grades are altered. Towards that end, the following minimum procedures shall be followed during construction:

- A. **Methodology for Tree Preservation to be Reviewed by Plan Commission.** The Subdivider's or Condominium Developer's (as applicable) proposed method for preserving trees shall be reviewed by the Plan Commission or its staff during the Preliminary Plat, Certified Survey Map, or Condominium approval phase of application to the City. If, in the opinion of the Plan Commission, the Subdivider or Condominium Developer (as applicable) has not taken the necessary precaution in preserving existing trees as required by this Ordinance, no Zoning Compliance Permit or Special Use Permit shall be issued, or plat approved, until such time as the Subdivider or Developer (as applicable), amends the plans for the preservation of such existing trees.
- B. **Limitation on Encroachment of Grading and Construction Equipment.** All grading and construction equipment shall be forbidden from encroaching within the tree's drip line.
- C. **Material Dumping Prohibited Within Tree Drip Line.** Materials detrimental to the tree shall not be dumped or placed within a tree's drip line or at any higher elevation than the base of the tree where drainage toward the tree could adversely affect the health of the tree. Said materials shall include, but not necessarily be limited to, excess soil, stone or rock, additional fill, equipment, liquids, or construction debris.



- D. **Snow Fence Required.** During grading and construction, a snow fence shall be installed at the periphery of the tree's drip line.
- E. **Attachments to Trees Prohibited.** No attachments or wires, other than those of a protective or nondamaging nature, shall be attached to any trees to be preserved during construction.
- F. **Tree Destruction and Replacement.** In the event that a tree designated on the approved Preliminary Plat, Certified Survey Map, Condominium or "Natural Resources Protection Plan" for preservation should be destroyed or razed during the construction process, the Subdivider or Condominium Developer (as applicable) shall replace such tree of a species approved by the Plan Commission and having a diameter of not less than the tree so destroyed or razed. No one replacement, however, shall exceed six (6) inches in diameter as measured at twelve (12) inches above the ground level. However, several smaller diameter trees having a combined diameter equal to the tree razed or destroyed shall be planted for trees larger than six (6) inches at the ratios set forth in Table 15-8.0204. Said replacement trees shall be placed in the approximate location of the tree, or trees, so destroyed. Said replacement trees shall not be counted toward any mitigation measures which may be required of the Subdivider or Condominium Developer (as applicable) as specified elsewhere in this Ordinance.

**Table 15-8.0204**

**MINIMUM TREE REPLACEMENT REQUIREMENTS**

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

**SECTION 15-8.0205**

**REVIEW OF PLANS AND SPECIFICATIONS BY CITY ENGINEER**

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

## **SECTION 15-8.0206**

## **AUTHORIZATION AND INSPECTION**

- A. **Authorization to Start Construction.** Prior to starting the work covered by the approved plans and specifications, a pre-construction meeting shall be held with the City Engineer before work begins and written authorization to start said work shall be obtained from the City Engineer upon receipt of all necessary and required permits and in accordance with the construction methods prescribed by this Ordinance and Subdivision Development Agreement. Building Permits shall not be issued until all improvements required by this Ordinance and Subdivision Development Agreement are satisfactorily completed.
- B. **Inspection.** The Subdivider or Condominium Developer, prior to commencing any work within the Subdivision, Certified Survey Map, or Condominium shall make arrangements with the City to provide for adequate inspection. The City Engineer and/or other City inspectors shall inspect or cause to be inspected and approved all completed work prior to approval of the Final Plat or release of the required financial sureties. During the course of construction, the City Engineer shall make such inspections as deemed necessary to ensure compliance with the approved plans and specifications. The Subdivider or Condominium Developer shall pay the costs incurred by the City for such inspections.
- C. **Completion of the Construction of Required Improvements.** The construction of all improvements required by this Ordinance shall be completed within two (2) years from the date of the Common Council approval of the Preliminary Plat, Certified Survey Map, or Condominium.

## **SECTION 15-8.0207**

## **FINANCIAL SURETIES REQUIRED**

- A. **Form of Financial Sureties.** Financial sureties furnished to the City Attorney by Subdividers or Condominium Developers (as applicable) to ensure performance of obligations and guarantees under the terms of this Ordinance shall only be in a form which the City deems secure, and may include certified checks, irrevocable letters of credit in a form approved by the City Attorney.
  - 1. **Determination of Financial Surety Amount.** The amount of financial surety shall be one hundred ten (110) percent of the City Engineer's estimated full amount of the obligation being ensured (including the costs of inspection), nor for less a period than the work is scheduled to be completed, however, the City shall allow reductions in the amount of the financial surety in proportion to the amounts of the obligations as they are fulfilled.
  - 2. **Disputes Over the Amount of Financial Sureties.** In a dispute over the amount of a surety, the estimate prepared by the City Engineer shall be given the greater weight.
- B. **Criteria for Determining Subdivider's or Condominium Developer's Delinquency in Meeting Requirements.** The City Engineer shall give notice by registered mail to the Subdivider or Condominium Developer and the Subdivider's or Condominium Developer's surety, of such delinquency, said notice to specify the corrective measures required if the Subdivider or Condominium Developer:

1. Fails to perform the work with sufficient workmen and equipment or with sufficient materials to ensure the completion of said work within the specified time; or
  2. Performs the work unsuitably, as determined by the City Engineer; or
  3. Neglects or refuses to supply materials or to perform anew such work as shall be rejected as defective and unsuitable; or
  4. Discontinues the execution of the work; or
  5. For any other cause whatsoever does not carry on the work in an approved manner.
- C. **Guarantee of Improvements.** The Subdivider or Condominium Developer shall guarantee all improvements for a period of one (1) year from the date of the acceptance of improvements by the City. To assure such improvement guarantee, the Subdivider or Condominium Developer shall provide an amount of financial surety (performance bond or letter of credit) not to exceed ten (10) percent of the construction value of said improvements.
- D. **Common Council Action.** After said notice, the Common Council shall call upon the performance guarantee to have the work completed in accordance with the terms of the performance guarantee.

## **DIVISION 15-8.0300 CONSTRUCTION SITE EROSION**

### **SECTION 15-8.0301 PURPOSE, INTENT AND AUTHORITY**

- A. **Purpose and Intent.** The City of Franklin finds that runoff from construction sites carries a significant amount of sediment and other pollutants to the waters of the State and of the City of Franklin, including from sites where the only development activity is grading, filling, and/or excavating, independent of or prior to building construction. It is the purpose of this Division to help preserve the natural resources; to protect the quality of the waters of the State and of the City; and to protect and promote the health, safety and welfare of the people, to the extent practicable, by minimizing the amount of sediment and other pollutants carried by runoff or discharged from construction sites to lakes, streams, nature conservancy areas and wetlands, by minimizing the amount of airborne dust and by preventing the destruction of natural resources intended to be preserved by this ordinance, through the administration and enforcement of the permit, plan, control measure and maintenance requirements of this Division.
- B. **Authority.**
1. This ordinance is adopted under the authority granted by §62.234, Stats. This ordinance supersedes all provisions of an ordinance previously enacted under §62.23, Stats., that relate to construction site erosion control. Except as otherwise specified in §62.234, Stats., §62.23, Stats., applies to this ordinance and to any amendments to this ordinance.
  2. The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the City of Franklin Common Council.

3. The City of Franklin Common Council hereby designates the City Engineer or designee to administer and enforce the provisions of this ordinance.
4. The requirements of this ordinance do not preempt more stringent erosion and sediment control requirements that may be imposed by any of the following:
  - a. Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under §§281.16 and 283.33, Stats.
  - b. Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under s. NR 151.004, Wis. Adm. Code.
5. This Division is additionally intended to further the purposes of and is made pursuant to the authority granted under §§62.23(7), 62.234 and 236.45, Stats.

#### **SECTION 15-8.0302**

#### **APPLICABILITY AND JURISDICTION**

- A. **Applicability.** This Section applies to the following sites of land disturbing construction activities, except as provided under Sub. B.:
1. **Construction site (1/4 or more acres; 25 or more cubic yards).** A construction site, which has one-quarter or more acres of land disturbing construction activity or upon which 25 or more cubic yards of dirt, sand or other excavation or fill material is excavated or filled by the land disturbing construction activity.
  2. **Subdivision Plats.** Those requiring a Subdivision Plat approval or the construction of residential or commercial, industrial or institutional buildings on lots of approved Subdivision Plats.
  3. **Certified Survey Map.** Those requiring a Certified Survey Map approval or the construction of residential or commercial, industrial or institutional buildings on lots of an approved Certified Survey Map.
  4. **Street, Highway, Road, or Bridge Construction, Enlargement, Relocation or Reconstruction.** Those involving street, highway, road, or bridge construction, enlargement, relocation or reconstruction.
  5. **Laying, Repairing, Replacing or Enlarging of an Underground Pipe or Facility.** Those involving the laying, repairing, replacing or enlarging of an underground pipe or facility for a distance of three hundred (300) feet or more.
  6. **Supporting or Adjoining Natural Resource Features.** Those, which are within 100 feet of any natural resource feature listed in Table 4.0100.
  7. **Adverse Drainage Impacting.** Notwithstanding Subs. 1. through 6. above, this ordinance applies to construction sites of any size that, in the opinion of the City

Engineer or designee, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation particulate matter or that endangers property or public safety.

**B. Non-applicability.** This ordinance does not apply to the following:

1. Land disturbing construction activity that includes the construction of a building and is otherwise regulated by the Wisconsin Department of Commerce under s. Comm 21.125 or 50.115, Wis. Adm. Code.
2. A construction project that is exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under chapter 40, Code of Federal Regulations, part 122, for land disturbing construction activity.
3. Nonpoint discharges from agricultural facilities and practices.
4. Nonpoint discharges from silviculture activities.
5. Routine maintenance for project sites under 5 acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.

**C. Jurisdiction.** This Division of this Ordinance applies to land disturbing and land development activities on lands within the boundaries and jurisdiction of the City of Franklin and the public and private lands subject to extraterritorial review under Chapter 236 of the Wisconsin Statutes. This Division 15-8.0300 is not applicable to activities conducted by a state agency, as defined under s. 227.01 (1), Stats., but also including the office of district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under s. 281.33 (2), Stats.

**SECTION 15-8.0303                      DEFINITIONS**

- A. “Administering authority” means the City of Franklin City Engineer or designee, under §62.234, Stats., that is hereby designated by the Common Council to administer this ordinance.
- B. “Agricultural facilities and practices ” has the meaning in §281.16(1), Stats.
- C. “Average annual rainfall” means a calendar year of precipitation, excluding snow, which is considered typical.
- D. ”Best management practice” or “BMP” means structural or non–structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.
- E. “Business day” means a day the office of the Franklin City Engineer or other office designated by the Common Council is routinely and customarily open for business.

- F. “Cease and desist order” means a court–issued order to halt land disturbing construction activity that is being conducted without the required permit.
- G. “Construction site” means an area upon which one or more land disturbing construction activities occur, including, but not limited to areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan.
- H. “Division of land” means the creation, from one parcel, of five or more parcels or building sites of one and one-half or fewer acres each in area, where such creation occurs at one time or through the successive divisions within a 5-year period, or a minor division.
- I. “Erosion” means the process by which the land’s surface is worn away by the action of wind, water, ice or gravity.
- J. “Erosion and sediment control plan” means a comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.
- K. “Extraterritorial” means the unincorporated area within 3 miles of the City of Franklin.
- L. “Final stabilization” means that all land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established, with a density of at least 70 percent of the cover, for the unpaved areas and areas not covered by permanent structures, or that employ equivalent permanent stabilization measures.
- M. “Fill” means earth, clay, soil, ground or any mixture or combination of the foregoing. Stones, rocks or broken concrete, not exceeding 18 inches in diameter, need not be removed from fill, if not constituting more than 5% of the individual load. At no time shall stones, rocks or broken concrete be used in any degree of concentration as fill, except as aforesaid. No asphalt/bituminous products are allowed as fill material. Unusable topsoil from grubbing operation(s) cannot be used for fill.
- N. “Governing body” means the City of Franklin Common Council, or as to any other governmental agency, the town board of supervisors, county board of supervisors, city council, village board of trustees or village council.
- O. “Land disturbing construction activity” means any man–made alteration of the land surface resulting in a change in the topography or existing vegetative or non–vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.
- P. “MEP” or “maximum extent practicable” means a level of implementing best management practices in order to achieve a performance standard specified in this Division, which takes into account the best available technology, cost effectiveness and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.

- Q. “Performance standard” means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
- R. “Permit” means a written authorization made by the City of Franklin to the applicant to conduct land disturbing construction activity or to discharge post–construction runoff to waters of the state.
- S. “Pollutant” has the meaning given in s. 283.01 (13), Stats.
- T. “Pollution” has the meaning given in s. 281.01 (10), Stats.
- U. “Responsible party” means any person or entity holding fee title to the property or performing services to meet the performance standards of this ordinance through a contract or other agreement.
- V. “Runoff” means storm water or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.
- W. “Sediment” means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.
- X. “Separate storm sewer” means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:
1. Is designed or used for collecting water or conveying runoff.
  2. Is not part of a combined sewer system.
  3. Is not draining to a storm water treatment device or system.
  4. Discharges directly or indirectly to waters of the state.
- Y. “Site” means the entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application.
- Z. “Stop work order” means an order issued by the City of Franklin, which requires that all construction activity on the site be stopped.
- AA. “Technical standard” means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.
- BB. “Waters of the state” has the meaning given in s. 281.01 (18), Wis. Stats.

## **SECTION 15-8.0304**

## **TECHNICAL STANDARDS**

- A. **DESIGN CRITERIA, STANDARDS AND SPECIFICATIONS.** All BMPs required to comply with this ordinance shall meet the design criteria, standards and specifications based on any of the following:
1. Applicable design criteria, standards and specifications identified in the Wisconsin Construction Site Best Management Practice Handbook, WDNR Pub. WR-222 November 1993 Revision.
  2. Other design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under subchapter V of chapter NR 151, Wis. Adm. Code.
  3. For this ordinance, average annual basis is calculated using the appropriate annual rainfall or runoff factor, also referred to as the R factor, or an equivalent design storm using a type II distribution, with consideration given to the geographic location of the site and the period of disturbance. In this ordinance, the following year and location has been selected as average annual rainfall(s): Milwaukee, 1969 (Mar. 28-Dec. 6).  
[Note to Users: *The USLE and its successors RUSLE and RUSLE2, utilize an R factor which has been developed to estimate annual soil erosion, averaged over extended time periods. The R factor can be modified to estimate monthly and single storm erosion. A design storm can be statistically calculated to provide an equivalent R factor as an average annual calculation.*]
- B. **OTHER STANDARDS.** Other technical standards not identified or developed in Sub. A. immediately above, may be used provided that the methods have been approved by the City Engineer or designee.

## **SECTION 15-8.0305**

## **PERFORMANCE STANDARDS.**

- A. **RESPONSIBLE PARTY.** The responsible party shall implement an erosion and sediment control plan, developed in accordance with Section 15-8.0307, that incorporates the requirements of this Section.
- B. **PLAN.** A written plan shall be developed in accordance with Section 15-8.0307 and implemented for each construction site.  
[Note to Users: *The written plan may be that specified within s. NR 216.46, the erosion control portion of a construction plan or other plan.*]
- C. **EROSION AND OTHER POLLUTANT CONTROL REQUIREMENTS.** The plan required under Sub. B. immediately above, shall include the following:
1. BMPs that, by design, achieve to the maximum extent practicable, a reduction of 80% of the sediment load carried in runoff, on an average annual basis, as compared with no sediment or erosion controls until the construction site has undergone final stabilization. No person shall be required to exceed an 80% sediment reduction to meet the requirements of this paragraph. Erosion and sediment control BMPs may be used alone or



in combination to meet the requirements of this paragraph. Credit toward meeting the sediment reduction shall be given for limiting the duration or area, or both, of land disturbing construction activity, or other appropriate mechanism.

**[Note to Users:** *Soil loss prediction tools that estimate the sediment load leaving the construction site under varying land and management conditions, or methodology identified in such. V. of ch. NR 151, Wis. Adm. Code, may be used to calculate sediment reduction.*]

2. Notwithstanding Sub. 1. immediately above, if BMPs cannot be designed and implemented to reduce the sediment load by 80%, on an average annual basis, the plan shall include a written and site-specific explanation as to why the 80% reduction goal is not attainable and the sediment load shall be reduced to the maximum extent practicable.
3. Where appropriate, the plan shall include sediment controls to do all of the following to the maximum extent practicable:
  - a. **Prevent tracking of sediment from the construction site onto roads and other paved surfaces.** Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by street cleaning (not flushing) before the end of each workday. The entrance for a permitted fill site is to be equipped with a gate to prevent after hours dumping.
  - b. **Prevent the discharge of sediment as part of site dewatering.** Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, upflow chambers, hydro-cyclones, swirl concentrators, or other appropriate controls designed and used to remove particles of one hundred (100) microns or greater for the highest dewatering pumping rate. If the water is demonstrated to have no particles greater than one hundred (100) microns during dewatering operations, then no control is needed before discharge, except as determined by the City Engineer or his authorized representative. Water may not be discharged in a manner that causes erosion of the site or receiving channels.
  - c. **Protect the separate storm drain inlet structure from receiving sediment.** All storm drain inlets shall be protected with a straw bale, filter fabric, or equivalent barrier meeting City Engineer accepted design criteria, standards and specifications. What ever method is used must be maintained to prevent flooding on streets.
4. **Waste and Material Disposal.** All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials, or hazardous materials) shall be properly disposed and not allowed to be carried by runoff into a receiving channel or storm sewer system. The use, storage and disposal of chemicals, cement and other compounds and materials used on the construction site shall be managed during the construction period, to prevent their entrance into waters of the state. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this paragraph.

5. The following criteria set forth in Subs. a. through d., below, apply only to land development or land disturbing activities that result in runoff leaving the site.
- a. Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected as described in this Division. Sheetflow runoff from adjacent areas greater than nine thousand (9,000) square feet in area shall also be diverted around disturbed areas, unless shown to have resultant runoff velocities of less than 0.5 ft/sec across the disturbed area for the set of one-year design storms. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels. U.S. Soil Conservation Service guidelines for allowable velocities in different types of channels shall be followed. These guidelines have been incorporated into the Wisconsin Administrative Code at Chapter NR 120.16, as amended.
  - b. All activities on the site shall be conducted pursuant to a construction site plan schedule sequence approved by the City Engineer or designee, to minimize the area of bare soil exposed at any one time.
  - c. Runoff from the entire disturbed area on the site shall be controlled by meeting either Subparagraphs (1), (2) and (4), or (1), (3) and (4) set forth below.
    - (1) All disturbed ground left inactive for seven (7) or more days shall be stabilized by seeding and mulching, or sodding (only available prior to October 15<sup>th</sup>), or by other equivalent control measure as approved by the City Engineer.
    - (2) For sites with more than ten (10) acres disturbed at one time, or if a channel originates in the disturbed area, one or more sedimentation basins shall be constructed. Each sedimentation basin shall have a surface area of at least 1.4 percent of the area draining to the basin and at least three (3) feet of depth and constructed in accordance with accepted design specifications. Sediment shall be removed to maintain a depth of three (3) feet. The basin shall be designed to trap sediment greater than fifteen (15) microns in size, based on the set of 1-year design storms having durations from one-half (0.5) to twenty-four (24) hours. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.
    - (3) For sites with less than ten (10) acres disturbed at one time, filter fences, straw bales, or equivalent control measures shall be placed along all side slope and down slope sides of the site. If a channel or area of concentrated runoff passes through the site, filter fences shall be placed along the channel edges to reduce sediment reaching the channel.
    - (4) For all sites containing disturbed soils, constructed swales shall be protected by filter fence checks placed perpendicular to the flow of the swale and at a distance of not more than one hundred (100) feet apart. The last downstream check fence shall be placed within five (5) feet of the entrance to an existing drainage channel, swale or public right-of-way.

- d. Any soil or dirt storage piles containing more than ten cubic yards of material should not be located with a down slope drainage length of less than twenty-five (25) feet to a roadway or drainage channel. If remaining for more than seven (7) days, mulching, vegetative cover, tarps or other means shall stabilize them. Placing straw bales or filter fence barriers around the pile shall control erosion from piles, which will be in existence for less than seven (7) days. In-street utility repair or construction soil or dirt storage piles located closer than twenty-five (25) feet of a roadway or drainage channel must be covered with tarps or suitable alternative control, if exposed for more than seven (7) days, and the storm drain inlets must be protected with insert baskets and straw bales or other appropriate filtering barriers as approved by the City Engineer or his authorized representative.
6. **Dust Control Areas.** Areas disturbed by destruction of vegetative cover shall be subject to dust control by applicable environmental regulation. Bare soils prone to air erosion during windy periods shall be settled down to prevent air pollution. Unpaved streets, haul roads, or adjacent paved streets shall be given a dust-preventative treatment or swept and/or watered as required to prevent airborne dust. Power booms unassisted by water injection or vacuum will not be allowed.
7. **Street Right-of-Way.** No excavated material shall be placed or stored on the pavement or curb lawn area within the street right-of-way. No grading or excavation shall be allowed within the street right-of-way without a special permit issued by the City Engineer or his authorized representative. Soils that have eroded onto or have been tracked onto the street right-of-way from a site will be removed under the direction of the City Engineer, and the cost of said removal shall be charged to the landowner or land user.
8. **Erosion of Placed Materials.** No soil, sediment, rock or other material existing as a result of any land developing or land disturbing activity shall be allowed to erode onto or be placed upon any private property adjacent to the site without the prior written consent of the adjoining landowner and then, only after that adjoining landowner obtains the necessary permit(s).
9. **Natural Resource Protection Standards.** All natural resource features shall be preserved and protected at all times, pursuant to the requirements of Part 4 of this Unified Development Ordinance, which is specifically applied to land disturbance, whether such land disturbance is independent of, prior to, or associated with any other development, including, but not limited to, those setting forth any buffer or setback requirements. Every application for a Construction Site Erosion Control Permit shall contain a statement that the proposed land disturbance area is not within 100 feet of a natural resource feature, if true, which shall be confirmed by the City Engineer or designee by inspection. Every application for such permit for a land disturbance within 100 feet of a natural resource feature shall include the submission by the applicant of a Natural Resource Protection Plan pursuant to Division 15-7.0200 of this Unified Development Ordinance or such permit shall not be granted. All defined Protected Natural Resources will be protected with a double row of silt fence and a single line of 4' orange construction fence.

- D. **LOCATION.** The BMPs used to comply with this section shall be located prior to runoff entering waters of the state.  
[Note to Users: *While regional treatment facilities are appropriate for control of post-construction pollutants, they should not be used for construction site sediment removal.*]
- E. **ALTERNATE REQUIREMENTS.** The City of Franklin may establish storm water management requirements more stringent than those set forth in this Section if the City Engineer or designee determines that an added level of protection is needed for sensitive resources.

**SECTION 15-8.0306**

**CONSTRUCTION SITE EROSION CONTROL PERMIT  
REQUIRED AND APPLICATION**

- A. **PERMIT REQUIRED.** No responsible party, landowner, occupant, land user, person or entity may commence, continue, and no responsible party, landowner or occupant may suffer or allow to continue, a land disturbing construction activity subject to this Division, without receiving prior approval of a control plan for the site and a Construction Site Erosion Control Permit, from the City Engineer or designee, excepting when the disturbance or activity is made under a single family home building permit or other development approval which provides the control measures required under this Division, i.e., Subdivision Development Agreement, Special Use Resolution and the like. Any person or entity desiring to undertake a land disturbing construction activity subject to this Division shall obtain the submission of an application for a Construction Site Erosion Control Permit, together with a control plan and pay an application fee. Notwithstanding the foregoing, land disturbing activities may be permitted under a Construction Site Erosion Control Permit without the prior approval of a control plan, for an Adverse Drainage Impacting land disturbing construction activity for which an erosion and sediment control plan statement is required in lieu thereof, under Section 15-8.0307B. of this Division, and for a Class 1 (as described below) application; in lieu of a control plan, a Class 1 applicant may submit a plat of survey depicting the area and describing any volume of and the nature of the land disturbing construction activity, and the restoration to be performed, if any, together with such other information as reasonably required by the City Engineer or designee to further the purposes and intent of this Division. [Note: *The application fee shall be included in the fee for building permits and other applicable development approvals, where constituting the exception set forth above.*]
- B. **PERMIT APPLICATION AND FEES.** An application for a Construction Site Erosion Control Permit shall be signed by the owner of the land involved, as a responsible party, together with the person applying for the permit, if other than the owner, who shall also be a responsible party by reason of such application. The applicant shall also pay an application fee at the time of filing the application. There shall be three classes of applications for the setting of application fees and in part, for applying the control plan requirements. A Class 1 application is an application involving land disturbing construction activities upon a construction site of 1/4 acre up to 1/2 acre or supporting 25 cubic yards up to 100 cubic yards of fill or excavation activities, for which the application fee is \$50.00. A Class 2 application is an application involving land disturbing construction activities upon a construction site of 1/2 acre up to 2 acres or supporting 100 cubic yards up to 500 cubic yards of fill or excavation activities, any land disturbing construction activity Supporting or Adjoining Natural Resource Features, and any Adverse Drainage Impacting land disturbing construction activity, for which the application fee is

\$100.00. A Class 3 application is an application involving land disturbing construction activities upon a construction site of 2 or more acres or supporting 500 or more cubic yards of fill or excavation activities, for which the application fee is \$250.00, plus an additional \$50.00 for each 500 cubic yards or portion thereof in addition to the base 500 cubic yards. The application shall accurately describe the construction site area and the type of land disturbing construction activity applied for, shall provide the tax key number(s) and available address(es) of property upon which the site is located, and the volume by cubic yards of any filling or excavation activities. In all other respects, the application shall provide for and contain such information as may be reasonably required by the City Engineer or designee, to further the purpose and intent of this Division. An application fee for land disturbing construction activity commenced prior to the issuance of a permit and applicable approval of a control plan, shall be doubled. By submitting an application, the applicant is authorizing the City Engineer or designee to enter the site to obtain information required for the review of the erosion and sediment control plan.

C. **REVIEW AND APPROVAL OF PERMIT APPLICATION.** The City Engineer or designee shall review any permit application that is submitted with an erosion and sediment control plan, and the required fee. The following approval procedure shall be used:

1. Within 15 business days of the receipt of a complete permit application, as required by this Section 15-8.0306, the City Engineer or designee shall inform the applicant whether the application and plan are approved or disapproved based on the requirements of this ordinance.
2. If the permit application and plan are approved, the City Engineer or designee shall issue the permit.
3. If the permit application or plan is disapproved, the City Engineer or designee shall state in writing the reasons for disapproval.
4. The City Engineer or designee may request additional information from the applicant. If additional information is submitted, the City Engineer or designee shall have 15 business days from the date the additional information is received to inform the applicant that the plan is either approved or disapproved.
5. Failure by the City Engineer or designee to inform the permit applicant of a decision within 15 business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.

D. **SURETY BOND.** As a condition of approval and issuance of the permit, the City Engineer or designee may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved erosion control plan and any permit conditions.

E. **PERMIT REQUIREMENTS.** All permits shall require the responsible party to:

1. Notify the City Engineer or designee within forty-eight (48) hours of commencing any land disturbing activity.
2. Notify the City Engineer or designee of the completion of installation of any control measures within three (3) days after their installation.

3. Obtain permission in writing from the City Engineer or designee prior to modifying the control plan.
4. Install all control measures as identified in the approved control plan.
5. Maintain all road drainage systems, storm water drainage systems, control measures and other facilities identified in the control plan and document repairs in a site erosion control log.
6. Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land developing or disturbing activities and document repairs in a site erosion control log.
7. Inspect the construction control measures after each rain of 0.5 inches or more and at least once each week and make needed repairs and undertake such other or additional inspecting and activities as recommended in the Wisconsin Construction Site Best Management Practice Handbook, *WDNR Pub. WR-222* November 1993 Revision.
8. Conduct any filling activity so that at the end of each day the surface shall be graded to drain and be free from broken concrete and relatively free from gravel, and that the upper four (4) inches thereof shall be of soil suitable for growing grass. The surface of said filling shall be kept free from dust at all times during the filling activity and thereafter.
9. Allow the City Engineer and/or designee and/or City representatives to enter the site for the purpose of inspecting compliance with the control plan or for performing any work necessary to bring the site into compliance with the control plan.
10. Keep a copy of the control plan on the site, if facilities are available

F. **PERMIT CONDITIONS.** Permits issued under this Section may include conditions established by the City Engineer or designee, in addition to the requirements set forth in Sub. E. above, where reasonably necessary to assure compliance with the performance standards in Section 15-8.0305.

G. **PERMIT DURATION.** Permits shall be valid for a period of one (1) year unless otherwise shown on the permit, or the length of the building permit or other construction authorizations, whichever are longer, from the date of issuance. The City Engineer or designee may extend the period one or more times for up to an additional one hundred and eighty (180) days. The City Engineer or designee may require additional control measures as a condition of the extension if they are necessary to meet the requirements of this Division.

H. **MAINTENANCE.** All sedimentation basins and all other control measures required by this Division shall be maintained by the land owner, land occupant and all persons and entities performing development activities upon or adjacent or near the property upon which the control measures are installed in a manner to ensure their intended performance and to prevent nuisance conditions, during the period of land disturbance and land development of the site, and thereafter for control measures intended to perform thereafter for an extended period of time or permanently.

**SECTION 15-8.0307**

**EROSION AND SEDIMENT CONTROL PLAN, STATEMENT,  
AND AMENDMENTS.**

**A. EROSION AND SEDIMENT CONTROL PLAN.**

1. An erosion and sediment control plan shall be prepared and submitted to the City Engineer or designee.
2. The erosion and sediment control plan shall be designed to meet the performance standards in SECTION 15-8.0305 and other requirements of this ordinance.
3. The erosion and sediment control plan shall address pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site. The erosion and sediment control plan shall include, at a minimum, the following items:
  - a. The name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact at such firm. The application shall also include start and end dates for construction.
  - b. Description of the site and the nature of the construction activity, including representation of the limits of land disturbance on a United States Geological Service 7.5 minute series topographic map.
  - c. A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
  - d. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by construction activities.
  - e. Estimates, including calculations, if any, of the runoff coefficient of the site before and after construction activities are completed.
  - f. Calculations to show the expected percent reduction in the average annual sediment load carried in runoff as compared to no sediment or erosion controls.
  - g. Existing data describing the surface soil as well as sub soils.
  - h. Depth to groundwater, as indicated by Natural Resources Conservation Service soil information where available.
  - i. Name of the immediate named receiving water from the United States Geological Service 7.5 minute series topographic maps.

4. The erosion and sediment control plan shall include a site map. The site map shall include the following items and shall be at a scale not greater than 100 feet per inch and at a contour interval not to exceed two feet.
  - a. Existing topography, vegetative cover, natural and engineered drainage systems, roads and surface waters. Lakes, ponds, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site shall be shown. Any identified 100-year flood plains, flood fringes and floodways shall also be shown.
  - b. Boundaries of the construction site.
  - c. Drainage patterns and approximate slopes anticipated after major grading activities.
  - d. Areas of soil disturbance.
  - e. Location of major structural and non-structural controls identified in the plan.
  - f. Location of areas where stabilization practices will be employed.
  - g. Areas which will be vegetated following construction.
  - h. Areal extent of wetland acreage on the site and locations where storm water is discharged to a surface water or wetland.
  - i. Locations of all surface waters and wetlands within one mile of the construction site.
  - j. An alphanumeric or equivalent grid overlying the entire construction site map.
5. Each erosion and sediment control plan shall include a description of appropriate controls and measures that will be performed at the site to prevent pollutants from reaching waters of the state. The plan shall clearly describe the appropriate control measures for each major activity and the timing during the construction process that the measures will be implemented. The description of erosion controls shall include, when appropriate, the following minimum requirements:
  - a. Description of interim and permanent stabilization practices, including a practice implementation schedule. Site plans shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized.
  - b. Description of structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the site. Unless otherwise specifically approved in writing by the City Engineer or designee, structural measures shall be installed on upland soils.
  - c. Management of overland flow at all sites, unless otherwise controlled by outfall controls.



- d. Trapping of sediment in channelized flow.
  - e. Staging construction to limit bare areas subject to erosion.
  - f. Protection of down slope drainage inlets where they occur.
  - g. Minimization of tracking at all sites.
  - h. Clean up of off-site sediment deposits.
  - i. Proper disposal of building and waste materials at all sites.
  - j. Stabilization of drainage ways.
  - k. Control of soil erosion from dirt stockpiles.
  - l. Installation of permanent stabilization practices as soon as possible after final grading.
  - m. Minimization of dust to the maximum extent practicable.
6. The erosion and sediment control plan shall require that velocity dissipation devices be placed at discharge locations and along the length of any outfall channel, as necessary, to provide a non-erosive flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.  
 [Note to Users: *The plan requirements of this subsection will meet the erosion control plan requirements of s. NR 216.46, Wis. Adm. Code, when prepared in accordance with good engineering practices and the design criteria, standards and specifications outlined in the Wisconsin Construction Site Best Management Practice Handbook (WDNR Pub. WR-222 November 1993 Revision).*]

B. **EROSION AND SEDIMENT CONTROL PLAN STATEMENT.** For each construction site identified under Section 15-8.0302A.7., an erosion and sediment control plan statement shall be prepared. This statement shall be submitted to the City Engineer or designee. The control plan statement shall briefly describe the site, including a site map. Further, it shall also include the best management practices that will be used to meet the requirements of the ordinance, including the site development schedule.

C. **AMENDMENTS.** The applicant shall amend the plan if any of the following occur:

- 1. There is a change in design, construction, operation or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the state and which has not otherwise been addressed in the plan.
- 2. The actions required by the plan fail to reduce the impacts of pollutants carried by construction site runoff.
- 3. The City Engineer or designee notifies the applicant of changes needed in the plan.

## **SECTION 15-8.0308**

## **FEE SCHEDULE**

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

## **SECTION 15-8.0309**

## **INSPECTION AND ENFORCEMENT**

- A. **Inspection.** The City Engineer and designee and such City representatives as may be designated by the Common Council may inspect land disturbing construction activity sites as often as necessary to ensure compliance with the control plan. If land disturbing or land development activities are being carried out without a permit, the City Engineer or designee shall enter the land by permission of the landowner or pursuant to the provisions of §66.0119, Stats., as amended.
- B. **Enforcement.** Enforcement of this Division shall be accomplished as follows:
1. The City Engineer or his authorized representative may post a stop-work order on all building, construction, land disturbing or land development activities if:
    - a. Any land disturbing activity regulated under this Division is being undertaken without a permit; or
    - b. The control plan is not being implemented in a good faith manner; or
    - c. The conditions of the permit are not being met.
  2. If the responsible party or any other person or entity performing or suffering the activity does not cease the activity or comply with the control plan or permit conditions forthwith, the City Engineer or designee may revoke the permit.
  3. If the landowner or land user or any other person or entity performing or suffering the activity, where no permit has been issued, does not cease the activity forthwith, the City Engineer or designee may request the City Attorney to obtain a cease and desist order.
  4. In addition to the foregoing provisions of this Subsection, this Division may be enforced by way of injunction, the imposition of forfeitures and other available relief pursuant to Division 9.0500 of this Ordinance and the undertaking by the City to cure any defects or complete any plans or measures, with the costs thereof to be assessed against the property owner and entered upon the tax roll pursuant to the procedures for a special charge under §66.0627, Stats. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings. Any violation of this Division is hereby declared to be a public nuisance.

5. In addition to the foregoing provisions of this Subsection, any person violating any of the provisions of this ordinance shall be subject to the penalty provisions set forth under §15-9.0502 of the Unified Development Ordinance.

## **SECTION 15-8.0310      APPEALS**

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

## **DIVISION 15-8.0600      STORMWATER MANAGEMENT**

### **SECTION 15-8.0601      AUTHORITY**

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

### **SECTION 15-8.0602      FINDINGS OF FACT**

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

- (1) Degrade physical stream habitat by increasing stream bank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperature;
- (2) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loading of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens and other urban pollutants;

- (3) Alter wetland communities by changing wetland hydrology and by increasing pollutant loads;
- (4) Reduce the quality of groundwater by increasing pollutant loading;
- (5) Threaten public health, safety, property and general welfare by overtaxing storm sewers, drainage ways, and other drainage facilities;
- (6) Threaten public health, safety, property and general welfare by increasing major flood peaks and volumes;
- (7) Undermine floodplain management efforts by increasing the incidence and levels of flooding; and
- (8) Aggravate excessive infiltration and inflow of water into sanitary sewer connections during peak storm events causing the conveyance system to surcharge, overflow or backup into basements.

### **SECTION 15-8.0603**

### **PURPOSE**

This chapter integrates federal and state construction site storm water quality standards with duties to reasonably manage the quantity of water run-off for regional flood abatement. This chapter implements the Milwaukee Metropolitan Sewerage District rules on release rates for development creating more than a de minimis amount of new impervious surface, to reduce the probability of increased regional floods as the metropolitan area approaches full build-out forecast for 2050.

### **SECTION 15-8.0604**

### **STORM WATER QUALITY AND QUANTITY MANAGEMENT APPLICABILITY**

- (1) The water quality management duties apply to property development disturbing 5 or more acres or property development disturbing one or more acres after March 10, 2003, and the water quantity management duties apply to development that increases impervious surface by one-half acre or more, unless the site is exempt under paragraph (2) or (3).

*Note: The 5 and 1 acre land disturbance thresholds are the state and federal laws regarding applicability of construction site erosion control permits. The half-acre or more of new impervious surface is the MMSD criteria.*

- (2) A site meeting any one of the following criteria is exempt from Storm Water quality requirements.
  - a. A redevelopment post-construction site with no increase in exposed parking lots or roads.
  - b. A post-construction site with less than 10% connected imperviousness based on complete development of the post-construction site, provided the cumulative area of all parking lots and rooftops is less than one acre.
  - c. Nonpoint discharges from agricultural facilities and practices.

- d. Nonpoint discharges from silviculture activities.
- e. Routine maintenance for project sites under 5 acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.
- f. Underground utility construction such as water, sewer and fiberoptic lines. This exemption does not apply to the construction of any above ground structures associated with utility construction.

(3) Water quantity management duties do not apply if:

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

(4) Comity. State agencies should design and incorporate best management practices for surface water quality and Storm Water quantity management for new impervious surfaces. The runoff management techniques should be the same as flood abatement plans and techniques utilized by local governments in the watershed. The lead agency preparing an environmental assessment for a federal or state project should identify the mitigating runoff management techniques to prevent increases in peak flood flows from new impervious areas.

***Note:** See Trans 400 (Environmental Assessment) and Trans 401 (2003 revisions to conform with NR 151 standards). Wisconsin Department of Transportation (WisDOT) and Wis. DNR have a jurisdictional memorandum of understanding per §281.33 (2), Wis. Stats., limited to management of pollutants in Storm Water. Trans 401 is narrowly tailed to BMPs for pollution abatement and design criteria for transportation projects. Neither DNR nor DOT rules address post construction peak runoff and flooding in fully urbanized areas, but each agency's environmental assessment should consider the impacts of new impervious surfaces and the technical and economically feasible alternatives to mitigate the adverse impacts. More stringent local Storm Water management requirements for peak runoff do not conflict with the state policy on controlling pollutants discharged from Storm Water point sources. The state rules address*

*different adverse impacts of Storm Water runoff based on different probabilities and storm intensity. Finally, Trans 401 allows a de minimis exemption from water quality BMPs for highway improvements of less than 1.5 miles and widening of a roadbed by less than 100 feet. Chapter 13, MMSD Rules and this local ordinance do not treat impervious highways any different than other impervious surfaces. The same threshold of one-half acre or more of new impervious surface for purposes of water quantity BMPs applies.*

## **SECTION 15-8.0605            DEFINITIONS**

- (1) “Administering authority” means a governmental employee under s. 62.234, Wis. Stats., designated by the Common Council to administer this ordinance.
- (2) “Agricultural facilities and practices ” has the meaning given in s. 281.16, Wis. Stats.
- (3) “Average annual rainfall” means a calendar year of precipitation, excluding snow, which is considered typical.
- (4) “Best management practice” or “BMP” means structural or non-structural measures, practices, techniques or devices employed to:
  - a. Avoid or minimize sediment or pollutants carried in runoff to waters of the state or
  - b. Manage the rate or volume of runoff.
- (5) “Business day” means a day the office of the City Engineer is routinely and customarily open for business.
- (6) “Cease and desist order” means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit.
- (7) “Combined sewer system,” means a system for conveying both sanitary sewage and storm water runoff.
- (8) “Connected imperviousness,” means an impervious surface that is directly connected to a separate storm sewer or water of the state via an impervious flow path.
- (9) “Critical time” means the period starting at the time of peak rainfall intensity with a duration equal to the time of concentration of the watershed.
- (10) “Design storm” means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total depth of rainfall.
- (11) “Division of land” means the creation from one parcel of [one and one-half (1.5) number] or more parcels or building sites of one and one-half (1.5) or fewer acres each in area where such creation occurs at one time or through the successive partition within a 5 year period.
- (12) “Effective infiltration area” means the area of the infiltration system that is used to infiltrate runoff and does not include the area used for site access, berms or pretreatment.

- (13) "Exceptional resource waters" means waters listed in s. NR 102.11, Wis. Adm. Code.
- (14) "Final stabilization" means that all land disturbing construction activities at the construction site have been completed and that a uniform, perennial, vegetative cover has been established, with a density of at least 70% of the cover, for the unpaved areas and areas not covered by permanent structures, or employment of equivalent permanent stabilization measures.
- (15) "Financial guarantee" means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the City Attorney by the responsible party to assure that requirements of the ordinance are carried out in compliance with the storm water management plan.
- (16) "Governing body" means Common Council.
- (17) "In-fill area" means an undeveloped area of land located within existing development.
- (18) "Infiltration" means the entry of precipitation or runoff into or through the soil.
- (19) "Infiltration system" means a device or practice such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or minimal infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.
- (20) "Karst feature" means an area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps or swallets.
- (21) "Land disturbing construction activity" means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.
- (22) "Maintenance agreement" means a legal document that provides for long-term maintenance of storm water management practices.
- (23) "MEP" or "maximum extent practicable" means a level of implementing best management practices in order to achieve a performance standard specified in this ordinance which takes into account the best available technology, cost effectiveness and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.
- (24) "New development" means development resulting from the conversion of previously undeveloped land or agricultural land uses.
- (25) "Off-site" means located outside the property boundary described in the permit application.

- (26) “On-site” means located within the property boundary described in the permit application.
- (27) “Outstanding resource waters” means waters listed in s. NR 102.10, Wis. Adm. Code.
- (28) “Percent fines,” means the percentage of a given sample of soil, which passes through a # 200 sieve.

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

- (29) “Permit,” means a written authorization made by the City Engineer to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.
- (30) “Permit administration fee,” means a sum of money paid to the City Engineer by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.
- (31) “Pervious surface” means an area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests or other similar vegetated areas are examples of surfaces that typically are pervious.
- (32) “Pollutant” has the meaning given in s. 283.01(13), Wis. Stats.
- (33) “Pollution” has the meaning given in s. 281.01(10), Wis. Stats.
- (34) “Post-construction site” means a construction site following the completion of land disturbing construction activity and final site stabilization.
- (35) “Pre-development condition” means the extent and distribution of land cover types present before the initiation of land disturbing construction activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner.
- (36) “Preventive action limit” has the meaning given in s. NR 140.05(17), Wis. Adm. Code.
- (37) “Protective area” means an area of land that is defined as shore buffers, wetland buffers and wetland setbacks.
- (38) “Recreational trail” means a path that is:
  - (a) distinctly set apart from a roadway, street, or sidewalk;
  - (b) designed for activities such as jogging, walking, hiking, bird-watching, bicycle riding, roller skating, or similar recreational activities not involving the use of motorized vehicles; and



- (c) not a sidewalk according to sec. 340.01(58), Wis. Stats.
- (39) "Redevelopment " means new construction, modification or replacement of older development.
- (40) "Responsible party" means any entity holding fee title to the property or other person contracted or obligated by other agreement to implement and maintain post-construction storm water BMPs.
- (41) "Separate storm sewer" means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:
- (a) Is designed or used for collecting water or conveying runoff;
  - (b) Is not part of a combined sewer system;
  - (c) Is not draining to a storm water treatment device or system; and
  - (d) Discharges directly or indirectly to waters of the state.
- (42) "Shore Buffer" means: All of that land area located within seventy-five (75) feet landward of the ordinary high water mark of all ponds, streams, lakes, and navigable waters (as determined by the Wisconsin Department of Natural Resources) and parallel to that ordinary high water mark, which is to remain undisturbed as a Natural Resource Feature (including undisturbed natural vegetation). Shore buffers do not include any area of land adjacent to any stream enclosed within a drainage structure, such as a pipe or culvert. The area of shore buffers (in square feet and acres) shall be measured and graphically delineated on the "Natural Resource Protection Plan." A shore buffer is also a setback.
- (43) "Stop work order" means an order issued by the City Engineer or Building Inspector, which requires that all construction activity on the site, be stopped.
- (44) "Storm water management plan" means a comprehensive plan designed to reduce the discharge of pollutants from storm water after the site has under gone final stabilization following completion of the construction activity.
- (45) "Storm water management system plan" is a comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.
- (46) "Technical standard" means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.
- (47) "Time of concentration" means the time period for the furthest runoff from the outlet of a watershed to contribute to flow at the watershed outlet.
- (48) "Top of the channel" means an edge, or point on the landscape, landward from the ordinary high water mark of a surface water of the state, where the slope of the land begins to be less than 12% continually for at least 50 feet. If the slope of the land is 12% or less continually for the initial 50 feet, landward from the ordinary high water mark, the top of the channel is the ordinary high water mark.

- (49) “TR-55” means the United States Department of Agriculture, Natural Resources Conservation Service (previously Soil Conservation Service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986.
- (50) “Type II distribution” means a rainfall type curve as established in the “United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published 1973”. The Type II curve is applicable to all of Wisconsin and represents the most intense storm pattern.
- (51) “Waters of the state” has the meaning given in s. 281.01 (18), Wis. Stats.
- (52) “Water quality management” means the Storm Water standards and duties established under the Clean Water Act, 33 U.S.C. 1251 et. seq., parallel state law regulating the discharge of pollutants, and implementing regulations.
- (53) “Water quantity management” means Storm Water duties and practices to abate peaks flood flows during regional storm events pursuant to Chapter 13 of the Milwaukee Metropolitan Sewerage District rules as implemented and enforced by this municipality.
- (54) “Wetland Buffer” means: All of that land area located within thirty (30) feet landward of a delineated wetland boundary and parallel to that delineated wetland boundary.
- (55) “Wetland Setback” means: All of that landward land area defined by the minimum required horizontal setback distance of fifty (50) feet from a delineated wetland boundary, and a line parallel thereto. The wetland setback is inclusive of any required wetland buffer area. (Also see §15-4.0102J. of the Unified Development Ordinance.)

## **SECTION 15-8.0606                      TECHNICAL STANDARDS**

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

- (1) Technical standards identified, developed or disseminated by the Wisconsin Department of Natural Resources under subchapter V of chapter NR 151, Wis. Adm. Code.
- (2) Where technical standards have not been identified or developed by the Wisconsin Department of Natural Resources, other technical standards may be used provided that the methods have been approved by the City Engineer.
- (3) The most recent rainfall data available from the Southeastern Wisconsin Regional Planning Commission or more protective data shall be the basis for the analyses required by this Ordinance.

## **SECTION 15-8.0607                      PERFORMANCE STANDARDS**

- (1) RESPONSIBLE PARTY. The responsible party shall implement a post-construction storm water management plan that incorporates the requirements of this section.

- (2) **PLAN.** A written storm water quality and quantity management plan in accordance with Section 15-8.0609 shall be developed and implemented for each post-construction site.
- (3) **REQUIREMENTS.** The water quality plan required under sub. (2) shall include the following:
- (a) **TOTAL SUSPENDED SOLIDS.** BMPs shall be designed, installed and maintained to control total suspended solids carried in runoff from the post-construction site as follows:
1. For new development, by design, reduce to the maximum extent practicable, the total suspended solids load by 80%, based on the average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed an 80% total suspended solids reduction to meet the requirements of this subdivision.
  2. For redevelopment, by design, reduce to the maximum extent practicable, the total suspended solids load by 40%, based on the average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed a 40% total suspended solids reduction to meet the requirements of this subdivision.
  3. For in-fill development under 5 acres that occurs within 10 years after the effective date of this rule [February 13, 2003], by design, reduce to the maximum extent practicable, the total suspended solids load by 40%, based on an average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed a 40% total suspended solids reduction to meet the requirements of this subdivision.
  4. For in-fill development that occurs 10 or more years after the effective date of this rule [February 13, 2003], by design, reduce to the maximum extent practicable, the total suspended solids load by 80%, based on an average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed an 80% total suspended solids reduction to meet the requirements of this subdivision.
  5. Notwithstanding subds. 1. to 4., if the design cannot achieve the applicable total suspended solids reduction specified, the storm water management plan shall include a written and site-specific explanation why that level of reduction is not attained and the total suspended solids load shall be reduced to the maximum extent practicable.

***Note:** Pollutant loading models such as SLAMM, P8 or equivalent methodology may be used to evaluate the efficiency of the design in reducing total suspended solids*

(b) **WATER QUANTITY AND MANAGEMENT OF PEAK RUNOFF**

1. BMPS shall manage the volume, timing, and peak flow rate of runoff to prevent increases in the *regional flood* and stream bank erosion rates.

2. These BMPs may be implemented on either a watershed basis or an individual site basis.
3. When implemented on a watershed basis, the BMPs implemented at a particular site shall comply with the findings of the relevant local or regional storm water management plan, rather than subd. 4 and 5.
4. (i) For the 50%/2-year, 24-hour design storm, BMPs shall be designed to achieve a maximum runoff release rate of 0.15 cubic feet per second per acre.
- (ii) Pre-development conditions shall assume “good hydrologic conditions” for appropriate land covers as identified in TR-55 or an equivalent methodology. The meaning of “hydrologic soil group” and “runoff curve number” are as determined in TR-55. However, when pre-development land cover is cropland, rather than using TR-55 values for cropland, the runoff curve numbers in Table 1 shall be used.

Table 1 – Maximum Pre-Development Runoff Curve Numbers for Cropland Areas				
Hydrologic Soil Group	A	B	C	D
Runoff Curve Number	56	70	79	83

5. For the 1%/100-year, 24-hour design storm, BMPs shall be designed to achieve a runoff release rate that is less than or equal to either:
  - (i) 0.5 cubic feet per second per acre, or
  - (ii) Pre-development peak runoff discharge computed for the 50%/2-year, 24-hour design storm, or
  - (iii) Maximum hydraulic capacity of existing downstream conveyance facilities as determined by the City, or
  - (iv) A rate determined for the individual site that distributes runoff over the critical time sufficient to comply with sub. 1.

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

- (c) INFILTRATION. BMPs shall be designed, installed, and maintained to infiltrate runoff to the maximum extent practicable in accordance with the following, except as provided in subd. 5 through 8.

1. For residential developments one of the following shall be met:

- a. Infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least at the level of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 1% of the project site is required as an effective infiltration area.
  - b. Infiltrate 25% of the post-development runoff from the 2-year - 24-hour design storm with a type II distribution. Separate curve numbers for pervious and impervious surfaces shall be used to calculate runoff volumes and not composite curve numbers as defined in TR-55. However, when designing appropriate infiltration systems to meet this requirement, no more than 1% of the project site is required as an effective infiltration area.
2. For non-residential development, including commercial, industrial and institutional development, one of the following shall be met:
  - a. Infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 60% of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 2% of the project site is required as an effective infiltration area.
  - b. Infiltrate 10% of the runoff from the 2-year - 24-hour design storm with a type II distribution. Separate curve numbers for pervious and impervious surfaces shall be used to calculate runoff volumes, and not composite curve numbers as defined in TR-55. However, when designing appropriate infiltration systems to meet this requirement, no more than 2% of the project site is required as an effective infiltration area.
3. Pre-development condition shall be the same as in par. (b).

***Note:** A model that calculates runoff volume, such as SLAMM, P8, or an equivalent methodology may be used.*

4. Before infiltrating runoff, pretreatment shall be required for parking lot runoff and for runoff from new road construction in commercial, industrial and institutional areas that will enter an infiltration system. The pretreatment shall be designed to protect the infiltration system from clogging prior to scheduled maintenance and to protect groundwater quality in accordance with subd. 8. Pretreatment options may include, but are not limited to, oil/grease separation, sedimentation, biofiltration, filtration, swales or filter strips.
5. Infiltration Exclusions. The runoff from the following areas are prohibited from meeting the requirements of this paragraph:
  - a. Areas associated with tier 1 industrial facilities identified in s. NR 216.21(2)(a), Wis. Adm. Code, including storage, loading, rooftop and parking.

- b. Storage and loading areas of tier 2 industrial facilities identified in s. NR 216.21(2)(b), Wis. Adm. Code.

***Note:** Runoff from tier 2 parking and rooftop areas may be infiltrated but may require pretreatment.*

- c. Fueling and vehicle maintenance areas.
- d. Areas within 1000 feet upgradient or within 100 feet downgradient of Karst features.
- e. Areas with less than 3 feet separation distance from the bottom of the infiltration system to the elevation of seasonal high groundwater or the top of bedrock, except this subd. 5.e. does not prohibit infiltration of roof runoff.
- f. Areas with runoff from industrial, commercial and institutional parking lots and roads and residential arterial roads with less than 5 feet separation distance from the bottom of the infiltration system to the elevation of seasonal high groundwater or the top of bedrock.
- g. Areas within 400 feet of a community water system well as specified in s. NR 811.16(4), Wis. Adm. Code, or within 100 feet of a private well as specified in s. NR 812.08(4), Wis. Adm. Code, for runoff infiltrated from commercial, industrial and institutional land uses or regional devices for residential development.
- h. Areas where contaminants of concern, as defined in s. NR 720.03(2), Wis. Adm. Code are present in the soil through which infiltration will occur.
- i. Any area where the soil does not exhibit one of the following soil characteristics between the bottom of the infiltration system and the seasonal high groundwater and top of bedrock: at least a 3-foot soil layer with 20% fines or greater; or at least a 5-foot soil layer with 10 percent fines or greater. This does not apply where the soil medium within the infiltration system provides an equivalent level of protection. This subd. 5.i. does not prohibit infiltration of roof runoff.

***Note:** The areas listed in subd. 5 are prohibited from infiltrating runoff due to the potential for groundwater contamination.*

- 6. Infiltration Exemptions. The following are not required to meet the requirements of this paragraph:
  - a. Areas where the infiltration rate of the soil is less than 0.6 inches/hour measured at the site.

- b. Parking areas and access roads less than 5,000 square feet for commercial and industrial development.
  - c. Redevelopment post-construction sites.
  - d. In-fill development areas less than 5 acres.
  - e. Infiltration areas during periods when the soil on the site is frozen.
  - f. Roads in commercial, industrial and institutional land uses, and arterial residential roads.
7. a. Infiltration systems designed in accordance with this paragraph shall, to the extent technically and economically feasible, minimize the level of pollutants infiltrating to groundwater and shall maintain compliance with the preventive action limit at a point of standards application in accordance with Ch. NR 140, Wis. Adm. Code. However, if site-specific information indicates that compliance with a preventive action limit is not achievable, the infiltration BMP may not be installed or shall be modified to prevent infiltration to the maximum extent practicable.
- b. Notwithstanding par. a., the discharge from BMPs shall remain below the enforcement standard at the point of standards application.

(d) **PROTECTIVE AREAS**

- 1. This paragraph applies to post-construction sites located within a protective area, except those areas exempted pursuant to subd. 4.
- 2. The following requirements shall be met:
  - a. Impervious surfaces shall be kept out of the protective area and buffers to the maximum extent practicable. The storm water management plan shall contain a written site-specific explanation for any parts of the protective area that are allowed to be disturbed during construction.
  - b. Where land disturbing construction activity occurs within a protective area, and where no impervious surface is present, self-sustaining vegetative cover of 70% or greater shall be established and maintained. The adequate sod or self-sustaining vegetative cover shall be sufficient to provide for bank stability, maintenance of aquatic habitat and filtering of pollutants from upslope overland flow areas under sheet flow conditions. Non-vegetative materials, such as rock riprap, may be employed on the bank as necessary to prevent erosion, such as on steep slopes or where high velocity flows occur. Every effort shall be made to return the disturbed protected area to its natural state.

*Note: It is recommended that seeding of native vegetative cover be used in the disturbed portion of the protective areas. Vegetation that is flood and drought tolerant and can*

*provide long-term bank stability because of an extensive root system is preferable. Vegetative cover can be measured using the line transect method described in the University of Wisconsin Extension publication number A3533, titled "Estimating Residue Using the Line Transect Method".*

- c. Best management practices such as filter strips, swales, or wet detention basins, that are designed to control pollutants from non-point sources may be located adjacent to the protective area.

***Note:** Other regulations, such as ch. 30, Wis. Stats. and chs. NR 103, 115, 116 and 117, Wis. Adm. Code, and their associated review and approval process may apply in the protective area and the Franklin UDO and the municipal code sections such as the tree and noxious weed ordinances.*

3. This paragraph does not apply to:

- a. Redevelopment post-construction sites.
- b. In-fill development areas less than 5 acres.
- c. Structures that cross or access surface waters such as boat landings, bridges and culverts.
- d. Structures constructed in accordance with s. 59.692(1v), Wis. Stats.
- e. Post-construction sites from which runoff does not exit the site, except to the extent that vegetative ground cover is necessary to maintain bank stability.

- (e) **FUELING AND VEHICLE MAINTENANCE AREAS.** Fueling and vehicle maintenance areas shall, to the maximum extent practicable, have BMPs designed, installed and maintained to reduce petroleum within runoff, such that the runoff that enters waters of the state contains no visible petroleum sheen and meet the standards of the Clean Water Act.

***Note:** A combination of the following BMPs may be used: oil and grease separators, canopies, petroleum spill-cleanup materials, or any other structural or non-structural method of preventing or treating petroleum in runoff.*

(f) **SWALE TREATMENT FOR TRANSPORTATION FACILITIES**

- 1. **Applicability.** Except as provided in subd. 2., transportation facilities that use swales for runoff conveyance and pollutant removal shall meet all of the requirements of this section, if the swales are designed to the maximum extent practicable to do all of the following:
  - a. Be vegetated. However, where appropriate, non-vegetative measures may be employed to prevent erosion or provide for runoff treatment, such as rock riprap stabilization or check dams.



*Note: It is preferred that tall and dense vegetation be maintained within the swale due to its greater effectiveness at enhancing runoff pollutant removal.*

- b. Carry runoff through a swale for 200 feet or more in length that is designed with a flow velocity no greater than 1.5 feet per second based on a 2-year, 24-hour design storm. If a swale of 200 feet in length cannot be designed with a flow velocity of 1.5 feet per second or less, then the flow velocity shall be reduced to the maximum extent practicable.

*Note: Check dams may be included in the swale design to slow runoff flows and improve pollutant removal. Transportation facilities with continuous features such as curb and gutter, sidewalks or parking lanes do not comply with the design requirements of this paragraph. However, a limited amount of structural measures such as curb and gutter may be allowed as necessary to account for other concerns such as human safety or resource protection.*

2. Exemptions. The City Engineer may, consistent with water quality standards, require other provisions of this section be met on a transportation facility with an average daily travel of vehicles greater than 2500 and where the initial surface water of the state that the runoff directly enters is any of the following:
  - a. An outstanding resource water as defined in the State Department of Natural Resources.
  - b. An exceptional resource water.
  - c. Waters listed in s. 303(d) of the federal clean water act that are identified as impaired in whole or in part, due to nonpoint source impacts.
  - d. Waters where targeted performance standards are developed under s. NR 151.004, Wis. Adm. Code, to meet water quality standards.

*Note: The Department of Natural Resource's regional storm water staff can determine if additional BMPs, beyond a water quality swale, are needed under this paragraph.*

(4) GENERAL CONSIDERATIONS FOR ON-SITE AND OFF-SITE STORM WATER MANAGEMENT MEASURES. The following considerations shall be observed in managing runoff:

- (a) Natural topography and land cover features such as natural swales, natural depressions, native soil infiltrating capacity, and natural groundwater recharge areas shall be preserved and used, to the extent possible, to meet the requirements of this section and Division 15-4.0100
- (b) Emergency overland flow for all storm water facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.

- (c) BMPs for water quantity management shall utilize the following techniques, in order of preference:
1. Preservation of the natural features of development sites, including natural storage and infiltration characteristics;
  2. Preservation of existing wetlands, natural streams, channels, and drainage ways;
  3. Minimization of new impervious surfaces;
  4. Conveyance of storm water in open vegetated channels;
  5. Construction of structures that provide both quantity and quality control, with structures serving multiple sites being preferable to structures serving individual sites; and
  6. Construction of structures that provide only quantity control, with structures serving multiple sites being preferable to structures serving individual sites.

(5) LOCATION AND REGIONAL TREATMENT OPTION

- (a) The BMPs may be located on-site or off-site as part of a regional storm water device, practice or system within the same watershed.
- (b) Runoff within a non-navigable drainage way that flows into a BMP, such as a wet pond, is not required to meet water quality performance standards unless designed to provide treatment as long as treatment is provided for total site.

***Note:** This regional treatment option does not supersede any other federal, state or local regulation of post-construction runoff, such as chs. NR 103 and 30, Wis. Stats.*

- (c) The discharge of runoff from a BMP, such as a wet pond, or after a series of such BMPs is subject to this chapter.
- (d) The City Engineer may approve off-site management measures provided that all of the following conditions are met:
1. The City Engineer determines that the post-construction runoff is covered by a storm water management system plan that is approved by the City of Franklin and that contains management requirements consistent with the purpose and intent of this ordinance.
  2. The off-site facility meets all of the following conditions:
    - a. The facility is in place.
    - b. The facility is designed and adequately sized to provide a level of storm water control equal to or greater than that which would be afforded by on-site practices meeting the performance standards of this ordinance.

- c. The facility has a legally obligated entity responsible for its long-term operation and maintenance.
- (a) Where a regional treatment option exists such that the Common Council exempts the applicant from all or part of the minimum on-site storm water management requirements, the applicant shall be required to pay a fee in an amount determined in negotiation with the Common Council. In determining the fee for post-construction runoff, the Common Council shall consider an equitable distribution of the cost for land, engineering design, construction, and maintenance of the regional treatment option.
- (6) **ALTERNATE REQUIREMENTS.** The City Engineer may establish storm water management requirements more stringent than those set forth in this section if the City Engineer determines that an added level of protection is needed to protect sensitive resources.
- (7) **Credit for Removal of Impervious Surfaces.**
  - (a) **Same Site Credit.** The City Engineer may use the removal of pavement, covered structures or other impervious surfaces at the same property to calculate the net post construction impervious acreage and corresponding water quantity management duties. Credit may equal, but not be larger than the acreage of impervious surfaces removed when runoff release rates and detention are the best management practices utilized at the site. Credit for reducing impervious surfaces at a site, not utilized by the development on the site, belongs to the administering authority and may be banked for allocation to other development within the sub-watershed under subsection (b).
  - (b) **Dispersed Site in Same Sub-Watershed Credit.** The administering authority may bank the removal of impervious surfaces, which individually must be one half acre or more, within the same sub-watershed, where the volume, timing and peak flow of runoff will be distributed over the critical time sufficient to assure the level of protection provided by MMSD flood abatement projects will not be reduced. The administering authority may allocate banked credit to promote a policy of smart growth. The total acreage banked or allocated, or both, shall be reported, by watershed or sub-watershed, annually to the MMSD for concurrence.

## **SECTION 15-8.0608**

## **PERMITTING REQUIREMENTS, PROCEDURES AND FEES**

- (1) **PERMIT REQUIRED.** No responsible party may undertake a land disturbing construction activity without receiving a post-construction runoff permit from the City Engineer prior to commencing the proposed activity and that all provisions of Division 15-4.0100 are complied with.
- (2) **PRIOR TO PERMIT APPLICATION:** All Storm Water Management Plans shall be submitted at the time of site plan review or as a condition of approval as required under Section 15-8.0112, and as applicable under Sections 15-7.0103 (P) and 15-7.0501 (J), and shall receive complete review with written letter of approval from the City Engineer, and all pertaining State, Federal, and Local approving authorities to assure that all proposed design standards meet the requirements of the City Storm Water Management Plan, and further that as-built will be in

compliance of Sections 15-4.0100. Any Plats or CSM's receiving contingent Storm Water Management Plan approval shall submit said letters of written approval with the Permit Application before a permit may be granted.

- (3) **PERMIT APPLICATION AND FEES.** Any responsible party desiring a permit shall submit to the City Engineer a permit application made on a form provided by the City Engineer for that purpose.
- (a) Unless specifically excepted, a permit application must be accompanied by a storm water management plan, a maintenance agreement and a non-refundable permit administration fee.
  - (b) The storm water management plan shall be prepared to meet the requirements of Sections 15-8.0607 and 15-8.0609, the maintenance agreement shall be prepared to meet the requirements of Section 15-8.0610, the financial guarantee shall meet the requirements of Section 15-8.0611, and fees shall be those established by the Common Council as set forth in Section 15-8.0612.
- (4) **REVIEW AND APPROVAL OF PERMIT APPLICATION.** The City Engineer shall review any permit application that is submitted with a storm water management plan, maintenance agreement, and the required fee, as follows:
- (a) Within twenty (20) business days of the receipt of a complete permit application, including all items as required by sub. (2), the City Engineer shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved based on the requirements of this ordinance.
  - (b) If the storm water permit application, plan and maintenance agreement are approved, or if an agreed upon payment of fees in lieu of storm water management practices is made, the City Engineer shall issue the permit.
  - (c) If the storm water permit application, plan or maintenance agreement is disapproved; the City Engineer shall detail in writing the reasons for disapproval.
  - (d) The City Engineer may request additional information from the applicant. If additional information is submitted, the City Engineer shall have ten (10) business days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either approved or disapproved.
- (5) **PERMIT REQUIREMENTS.** All permits issued under this ordinance shall be subject to the following conditions, and holders of permits issued under this ordinance shall be deemed to have accepted these conditions. The City Engineer may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action by the City Engineer to suspend or revoke this permit may be appealed in accordance with Section 15-8.0614.
- (a) The responsible party shall design and install all structural or identify non-structural storm water management measures, or both, in accordance with the approved storm water management plan and this permit.

- (b) The responsible party shall notify the City Engineer at least two (2) business days before commencing any work in conjunction with the storm water management plan, and within five (5) business days upon completion of the storm water management practices. If required as a special condition under sub. (5), the responsible party shall make additional notification according to a schedule set forth by the City Engineer so that practice installations can be inspected during construction.
- (c) Practice installations required, as part of this ordinance shall be checked by the City Engineer to determine if the facilities were constructed to the approved plans (as built). All depth and size requirements shall be considered a minimum. Completed storm water management practices must pass a final inspection by the City Engineer or its designee to determine if they are in accordance with the approved storm water management plan and ordinance. The City Engineer or its designee shall notify the responsible party in writing of any changes required in such practices to bring them into compliance with the conditions of this permit.

***Note:** Certification by a P.E. may be an additional cost without benefit in many instances. Other non-P.E. professionals, e.g., landscape architects or general contractors, appear to provide adequate assurances.*

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

meet the performance standards in 15-8.0607 or a financial guarantee as provided for in 15-8.0611.

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

- (7) PERMIT DURATION. Permits issued under this section shall be valid from the date of issuance through the date the City Engineer notifies the responsible party that all storm water management practices have passed the final inspection required under sub. (4)(c) not to exceed one year in duration.

## **SECTION 15-8.0609                      STORM WATER MANAGEMENT PLAN**

- (1) PLAN REQUIREMENTS. In addition to the requirements of 15-8.0112 the following items are required. The storm water management plan required under 15-8.0608(2) (2) shall contain at a minimum the following information:
- (a) Name, address, and telephone number for the following or their designees: landowner; developer; project engineer for practice design and certification; person(s) responsible for installation of storm water management practices; and person(s) responsible for maintenance of storm water management practices prior to the transfer, if any, of maintenance responsibility to another party.
  - (b) A proper legal description of the property proposed to be developed, referenced to the U.S. Public Land Survey system or to block and lot numbers within a recorded land subdivision plat.
  - (c) PRE-DEVELOPMENT SITE CONDITIONS, a description of the existing conditions of the site, including:
    - 1. A topographic and cadastral map of the site at a scale of one inch equals 100 feet or larger,
    - 2. The hydrologic and hydraulic characteristics of the site including drainage flow paths and directions of flow onto, through, and out of the site; related drainage basin boundaries, including off-site tributary areas; times of concentration,
    - 3. The location of areas where Storm Water may collect or percolate into the ground,
    - 4. Locations where runoff enters the site from adjacent tributary areas together with the size of those areas, expressed in acres,
    - 5. Locations where runoff leaves the site and the contributing watersheds to each of these locations, expressed in acres,
    - 6. Two-year, 24-hour, SCS TYPE II peak runoff rate at each location where runoff leaves the site, expressed in cubic feet per second,

7. Ground water elevations,
  8. Soils by hydrologic group,
  9. Cover type and condition,
  10. Location and extent of impervious surfaces, including cover type (genus and species name) and condition of the surfaces,
  11. Locations and outlines of all buildings or other structures,
  12. Location of all natural resource features as identified in Table 15-4.0100,
  13. Information regarding current water quality objectives and current water quality conditions in any intermittent and perennial watercourses located on or within 100 feet to the site,
  14. Locations, sizes, and elevations of all existing storm sewers, channels, ditches, detention or retention ponds, or other engineered drainage facilities on or within 100 feet of the site, and,
  15. Locations of any existing water supply wells and wellhead protection areas.
- (d) POST-DEVELOPMENT SITE CONDITIONS, describing the alterations proposed at to the site and the resulting proposed post-development conditions, including:
1. Explanation of the provisions to preserve and use natural topography and land cover features to minimize changes in peak flow runoff rates and volumes to surface waters,
  2. Explanation of any restrictions on Storm Water management measures in the development area imposed by wellhead protection plans and ordinances,
  3. Proposed changes in the planimetry of the site, and in the topography of the site by contours having the same contour interval and referred to the same datum as used to present the topography of the existing site conditions,
  4. The location and outline of all proposed buildings or other structures,
  5. Changes in the location, extent and type of impervious surfaces,
  6. The location, type, and extent of areas where vegetation is to be disturbed or planted,
  7. Impacts on existing natural storage or infiltration areas,
  8. Changes in the drainage flow paths into, through, out of the site, and related changes in drainage basin boundaries,

9. The location, elevations and sizes of all proposed minor and major Storm Water management facilities; the former including all storm sewers and inlets, the latter including curbed roadways, roadway ditches, culverts, storage facilities, and interconnected flow paths,
  10. Any changes to lakes, streams, watercourses, or wetlands on or within 100 feet of the site, and,
  11. The location and widths of required public rights-of-way or easements needed to accommodate the recommended Storm Water management facilities.
- (e) **PROPOSED STORM WATER MANAGEMENT FACILITIES AND MEASURES**, a definitive description of the proposed Storm Water management facilities and measures for the control of the quantity and quality of the anticipated Storm Water runoff from the proposed development, redevelopment or land division. The description of the proposed management facilities shall include:
1. For detention and retention facilities: locations, areas, depths, volumes, inlet and outlet configurations (and elevation of the bottoms), and of key inlet and outlet control structures;
  2. In the design of the detention and retention facilities, consideration shall be given to access for maintenance purposes. If possible the facilities should be located adjacent to public property. If it is not possible to locate the facilities adjacent to public property an access easement shall be granted with explicit language such that the abutting property owners shall be aware that the easement is for access to the facilities for maintenance purposes;
  3. For conveyance facilities: locations of inlets and manholes and associated rim and invert elevations, and pipe sizes, slope and materials; locations, elevations, and cross sections of ditches, swales and channels; and culvert sizes, inlet and outlet configurations and elevations;
  4. Design computations and all applicable assumptions for the Storm Water conveyance (open channel, closed pipe, etc.) system;
  5. Detailed drawings including cross-sections and profiles of all permanent Storm Water conveyance and treatment practices;
  6. Design computations and all applicable assumptions for Storm Water quality practices (sedimentation type, filtration type, infiltration type) is needed to show the location, type (genus and species), and extent of areas where vegetation is to be disturbed or planted, that practices are appropriately sized to accommodate runoff from the 1.5-inch rainfall;
  7. For practice designs that depart from those specified in the “Wisconsin Storm Water Manual, Part 2: Technical Design Guidelines for Storm Water Best Management Practices”, the results of continuous simulation modeling, conducted according to the guidelines established in that manual, shall be presented in such a



way as to show the reduction in average annual total suspended solids loading from the developed site;

8. Erosion Control Plan in accordance with the “Wisconsin Construction Site Best Management Practices Handbook”, published and periodically updated by the Wisconsin Department of Natural Resources and the requirements as stated in Sections 15-8.0300 and 15-8.0203;
  9. Measures to abate any potential pollution of surface and ground waters;
  10. A schedule for the construction of the recommended Storm Water management facilities and estimates of attendant capital and operation and maintenance costs;
  11. A maintenance plan developed for the life of each Storm Water management practice, including the designated and reserved maintenance access route (s), required maintenance activities and maintenance schedule;
  12. A landscaping plan in accordance with “The City of Franklin Unified Development Ordinance – Pond Landscaping Guidelines as defined in Appendix “F” of the City of Franklin Storm Water Management update – December 2002; and
  13. Other information as needed by the City to determine compliance of the proposed Storm Water management measures with the provision of this Section.
- (f) A description and installation schedule for the storm water management practices needed to meet the performance standards in 15-8.0607.
  - (g) A maintenance plan developed for the life of each storm water management practice including the required maintenance activities and maintenance activity schedule.
  - (h) Cost estimates for the construction, operation, and maintenance of each storm water management practice.
  - (i) Other information requested in writing by the City Engineer to determine compliance of the proposed storm water management measures with the provisions of this ordinance.
  - (j) All site investigations, plans, designs, computations, and drawings shall be certified by a [licensed professional engineer] to be prepared in accordance with accepted engineering practice and requirements of this ordinance.
- (2) **ALTERNATE REQUIREMENTS.** The City Engineer may prescribe alternative submittal requirements for applicants seeking an exemption to on-site storm water management performance standards under 15-8.0607(5).

- (1) **MAINTENANCE AGREEMENT REQUIRED.** The maintenance agreement required under 15-8.0608(2) for storm water management practices shall be an agreement between the Common Council and the responsible party to provide for maintenance of storm water practices beyond the duration period of this permit. The maintenance agreement shall be filed with the County Register of Deeds as a property deed restriction so that it is binding upon all subsequent owners of the land served by the storm water management practices. The development agreement may serve as the maintenance agreement.
- (2) **AGREEMENT PROVISIONS.** The maintenance agreement shall contain the following information and provisions and be consistent with the maintenance plan required by 15-8.0609(1)(g):
  - (a) Identification of the storm water facilities and designation of the drainage area served by the facilities.
  - (b) A schedule for regular maintenance of each aspect of the storm water management system consistent with the storm water management plan required under 15-8.0608(2).
  - (c) Identification of the responsible party(s), organization or city, county, town or village responsible for long-term maintenance of the storm water management practices identified in the storm water management plan required under 15-8.0608(2).
  - (d) Requirement that the responsible party(s), organization, or city shall maintain storm water management practices in accordance with the schedule included in par. (b).
  - (e) Authorization for the City Engineer, its designee and the Milwaukee Metropolitan Sewerage District to access the property to conduct inspections of storm water management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.
  - (f) Agreement that the party designated under par. (c), as responsible for long term maintenance of the storm water management practices, shall be notified by the City Engineer of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable time frame as set by the City Engineer.
  - (g) Authorization of the City Engineer to perform the corrected actions identified in the inspection report if the responsible party designated under par. (c) does not make the required corrections in the specified time period. The City Engineer shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to subch. VII of ch. 66, Wis. Stats.
- (3) **POND MAINTENANCE GUIDELINES**

**Trees and Brush**

Trees and brush may be permitted on slope surfaces or berms.

## **Stump Removal and Sprout Prevention**

Stumps of trees should be removed so vegetation can be established and the surface mowed. Stumps can either be removed by pulling or with machines that grind them down. All woody material should be removed to about 6 inches below the ground surface. The cavity should be filled with well-compacted soil and grass vegetation established.

Stumps of trees in riprap areas that cannot usually be easily pulled or ground down can be chemically treated so they will not continually form new sprouts. Certain herbicides are effective for this purpose and can even be used near water supply reservoirs if applied by licensed personnel. These products should be painted, not sprayed, on the stumps. Other instructions found on the label should be strictly followed when handling and applying these materials. Only a few commercially available chemicals can be used along shorelines or near water.

## **Landscaping**

Vegetation shall be examined regularly, at least twice a year during the first two (2) growing seasons. Stunted growth of pond vegetation or growth and excessive invasive species indicate that increased maintenance and intervention will be necessary.

Native landscaping prairie area will be managed by hand removal for invasives during the first 2-3 years of the growing season in order to become well established. Burning, cutting or selective herbicide for management of invasives and woody species should take place as needed or a two (2) year cycle after the third growing season. Emergent and submergent vegetation around the perimeter of the pond areas will be inspected annually and any non-native and invasive species be removed. Herbicides should not be used near open water areas.

## **Structural Inspection and Maintenance**

After construction and site grading are complete, the pond should be checked by the City Engineer for correct design depth and volume. If sediment has deposited during construction or site grading, the pond should be re-excavated.

The annual inspection by the City Engineer and/or maintenance of the following items should be completed:

- < Pond inlets and outlets for structural integrity and blockage,
- < Riprap at pipe and culvert outlets for placement, integrity and effectiveness,
- < Inspection of berms for cracks, excessive settlement or seepage.

## **Sediment Removal (Dredging)**

This component includes monitoring of the levels of the sediment on an annual basis. When the sediment in the forebay (or the main basin) reaches a depth of two feet, the material should be removed so that the original volume of the permanent pool is

maintained. In general, pond dredging is expected to occur once every 10 to 15 years. The following practices help ensure dredging is not warranted prematurely:

- < Construction site erosion control,
- < As-built survey of the pond at time of completion,
- < Successful re-vegetation and/or restoration of pond surroundings.

### **Nuisance Waterfowl Control**

Nuisance waterfowl control is generally achieved through the use of upland or shoreland buffers consisting of un-mowed tall vegetation. The buffer zone can be mowed in the early summer of the second full growing season. Refer to Appendix “F” of the City of Franklin Storm Water Management Plan Update dated December 2002 by Bonestroo, Rosene, Anderlik and Associates.

## **(4) CONSTRUCTED WETLANDS**

In some situations, a sedimentation basin followed by a natural wetland buffer (to act as a pre-filter to a natural wetland), a restored wetland, or a constructed wetland “can” be an effective means of removing some suspended solids, nutrients, and other potential pollutants from storm water runoff. The primary function of the sedimentation basin is, as already noted, to remove buoyant debris and suspended solids and the related potential pollutants. Storm Water then passes into the restored or constructed wetland where physical (e.g., settling) and biological (e.g., nutrient uptake by vegetation) processes remove additional potential pollutants. The restored or constructed wetland offers opportunities to develop wildlife habitat, education (e.g., self-guided tours), and aesthetic benefits.

In addition to regular maintenance activities, several design features can be incorporated to ease the maintenance of restored or constructed wetlands. One potential maintenance concern in restored or constructed wetlands is clogging of the outlet. Restored or constructed wetlands should be designed with a non-clogging outlet such as a reverse-slope pipe, or a weir outlet with a trash rack. A reverse slope pipe draws from below the micropool extending in a reverse angle up to the riser and establishes the water elevation of the micropool. Because these outlets draw water from below the level of the micropool, they are less likely to be clogged by floating debris.

Restored or constructed wetlands should incorporate design features that make sediment cleanouts of both the forebay and the shallow pool easier. Restored or constructed wetlands should have direct maintenance access to the forebay, to allow this relatively routine (five to seven year) sediment cleanouts. In addition, the shallow pool should generally have a drain to draw down the restored or constructed wetland for the more infrequent dredging of the main cell of the restored or constructed wetland.

In general, the introduction of natural features in constructed wet detention basins will not only increase pollutant removal capacity, but also result in a new water body that can potentially come to offer wildlife habitat values. In order to help this process, the wet detention ponds must be specially designed to have the appropriate geometry, location, size and vegetation. Such facilities are called constructed wetlands and have been shown to be effective, successful, and reliable in the long run.

Because of their natural appearance, water quality benefits, and need for minimum maintenance, constructed wetlands are preferred and should be encouraged whenever appropriate and/or possible. However, it should be noted that Storm Water wetlands are designed specifically for the purpose of treating Storm Water runoff, and typically have less biodiversity than natural wetlands both in terms of plant and animal life.

(5) **BIORETENTION FACILITIES**

Bioretention areas are landscaping features adapted to treat Storm Water runoff on the development site. They are commonly located in parking lot islands or within small pockets in residential land uses. Surface runoff is directed into shallow, landscaped depressions. These depressions are designed to incorporate many of the pollutant removal mechanisms that operate in forested ecosystems. Runoff from larger storms is generally diverted past the facility to the storm drain system. The remaining runoff filters through native plantings which act as pollutant removal system. Typically, the filtered runoff is collected in a perforated underdrain and returned to the storm drain system.

Bioretention systems are generally applied to small sites, but can be applied to a wide range of development. Bioretention can be applied in many climate and geologic situations, with some minor design modifications. In cold climates, bioretention areas can be used as a snow storage area. When used for this purpose, or if used to treat parking lot runoff the bioretention area should be planted with salt tolerant and non-woody plant species.

(6) **FOREBAYS (PRE-SETTLEMENT BASINS)**

Pre-settlement basins or forebays consist of additional storage space located near a Storm Water practice inlet that serves to trap incoming coarse sediments before they accumulate in the main treatment area. In general, the surface area of the forebay is typically about 10% of the volume of the main pool.

The forebay is designed to settle out coarse sediment particles before they reach the main pool. By trapping these sediments in the forebay, it is possible to greatly reduce the maintenance burden of the pond. Coarse sediments are trapped in the forebay, and these sediments are removed from the smaller pool on a five to seven year cycle.

It is recommended that wet detention ponds or constructed wetlands with a total main pool area of greater than 0.5 acres should have a forebay area to create an additional level of sediment removal and maintenance reduction.

(7) **MISCELLANEOUS MAINTENANCE**

**Debris and Obstructions**

It is important to regularly remove any accumulation of debris, which may act to block the primary outlet, the trash rack leading into the outlet pipe, or the outlet pipe itself. If any of these items become obstructed, a rise in the pond level could occur, creating undue stress and endangering the slopes and berms. In addition, debris can promote deterioration of the slopes through abrasive actions. The City Engineer shall inspect all inlets and outlets on a regular basis – at least once per year.

### **Animal Burrows**

Animal burrows provide a seepage path for water through the berms. Concentrated seepage can result in slope failure. All burrows should be filled in with soil or grout, topped and seeded for erosion protection and live trapped and removed if necessary.

### **Riprap**

Maintenance of riprap areas should be relatively minor. Any displaced riprap should be replaced. This may be occurring near the water surface, when ice accumulation can move riprap.

The riprap, if used at the site is placed over geotextile fabric. Roots from vegetation may act to compromise this fabric, thereby reducing its effectiveness. Therefore, all vegetation in riprap areas should be removed using methods described in Pond Maintenance.

## **SECTION 15-8.0611                      FINANCIAL GUARANTEE**

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

## **SECTION 15-8.0612                      FEE SCHEDULE**

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

## **SECTION 15.8.0613**

## **ENFORCEMENT**

- (1) Any land disturbing construction activity or post-construction runoff initiated after the effective date of this ordinance by any person subject to the ordinance provisions shall be deemed a violation unless conducted in accordance with the requirements of this ordinance.
- (2) The City Engineer shall notify the responsible party of any non-complying land disturbing construction activity or post-construction runoff. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, or additional enforcement action which may be taken. Any technique that effectively provides actual and verifiable notice may be used.
- (3) If the violations are likely to result in damage to properties, public facilities, or waters of the state, the City Engineer may enter the land and take corrective actions necessary to prevent such damage. The costs incurred by the City Engineer plus interest and legal costs shall be paid by the responsible party.
- (4) If the City Engineer determines that any person is in violation of this ordinance or a Storm Water permit, the City Engineer or Building Inspector may issue a notice of violation, a stop work order, a cease and desist order, or revoke the permit, or refer the noncompliance to the City Attorney] for civil enforcement, penalties, injunctive orders or other appropriate relief.
- (5) Every violation of this ordinance is a public nuisance. Any person who violates this ordinance shall be subject to a forfeiture of not less than \$100 or more than \$2,500 per offense, together with the costs of prosecution. Each day each violation continues shall constitute a separate offense.

***Note:** Injunctive orders are authorized pursuant to Wis. Stats., for counties, villages and towns with village powers, and cities respectively.*

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

## **SECTION 15-8.0614**

## **APPEALS**

- (1) APPEALS. The Board of Zoning and Building Appeals shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the City Engineer under or in the administration of the regulations set forth in this Division. The Board of Zoning and Building Appeals may affirm, reverse or modify any such order, decision or determination

upon written appeal to it, and its reasonable application of the terms and provisions of this Division and any applicable terms and provisions of the Municipal Code and Unified Development Ordinance to the facts of such appeal. Any appeal from any order, decision or determination made by the Board of Zoning and Building Appeals under or in the administration of the regulations set forth in this Division shall be by way of certiorari to the Milwaukee County Circuit Court. Any appeal aforesaid shall be made within 30 days of the date of the making of the order, decision or determination appealed from. The Board of Zoning and Building Appeals may authorize variances that are not contrary to the public interest, and where owing to special conditions unique to the property, a literal enforcement would be an unnecessary hardship, and only where the literal enforcement of the terms of this Division would result in no reasonable use of the property. Any uncertainty by Staff as to which process should be followed (appeal or variance) upon an application shall be determined by the City Attorney.

- (2) WHO MAY APPEAL. Appeals as set forth under Sub. (1) above may be taken by any aggrieved person or by an officer, department or board of the City of Franklin affected by any decision of the City Engineer or the Board of Zoning and Building Appeals.

#### **SECTION 15-8.0615**

#### **STORMWATER MANAGEMENT PLAN**

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



# Part 9

# **PART 9: PROCEDURES AND ADMINISTRATION**

## **DIVISION 15-9.0100      ZONING PROCEDURES AND ADMINISTRATION**

### **SECTION 15-9.0101      ZONING ADMINISTRATOR DESIGNATED**

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 Unified Development Ordinance. Said Zoning Administrator shall have the power and shall see that the provisions of this Ordinance are properly enforced.

- A.     **Duties of the Zoning Administrator.** In the enforcement of this Ordinance the Zoning Administrator shall perform the following duties:
1.     Issue the necessary Zoning Compliance Permits and other permits as provided for in the provisions of this Ordinance and assure that the provisions of this Ordinance have been complied with.
  2.     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.
- B.     **Authority.** In the enforcement of this Ordinance the Zoning Administrator shall have the power and authority for the following:
1.     At any reasonable time, and for any proper purpose, to enter upon any public or private premises and make inspection thereof.
  2.     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.
  3.     In the name of the City, and with authorization of the Council for matters initiated in Circuit Court and without authorization of the Council for matters initiated in Municipal Court, commence any legal proceedings necessary to enforce the provisions of this Ordinance or the City of Franklin Building Code including the collection of forfeitures provided for herein.

## **SECTION 15-9.0102**

## **APPLICATIONS FOR ZONING COMPLIANCE PERMIT**

- A. **Zoning Compliance Permit Required.** In all zoning districts except the R-1, R-1E, R-2, R-3, R-3E, R-4, R-5, R-6, and R-7 Districts, any use occupying an existing building or structure, prior to obtaining a Certificate of Occupancy required in Section 15.9.0104, shall receive a Zoning Compliance Permit from the Zoning Administrator if such use complies with the requirements of this Zoning Ordinance and all other applicable City Codes and ordinances, including, but not limited to the Sign Ordinance and Fire Prevention Codes. No Zoning Compliance Permit is required for uses requiring a Special Use Permit.
- B. **Application.** Application for a Zoning Compliance Permit shall be made to the Zoning Administrator. The Zoning Administrator shall have the authority to require the submittal of information pertaining to the proposed use to support that all applicable City Codes have and will be complied with.
- C. **Site Plan Review.** Any use necessitating construction of a new building, addition, accessory structure or any other similar expansion of the use on the site, such as additional parking spaces, shall comply with Site Plan Review of this Ordinance.
- D. **Zoning Compliance Permit Expiration.** A Zoning Compliance Permit shall expire if within six (6) months of the date of issuance of a Zoning Compliance Permit the use has not commenced or that the use has not occupied the structure or location. Upon the showing of a valid cause by the applicant, the Zoning Administrator may grant an extension of such Zoning Compliance Permit for a period not to exceed six (6) months.
- E. **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.

## **SECTION 15-9.0103**

## **APPLICATIONS FOR SPECIAL USE PERMIT**

- A. **General.** It is recognized that there are uses which, because of their unique characteristics, cannot be properly classified in any particular zoning district or districts without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such special uses fall into two categories:
  - 1. Uses publicly operated or traditionally affected with a public interest.
  - 2. Uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.
- B. **Initiation of Special Uses.** Any person owning or having an interest in the subject property may file an application to use such land for one (1) or more of the special uses provided for in this Ordinance and in the zoning district in which the land is situated.
- C. **Application for Special Uses.** A special use application for a special use, or for the expansion of an existing special use, shall be filed with the Zoning Administrator or designee on a special use

application form prescribed by the Zoning Administrator. The special use application shall be accompanied by a legal description of the property for which a special use permit is being applied for, such plans or data prescribed on the application form, a statement in writing by the applicant, and adequate evidence showing that the proposed special use will conform to the standards set forth in Division 15-3.0700 of this Ordinance and those other standards set forth in this Ordinance which may also be applicable.

- D. **Hearing on Special Use Application.** Upon receipt in proper form of the application and statement referred to above, the Plan Commission shall hold at least one (1) public hearing. At least ten (10) days in advance of such hearing, but not more than thirty (30) days, notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Franklin. Written notice of the public hearing shall also be delivered by regular mail to all owners of properties or portions of properties within five hundred (500) feet of the lands described in the application, mailed not less than ten (10) days prior to the hearing, with the ownership to be determined by the records on file in the Office of the City Assessor; notice to one of joint or in-common owners being notice of all. The Common Council shall request a review of each such special use in the floodplain districts by the Wisconsin Department of Natural Resources (DNR). Final action on floodplain applications shall not be taken for at least thirty (30) days or until DNR has made its recommendations, whichever comes first. A copy of all decisions relating to special uses in the floodplain districts shall be transmitted to DNR within ten (10) days of the effective date of such decision.
- E. **Authorization of Special Uses.** For each application for a special use, the Plan Commission shall report to the Common Council its findings and recommendations, including the stipulations of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. The Common Council may grant or deny any application for a special use; provided, however, that in the event of written protest against any proposed special use, duly signed and acknowledged by the owners of 20% or more either of the areas of the land included in such proposed amendment, or by the owners of 20% or more of the area of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such special use shall not be granted except by the favorable vote of three-fourths (3/4) of all the members of the Common Council. No application for special use permission pertaining to specific lands which describes the property to be subject to such proposed special use permission so as to create a "buffer zone", which buffer zone is found by the Common Council to have been created to avoid the effect of a protest petition and which buffer zone proposal is not supported by a substantial land use reason or a reasonable zoning practice purpose, shall be approved. The burden of proof with regard to the findings to be made by the Common Council hereunder shall be upon the applicant. A copy of all decisions granting special uses in floodplains shall be transmitted by the Council Secretary to the State Department of Natural Resources and the Region 2 Water Resources Advisory Board within ten (10) days of such decisions.
- F. **Effect of Denial of a Special Use.** No application for a special use which has been denied wholly or in part by the Common Council shall be resubmitted for a period of 180 days from the date of said order of denial.
- G. **Revocation.** In any case where a special use has not been established within one (1) year after the date of granting thereof, then without further action by the Plan Commission or the Common

Council, the special use authorization shall be null and void. The criteria for determining establishment of a special use may be set forth by the Common Council in the approving Special Use Resolution.

## **SECTION 15-9.0104**

## **APPLICATIONS FOR CERTIFICATE OF OCCUPANCY**

- A. **When a Certificate of Occupancy is Required.** A Certificate of Occupancy to be issued by the Building Inspector shall be required for any of the following, except buildings incidental to agricultural operations other than residences:
1. Occupancy and use of a building hereafter erected or enlarged.
  2. Change in use of an existing building.
  3. Any change in the use of a nonconforming use.
- B. **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.
- C. **Undeveloped Land Within Floodplain Districts.**
1. No undeveloped land within the floodplain districts shall be occupied, developed, or used; and no structure hereafter erected, altered, substantially improved, or moved shall be occupied until the applicant submits to the Zoning Administrator a certification by a Wisconsin registered professional engineer or land surveyor that the floodplain regulations set forth in this ordinance have been fully complied with. Such certification shall include the first floor elevation of any structure on the site.
  2. 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.
- D. **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 Zoning Administrator.
- E. **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 (3) 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.

- F. **Form of Certificate of Occupancy and Permanent Record.** Each Certificate of Occupancy shall state that the building or proposed use of a building or land complies with all provisions of this Ordinance. A record of all Certificates of Occupancy shall be kept on file in the office of the Building Inspector and a copy shall be forwarded, on request, to any person having proprietary or tenancy interests in the building or land affected.
- G. **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 Section 196.491 of the Wisconsin Statutes as amended.

## **SECTION 15-9.0105**

## **APPLICATIONS FOR ZONING APPEAL**

Applications for a Zoning Appeal shall include the following (Also see the provisions set forth in Division 15-10.0200 of this Ordinance):

- A. **Name and Address.** Name and address of the appellant or applicant and all abutting and opposite property owners of record.
- B. **Plat of Survey.** In the case of an appeal which involves a specific property, a Plat of Survey prepared by a registered land surveyor showing all of the information required under Section 15-9.0102 of this Ordinance for a Zoning Compliance Permit.
- C. **Questions to be Answered by the Applicant.** Items on the application to be provided in writing by the appellant or applicant shall include the following:
1. Indication of the section(s) of the Ordinance being appealed.
  2. Statement regarding the appeal requested, giving distances and dimensions where appropriate; or, in the case of an appeal of a decision of the Zoning Administrator or Building Inspector, the circumstances and appeal being requested.
  3. Statement of the reason(s) for the request.
  4. Statement of the exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district and which cause the hardship. *[Note: Economic hardship and self-imposed hardship are not grounds for the granting of a variance.]*
  5. Date of any previous application for an appeal and the disposition of the previous application (if any).
- D. **Additional Information.** Additional information as required by the Plan Commission, City Engineer, Board of Zoning and Building Appeals, Zoning Administrator, Building Inspector, or the Zoning Appeal Application Form.

## **SECTION 15-9.0106**

## **APPLICATIONS FOR ZONING VARIANCE**

Applications for a Zoning Variance shall include the following (Also see the provisions set forth in Division 15-10.0200 of this Ordinance):

- A. **Name and Address.** Name and address of the appellant or applicant and all abutting and opposite property owners of record.
- B. **Plat of Survey.** Plat of Survey prepared by a registered land surveyor showing all of the information required under Section 15-9.0102 of this Ordinance for a Zoning Compliance Permit.
- C. **Questions to be Answered by the Applicant.** Items on the application to be provided in writing by the appellant or applicant shall include the following:
  - 1. Indication of the section(s) of the Ordinance from which a variance is requested.
  - 2. Statement regarding the variance requested, giving distances and dimensions where appropriate.
  - 3. Statement of the reason(s) for the request.
  - 4. Statement of the exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district and which cause the hardship. *[Note: Economic hardship and self-imposed hardship are not grounds for the granting of a variance.]*
  - 5. Date of any previous application for a variance and the disposition of the previous application (if any).
- D. **Additional Information.** Additional information as required by the Plan Commission, City Engineer, Board of Zoning and Building Appeals, Zoning Administrator, Building Inspector, or the Zoning Variance Application Form.

## **SECTION 15-9.0107**

## **APPLICATIONS FOR MINOR ZONING VARIANCE**

Applications for a Minor Zoning Variance shall include the following (Also see the provisions set forth in Division 15-10.0200 of this Ordinance):

- A. **Name and Address.** Name and address of the appellant or applicant and all abutting and opposite property owners of record.
- B. **Photographs.** Two (2) photographs of the subject structure from different views.
- C. **Drawing.** If existing, a drawing of the structure listing its size and dimensions and a site drawing or survey setting forth the location of the structure and its distance from lot lines and adjacent buildings on the property.

- D. **Questions to be Answered by the Applicant.** Items on the application to be provided in writing by the appellant or applicant shall include the following:
1. Indication of the section(s) of the Ordinance from which a minor variance is requested.
  2. Statement regarding the minor variance requested, giving distances and dimensions where appropriate.
  3. Statement of the reason(s) for the request.
  4. Statement of the exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district and which cause the hardship. *[Note: Economic hardship and self-imposed hardship are not grounds for the granting of a variance.]*
  5. Date of any previous application for a minor variance and the disposition of the previous application (if any).
- E. **Additional Information.** Additional information as required by the Plan Commission, City Engineer, Board of Zoning and Building Appeals, Zoning Administrator, Building Inspector, or the Minor Zoning Variance Application Form.

#### **SECTION 15-9.0108**

#### **APPLICATIONS FOR ZONING INTERPRETATION**

Applications for an Interpretation by the Zoning Administrator shall include the following (Also see the provisions set forth in Division 15-10.0200 of this Ordinance):

- A. **Name and Address.** Name and address of the applicant.
- B. **Questions to be Answered by the Applicant.** Items on the application to be provided in writing by the appellant or applicant shall include the following:
1. Indication of the section(s) of the Ordinance for which an interpretation from the Zoning Administrator is requested.
  2. Statement of the reason(s) for the request.
  3. Date of any previous application and the disposition of the previous application (if any).
- C. **Additional Information.** Additional information as required by the Zoning Administrator or Building Inspector.



Applications for a Certificate of Appropriateness for alterations in the architectural appearance of any structure within an HPO Historic Preservation Overlay District shall include the following (Also see the provisions set forth in Section 15-3.0318 of this Ordinance):

- A. **Required Architectural Plans, Elevations, and Perspective Drawings.** Architectural plans, elevations, and perspective drawings and sketches illustrating the design and character of all proposed alterations. A color building elevation or perspective rendering of the exterior of the proposed building(s) shall be required for review by the City Plan Commission for all types of structures. Said elevations and perspective drawings shall indicate the location and placement of all auxiliary building equipment such as heating, ventilating, and/or air-conditioning equipment. These drawings are to be drawn to a recognized architectural scale with the name of the project noted. Building plans shall be submitted with all detail drawn on each elevation. Plans drawn with partial building details indicated will be returned to the Applicant for redrafting.
- B. **Name and Address.** Name and address of the applicant.
- C. **Owner/Developer.** Owner's and/or developer's name and address.
- D. **Architect/Engineer.** Architect's and/or engineer's name and address.
- E. **Date.** Date of submittal of plans.
- F. **Scale.** Scale of drawings noted on each drawing.
- G. **Building Type, Size, and Location.** The type, size, and location of all structures with all building dimensions shown.
- H. **Height.** The height of building(s).
- I. **Exterior Materials Samples to be Provided.** Samples of exterior materials and their colors.
- J. **Additional Information May be Required.** Additional information and data which may be required by the City Planner or Plan Commission may include, but not be limited to, the following upon request:
  - 1. Photographs from the site of adjacent neighboring structures and/or property.
  - 2. Detailed drawings of decorative elements of the building(s) or structure(s).
  - 3. Sectional building or site drawings drawn to a recognized engineering or architectural scale.
- K. **Revocation and Expiration of Certificate of Appropriateness.** In any case where a Certificate of Appropriateness has been granted by the City for alterations in the architectural appearance of any structure within an HPO District and such alternatives have not been established within one (1) year after the date of granting thereof, then without further action by the City, the Certificate of Appropriateness authorization shall be null and void unless upon the showing of valid cause

by the applicant prior to the expiration of such one (1) year, the Plan Commission (upon recommendation of the Historic Preservation Commission) may grant an extension of such Certificate of Appropriateness for a period not to exceed one (1) year.

**SECTION 15-9.0110**

**APPLICATIONS FOR A SPECIAL EXCEPTION TO STREAM, SHORE BUFFER, NAVIGABLE WATER-RELATED, WETLAND, WETLAND BUFFER, AND WETLAND SETBACK PROVISIONS, AND FOR IMPROVEMENTS OR ENHANCEMENTS TO A NATURAL RESOURCE FEATURE**

Applications for a Special Exception to stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback provisions, and for improvements or enhancements to a natural resource feature of this Ordinance shall include the following:

- A. Name and address of the applicant and all abutting and opposite property owners of records.
- B. Plat of survey. Plat of survey prepared by a registered land surveyor showing all of the information required under §15-9.0102 of this Ordinance for a Zoning Compliance Permit.
- C. Questions to be answered by the applicant. Items on the application to be provided in writing by the applicant shall include the following:
  - 1. Indication of the section(s) of this Ordinance for which a Special Exception is requested.
  - 2. Statement regarding the Special Exception requested, giving distances and dimensions where appropriate.
  - 3. Statement of the reason (s) for the request.
  - 4. Statement of the reasons why the particular request is an appropriate case for a Special Exception, together with any proposed conditions or safeguards, and the reasons why the proposed Special Exception is in harmony with the general purpose and intent of the Ordinance. In addition, the statement shall address any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district, including a practicable alternative analysis as follows:
    - a. Background and purpose of the Project.
      - i) Describe the project and its purpose in detail. Include any pertinent construction plans.
      - ii) State whether the project is an expansion of an existing work or new construction.
      - iii) State why the project must be located in or adjacent to the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback to achieve its purpose.

- b. Possible Alternatives
  - i) State all of the possible ways the project may proceed without affecting the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback as proposed.
  - ii) State how the project may be redesigned for the site without affecting the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback.
  - iii) State how the project may be made smaller while still meeting the project's needs.
  - iv) State what geographical areas were searched for alternative sites.
  - v) State whether there are other, non-stream or other non-navigable water, non-shore buffer, non-wetland, non-wetland buffer, and/or non-wetland setback sites available for development in the area.
  - vi) State what will occur if the project does not proceed.
- c. Comparison of Alternatives.
  - i) State the specific costs of each of the possible alternatives set forth under sub. b., above as compared to the original proposal and consider and document the cost of the resource loss to the community.
  - ii) State any logistical reasons limiting any of the possible alternatives set forth under sub. b., above.
  - iii) State any technological reasons limiting any of the possible alternatives set forth under sub. b., above.
  - iv) State any other reasons limiting any of the possible alternatives set forth under sub. b., above.
- d. Choice of Project Plan. State why the project should proceed instead of any of the possible alternatives listed under sub. b., above, which would avoid stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback impacts.
- e. Stream or Other Navigable Water, Shore Buffer, Wetland, Wetland Buffer, and Wetland Setback Description. Describe in detail the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback at the site which will be affected, including the topography, plants, wildlife, hydrology, soils and any other salient information pertaining to the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback.

- f. Stream or Other Navigable Water, Shore Buffer, Wetland, Wetland Buffer, and Wetland Setback Impacts. Describe in detail any impacts to the following functional values of the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback:
    - i) Diversity of flora including State and/or Federal designated threatened and/or endangered species.
    - ii) Storm and flood water storage.
    - iii) Hydrologic functions.
    - iv) Water quality protection including filtration and storage of sediments, nutrients or toxic substances.
    - v) Shoreline protection against erosion.
    - vi) Habitat for aquatic organisms.
    - vii) Habitat for wildlife.
    - viii) Human use functional value.
    - ix) Groundwater recharge/discharge protection.
    - x) Aesthetic appeal, recreation, education, and science value.
    - xi) Specify any State or Federal designated threatened or endangered species or species of special concern.
    - xii) Existence within a Shoreland.
    - xiii) Existence within a Primary or Secondary Environmental Corridor or within an Isolated Natural Area, as those areas are defined and currently mapped by the Southeastern Wisconsin Regional Planning Commission from time to time.
  - g. Water Quality Protection. Describe how the project protects the public interest in the waters of the State of Wisconsin.
5. Date of any previous application or request for a Special Exception and the disposition of that previous application or request (if any).
- D. Copies of all necessary governmental agency permits for the project or a written statement as to the status of any application for each such permit.

## **SECTION 15-9.0111**

## **OTHER REQUIRED PERMITS**

It is the responsibility of the permit applicant to secure all other necessary permits required by any state, federal, or local agency. This includes, but is not limited to, a water use permit pursuant to Chapters 30 or 31 of the Wisconsin Statutes or a wetland fill permit pursuant to Section 404 of the Federal Water Pollution Control Act, and highway access permits.

## **DIVISION 15-9.0200**

## **UNIFIED DEVELOPMENT ORDINANCE TEXT AND ZONING MAP CHANGES AND AMENDMENTS**

### **SECTION 15-9.0201**

### **AUTHORITY AND APPLICATION**

Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Common Council may by ordinance, change the district boundaries or amend, change, or supplement the regulations established by this Ordinance or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Plan Commission. This section and the following provisions of Division 15-9.0200 shall not apply to any amendment of the land division regulations set forth within this Ordinance, including any regulations under Parts 1, 11 and 12 of this Ordinance pertaining to land division, Division 15-2.0100, Division 15-2.0300, Division 15-9.3000 and Parts 4, 5, 7 and 8, the amendment of which shall be subject to the procedures specified pursuant to §236.45(4), Stats., as amended. Amendments to the zoning provisions of this Ordinance shall be made as set forth in this Ordinance and §62.23(7)(d), Stats., as amended and such other statutes as may apply to the amendment of a specific zoning provision as may be set forth in this Ordinance. Amendments to the land division provisions of this Ordinance shall be made as set forth in §236.45(4), Stats., as amended.

### **SECTION 15-9.0202**

### **INITIATION**

A change or amendment may be initiated by the Common Council, the City Plan Commission, or by a petition of one (1) or more of the owners or lessees of property within the area proposed to be changed.

### **SECTION 15-9.0203**

### **PETITIONS**

Petitions for any change in the district boundaries or amendments to the regulations shall be filed with the City Clerk, shall describe the premises to be rezoned or the regulations to be amended, shall list the reasons justifying the petition, and shall specify the proposed use, and shall include the following:

- A. **Owners' Names and Addresses Required.** Name, address, and telephone number of the petitioner for a zoning amendment, agent; and tax key numbers, names, and addresses of all property owners of all properties lying within two hundred (200) feet of the area proposed to be rezoned.
- B. **Plot Plan Required.** Plot plan drawn to a reasonable scale (as determined by the City Planner and/or City Engineer) and fully dimensioned showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the

location and existing use of all properties within two hundred (200) feet of the area proposed to be rezoned.

- C. **Description of Requested Zoning District Boundary Change or Unified Development Ordinance Text Amendment Required.** The petitioner shall provide a complete legal description of the property for which a change in zoning is requested. In the case of a proposed Ordinance text amendment, the petitioner shall provide a copy of the text proposed to be changed as well as the new text being proposed by the petitioner.
- D. **General Description of Proposed Development Required.** A general description of the proposed development of the property.
- E. **Site Plan Required.** A Site Plan of the proposed development of the property meeting the requirements set forth under Division 15-7.0100 of this Ordinance.
- F. **Landscape Plan Required.** A Landscape Plan meeting the requirements set forth under Division 15-7.0300 of this Ordinance. Any required bufferyard easements shall be so noted on the Landscape Plan. An applicant may elect to only file a preliminary landscape plan generally depicting the landscaping for the premises at the time of Petition filing, with the later submission of a Landscape Plan to be a condition of any final Petition approval, except where Department of City Development staff requires the filing of a Landscape Plan with the Petition or the Plan Commission requires the Landscape Plan submission during its review of the Petition, upon a determination that same is reasonably necessary in order to properly review the visual impacts of the proposed change or amendment. Landscape Plans must be approved by the Plan Commission.
- G. **Natural Resource Protection Plan Required.** If natural resource features are present on the subject property, as defined in Divisions 15-4.0100 and 15-11.0100 of this Ordinance, a Natural Resource Protection Plan meeting the requirements set forth in Division 15-7.0200 of this Ordinance.
- H. **Site Intensity and Capacity Calculations Required.** Site Intensity and Capacity Calculations meeting the requirements set forth in Division 15-3.0500 and in the prescribed format set forth in the City's application form.
- I. **Architectural Plans.** Architectural plans meeting the requirements of Division 15-7.0800 of this Ordinance.
- J. **Additional Information May be Required.** Additional information may be required by the Plan Commission or the Common Council.

#### **SECTION 15-9.0204**

#### **REVIEWS AND RECOMMENDATIONS**

After holding a public hearing as set forth in this Division, the Plan Commission shall review all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, be modified, or be denied. The recommendation shall be made within thirty (30) days after the public hearing, and shall be made in writing to the Common Council.

## **SECTION 15-9.0205**

## **HEARINGS**

The Plan Commission, as a committee of the Common Council, shall hold a public hearing upon each proposed change or amendment giving notice of the time and place of such hearing by publication in the City of a Class 2 notice under Chapter 985 of the Wisconsin Statutes. Written notice of the public hearing shall also be delivered by regular mail to all owners of properties or portions of properties within five hundred (500) feet of the lands described in the application, mailed not less than ten (10) days prior to the hearing, with the ownership to be determined by the records on file in the Office of the City Assessor; notice to one of joint or in-common owners being notice to all. 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). 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 Section 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.

## **SECTION 15-9.0206**

## **COMMON COUNCIL'S ACTION**

Following such hearing and after careful consideration of the Plan Commission's recommendations, the Common Council shall vote on the passage of the proposed change or amendment.

## **SECTION 15-9.0207**

## **FLOODPLAIN DISTRICT BOUNDARY CHANGES LIMITED**

- A. **Changes to the FW, FC, and FFO Districts.** Changes to the FW, FC, and FFO Districts shall further be limited to the following:
1. **Changes in the Floodway Delineation.** Changes to the floodway delineation shall not be permitted where the change will increase the flood stage elevation equal to or more than 0.01 foot in height, unless the petitioner has made appropriate legal arrangements with all affected units of government and all property owners affected by the stage increase. Petitions for floodway changes shall show the effects or the change within the associated flood fringe and shall provide adjusted water surface profiles and adjusted floodplain limits to reflect the increased flood elevations.
  2. **Removal of Land From the FW, FC, and FFO Floodplain Districts.** Removal of land from the floodplain districts shall not be permitted unless the land has been filled to an elevation at least two (2) feet above the elevation of the one hundred (100) year recurrence interval flood and further provided that such lands are contiguous to lands lying outside of the floodplains.

3. **Amendment of Unnumbered A Zones.** Amendment of unnumbered A Zones shall not be permitted unless the petitioner provides the City with engineering data showing the flood profile, necessary river cross- sections, flow elevations, and any effect the establishment of a floodway/flood fringe will have on flood stages. The effects shall be limited as set forth in this section. If the unnumbered A Zone is five (5) acres or less in area and where the cost of the proposed development is estimated to be one hundred and twenty-five thousand dollars (\$125,000) or less, the Department of Natural Resources (DNR) will assist the petitioner in determining the required flood elevations.
4. **No River or Stream Shall be Altered or Relocated.** No river or stream shall be altered or relocated until a floodplain zoning change has been applied for and granted in accordance with the requirements of this section, and until all adjacent communities have been requested to review and comment on the proposed alteration or relocation. The flood-carrying capacity of the altered or relocated watercourse shall not be reduced to less than the flood-carrying capacity before the watercourse was altered or relocated.
5. **Notice to and Approval by DNR.** A copy of all notices for amendments or rezoning in the FW, FC, and FFO Districts shall be transmitted to the Wisconsin Department of Natural Resources (DNR) not less than 10 days prior to the public hearing. Notice of action taken shall be provided to the DNR within 10 days of the decision. No amendments to the floodplain district boundaries or regulations shall become effective until approved by the DNR.
6. **Notice to and Approval by FEMA.** Notices of action taken for amendments or rezoning in the FW, FC, and FFO Districts shall be transmitted to the regional office of the Federal Emergency Management Agency (FEMA) within 10 days of the decision. In the case of floodplain district boundary changes, FEMA will determine if an official Letter of Map Amendment (LOMA) or Letter of Map Revision Based on Fill (LOMR-F) will be required. The LOMA and LOMR-F are waivers of Federal insurance requirements; these letters do not fulfill minimum requirements for removing land from the floodplain. To remove land from floodplain, the requirements in Section 15-9.0207A.2 above must be met. No amendments to the floodplain district boundaries or regulations shall become effective until approved by FEMA.

B. **Changes to the SW Shoreland Wetland District.** Changes to the SW District shall further be limited to the following:

1. **Notice to DNR.** The City shall transmit a notice of any change (text or map) in the SW District if such change affects land in the shoreland, as defined in this Ordinance, to the Wisconsin Department of Natural Resources (DNR). Notice requirements shall be as follows:
  - a. A copy of every petition for a text or map change mailed within five (5) days of filing with the City Clerk.
  - b. At least ten (10) days prior notice of any public hearing on a SW District zoning amendment.



- c. Notice of a City Plan Commission recommendation no later than ten (10) days following the recommendation.
  - d. Notice of a Common Council decision no later than ten (10) days following the decision.
2. **Review Standards.** No wetland in a SW District shall be rezoned if the rezoning may result in a significant adverse impact on storm or floodwater storage capacity; maintenance of dry season streamflow, the discharge of groundwater from the wetland to another area, or the flow of groundwater through a wetland; filtering or storage of sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters; shoreline protection against soil erosion; fish spawning, breeding, nursery, or feeding grounds; wildlife habitat; or areas of special recreational, scenic, or scientific interest, including scarce wetland types.
3. **DNR Objections.** If the DNR has notified the City Plan Commission that an amendment to the shoreland portion of the SW District may have a significant adverse impact upon any of the criteria listed above, that amendment, if approved by the Common Council, shall contain the following provisions:

*"This amendment shall not take effect until more than thirty (30) days have elapsed since written notice of the Common Council's approval of this amendment was mailed to the Department of Natural Resources. During that 30-day period, the Department of Natural Resources may notify the Common Council that it will adopt a superseding shoreland ordinance for the City, pursuant to Section 62.231 of the Wisconsin Statutes. If the Department does so notify the Common Council, the effect of this amendment shall be stayed until the Section 62.231 adoption procedure is completed or otherwise terminated."*

## **SECTION 15-9.0208**

## **PDD PLANNED DEVELOPMENT DISTRICT PROCEDURES**

- A. **Pre-Application Conference.** Prior to official submittal of an application for a PDD Planned Development District, the applicant shall file an application to meet with the City Plan Commission for a preliminary discussion on the scope and proposed nature of the contemplated development.
- B. **Application for a PDD Planned Development District.** Following the pre-application conference, the owner or his agent may file an application with the City Clerk for an amendment to the Unified Development Ordinance text and map for the creation of a PDD Planned Development District pursuant to the requirements of Division 15-9.0200 of this Ordinance. Such application shall be accompanied by all required fees. In addition, the following materials shall be attached to the application for a PDD Planned Development District:
- 1. A statement describing the relationship of the PDD Planned Development District to the City of Franklin's Comprehensive Master Plan, detailed neighborhood or planning district plans, general character of and the uses to be included in the proposed PDD Planned Development District, and the following:

- a. Total area to be included in the PDD Planned Development District, area of open space, residential density computations, proposed number of dwelling units, population analysis, availability of or requirements for municipal services, and any other similar data pertinent to a comprehensive evaluation of the proposed development.
- b. A general summary of the estimated value of structures and site improvement costs, including landscaping and special features.
- c. A general outline of the organizational structure of a property owner's or management's association which is proposed to be established for the purpose of providing necessary private services.
- d. A general development plan which meets all of the Site Plan requirements set forth in Division 15-7.0100 of this Ordinance and also including:
  - (1) A complete legal description of the boundaries of lands included in the proposed PDD Planned Development District and the PDD District's relationship to surrounding properties.
  - (2) The location of public and private roads, driveways, and parking facilities.
  - (3) The size, arrangement, and location of individual building sites and proposed building groups on each individual site.
  - (4) The location of recreational and open space areas and areas reserved or dedicated for public uses, such as school, park, drainage, etc.
  - (5) The type, size, and location of structures.
  - (6) General landscape treatment.
  - (7) Architectural drawings and sketches illustrating the design and character of proposed structures.
  - (8) The location of public sanitary sewer and water supply facilities.
  - (9) Existing topography on the site.
  - (10) Anticipated uses of adjoining lands in regard to roads, surface water drainage, and compatibility with existing adjacent land uses.
- e. A Landscape Plan meeting the requirements set forth under Division 15-7.0300 of this Ordinance. Any required bufferyard easements shall be so noted on the Landscape Plan.
- f. If natural resource features are present on the subject property, as defined in Divisions 15-4.0100 and 15-11.0100 of this Ordinance, a Natural Resource

Protection Plan meeting the requirements set forth in Division 15-7.0200 of this Ordinance.

- g. Site Intensity and Capacity Calculations meeting the requirements set forth in Division 15-3.0500 and in the prescribed format set forth in the City's application form.
- C. **Referral to Plan Commission.** The application for a PDD Planned Development District shall be referred to the Plan Commission for its review and recommendation, including any additional conditions or restrictions which it may deem necessary or appropriate.
- D. **Public Hearing Required.** The Plan Commission, before formulating its recommendations to the Common Council, shall hold a public hearing pursuant to the provisions of Section 15-9.0205. Notice for such hearing shall include reference to the development plans filed in conjunction with the requested zoning change.
- E. **Basis for Approval.** The Plan Commission in making its recommendation, and the Common Council in making its determination, shall give consideration to the following:
  - 1. **Intent to Start Construction Within a Reasonable Period.** That the applicant for the proposed PDD Planned Development District has demonstrated that the applicant intends to start construction within a reasonable period following the approval of the change in zoning districts and that the development will be carried out according to a reasonable construction schedule satisfactory to the City.
  - 2. **Consistency with Unified Development Ordinance and Comprehensive Master Plan Required.** That the proposed PDD Planned Development District is consistent in all respects to the purpose of this Section and to the spirit and intent of this Ordinance; is in conformity with the Comprehensive Master Plan, and elements thereof, for community development; is in conformity with, or serves to implement, the appropriate detailed planning district or neighborhood unit development plan, including amendments thereto; would not be contrary to the general welfare and economic prosperity of the City or the immediate neighborhood, and that the benefits and improved design of the resultant development justifies the establishment of a PDD Planned Development District. The Plan Commission in making its recommendations, and the Common Council in making its determination, shall further find that:
    - a. The proposed site shall be provided with adequate drainage facilities for surface and storm water.
    - b. The proposed site shall be accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the proposed development.
    - c. The proposed development shall not impose any undue burden on public services and facilities, such as fire and police protection.
    - d. The streets and driveways on the site of the proposed development shall be adequate to serve the residents of the proposed development and shall meet the minimum standards of all applicable ordinances of the City.

- e. Water and sewer facilities shall be provided.
  - f. The application for a PDD Planned Development District shall be filed jointly by all of the owners of all of the lands to be included in the Planned Development District. The PDD Planned Development District shall be considered as one (1) tract, lot or parcel, and the legal description must define the PDD Planned Development District as a single parcel, lot or tract and be recorded as such upon approval with the Register of Deeds for Milwaukee County. Subsequent to the recording of a PDD Planned Development District, the lands therein shall not be divided unless the Common Council determines that such division will not adversely affect improved properties within or the character of the Planned Development District and that the division will not have a substantial or undue adverse or detrimental effect upon or endanger adjacent property, the character of the area, or the public health, safety, morals, comfort and general welfare and not substantially diminish and impair property values within the community or neighborhood.
3. **Standards for Residential PDD Planned Development Districts.** In the case of proposed residential PDD Planned Development Districts:
- a. That such development will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation space, and coordination with overall plans for the neighborhood.
  - b. That the total average residential density within the PDD Planned Development District will be compatible with the City of Franklin Comprehensive Master Plan, elements thereof, and the detailed planning district or neighborhood unit development plan prepared for the area.
    - (1) That the population composition of the development will not have an adverse effect upon the community's capacity to provide needed school or other municipal service facilities.
    - (2) That adequate guarantee is provided for permanent preservation of open space areas as shown on the approved site plan either by private reservation or by dedication to the public.
4. **Standards for Commercial and Institutional PDD Planned Development Districts.** In the case of proposed commercial PDD Planned Development Districts:
- a. That the economic practicality of the proposed development can be justified.
  - b. That the proposed development will be adequately served by off-street parking and truck service facilities.
  - c. That the locations for entrances and exits have been designed to prevent unnecessary interference with the safe and efficient movement of traffic on

surrounding streets, and that the development will not create an adverse effect upon the general traffic pattern of the surrounding neighborhood.

- d. That the architectural design, landscaping, control of lighting, and general site development will result in an attractive and harmonious service area compatible with and not adversely affecting the property values of the surrounding neighborhood.
  - e. That the total average intensity of development within the PDD Planned Development District will be compatible with the City of Franklin Comprehensive Master Plan, elements thereof, and the detailed planning district or neighborhood unit development plans prepared for the area.
5. **Standards for Industrial PDD Planned Development Districts.** In the case of proposed industrial PDD Planned Development Districts:
- a. That the operational character, physical plant arrangement, and architectural design of buildings will be compatible with the latest in performance standards and industrial development design and will not result in adverse effects upon the property values of the surrounding neighborhood.
  - b. That the proposed development will have adequate provision for off-street parking and truck service areas and will be adequately served by rail or highway facilities.
  - c. That the proposed development is properly related to the total transportation system of the community and will not result in an adverse effect on the safety and efficiency of the public streets.
  - d. That the total average intensity of development within the PDD Planned Development District will be compatible with the City of Franklin Comprehensive Master Plan, elements thereof, and the detailed planning district or neighborhood unit development plans prepared for the area.
6. **Standards for Mixed-Use PDD Planned Development Districts.** In the case of mixed-use PDD Planned Development Districts:
- a. That the proposed mixture of uses produces a unified composite which is compatible within itself and which, as a total development entity, is compatible with the surrounding neighborhood and consistent with the standards and objectives of the comprehensive plan.
  - b. That the various types of uses conform to the general requirements as hereinbefore set forth, applicable to projects of such use character.
  - c. That the total average intensity of development within the PDD Planned Development District will be compatible with the City of Franklin Comprehensive Master Plan, elements thereof, and the detailed planning district or neighborhood unit development plans prepared for the area.

7. **Determination.**

- a. **Common Council Action.** The Common Council, after due consideration, may deny the application, approve the application as submitted, or approve the application subject to additional conditions and restrictions.
- b. **General and Detailed Approval.** The general and detailed approval of an application for rezoning shall be based on and include as conditions thereto the building, site, and operational plans for the development as approved by the Common Council.
  - (1) **General Approval.** Plans submitted with the application for a rezoning to the PDD Planned Development District need not necessarily be completely detailed at the time of rezoning provided they are of sufficient detail to satisfy the Plan Commission and Common Council as to the general character, scope, and appearance of the proposed development. Such preliminary plans shall designate the pattern of the proposed streets, and the size and arrangement of individual building sites. The approval of such preliminary plans shall be conditioned upon the subsequent submittal and approval of more specific and detailed plans as each stage of development progresses.
  - (2) **Detailed Approval.** Plans submitted for detailed approval shall be sufficiently precise that all factors that need to be identified by the Plan Commission are presented, and that any approvals given are all that would be necessary prior to issuance of a Certificate of Occupancy.
- c. **Subsequent Change or Addition to the Plans or Use.** Any subsequent change or addition to the plans or use shall first be submitted for approval to the Plan Commission and, if in the opinion of the Plan Commission such change or addition constitutes a substantial alteration of the original plan, a public hearing before the Plan Commission shall be required and notice thereof be given pursuant to the provisions of this Division, and said proposal alterations shall be submitted to the Common Council for approval.

**SECTION 15-9.0209**

**PROTEST**

In the event of a protest against such district change or amendment to the regulations of this Ordinance, duly signed and acknowledged by the owners of 20% or more either of the areas of the land included in such proposed amendment, or by the owners of 20% or more of the area of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such change or amendment shall not become effective except by the favorable vote of three-fourths (3/4) of the full Common Council membership. No application for a zoning amendment pertaining to specific lands which describes the property to be subject to such proposed zoning amendment so as to create a “buffer zone”, which buffer zone is found by the Common Council to have been created to avoid the effect of a protest petition and which buffer zone proposal is not supported by a substantial land use reason or a reasonable

zoning practice purpose, shall be approved. The burden of proof with regard to the findings to be made by the Common Council hereunder shall be upon the applicant.

## **DIVISION 15-9.0300      LAND DIVISION PROCEDURES AND ADMINISTRATION**

### **SECTION 15-9.0301              PRE-APPLICATION CONFERENCE**

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

### **SECTION 15-9.0302              SKETCH PLAN REVIEW**

The Sketch Plan shall be prepared in accordance with Division 15-7.0400 of this Ordinance, and the Subdivider shall file at least twenty (20) copies of the Sketch Plan and the application with the City Clerk, or designee together with all necessary fees. Within thirty (30) days of the filing of a Sketch Plan application with the City Clerk, the City Planner, City Engineer, and all other affected City Departments shall review the "Sketch Plan" and conduct the Pre-Application Conference with the applicant (see Section 15-9.0301). In addition:

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

## **SECTION 15-9.0303**

## **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 Division 15-7.0500 of this Ordinance, and the Subdivider shall file at least thirty-five (35) copies of the Preliminary Plat, "Natural Resource Protection Plan" (if required, see Division 15-7.0200 of this Ordinance), "Landscape Plan" for any landscape bufferyard easement areas (see Division 15-7.0300 of this Ordinance) and the application with the City Clerk, or designee together with all necessary fees at least twenty-five (25) days prior to the meeting of the Plan Commission at which first consideration is desired. Said copies shall be in addition to those copies which may be required or requested by Milwaukee County or other agencies. In addition:

**A. Copies of Preliminary Plat, Natural Resource Protection Plan, Landscape Plan, and Application to be Transmitted by City Clerk.** The City Clerk shall, within two (2) normal workdays after filing, transmit:

1. Seven (7) copies to the Plan Commission;
2. Seven (7) copies to the Common Council;
3. Two (2) copies to the City Planner;
4. Four (4) copies to the City Engineer;
5. Two (2) copies to the Wisconsin Department of Agriculture, Trade and Consumer Protection;
6. Additional copies to the Wisconsin Department of Agriculture, Trade and Consumer Protection for retransmission of two (2) copies each to:
  - a. The Wisconsin Department of Transportation, if the subdivision abuts or adjoins a State Trunk Highway or a connecting street;
  - b. The Wisconsin Department of Industry, Labor, and Human Relations, if the subdivision is not served by a public sewer and provision for such service has not been made;
  - c. The Wisconsin Department of Natural Resources, if shorelands or floodplains are contained within the proposed subdivision;
7. One (1) copy to each school board with jurisdiction.
8. Four (4) copies to Milwaukee County.
9. Additional copies as may be required by the City Planner for the review of other applicable City Commissions and City Boards.



10. Additional copies as may be requested by approving authorities and/or objecting agencies.
  11. The applicant shall be responsible for transmitting copies of the Preliminary Plat to all affected utilities for their respective review and comments.
- B. **Fees Required by State Agencies to be Transmitted by City Clerk.** Any appropriate fees paid by the Subdivider for the required state agency reviews shall be made payable to the appropriate State agencies by the Subdivider and forwarded by the City Clerk to the Wisconsin Department of Agriculture, Trade and Consumer Protection (see Division 15-9.0400 of this Ordinance).
- C. **Copies of Preliminary Plat to be Transmitted by City Clerk to Affected City Commissions or Departments.** The City Clerk shall transmit a copy of the Preliminary Plat to all affected City Commissions or Departments for their review and recommendations concerning matters within their jurisdiction. The recommendations of City Commissions, Departments, City Planner, City Engineer, Milwaukee County, State agencies, and affected local utilities shall be transmitted to the Plan Commission within twenty (20) days from the date the plat is filed.
- D. **Plan Commission Review and Recommendation to Common Council.**
1. **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.
  2. **Plan Commission Recommendation to Common Council.** The Plan Commission shall within sixty (60) days of the date of the filing of a Preliminary Plat (including Natural Resource Protection Plan and Landscape Plan as applicable) with the City Clerk (or other Common Council authorized agent), recommend to the Common Council approval, conditional approval, or rejection 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.

#### **SECTION 15-9.0304**

#### **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.
1. **Certification of No Objections Required.** If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the City Clerk.
  2. **Failure of Objecting Agency to Act on Preliminary Plat.** If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objections to the Plat.

- B. **Common Council Action.** The Common Council within ninety (90) days of the date of filing a Preliminary Plat with the City Clerk shall approve, approve conditionally, or reject such plat, unless the time is extended by agreement with the Subdivider.
1. **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 rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat.
  2. **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.

## **SECTION 15-9.0305**

## **FINAL PLAT REVIEW**

- A. **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 Section 236.10(1)(b) of the Wisconsin Statutes] are designated approving authorities.
- B. **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 Section 236.02(a) of the Wisconsin Statutes] shall be hereinafter referred to as objecting agencies.
- C. **Final Plat and Application Submittal.** The Subdivider shall prepare a Final Plat and an application in accordance with Division 15-7.0600 of this Ordinance and shall file an adequate number of copies of the Final Plat and the application as set forth below:
1. **Submittal of Final Plat to the Wisconsin Department of Agriculture, Trade and Consumer Protection.** Before any approvals of the Final Plat are made, the Subdivider or Subdivider's agent shall submit the original Final Plat to the Wisconsin Department of Agriculture, Trade and Consumer Protection which shall forward, at the Subdivider's expense, the following:
    - a. Two (2) copies to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a State Trunk Highway or a connecting street;

- b. Two (2) copies to the Wisconsin Department of Natural Resources if shorelands are contained within the proposed subdivision.
- 2. **Submittal of Final Plat to the City Clerk.** After approval by required State Departments, the Subdivider shall file at least thirty (30) copies of the Final Plat and an application with the City Clerk, or designees along with the proper fees in accordance with the requirements of Division 15-9.0400 of this Ordinance, and the receipt of the proper filing fees of each of the other approving authorities and objecting agencies.
- 3. **City Clerk Transmittal of Final Plat.** The City Clerk shall, within two (2) working days after the filing by the Subdivider, transmit with a cover letter and copies of the Final Plat and application:
  - a. Seven (7) copies to the Plan Commission;
  - b. Seven (7) copies to the Common Council;
  - c. Two (2) copies to the City Planner;
  - d. Four (4) copies to the City Engineer;
  - e. One (1) copy to the school board with jurisdiction; and
  - f. Four (4) copies to Milwaukee County;
  - g. Additional copies that may be requested by the City Planner, or approving authorities and objecting agencies.
- D. **Plan Commission Examination.** The Plan Commission shall examine the Final Plat as to its conformance with the approved Preliminary Plat; any conditions of approval of the Preliminary Plat, this Ordinance, and all ordinances, rules, regulations, adopted regional and County development, City of Franklin Comprehensive Master Plan (or component thereof), or other local comprehensive plans and adopted plan components (in the case of a plat located within the City of Franklin's extraterritorial plat jurisdiction area) which may affect the Final Plat.
- E. **Partial Platting.**
  - 1. **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.
  - 2. **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.

- F. **Contract ("Subdivider's Agreement") Required.** Prior to installation of any required improvements and prior to approval of the Final Plat, the Subdivider shall enter into a written contract ("Subdivider's Agreement") with the City of Franklin requiring the Subdivider to furnish and construct said improvements at Subdivider's sole cost and in accordance with plans and specifications and usual contract conditions, which shall include provision for inspection of construction by the City of Franklin or its agent. (Also see Section 15-2.0303.) The Subdivider may construct the project in such phases as the Common Council approves, which approval may not be unreasonably withheld. If the Subdivider's project will be constructed in phases, the amount of any surety bond or other security required by the Common Council shall be limited to the phase of the project that is currently being constructed. The Common Council may not require that the Subdivider provide any security for improvements sooner than is reasonably necessary before the commencement of the installation of the improvements.

## **SECTION 15-9.0306                      FINAL PLAT APPROVAL**

- A. **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.
1. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Plan Commission via the City Clerk.
  2. If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objections to the plat.
- B. **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.
- C. **Plan Commission Recommendation to the Common Council.** The Plan Commission shall, within forty (40) days of the date of filing of the Final Plat with the City Clerk (or other Common Council authorized agent), recommend approval, conditional approval, or rejection of the plat and shall transmit the Final Plat and application along with its recommendations to the Common Council.
- D. **Approval or Rejection of Final Plat.** The Common Council shall within sixty (60) days of the date of filing the original Final Plat with the City Clerk approve or reject such Final Plat, unless the time is extended by agreement with the Subdivider.
1. If the Final Plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the Subdivider and surveyor.
  2. 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.

3. 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.
4. The Planning Manager shall provide the Common Council with his or her conclusions as to whether the final plat conforms substantially to the preliminary plat and with his or her recommendation shall be made a part of the record of the proceeding at which the final plat is being considered and are not required to be submitted in writing.

**E. Recordation.**

1. 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 insuring their installation filed, the City Clerk shall cause the certificate inscribed upon the Final Plat attesting to such approval to be duly executed and the plat returned to the Subdivider for recording with the Milwaukee County Register of Deeds.
2. The Register of Deeds cannot record the Final Plat unless it is offered within twelve (12) months from date of last approval or thirty-six (36) months from first approval.

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

**SECTION 15-9.0307**

**PLATS WITHIN THE EXTRATERRITORIAL PLAT APPROVAL JURISDICTION**

When the land to be subdivided lies within one-and-one-half (1 1/2) miles of the corporate limits of a fourth class city or village or within three (3) miles of the corporate limits of a first, second, or third class city, the Subdivider shall proceed as specified in Sections 15-9.0301 through 15-9.0306 except:

- A. Transmittal Responsibility.** The City Clerk to whom the Certified Survey Map, Subdivision Plat, or Condominium is first submitted shall be responsible for transmitting copies of the Certified Survey Map, Subdivision Plat, or Condominium to designated objecting agencies. The Subdivider or Condominium Developer (as applicable) shall specify in the Subdivider's application to whom the original application was submitted.
- B. 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.
- C. Park Dedication and Public Site Fees.** In extraterritorial plat approval jurisdiction areas of the City of Franklin, the Subdivider or Condominium Developer (as applicable) shall not be required to dedicate park and open space land to the City of Franklin or be required to pay a public site fee or other development impact fees to the City of Franklin.

## **SECTION 15-9.0308**

## **REPLAT**

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

## **SECTION 15-9.0309**

## **MINOR LAND DIVISION (CERTIFIED SURVEY MAP)**

- A. **When Required.** When it is proposed to divide land into at least two (2) but not more than four (4) parcels or building sites, or when it is proposed to create by land division not more than four (4) parcels or building sites within a recorded Subdivision Plat without changing the exterior boundaries of a block, lot or outlot (thus not constituting a 'subdivision' as defined in Division 15-11.0100 of this Ordinance), the Subdivider shall subdivide by use of a Certified Survey Map. The Certified Survey Map shall include all parcels of land in any size.
- B. **Filing of a Certified Survey Map.** The Subdivider shall prepare the Certified Survey Map in accordance with Division 15-7.0700 of this Ordinance.
1. 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 (see Division 15-7.0300 of this Ordinance), and the application with the City Clerk, or designees at least fifteen (15) days prior to the meeting of the Plan Commission at which action is desired. One (1) original copy of the Certified Survey Map shall be submitted.
  2. The City Clerk 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.
  3. The City Clerk, within two (2) normal work days after filing, transmit the Certified Survey Map, Natural Resource Protection Plan, Landscape Plan, and application as follows:
    - a. Seven (7) copies to the Plan Commission;
    - b. Seven (7) copies to the Common Council;
    - c. One (1) copy each to the affected City Commissions or Departments, to the City Planner, and the City Engineer;
    - d. Two (2) copies to Milwaukee County; and
    - e. One (1) copy to each school board with jurisdiction.

- f. Additional copies as may be requested by approving authorities and objecting agencies.
  4. The applicant shall be responsible for transmitting copies of the Certified Survey Map to all affected utilities for their respective review and comments.
  5. 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 City Clerk, or prior to the next available meeting.
  6. The Certified Survey Map shall be reviewed by the Plan Commission for conformance with this Ordinance and all other ordinances, rules, regulations, adopted regional, County, or City of Franklin Comprehensive Master Plans or adopted plan components which affect it.
  7. The Plan Commission shall within sixty (60) days from the date of filing of the Certified Survey Map recommend approval, conditional approval, or rejection of the map, and shall transmit the map along with its recommendations to the Common Council.
- C. **Common Council Approval.** 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.
1. 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.
  2. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the Subdivider.
- D. **Natural Resource Protection Plan Required.** For properties proposed to be divided by Certified Survey Map, and that contain natural resource features as described in Divisions 15-4.0100 and 15-11.0100 of this Ordinance, a "Natural Resource Protection Plan," as described in Division 15-7.0200 of this Ordinance, shall be submitted for review by the City Planner and Plan Commission.
- E. **Deed Restrictions, Conservation Easements, and Landscape Bufferyard Easements.** For properties proposed to be divided by Certified Survey Map and which contain natural resources required to be preserved or landscape bufferyard easements under the provisions of this Ordinance, the Plan Commission shall require that deed restrictions and/or conservation easements, and landscape bufferyard easements be filed with the Certified Survey Map or submitted for review as a condition of any approval thereof, in the manner and for the purposes as set forth under §15-7.0603D. for final plats.
- F. **Contract ("Subdivider's Agreement") Required.** For Certified Survey Maps requiring the installation of public improvements, prior to installation of any required improvements and prior to approval of the Certified Survey Map, the Subdivider shall enter into a written contract ("Subdivider's Agreement") with the City of Franklin requiring the Subdivider to furnish and

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

**G. Recordation.**

1. All improvement requirements, specified by all approving agencies in matters over which they have jurisdiction, shall be met before recording the Certified Survey Map.
2. The Subdivider shall record the map with the Milwaukee County Register of Deeds within thirty (30) days of its last approval.

**H. 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 Section 15-9.0309(B).

**SECTION 15-9.0310**

**LAND DIVISION VARIANCES**

**A. Plan Commission May Waive or Modify Land Division Requirements of Divisions 15-5.0100, 15-8.0100, and 15-8.0200 of This Ordinance Upon Application.** Where, in the judgement of the Plan Commission, it would be inappropriate to apply literally the provisions of Divisions 15-5.0100, 15-8.0100, and 15-8.0200 of this Ordinance because exceptional or undue hardship would result, the Plan Commission may waive or modify any requirement to the extent deemed just and proper.

**B. Plan Commission Findings of Fact and Conditions.** No variance to the provisions of Divisions 15-5.0100, 15-8.0100, and 15-8.0200 of this Ordinance shall be granted unless the Plan Commission finds by the greater weight of the evidence that all the following facts and conditions exist and so indicates in the minutes of its proceedings:

**1. Exceptional Circumstances.**

- (a) There is exceptional, extraordinary, or unusual circumstances or conditions where a literal enforcement of the requirements of this Ordinance would result in severe hardship.
- (b) Such hardships should not apply generally to other properties or be of such a recurrent nature as to suggest that the land division portions of the Unified Development Ordinance should be changed.

**2. Preservation of Property Rights.** Such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.

**3. Absence of Detriment.** That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.



- C. **Majority Vote of Plan Commission Required.** A majority vote of the entire membership of the Plan Commission shall be required to grant any modification to the provisions of Divisions 15-5.0100, 15-8.0100, and 15-8.0200 of this Ordinance.
- D. **Plan Commission May Waive the Placing of Required Monuments.** The Plan Commission may waive the placing of monuments, required under Section 236.15(1)(b), (1)(c), and (1)(d) of the Wisconsin Statutes, for a reasonable time on condition that the Subdivider or Condominium Developer (as applicable) execute a surety bond to insure the placing of such monuments within the required time limits established by the City.

#### **SECTION 15-9.0311            LAND DIVISION APPEALS**

- A. **Period of Time During Which an Appeal May be Filed.** Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal such objection or failure to approve, as provided in Sections 236.13(5) of the Wisconsin Statutes, within thirty (30) days of notification of the rejection of the plat.
- B. **Failure to Approve Based on an Unsatisfied Objection.** Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action.
- C. **Court May Direct Approval of Plat.** The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable, or discriminatory.

#### **SECTION 15-9.0312            LAND COMBINATION PERMITS**

Adjoining parcels of land may be combined and used as though they were one (1) parcel of land without regard to lot lines dividing the parcels if all combined parcels are in common ownership and the owner has been granted a Land Combination Permit as set forth in this Ordinance.

- A. **Application for a Land Combination Permit.** Applications for a Land Combination Permit shall be made to the City Clerk, or designees for consideration of the Plan Commission. Said Application for a Land Combination Permit shall include the following information:
  - 1. The name, address, and telephone number of the applicant, property owner(s), owner's agent, and developer.
  - 2. A description of each of the properties involved by lot number, block number, subdivision name or certified survey map number, or by metes and bounds; address of each of the parcels to be combined; the Milwaukee County tax key number of each parcel; the zoning districts within which each parcel to be combined lies; the City of Franklin Comprehensive Master Plan Land Use District designation of each parcel to be combined; the present use of the parcels; the proposed use of the parcels; and the area of each parcel to be combined (acres/square feet).

3. A metes and bounds description, legal description, and/or boundary survey of the parcels to be combined graphically showing the relationship to street access and to adjoining properties.

**B. Review and Consideration.**

1. The City Clerk, 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 City Planner and City Engineer and other appropriate City departments for their review, study, and recommendations to the Plan Commission.
2. 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.
3. The Plan Commission shall make a recommendation to the Common Council.
4. The Common Council shall consider these matters set forth under Subsection 2 above and shall grant, conditionally grant, or deny the Land Combination Permit by resolution. If granted, the City Clerk shall record the resolution with the Milwaukee County Register of Deeds.

**DIVISION 15-9.0400      ZONING AND LAND DIVISION ADMINISTRATIVE FEES**

**SECTION 15-9.0401      ADMINISTRATIVE FEES**

As a condition of the review of any application for any type of rezoning, special use, variance or other permit as required under the provisions of this Ordinance, Sketch Plan, approval of a Preliminary Plat, Final Plat, Certified Survey Map, or Condominium, the applicant, Subdivider, or Condominium Developer (as applicable) shall pay the City of Franklin all fees to the City Treasurer as required by the City of Franklin "Fee Schedule" and at the times specified by the City of Franklin "Fee Schedule" before being entitled to any approvals, permits, or the recording of a Final Plat, Certified Survey Map, or Condominium. No application filed pursuant to this Ordinance shall be considered complete unless and until all fees due pursuant to this Ordinance have been paid. Every approval granted and every permit issued pursuant to this Ordinance, whether or not expressly so conditioned, shall be deemed to be conditioned upon payment of the required fees. The failure to fully pay any such fee when due shall be grounds for the City of Franklin to refuse to process, or to continue to process, an application and to deny or revoke any permit or approval sought or issued with respect to the land or development to which the unpaid fee(s) relate. The Fee Schedule shall include an additional fee to provide for the costs incurred by the City in obtaining development needs assessment studies arising from development, which creates, provides or adds a residential dwelling unit within the City, in the amount of \$55 per

dwelling unit, to be paid at the time of building permit application for any such unit(s) and for each business and industrial building in the amount of \$55, plus an additional \$55 for every incremental 10,000 square feet or portion thereof constructed beyond the initial 10,000 square feet of floor space to be created, provided or added, to be paid at the time of building permit application for any such building. Such additional fees shall be denominated development needs assessment fees and such fees shall be refunded to the applicant in the event the application requiring the fees is denied.

#### **A. FEE SCHEDULE**

<u>Zoning and Land Division Administrative Fee Schedule</u>	<u>(Effective April 2, 2002)</u>	<u>Proposed 2004</u>
Rezoning .....	\$ 1,000.00	\$ 1,250.00
Rezoning (1 Parcel Res.).....	\$ 250.00	\$ 350.00
Text Amendments .....	\$ 200.00	\$ 200.00
Site Plan Review (Tier 1)	\$ 500.00	\$ 2,000.00
Site Plan Review (Tier 2; Lot size ≤1 acre)		\$ 1,000.00
Site Plan Review (Tier 3 – ≤10% incr. or decr. In total floor area of all structures with no change to parking; or change to parking only;)		\$ 500.00
Conceptual Review .....	\$ 200.00	\$ 250.00
Variance Requests/Appeals.....	\$ 200.00	\$ 250.00
Special Exception (Bulk and Area)		\$ 300.00
Special Exception (Natural Resource)		\$ 500.00
Special Use Permit (to be layered with site plan review fees, where applic.)	\$ 1,250.00	\$ 1,500.00
Special Use Under 4000 sq. ft.....	\$ 625.00	\$ 750.00
Amendment to Special Use in Good Standing .....	\$ 625.00	\$ n/a
Amendment		\$ 1000.00
SU Renewal (Annual)	\$ 200.00	\$ 300.00
Multi-year Renewal		\$ 1,000.00
PDD .....	\$ 5,000.00	\$ 6,000.00
PDD Amendment (Major = change in boundary, road network or use) .....	\$ 2,500.00	\$ 3,500.00
PDD Amendment (Minor site plan or building changes/no public hearing)		\$ 500.00
Certified Survey Map.....	\$ 1,000.00	\$ 1,500.00
Subdivision Preliminary Plat .....	\$ 4,000.00	\$ 5,000.00
Subdivision Final Plat .....	\$ 750.00	\$ 1,000.00
Plat Affidavit of Correction .....	\$ 125.00	\$ 125.00
Land Combination Permit.....	\$ 300.00	\$ 400.00
Building Move Request .....	\$ 125.00	\$ 200.00
Right-of-Way Vacation.....	\$ 125.00	\$ 300.00
Home Occupation .....	\$ 50.00	\$ 50.00
Zoning Compliance.....	\$ 50.00	\$ 100.00
Zoning letter	n/a	\$ 75.00
Miscellaneous .....	\$ 125.00	\$ 125.00

#### **SECTION 15-9.0402**

#### **OBJECTING AGENCY REVIEW FEES (PLATS)**

In the case of plats, the Subdivider shall transmit all fees required for state agency review to the City Clerk at the time of application.

- A. **Applicable Review Fees to be Transmitted to Proper State Review Agency.** Said applicable review fees shall be transmitted to the proper state review agency by the City Clerk.

- B. **Applicability of Review Fees.** Said fees shall be applicable, where appropriate, to review fees required by the Wisconsin Department of Agriculture, Trade and Consumer Protection; Wisconsin Department of Transportation; Wisconsin Department of Industry, Labor, and Human Relations; and the Wisconsin Department of Natural Resources.

## **SECTION 15-9.0403          DEVELOPMENT IMPACT FEES**

*(See Section 15-5.0110 of this Ordinance).*

## **DIVISION 15-9.0500      VIOLATIONS, PENALTIES, AND REMEDIES**

### **SECTION 15-9.0501          VIOLATIONS**

- A.      **Zoning Violations.**
1.      **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.

## **SECTION 15-9.0502**

## **PENALTIES AND REMEDIES**

- A. **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.
- B. **Remedial Action.** Whenever an order of the Zoning Administrator has not been complied with within thirty (30) days after written notice has been mailed to the owner, resident agent, or occupant of the premises, the Common Council, the Zoning Administrator, the Building Inspector, 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.
- C. **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 Section 31.04 of the Municipal Code, as amended.
- D. **Separate Offense.** Each day a violation exists or continues shall constitute a separate offense.
- E. **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.
- F. **Violations and Concomitant Penalties Relating to Land Division.** Violations and concomitant penalties shall include:
  - 1. **Improper Recordation.** Recordation improperly made carries penalties as provided in Section 236.30 of the Wisconsin Statutes.
  - 2. **Conveyance of Lots in Unrecorded Plats.** Conveyance of lots in unrecorded plats carries penalties as provided for in Section 236.31 of the Wisconsin Statutes.
  - 3. **Monuments Disturbed or Not Placed.** Monuments disturbed or not placed carries penalties as provided for in Section 236.32 of the Wisconsin Statutes.

# Part 10

## **PART 10: COMMISSIONS AND BOARDS**

### **DIVISION 15-10.0100 CITY PLAN COMMISSION**

#### **SECTION 15-10.0101 ESTABLISHMENT**

There is hereby established a City Plan Commission for the City of Franklin, Wisconsin, in accordance with Section 62.23 of the Wisconsin Statutes.

#### **SECTION 15-10.0102 MEMBERSHIP**

The City Plan Commission shall consist of the Mayor who shall be its presiding officer, an alderman appointed by the Mayor and confirmed by the Common Council who shall serve for one (1) year unless the office becomes vacant, the City Engineer and four (4) citizens, three (3) appointed for three (3) year terms and one citizen appointed for a one (1) year term.

- A. **Presiding Officer.** The presiding officer shall be the Mayor.
- B. **Recording Secretary.** The Recording Secretary shall be the City Clerk or other person as designated by the City Clerk.
- C. **Official Oaths.** The official oaths shall be taken by all members in accordance with Section 19.01 of the Wisconsin Statutes within ten (10) days of receiving notice of their appointments.
- D. **Terms.** Terms for the citizen members shall commence in the first week in May, and each term shall be staggered and each term shall be for a three (3) year period.
- E. **"Statement of Economic Interest" Requirements.** Members shall comply with the City of Franklin's "Statement of Economic Interest" policy requirements.

#### **SECTION 15-10.0103 ORGANIZATION**

The City Plan Commission shall organize and adopt rules for its own government in accordance with the provisions of this Ordinance.

- A. **Meetings.** Meetings shall be held monthly (at a minimum) and at the call of the Mayor or a majority of the full Commission and shall be open to the public.
- B. **Standing and Special Committees.** Standing and special committees may be appointed by the Chairman.
- C. **Quorum.** Quorum shall be four (4) members, but all actions shall require approval of a majority of the full Commission except a motion to adjourn.

- D. **Minutes.** Minutes shall be kept showing all actions taken, resolutions, findings, determinations, transactions, and recommendations made; and a copy shall be filed with the City Clerk as a public record.
- E. **Administrative Procedures and Regulations.** The Commission shall keep Administrative Procedures and Regulations to govern the Commission not included herein.

#### **SECTION 15-10.0104      POWERS**

The City Plan Commission shall have such powers as may be necessary to enable it to perform its functions and duties and promote municipal planning. Such powers shall include, but not be limited to, the following:

- A. **Employment of Experts.** To employ experts and a Staff and to pay for their services, supplies, equipment, and such other expenses as may be necessary and proper, not to exceed the appropriations and regulations made by the Common Council.
- B. **Reports and Recommendations.** To make reports and recommendations relating to the plan and development of the municipality to public officials, agencies, utilities, and other organizations and citizens.
- C. **Public Improvement Programs.** To recommend public improvement programs and financing thereof to the Common Council or Mayor.
- D. **Request Available Information.** To request available information from any public official to be furnished within a reasonable time.
- E. **Enter Upon Any Land.** The City Plan Commission, its members, and employees may enter upon any land in the performance of its functions, make examinations and surveys, and place and maintain necessary monuments and marks thereon.

#### **SECTION 15-10.0105      DUTIES**

The City Plan Commission shall have the following functions and duties:

- A. **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 Section 62.23 of the Wisconsin Statutes.
- B. **Make and Recommend an Official Map.** To make and recommend an Official Map to the Common Council in accordance with Section 62.23 of the Wisconsin Statutes.
- C. **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 Section 62.23 of the Wisconsin Statutes.



- D. **Prepare and Recommend Land Division Regulations.** To prepare and recommend land division regulations to the Common Council in accordance with Section 236.45 of the Wisconsin Statutes.
- E. **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.
- F. **Matters Referred to the City Plan Commission.** To consider and report or recommend on all matters referred to them including, but not limited to, Special Use Permits.
- G. **Variances to the Land Division and Platting Provisions of this Ordinance.** The granting of variances to the land division and platting related aspects of this Ordinance shall be the sole charge of the City Plan Commission [*See State ex rel. Westbrook v. City of New Berlin, 120 Wis.2d 256, 354 N.W.2d 206 (Ct. App. 1984)*].
- H. **Hold Public Hearings and Informational Meetings.** To hold public hearings and informational meeting on matters referred to the City Plan Commission.

## **SECTION 15-10.0106      REFERRALS**

The Common Council or other public body or officer of the City, having final authority thereon, shall refer to the City Plan Commission, for its consideration and report before final action is taken, the following matters:

- A. **Public Buildings.** Location and architectural design of any public building.
- B. **Statues and Memorials.** Location of any statue or other memorial.
- C. **Streets, Alleys, or Other Public Way, Park, Playground, Airport, Parking Area, or other Memorial or Public Grounds.** Location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition, or lease of land for any street, alley, or other public way, park, playground, airport, parking area, or other memorial or public grounds.
- D. **Public Utilities.** Location, extension, abandonment, or authorization for any public utility whether publicly or privately owned.
- E. **Public or Semi-Public Housing, Slum Clearance, Relief of Congestion, or Vacation Camps for Children.** Location, character, and extent, or acquisition, leasing, or sale of lands for public or semipublic housing, slum clearance, relief of congestion, or vacation camps for children.
- F. **Fire Prevention Regulations.** Proposed fire prevention regulations.
- G. **Annexations, Incorporations, or Consolidations.** All annexations, incorporations, or consolidations affecting the City.

- H. **Division of Land.** All division of lands within the City's extraterritorial platting jurisdiction.
- I. **Changes and Amendments.** All proposed or requested changes and amendments to the City's Comprehensive Plan, Official Map, Unified Development Ordinance (including its zoning and land division regulations), and Fire Prevention Ordinances.

#### **SECTION 15-10.0107      ADDITIONAL POWERS AND DUTIES**

The City Plan Commission shall have all additional powers and duties granted or assigned by the Common Council or by City ordinances. All the powers and duties granted or assigned by the Wisconsin Statutes to City Plan Commissions and any amendments thereto are hereby granted or assigned to the Commission and such statutes are hereby adopted by reference.

### **DIVISION 15-10.0200    BOARD OF ZONING AND BUILDING APPEALS**

#### **SECTION 15-10.0201      ESTABLISHMENT**

There is hereby established a Board of Zoning and Building Appeals in the City of Franklin for the purpose of hearing appeals and applications, and granting variations and exceptions to the provisions of Chapter 30 "Building Code" of the City of Franklin Municipal Code and this Ordinance in harmony with the purpose and intent of the Unified Development Ordinance.

#### **SECTION 15-10.0202      MEMBERSHIP**

The Board of Zoning and Building Appeals shall consist of five (5) members appointed by the Mayor and confirmed by the Common Council. In addition:

- A. **Terms.** Terms of the Board of Zoning and Building Appeals shall be staggered three (3) year periods.
- B. **Chairman.** The chairman of the Board of Zoning and Building Appeals shall be designated by the Mayor.
- C. **Alternate Member.** Two (2) alternate members of the Board of Zoning and Building Appeals, designated first alternative and second alternative respectfully may be appointed by the Mayor for a term of three (3) years and shall act only when a regular member is absent or refused to vote because of conflict of interest.
- D. **Zoning Administrator and Building Inspector.** The Zoning Administrator shall attend, and the Building Inspector may attend, all meetings of the Board of Zoning and Building Appeals for the purpose of providing technical assistance when requested by the Board.
- E. **Secretary.** The Zoning Administrator, or Zoning Administrator's assignee, shall be the recording secretary of the Board of Zoning and Building Appeals.

- F. **Official Oaths.** Official Oaths shall be taken by all members of the Board of Zoning and Building Appeals in accordance with Section 19.01 of the Wisconsin Statutes within ten (10) days of receiving notice of their appointment.
- G. **Vacancies.** Vacancies of the Board of Zoning and Building Appeals shall be filled for the unexpired term in the same manner as appointments for a full term within one (1) month of the occurrence of the vacancy.
- H. **"Statement of Economic Interest" Requirements.** Members shall comply with the City of Franklin's "Statement of Economic Interest" policy requirements.
- I. **Decisions.** The concurring vote of four (4) members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass, or to effect any variation in such Ordinance.

#### **SECTION 15-10.0203      ORGANIZATION**

The Board of Zoning and Building Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this Ordinance.

- A. **Meetings.** Meetings of the Board of Zoning and Building Appeals shall be held at the call of the Chairman and shall be open to the public.
- B. **Minutes.** Minutes of the proceedings of the Board of Zoning and Building Appeals and a record of all actions shall be kept by the Secretary, showing the vote of each member upon every question, the reasons for the Board's determination, and its findings of facts. These records shall be immediately filed in the office of the Board and shall be a public record.

#### **SECTION 15-10.0204      POWERS**

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:

- A. **Errors.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator or the Building Inspector; 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 Sections 26.10 and 26.11 of the City of Franklin Municipal Code.
- B. **Variances and Minor Variances.** To hear and grant applications for variances (except variances relating to land divisions) pursuant to the provisions of Section 62.23(3) of the Wisconsin Statutes as amended from time to time and to hear and grant applications for minor variances pursuant to this Division of this Ordinance. Use variances shall not be granted. No variance shall be granted which may vary any term or provision of this Unified Development Ordinance as it pertains to any property which is subject to a Special Use resolution or a Planned Development District ordinance or vary any term of such Special Use resolution or Planned Development

District ordinance itself, unless the application for such variance is specifically authorized within such Special Use resolution or Planned Development District ordinance.

- C. **Interpretations.** To hear and decide applications for interpretation of the zoning regulations, also to hear and decide disputes relative to the boundaries of the zoning districts after the City Plan Commission has made a review and recommendation.
- D. **Substitutions.** To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the City Plan Commission has made a review and recommendation. Whenever the Board of Zoning and Building Appeals permits such a substitution, the use may not thereafter be changed without application.
- E. **Unclassified Uses.** To hear and grant applications for unclassified and unspecified uses provided that such uses are similar in character to the principal uses permitted in the district and the City Plan Commission has made a review and recommendation.
- F. **Permits.** The Board of Zoning and Building Appeals may reverse, affirm wholly or partly, modify the requirements appealed from, and may issue or direct the issue of a permit.
- G. **Assistance.** The Board of Zoning and Building Appeals may request assistance from other City officers, departments, commissions, and boards.
- H. **Area Exceptions.** The Board of Zoning and Building Appeals may hear and grant applications for an area exception.
- I. **Oaths.** The Chairman of the Board of Zoning and Building Appeals may administer oaths and compel the attendance of witnesses.
- J. **Variances to the Land Division and Platting Provisions of this Ordinance.** The granting of variances to the land division and platting related aspects of this Ordinance shall be the sole charge of the City Plan Commission [*See State ex rel. Westbrook v. City of New Berlin, 120 Wis. 2d 256, 354 N.W.2d 206 (Ct. App. 1984)*].

## **SECTION 15-10.0205            APPEALS AND APPLICATIONS**

- A. **General Application Requirements.** Appeals from the decision of the Zoning Administrator and the Building Inspector concerning the literal enforcement of this Ordinance or Chapter 30 of the Municipal Code may be made by any person aggrieved, or by any officer, department, board, or bureau of the City. Such appeals shall be filed with the Secretary of the Board of Zoning and Building Appeals within thirty (30) days after the date of written notice of the decision or order of the Zoning Administrator or Building Inspector. Applications may be made by the owner or lessee of the structure, land, or water to be affected at any time and shall be filed with the Secretary. Such appeals and application shall include that information and data as required under Section 15-9.0110 of this Ordinance.

- B. **Applications Relating to Floodplain-Related Mapping Disputes.** The following procedure shall be used by the Board of Zoning and Building Appeals in settling disputes of a floodplain zoning district boundary:
1. The flood district boundary shall be determined by use of the flood profiles contained in an engineering study, or where such information is not available, by experience flood maps or any other evidence available to the Board.
  2. The person contesting the location of the district boundary shall be given the opportunity to present his own technical evidence. Where it is determined that the floodplain is incorrectly mapped, the Board of Zoning and Building Appeals shall advise the City Plan Commission of its findings and the City Plan Commission shall proceed to petition the Common Council for a map amendment.

## **SECTION 15-10.0206      VARIANCES**

- A. **Purpose.** The Board of Zoning and Building Appeals, after a public hearing, may determine and vary the regulations of this Ordinance and Chapter 30 "Building Code" of the City of Franklin Municipal Code in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where the Board of Zoning and Building Appeals makes findings of fact in accordance with the standards hereinafter prescribed, and further finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Ordinance.
- B. **Application and Notice of Hearing.**
1. **Variance (except Minor Variances).** An application for a variance shall be filed in writing with the Zoning Administrator. The application shall contain such information as set forth in Section 15-9.0111 of this Ordinance. Prior to decisions on such petitions, the Board of Zoning and Building Appeals shall hold a public hearing thereon, notice of which shall be mailed to the petitioner and to the owners of all property deemed by the Board of Zoning and Building Appeals to be affected thereby, and also advertised at least ten (10) days prior to the public hearing in the official newspaper of the City. The cost of notifying affected property owners and the cost of advertising the notice of the public hearing shall be borne by the petitioner.
  2. **Minor Variances.** Appeals from the decision of the Zoning Administrator and the Building Inspector concerning the literal enforcement of this ordinance or Chapter 30 of the Municipal Code with regard to the accessory buildings of one hundred fifty (150) square feet or less in area, decks and fences may be made by the owner of the structure or land to be affected. Such appeals may be filed with the Secretary within thirty (30) days after the date of written notice of the decision or order of the Zoning Administrator or Building Inspector, or if such decision or order of the Zoning Administrator or Building Inspector has been made prior to the effective date of this ordinance and no appeal has been taken therefrom, then sixty (60) days from the effective date of this ordinance, whichever date occurs later. Applications for a minor variance may be made by the owner of the structure or land to be affected at any time and shall be filed with the Secretary. The Board of Zoning and Building Appeals shall fix a reasonable time and

place for the hearing, give public notice thereof at least ten (10) days prior, and shall give written notice by regular mail to the applicant and all abutting and opposite property owners of record, by mailing at least seven (7) days in advance of the hearing. At the hearing the applicant may appear in person, by agent or by attorney.

C. **Findings and Factors.**

1. **Variances (except Minor Variances).** No variance to the provisions of this Ordinance (except as otherwise provided) shall be granted by the Board of Zoning and Building Appeals unless it finds that if the variance is granted it would not be contrary to the public interest; a literal enforcement of the Ordinance provisions would result in practical difficulties or unnecessary hardship due to special conditions; the spirit of the Ordinance is preserved; public safety and welfare are secured and substantial justice done. In reviewing the application and evidence relating to a variance the Board of Zoning and Building Appeals shall consider the findings statements set forth in Section 15-10.0209 of this Ordinance.
2. **Minor Variances.** No minor variances to the provisions of this ordinance or the building code shall be granted by the Board unless it finds by a preponderance of the evidence, considering the interests of the abutting and opposite property owners and the public that there exist conditions under which a literal enforcement of the building codes and zoning regulations of this Ordinance as to the subject structure would result in a substantial burden to the appellant or applicant and no material impact upon the community, so that the spirit and purpose of such regulations be observed and the safety, welfare and health of the public and the abutting and opposite property owners be protected. In reviewing the application and evidence relating to a minor variance, the Board of Zoning and Building Appeals shall consider the following factors and indicate its findings in the minutes of the proceedings:
  - a. The change sought by the minor variation shall be consistent with the intent of the zoning regulations for the district in which the property is located;
  - b. No substantial detriment to or material impairment of adjacent property shall be created by minor variances;
  - c. The Board of Zoning and Building Appeals may consider such other factors which appear relevant to the grant or denial of the minor variance.

D. **Authorized Variances.** Variances from the regulations of this Ordinance shall be granted by the Board of Zoning and Building Appeals only in accordance with the standards established in this Section, and may be granted only in the following instances and in no others:

1. To permit any yard or setback less than the yard or setback required by the applicable regulations;
2. To permit the use of a lot or lots for a use otherwise prohibited solely because of insufficient area or width of the lot or lots, but in no event shall the respective area and width of the lot or lots be less than ninety (90) percent of the required area and width;

3. To permit the same off-street parking facility to qualify as required facilities for two (2) or more uses, provided the substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week;
4. To reduce the applicable off-street parking or loading facilities required by not more than one (1) parking space or loading space or twenty (20) percent of the applicable regulations, whichever number is greater;
5. To increase by not more than twenty five (25) percent the maximum distance that required parking spaces are permitted to be located from the use served;
6. To increase by not more than twenty (20) percent of the gross area of any sign;
7. To increase by not more than ten (10) percent the maximum gross floor area of any use or principal structure (not including accessory structures) so limited by the applicable regulations;
8. To exceed any of the authorized variations allowed under this Section, when a lot of record or a zoning lot, vacant or legally used on the effective date of this Ordinance, is by reason of the exercise of the right of eminent domain by any authorized governmental body or by reason of a nonconveyance under threat of an eminent domain proceeding reduced in size so that the remainder of said lot of record or zoning lot or structure of said lot does not conform with one (1) or more of the regulations of the district in which said lot of record or zoning lot or structure is located.
9. **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.

## **SECTION 15-10.0207      INTERPRETATIONS**

- A. **General.** Appeals from interpretations rendered by the Zoning Administrator may be taken to the Board of Zoning and Building Appeals.
- B. **Standards for Use Interpretations.** The following standards shall govern both the Zoning Administrator and the Board of Zoning and Building Appeals on appeals from the Zoning Administrator in issuing use interpretations:
  1. No use interpretation shall be given with respect to the residential zoning districts.
  2. Any use defined in either Divisions 15-3.0600 or 15-11.0100 of this Ordinance shall be interpreted as therein defined.
  3. No use interpretation shall permit a use (listed as a permitted use or a special use in any district) to be established in any district in which such use is not so listed.

4. No use interpretation shall permit a use in any district unless evidence is presented demonstrating that it shall comply with each use limitation established for that particular district.
5. No use interpretation shall permit a use in a district unless such use is substantially similar to other uses permitted in such district and is more similar to such other uses than to uses permitted or specially permitted in a more restrictive district.
6. If the proposed use is most similar to a use permitted only as a special use in the district in which it is proposed to be located, then any use interpretation permitting such use shall be conditioned upon the issuance of a Special Use Permit for such use pursuant to Divisions 15-3.0700 and 15-9.0100 of this Ordinance.
7. No use interpretation shall permit the establishment of any use that would be inconsistent with the district intent statement of the district in question.
8. Subject to the foregoing conditions and limitation, as set forth in this Section, in rendering use interpretations the Zoning Administrator and Board of Zoning and Building Appeals shall be guided by the SIC use classification system and methodology described herein.

C. **Effect of Favorable Use Interpretations.** No use interpretation finding a particular use to be permitted or specially permitted in a particular district shall authorize the establishment of such use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits and approvals that may be required by the codes and ordinances of the City of Franklin including, but not limited to Zoning Compliance Permit, Special Use Permit, Building Permit, or any other required permit.

D. **Limitations on Favorable Use Interpretations.** Limitations on favorable use interpretations are as follows:

1. Subject to an extension of time granted by the City Plan Commission, no use interpretation finding a particular use to be permitted or specially permitted in a particular district shall be valid for a period longer than six (6) months from the date of issue unless a Building Permit is issued and construction is actually begun within the six (6) month period of time and is thereafter diligently pursued to completion, or a Zoning Compliance Permit or Special Use Permit is obtained and a use commenced within that period.
2. A use interpretation finding a particular use to be permitted or specially permitted in a particular district shall be deemed to authorize only the particular use for which it was issued, and such permit shall not be deemed to authorize any allegedly similar use for which a separate use interpretation has not been issued. Such permit shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of twelve (12) consecutive months or more.



E. **Wetland and Floodplain Mapping Interpretations and/or Disputes.**

1. **Wetland Mapping Interpretation and/or Disputes.** When the Board of Zoning and Building Appeals is asked to interpret a SW District boundary where an apparent discrepancy exists between the City's Final Wetland Inventory Map and actual field conditions, the City shall contact the Wisconsin Department of Natural Resources (DNR) to determine if the wetland inventory map is in error. If the DNR staff concurs that the particular area was incorrectly mapped as a wetland, the Board of Zoning and Building Appeals shall direct the City Plan Commission to initiate appropriate action to rezone the property within a reasonable amount of time.
2. **Floodplain Mapping Interpretation and/or Disputes.** When the Board of Zoning and Building Appeals is asked to interpret a floodplain boundary where an apparent discrepancy exists between the federal Flood Insurance Study and actual field conditions, the following procedure shall be used. The floodplain boundary shall be determined by uses of the flood profiles contained in an engineering study or, where such information is not available, by experience flood maps or any other evidence available to the Board of Zoning and Building Appeals. The person contesting the location of the district boundary shall be given the opportunity to present his own technical evidence. Where it is determined that the floodplain is incorrectly mapped, the Board of Zoning and Building Appeals shall advise the City Plan Commission of its findings and the City Plan Commission shall proceed to petition the Common Council for a map amendment.

**SECTION 15-10.0208**

**SPECIAL EXCEPTIONS TO STREAM, SHORE BUFFER, NAVIGABLE WATER-RELATED, WETLAND, WETLAND BUFFER AND WETLAND SETBACK PROVISIONS, AND IMPROVEMENTS OR ENHANCEMENTS TO A NATURAL RESOURCE FEATURE**

- A. **Purpose.** The Common Council may determine and grant a Special Exception to the stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback provisions of this Ordinance, and to allow improvements or enhancements to a natural resource feature in harmony with the general purpose and intent of this Ordinance and in accordance with the specific rules set forth in this Section, where the Common Council makes findings of fact in accordance with the standards hereinafter prescribed, and further finds that there are circumstances which under the standards allow for the granting of a Special Exception to the stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback provisions of this Ordinance, and to allow improvements or enhancements to a natural resource feature.
- B. **Special Exception Grant to the Shore Buffer, Navigable Water-Related, Wetland, Wetland Buffer, and Wetland Setback Regulations and for Improvements or Enhancements to a Natural Resource Feature.** The Common Council, after a public hearing before and the review and recommendation of the Plan Commission, and the review and recommendation of the Environmental Commission, provided it is submitted to the Common Council within forty-five (45) days of the Environmental Commission's receipt of a copy of the application for the Special Exception, may grant a Special Exception to the stream, shore buffer, wetland, wetland buffer, and wetland setback regulations of this Ordinance and for improvements or enhancements to a

natural resource feature. If the Plan Commission does not hold the public hearing and deliver its recommendation to the Common Council within forty-five (45) days of the date of the filing of the application for the Special Exception, the Common Council may hold the public hearing and make its determination without receiving such recommendation. The public hearing shall be preceded by a class 2 notice, under Ch. 985, Stats. and notice to the applicant and to all owners of properties or portions of properties within five hundred (500) feet of the lands described in the application, mailed not less than ten (10) days prior to the hearing, with the ownership to be determined by the records on file in the Office of the City Assessor; notice to one of joint or in-common owners being notice to all. Upon the hearing the Chairman shall: explain the purpose of the hearing and describe how testimony will be received; present a brief summary of the application and any recommendation received from the Plan Commission or the Environmental Commission; afford each interested person or a representative the opportunity to present facts, opinions or arguments at the hearing; administer an oath or affirmation to any person appearing; and keep a record of the hearing by way of a recording device. Upon the hearing, the Chairman may: limit oral presentations if the hearing would be unduly lengthened by repetitious testimony; question or allow others present to question the persons appearing; and continue or postpone the hearing to a specified date, time and place. At the hearing, the applicant and any interested person may be represented by an attorney and may present evidence and call and examine witnesses and cross-examine witnesses of another party. The applicant shall be heard first. The decision of the Common Council upon any decision under this Section shall be in writing, state the grounds of such determination, be filed in the Office of the City Planning Manager and be mailed to the applicant.

1. The applicant shall have the burden of proof to present evidence sufficient to support the findings required under sub. 2 below.
2. A Special Exception to the stream, shore buffer, navigable water-related, wetland, wetland buffer and wetland setback regulations of this Ordinance and for improvements or enhancements to a natural resource feature may be granted only upon a finding, by not fewer than four (4) members of the Common Council that:
  - a. That the condition(s) giving rise to the request for a Special Exception were not self-imposed by the applicant (this subsection a. does not apply to an application to improve or enhance a natural resource feature); and
  - b. Compliance with the stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback requirement will:
    - i. Be unreasonably burdensome to the applicant and that there are no reasonable practicable alternatives; or,
    - ii. 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 Ordinance prescribing the requirement; and
  - iv) Preserve or enhance the functional values of the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback in co-existence with the development.
- d. In making its determinations, the Common Council shall consider factors such as:
- i) Characteristics of the real 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) Existing and future use of property; useful life of improvements at issue; disability of an occupant;
  - iv) Aesthetics;
  - v) Degree of noncompliance with the requirement allowed by the Special Exception;
  - vi) Proximity to and character of surrounding property;
  - vii) Zoning of the area in which property is located and neighboring area;
  - viii) Any negative affect upon adjoining property;
  - ix) Natural features of the property;
  - x) Environmental impacts;
  - xi) A recommendation from the Environmental Commission as well as a review and recommendation prepared by an Environmental Commission-selected person knowledgeable in natural systems; and
  - xii) The practicable alternatives analysis required by §15-9.0110C.4. of this Ordinance and the overall impact of the entire proposed use or structure, performance standards and analysis with regard to the impacts of the proposal, proposed design solutions for any concerns under the Ordinance, executory actions which would maintain the general intent of the Ordinance in question, and other factors relating to the purpose and intent of the Ordinance section imposing the requirement.

3. **Conditions of Special Exception Grant to the Stream, Shore Buffer, Navigable Water-Related, Wetland, Wetland Buffer, and Wetland Setback Regulations and for Improvements or Enhancements to a Natural Resource Feature.** Any Special Exception granted under the authority of this Section shall be conditioned upon the applicant first obtaining all other necessary approval(s) from all other applicable governmental agencies and shall also set forth conditions that the Common Council deems necessary, including, but not limited to, conditions that:
  - a. Prescribe the duration of the Special Exception to be:
    - i) Permanent, thereby remaining permanently with the property,
    - ii) A specified length of time; or
    - iii) A time period during which the property is owned or occupied by a particular person;
  - b. Require the performance of additional actions related to the mitigation (any mitigation required or allowed shall be pursuant to the mitigation standards set forth in Section 14-4.0103 of this Ordinance, which standards shall be applied whether or not the proposed development would otherwise be subject to or entitled to the application of such standards, i.e., wetland mitigation in a residential development) or enhancement of impacts resulting from the Special Exception including limited or long-term maintenance to assure improvement or enhancement is achieved; or
  - c. Prescribe a limitation on the action effectively authorized by the Special Exception, even though such a limitation does not otherwise appear in the requirement from which the Special Exception is sought.
  - d. Require payment or reimbursement by the applicant to the City of any costs, expenses, professional fees (including the fees of a person recognized with knowledge and experience in natural systems) or legal fees reasonably incurred by the City in reviewing or processing the application for Special Exception. The Common Council may also require the posting of a bond or letter of credit to cover the costs of such expenses and fees. An applicant may obtain the review of the amounts imposed under this Subsection pursuant to Division 15-10.0500 of this Ordinance.
4. **Intent of Special Exception Activities.** It is intended that activities limited to the improvement or enhancement of a natural resource feature constitute “development” for which a Special Exception may be granted.

- A. **Statement of Purpose.** The development and execution of this Unified Development Ordinance is based upon the division of the City into districts, within which districts, the use of land and buildings, and bulk and location of buildings and structures in relation to the land, are mutually compatible and substantially uniform. However, there are certain area and dimensional and bulk specifications that cannot be allowed without consideration, in each case, of the impact of those specifications upon neighboring land or public facilities. Such specifications are classified as area exceptions. The following provisions are thus established to regulate the area exceptions which require special consideration.
- B. **Authority of the Board of Zoning and Building Appeals.** The Board of Zoning and Building Appeals, upon review and recommendation of the Plan Commission shall, within a reasonable time, grant or deny any application for an area exception. Prior to the granting of an area exception, the Board shall make findings based upon the evidence presented that the standards herein prescribed are being complied with.
- C. **Permitted Area Exceptions.** Area exceptions for front and rear yard setbacks, side yard offsets, minimum side yard on corner lots, lot area, lot width, maximum lot coverage, maximum height of principle and accessory structures and minimum living area per dwelling unit, granted pursuant to the terms and provisions of this Section are permitted, subject to all of the terms and provisions of this Section, in all districts, provided, however, that area exceptions to area and dimensional requirements as otherwise set forth in this Unified Development Ordinance may only be granted to those setback and yard and area requirements as specified above, and in no event shall the setback or yard and area requirements be reduced to less than three (3) feet in any residential zoning district or to less than five (5) feet in any other zoning district, and provided further, that area exceptions to bulk requirements as otherwise set forth in this Unified Development Ordinance may only be granted to those building bulk requirements as specified above, and in no event shall the building bulk requirements be increased or decreased by more than twenty (20) percent. No area exception may be granted to any natural resource protection standard, feature, buffer, setback or other natural resource area or dimensional requirements, such requirements only being subject to exception by way of Special Exception granted pursuant to §15-10.0208 or as may otherwise be specifically provided in Part 4 of this Unified Development Ordinance.
- D. **Eligibility for Area Exception.** Any person, firm, corporation or organization having a freehold interest or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold possessory interest, or an exclusive possessory interest and which is specifically enforceable in the land for which an area exception is sought may file an application for an area exception if one or more of the conditions of eligibility in the applicable district is met.
- E. **Application for Area Exception.** An application for an area exception shall be filed with the Office of the Planning Manager. The application shall be accompanied by such plans and other information as may be prescribed by the Planning Manager or the Board of Zoning and Building Appeals and an application fee of \$300.00. It shall include a statement in writing by the applicant and adequate information to enable the Planning Manager to make a determination on eligibility, based on the requirements for the district in which the property is located, and to enable the

Board of Zoning Building Appeals to determine if the standards set forth in Subsection G., below, are met.

- F. **Hearing on Application.** Upon receipt of an eligible application for an area exception, the Plan Commission shall hold a public hearing on each application and make a recommendation to the Board of Zoning and Building Appeals. If the Board of Zoning and Building Appeals does not receive a recommendation from the Plan Commission within 45 days of the filing of the application for an area exception, the Board of Zoning and Building Appeals may hold hearings without first receiving the recommendation. Notice of the time, place and purpose of such hearing shall be given by publication of a Class 1 Notice, pursuant to Ch. 985, Wis. Stats., said time, place and purpose of such hearing shall also be delivered by regular mail to the applicant and to all owners of properties or portions of properties within five hundred (500) feet of the lands described in the application, mailed not less than ten (10) days prior to the hearing, with the ownership to be determined by the records on file in the Office of the City Assessor; notice to one of joint or in-common owners being notice to all.
- G. **Standards.** The Board of Zoning and Building Appeals shall grant no area exception unless such Board shall find, upon proof submitted and borne by the applicant, that all of the following conditions are present:
1. That the area exception will not be detrimental to or endanger the public health, safety, comfort or general welfare.
  2. That the uses, values and enjoyment of other property in the neighborhood for purposes already established shall be in no foreseeable manner substantially impaired or diminished by the area exception.
  3. That the area exception will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
  4. That the area exception will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire within the neighborhood.
  5. That the area exception shall be in harmony with the general purpose and intent of this Unified Development Ordinance.
- H. **Conditions.** The Board of Zoning and Building Appeals, in considering and granting an application for an area exception, may condition the granting of an area exception on compliance with the standards in Section G. above and with other conditions, including, but not limited to, landscaping, lighting, and site plan changes. In all cases in which area exceptions are granted, the Board of Zoning and Building Appeals shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.
- I. **Order of the Board of Zoning and Building Appeals.** The concurring vote of four (4) members of the Board of Zoning and Building Appeals shall be necessary to grant an area exception. No order of the Board of Zoning and Building Appeals granting an area exception shall be valid for a period longer than one (1) year from the date of such order unless a building

permit is obtained within such period, and the erection or alteration of a building is started, or the use is commenced within such period.

- J. **Effect of Denial of Application.** No application for an area exception which has been denied wholly or in part by the Board of Zoning and Building Appeals shall be resubmitted for a period of one (1) year from the date of said denial, unless placed on file without prejudice, except on the grounds of new evidence or proof of change of conditions found to be valid by the Board of Zoning and Building Appeals.

## **SECTION 15-10.0210      HEARINGS**

- A. **General.** The Board of Zoning and Building Appeals shall fix a reasonable time and place for the hearing, give public notice thereof at least ten (10) days prior, and shall give due notice to the parties of interest, the Zoning Administrator or Building Inspector, and the City Plan Commission. For all floodplain and shoreland wetland hearings, notice of the hearing shall be given by publication of a Class 2 notice under the provisions of Chapter 985 of the Wisconsin Statutes. At the hearing the appellant or applicant may appear in person, by agent, or by attorney.
- B. **Floodplain and Shoreland Wetland Areas.** In those cases involving floodplains and shoreland wetlands, the Board of Zoning and Building Appeals shall transmit a copy of, and a copy of all shoreland and floodplain appeals to the Wisconsin Department of Natural Resources (DNR) for review and comment at least ten (10) days prior to any public hearings. Final action on the application shall not be taken for at least thirty (30) days, or until the DNR has made its recommendation, whichever comes first. A copy of all decisions relating to variances to regulations in a shoreland or to floodplain regulations, and a copy of all shoreland and floodplain applications shall be transmitted to the DNR within ten (10) days of the date of such a decision.
- C. **Conduct of Public Hearing.** The Chairman of the Board of Zoning and Building Appeals shall place all witnesses under oath. The Board of Zoning and Building Appeals shall hear all relevant evidence presented for and against the application. The Chairman of the Board of Zoning and Building Appeals may rule on exceptions to evidence and permit examination of witnesses.

## **SECTION 15-10.0211      FINDINGS**

No variance to the provisions of this Ordinance shall be granted by the Board unless it finds beyond a reasonable doubt that all the following facts and conditions exist and so indicates in the minutes of its proceedings.

- A. **Preservation of Intent.** Variances shall be consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or special use in that particular district.
- B. **Exceptional Circumstances.** There shall be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Unified

Development Ordinance or Chapter 30 "Building Code" of the City of Franklin Municipal Code should be changed.

- C. **Economic Hardship and Self-Imposed Hardship Not Grounds for Variance.** Variance shall not be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of the variance.
- D. **Preservation of Property Rights.** The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
- E. **Absence of Detriment.** Variances shall not be granted that will create substantial detriment to adjacent property and will materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.
- F. **Additional Requirements in Floodplain Districts.** Variance shall not be granted where:
  - 1. Filling and development contrary to the purpose and intent of the FW Floodway District and the FC Floodplain Conservancy District would result.
  - 2. A change in the boundaries of the FW Floodway District, FC Floodplain Conservancy District, or the FFO Floodplain Fringe Overlay District would result.
  - 3. A lower degree of flood protection than a point two (2) feet above the one hundred (100) year recurrence interval flood for the particular area would result.
  - 4. Any action contrary to the provisions of Chapter NR 116 of the Wisconsin Administrative Code as amended would result.

## **SECTION 15-10.0212      DECISION**

- A. **Variances (except Minor Variances).** The Board of Zoning and Building Appeals shall decide all appeals and applications within thirty (30) days after the final hearing and shall transmit a signed copy of the Board of Zoning and Building Appeals' decision to the appellant or applicant, Zoning Administrator, Building Inspector, and City Plan Commission. The concurring vote of four (4) members of the Board of Zoning and Building Appeals shall be necessary to grant a variation.
  - 1. **Conditions.** Conditions may be placed upon any Zoning Compliance Permit ordered or authorized by the Board of Zoning and Building Appeals.
  - 2. **Expiration of Variances, Substitutions, and Permits.** Variances, substitutions, or use permits granted by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.
  - 3. **Copy of All Decisions on Floodplain Appeals or Variance Requests to be Transmitted to the DNR.** A copy of all decisions on floodplain appeals or variance requests shall be transmitted to the DNR within ten (10) days of their effective date.



B. **Minor Variances.** The Board of Zoning and Building Appeals shall decide all appeals and minor variances within thirty (30) days after the final hearing. The concurring vote of four (4) members of the board shall be necessary to grant a minor variance. The board shall transmit a signed copy of the board's decision to the appellant or applicant, and Zoning Administrator and file a copy of same with the office of the Building Inspector for maintenance as a permanent record.

1. **Conditions.** Conditions may be placed upon any grant of minor variance ordered or authorized by this Board.
2. **Expiration of Minor Variance.** Any minor variance granted by the Board of Zoning and Building Appeals shall expire within six (6) months unless substantial work has commenced pursuant to such grant.
3. **Structural Repairs or Alterations.** Any grant of a minor variance by the Board of Zoning and Building Appeals shall state that the total structural repairs or alterations to the subject structure shall not, from the date of the decision and during the structure's life, exceed twenty-five (25) percent of the value of the structure and that no additions shall be made to the structure.

## **SECTION 15-10.0213      REVIEW BY COURT OF RECORD**

Any person or persons, jointly or severally aggrieved by any decision of the Board of Zoning and Building Appeals, or any taxpayer, or any officer, department, board or bureau of the City, so aggrieved, may, within thirty (30) days after the filing of the decision in the office of the Board of Zoning and Building Appeals, commence an action seeking the remedy available by certiorari, pursuant to §62.23(7)(e)1., Stats., as amended.

## **DIVISION 15-10.0300    ARCHITECTURAL REVIEW BOARD**

### **SECTION 15-10.0301      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.

### **SECTION 15-10.0302      COMPLIANCE**

No structure shall hereafter be erected, moved, reconstructed, extended, enlarged, or have its exterior altered or changed without the Architectural Review Board's approval, however, on matters that require zoning approval by the Plan Commission shall act as the Architectural Board, and the Plan Commission may request the assistance of the Architectural Board. Small accessory structures are exempt unless the Zoning Administrator requests a determination by the Architectural Review Board.

### **SECTION 15-10.0303**

### **MEMBERSHIP**

The Architectural Review Board shall consist of six (6) regular and two (2) alternate members. The City Building Inspector shall be an ex officio member. Members shall be residents of the City of Franklin appointed by the Mayor, subject to confirmation by the Common Council. Alternate members shall act only when a regular member is absent or refused to vote due to a conflict of interest. Terms shall be staggered for three (3) year periods.

- A. **Chairman.** Chairman shall be appointed by the Mayor.
- B. **Recording Secretary.** Recording Secretary shall be the Building Inspector.
- C. **Officials Oaths.** Officials oaths shall be taken by all members in accordance with Section 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 (1) month of the occurrence of the vacancy.

### **SECTION 15-10.0304**

### **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 Building Inspector, and shall be open to the public.
- B. **Minutes.** Minutes shall be kept showing all actions taken and shall be a public record. The grounds for every decision shall be stated.
- C. **Quorum.** Quorum shall be four (4) members, and all actions shall require the concurring vote of at least four (4) members.

### **SECTION 15-10.0305**

### **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 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.

## **SECTION 15-10.0306      APPLICATION**

Applications for approval by the Architectural Review Board shall be made to the Building Inspector and shall be accompanied by plans showing the exterior elevations of the existing and proposed structure, description of the proposed materials, proposed floor grades, and a list of the names and addresses of the parties in interest. Applications for Architectural Review shall include that information and data as required under Section 15-7.0800 of this Ordinance.

## **SECTION 15-10.0307      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 Section 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.

## **SECTION 15-10.0308      DECISION**

The Architectural Review Board shall decide all applications within five (5) days after its review and shall transmit a signed copy of their decision to the applicant and file a copy with the Building Inspector.

## **SECTION 15-10.0309      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.

## **DIVISION 15-10.0400    HISTORIC PRESERVATION COMMISSION**

### **SECTION 15-10.0401      ESTABLISHMENT**

There is hereby established a Historic Preservation Commission for the City of Franklin to safeguard the City's historic and cultural heritage; stabilize and improve property values; promote civic pride in the beauty and noble accomplishments of the past; protect and enhance the City for its residents, tourists and visitors for education, pleasure, and general welfare; and to strengthen the economy of the City.

## **SECTION 15-10.0402**

## **MEMBERSHIP**

- A. **Membership.** The Historic Preservation Commission shall consist of seven (7) residents of the City appointed by the Mayor subject to confirmation by the Common Council. Memberships shall consist of the following: one (1) shall be a registered architect or graduate architect; one (1) shall be a recognized local historian with qualifications in historic preservation, architectural history, or history; one (1) shall be a licensed real estate broker; one (1) shall be an alderman; one (1) shall be a Plan Commission member; and two (2) shall be citizen members with known interest in local history and historic preservation.
- B. **Terms.** Terms shall be for staggered three (3) year periods.
1. **Chairman.** Chairman shall be appointed by the Mayor.
  2. **Secretary.** Secretary shall be selected by the members.
  3. **Official Oaths.** Official oaths shall be taken by all members in accordance with Section 19.0 of the Wisconsin Statutes within ten (10) days of receiving notice of their appointment.
  4. **Vacancies.** Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term within one (1) month of the occurrence of the vacancy.

## **SECTION 15-10.0403**

## **ORGANIZATION**

The Historic Preservation Commission shall organize and adopt rules for its own government in accordance with the provisions of this Section.

- A. **Meetings.** Meetings shall be held at the call of the Chairman of the Historic Preservation Commission or when requested by the Common Council or City Plan Commission and shall be open to the public.
- B. **Minutes.** Minutes shall be kept showing all actions taken and shall be a public record. The grounds for every decision shall be stated in the minutes.
- C. **Quorum.** Quorum shall be four (4) members, and all actions shall require the concurring vote of at least four (4) members.

## **SECTION 15-10.0404**

## **POWERS**

The Historic Preservation Commission shall have the following powers:

- A. **Designation.** The Historic Preservation Commission shall have the power to recommend the designation of landmarks, landmark sites and historic districts within the City to the City Plan Commission based upon criteria established in Section 15-10.0405 of this Ordinance.

- B. **Regulation of Construction, Reconstruction and Exterior Alteration.** No owner or person in charge of a landmark, landmark site, or structure within a historic district shall reconstruct or alter all or any part of the exterior of such property or construct any improvement upon such designated property or cause or permit any such work to be performed upon such property unless a Certificate of Appropriateness has been granted by the City Plan Commission upon recommendation by the Historic Preservation Commission. Applications for a Certificate of Appropriateness shall be filed with the Historic Preservation Commission. Within thirty (30) days of Submission of the application, the Historic Preservation Commission shall make a recommendation to the City Plan Commission based upon the following determinations:
1. Whether, in the case of a designated landmark or landmark site, the proposed work would detrimentally change, destroy or adversely affect any exterior architectural feature of the improvement upon which said work is to be done; and
  2. Whether, in the case of the construction of a new improvement upon a landmark site, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site; and
  3. Whether, in the case of any property located in a historic district designated pursuant to the criteria established in Section 11.5, hereunder, the proposed construction, reconstruction or exterior alteration does not conform to the objectives and design criteria of the historic preservation plan for said district as duly adopted by the City Plan Commission.
- C. **Regulation of Demolition.** No person in charge of a landmark, or improvement in a historic district shall be granted a permit to demolish such property without review and recommendation by the Historic Preservation Commission to the City Plan Commission.
- D. **Recognition of Landmarks and Landmark Sites.** At such time as a landmark or landmark site has been properly designated in accordance with this Division, the Historic Preservation Commission may cause to be prepared and erected on such property, at City expense, a suitable plaque declaring that such property is a landmark or landmark site. Such plaque shall be so placed so as to be easily visible to passing pedestrians. In the case of a landmark, the plaque shall state the accepted name of the landmark, the date of its construction, and other information deemed proper by the Historic Preservation Commission. In the case of a landmark site which is not the site of a landmark building, such plaque shall state the common name of the site, and such other information deemed appropriate by the Historic Preservation Commission.
- E. **Sale of Landmark Sites.** Any party who is listed as the owner of record of a landmark or landmark site at the time of its designation, who can demonstrate to the Historic Preservation Commission that by virtue of such designation he is unable to find a buyer willing to preserve such landmark site, even though he has made reasonable attempts in good faith to find and attract such a buyer, may petition the Historic Preservation Commission to recommend to the City Plan Commission a rescission of its designation. Following the filing of such petition with the secretary of the Historic Preservation Commission:
1. The owner and the Historic Preservation Commission shall work together in good faith to locate a buyer for the subject property who is willing to abide by its designation.

2. If, at the end of a period not exceeding six (6) months from the date of such petition, no such buyer can be found, and if the owner still desires to obtain such rescission, the Historic Preservation Commission shall recommend to the City Plan Commission to rescind its designation of the subject property.
3. In the event such rescission, the Historic Preservation Commission shall notify the City Clerk, the Building Inspector and the City Assessor of same, and shall cause the same to be recorded, at the City's expense, in the office of the Milwaukee County Register of Deeds.
4. Following any such rescission, the Historic Preservation Commission may not recommend to redesignate the subject property a landmark or landmark site for a period of not less than five (5) years following the date of rescission.

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

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

## **SECTION 15-10.0405 LANDMARK, LANDMARK SITE, AND HISTORIC DISTRICT DESIGNATION CRITERIA**

- A. **Landmark or Landmark Site Designation.** For the purposes of this Ordinance, a landmark or landmark site designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, architectural or cultural significance to the City of Franklin, such as historic structures or sites which:
1. Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community; or
  2. Are identified with historic personages or with important events in national, state or local history; or

3. Embody the distinguishing characteristics of an architectural type specimen, inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship; or
4. Are representative of the notable work of a master builder, designer or architect whose individual genius influenced his age.

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

## **SECTION 15-10.0406      PROCEDURES**

- A. **Designation of Landmarks, Landmark Sites and Historic Districts.** The Historic Preservation Commission may, after notice and public hearing, recommend to the City Plan Commission establishment of landmarks, landmark sites and historic districts, after application of the criteria in Section 15-10.0405 of this Ordinance. At least ten (10) days prior to such hearing, the Historic Preservation Commission shall notify the owners of property in whole or in part situated within two hundred (200) feet of the boundaries of the property affected. These owners shall have the right to confer with the Historic Preservation Commission prior to its recommendation to the City Plan Commission on the designation. Notice of such hearing shall also be published as provided in Division 15-9.0200 and Section 15-10.0406(D) of this Ordinance. The Historic Preservation Commission shall also notify the City Planning and Zoning Administrator, Engineering Department, the Department of Public Works, Park Commission, Fire and Police Departments, City Building Inspector, and City Plan Commission. Each such department shall respond to the Historic Preservation Commission within thirty (30) days of notification with its comments on the proposed designation or rescission. The Historic Preservation Commission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems necessary. The Historic Preservation Commission may conduct an independent investigation into the proposed designation or rescission. Within ten (10) days after the close of the public hearing, the Historic Preservation Commission may recommend designation of the property as either a landmark, a landmark site, or its inclusion in an historic district to the City Plan Commission, or recommend to the City Plan Commission to rescind the designation. After the recommendation has been made, notification shall be sent to the property owner or owners and to the persons who appeared at the public hearing. Notification shall also be given to the City Clerk, Building Inspector and the City Assessor. The Historic Preservation Commission shall cause the City Plan Commission approved designation or rescission to be recorded, at City expense, in the Milwaukee County Register of Deeds office.
- B. **Voluntary Restrictive Covenants.** The owner of any landmark or landmark site may, at any time following such designation of his property, enter into a restrictive covenant on the subject property after negotiation with the Historic Preservation Commission. The Historic Preservation Commission may assist the owner in preparing such covenant in the interest of preserving the landmark or landmark site and the owner shall cause to be recorded such covenant in the Milwaukee County Register of Deeds office, and shall notify the City Assessor of such covenant and the conditions thereof.

- C. **Creation of a Historic District.** For preservation purposes, the Historic Preservation Commission may recommend to the City Plan Commission that certain geographically defined areas within the City of Franklin be designated as historic districts under the provisions as outlined in this Division of this Ordinance. A historic district may be recommended by the Historic Preservation Commission for designation by the City Plan Commission which meets those criteria set forth in Section 15-10.0405 of this Ordinance. Each historic district recommended by the Historic Preservation Commission shall be supported by a Historic Preservation Plan for the district which plan shall include a cultural and architectural analysis supporting the historic significance of the area, specific guidelines for the development of the district and a statement of preservation objectives.

#### **SECTION 15-10.0407      COMPLIANCE**

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

#### **SECTION 15-10.0500**

Any person or persons, jointly or severally aggrieved by any decision of any City officer, board commission or the Common Council under this Ordinance, including any taxpayer, or any officer, department, board or bureau so aggrieved or the Common Council, may, within thirty (30) days of the date of such decision, commence an action seeking the remedy available by way of certiorari in the Milwaukee County Circuit Court, except where a specific other remedy or appeal procedure is otherwise specified under this Ordinance. Such action for certiorari shall be the sole remedy of any such person(s) aggrieved.



# Part 11

# **PART 11: DEFINITIONS**

## **DIVISION 15-11.0100 DEFINITIONS**

### **SECTION 15-11.0101 GENERAL DEFINITIONS**

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

- A. **Singular and Plural.** The singular number includes the plural, and the plural the singular;
- B. **Tense.** The present tense includes the past and future tenses, and the future the present;
- C. **Shall and May.** The word "shall" is mandatory; the word "may" is permissive;
- D. **Gender.** The masculine gender includes the feminine and neuter genders;
- E. **Defined Words and Terms.** Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be construed as set forth in the definition thereof; and any word appearing in parentheses between a word and its definition herein, shall be construed in the same sense as that word.
- F. **Words Not Defined Herein.** Any words not defined in this Division shall be presumed to have their customary dictionary definitions.
- G. **Words "this Ordinance."** Shall mean this Unified Development Ordinance of the City of Franklin, Milwaukee County, Wisconsin.

### **SECTION 15-11.0102 ABBREVIATIONS AND SYMBOLS**

The following abbreviations and symbols are used in this Ordinance and are intended to have the following meanings:

ac	acre(s)
ADT	average daily traffic
BC	building coverage
DBH	diameter at breast height for a tree
DNR	Wisconsin Department of Natural Resources
D.U.	dwelling unit
FEMA	Federal Emergency Management Agency
ft.	foot/feet
GFAR	gross floor area ratio
ISR	impervious surface ratio
GD	gross density
Hz	hertz

LSR	landscape surface ratio
max.	maximum
min.	minimum
ND	net density
NFAR	net floor area ratio
OSR	open space ratio
SEWRPC	Southeastern Wisconsin Regional Planning Commission
s.f.	square foot/square feet
SIC	Standard Industrial Classification
sq.ft.	square foot/square feet
=	equal
<	is less than
≤	is less than or equal to
>	is greater than
≥	is greater than or equal to

## **SECTION 15-11.0103      SPECIFIC WORDS AND PHRASES**

**A Zones.** Areas of potential flooding shown on the City's "Flood Insurance Rate Maps" which would be inundated by the regional flood as defined herein. These numbers may be numbered as A0, A1 to A99, or be unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

**Abandonment.** An action to give up one's rights or interests in property.

**Abutting.** Having a common border with, or being separated from such common border by an alley or easement, other than publicly dedicated and approved rights-of-way.

**Access.** A means of vehicular or non-vehicular approach or entry to or exit from property, a street, or highway.

**Access, Dryland.** A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land which is outside the floodplain, such as a road with its surface above the regional flood elevation and wide enough to accommodate wheeled vehicles.

**Access, Secondary.** A means of vehicular or nonvehicular approach or entry to or exit from property from other than a public street or highway (such as an alley). This is not necessarily meant to include a second primary access that might be required for developments.

**Accessory Structure or Use.** An "accessory structure or use" is one which:

- a. Is subordinate to and serves a principal structure or principal use;
- b. Is subordinate in area, extent, or purpose to the principal structure or principal use served;
- c. Contributes to the comfort, convenience, or necessity of occupants of the principal structure or principal use served; and

- d. Is located on the same zoning lot as the principal structure or principal use served.

An "accessory use" includes, but is not limited to, the following:

- a. A children playhouse, garden house, or private greenhouse;
- b. A garage, shed, or building for domestic storage;
- c. Incinerators incidental to residential use;
- d. Storage of merchandise normally carried in stock on the same lot or parcel with any retail service or business use, unless such storage is excluded by the district regulations;
- e. Storage of goods used in or produced by manufacturing activities on the same lot or parcel of ground with such activities, unless such storage is excluded by the district regulations;
- f. Off-street motor car parking areas, and loading and unloading facilities;
- g. Carports;
- h. Signs (other than advertising signs), in conformity with the provisions of an Ordinance known as the Sign Ordinance, heretofore adopted by the City of Franklin and as amended from time to time;
- i. Public utility facilities--telephone, electric, gas, water, and sewer lines, their supports and incidental equipment;
- j. Decks when used as a patio, porch, or platform without any form of enclosing wall or roof structure.

**Acreage.** In the case of plats, any tract or parcel of land having an area of three (3) acres or more which has not heretofore been subdivided or platted.

**Acreage, Net.** The remaining ground area after deleting all portions for proposed and existing streets within a development or subdivision.

**Activity, Land Developing.** For the purposes of Division 15-8.0300, the construction of buildings, roads, utilities, parking lots, paved storage areas and similar facilities.

**Activity, Land Disturbing Construction.** Any man-made change of the land surface including removing vegetative cover, excavating, filling and grading but not including agricultural land uses such as planting, growing, cultivating and harvesting of crops; growing and tending of gardens; harvesting of trees; and landscaping modifications (if less than 2,000 square feet.).

**Adjacent.** Nearby, but not necessarily touching or abutting.

**ADT.** Average daily traffic. The average total number of vehicles traversing a street on a typical day.

**Agent, Authorized.** A person or firm duly authorized by the property owner to submit applications on his, her, their, or its behalf.

**Agriculture.** All of the growing of crops in the open and the raising and feeding of livestock and poultry; including farming, farm buildings, and farm dwellings; truck gardens; flower gardens; apiaries; aviaries; mushroom growing; nurseries; orchards; forestry; dairying; greenhouses; and commercial vegetables. Specific agricultural uses are further defined in Section 15-3.0603 of this Ordinance.

**Airport.** Any area of land or water which is used, or intended for use, for the landing and take-off of aircraft; and any appurtenant areas which are used or intended for use as airport buildings or other airport structures or right-of-way, together with all airport buildings and structures located thereon.

**Alley.** A public way, not more than thirty (30) feet wide, which affords only a secondary means of access to abutting property.

**Alteration, Structural.** Any change which would tend to prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams, or girders.

**Amusement Park.** An area of land, including the structures thereon, which is devoted to a commercial enterprise open to the public, which provides to patrons multiple amusement attractions which include, but not limited to, amusement rides, games of chance, etc.

**Antenna, Satellite.** Any antenna designed to receive broadcasts relayed by signals from earth orbiting communications satellites.

**Apartment.** A room or suite of rooms in a multiple-family structure, which is arranged, designed, used, or intended to be used, as a single housekeeping unit. Complete kitchen facilities, permanently installed, must always be included for each apartment.

**Apartments, Commercial.** An apartment located above the first floor of a commercial building. (See Section 15-3.0703(C) of this Ordinance.)

**Approving Agencies.** The Common Council, Plan Commission, the town wherein the plat is located, and each adjoining city or village in whose extraterritorial plat approval jurisdiction of the subdivision lies and any other governmental agency with applicable approval jurisdiction pursuant to Ch. 236, Stats.

**Area Exception.** A special or unique situation excluding a change in use or a use prohibited in a zoning district, which may be authorized by the Board of Zoning and Building Appeals and is specifically set forth in this Ordinance as an area exception (being a “special exception” as those terms are used within §62.23(7)(e), Stats., and notwithstanding the definition of “Special Exception” otherwise set forth in this Subsection §15-11.0103 and by that specific definition pertaining only to natural resource regulations) and which may justify the waiver of the regulations applicable to area and dimensional and bulk requirements not involving natural resource regulations and does not necessarily require the demonstration of an unnecessary hardship or practical difficulty. [See *Fabyan v. Waukesha County Board of Adjustment*, 246 Wis. 2d 851, 632 N.W.2d 116 (Ct. App. 2001)]

**Assisted Living.** A combination of housing and maintenance services provided to residents on-site within the same building and in response to the individual needs of residents. Supportive services such as meals, dietary supervision, housekeeping, transportation to shopping and medical appointments, social and recreational activities, educational activities, and security and response systems on-site within the same building to meet resident needs. These services can also include on-site medication management or intermittent health care services from qualified providers located within the same building. Services are furnished in a way that promotes self-direction and participation in decisions that emphasize independence, individuality, and privacy in a residential surrounding.

**Auditorium.** A room, hall, or building assigned to the gathering of people as an audience, to hear lectures, plays, or other presentations.

**Auto Court.** (See definition of "Hotel-Inn.")

**Automobile Laundry.** A building or portion thereof, where automobiles are washed with the use of a mechanical conveyor and blower or steam-cleaning device.

**Automobile Lot, New.** A zoning lot on which new cars, trailers, or trucks are displayed in the open for sale or trade.

**Automobile Lot, Used.** A zoning lot on which used cars, trailers, or trucks are displayed in the open for sale or trade.

**Automobile Repair, Major.** Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body frame or fender straightening or repair; and painting of vehicles.

**Automobile Repair, Minor.** Incidental repairs, replacement of parts, and motor service to automobiles but not including any operations specified under Automobile Repair, Major.

**Automobile Sales Area.** An open area, other than a street, used for the display or sale of new or used automobiles, and where no repair work is done except for minor incidental repair of automobiles to be displayed and sold on the premises.

**Automobile Service Station.** A place where gasoline, stored only in underground tanks; kerosene; lubricating oil; or grease for operation of automobiles are offered for sale directly to the public, on the premises, and including minor accessories and servicing of automobiles; but not including major automobile repairs; and including washing of automobiles where no chain conveyor, blower, or steam-cleaning device is employed. When the dispensing, sale, or offering for sale of motor fuels or oil is incidental to the conduct of a public garage, the premises shall be classified as a public garage. Automobile service stations shall not include sales, rental, or storage of automobiles or trailers (new or used).

**Automobile Wrecking Yard.** Any place where two (2) or more motor vehicles, not in running condition, or parts thereof, are stored in the open and are not being restored to operation; or any land, building, or structure used for wrecking or storing of such motor vehicles or parts thereof, and including any used farm vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition; and including the commercial salvaging of any other goods, vehicles, or

merchandise stored in the open. The open storage of any type of mechanical equipment from which parts can be salvaged shall be classified as salvaging.

**Awning.** A root-like cover, temporary in nature, which projects from the wall of a building and overhangs the wall or building.

**Basement.** A story wholly underground; or a story of a building, the floor line of which is below lot grade and the ceiling of which is not more than one (1) foot above lot grade; the lot grade being the front center of the garage floor elevation set at time of building permit, or the street centerline, whichever is the highest elevation.

**Basement, Half.** That story of the building, the floor line of which is below lot grade and the ceiling of which is greater than one (1) foot above lot grade, with an exterior exposure to provide for living area with safe egress, as determined by the building code. The lot grade shall be the front center of the garage floor elevation set at time of building permit, or the street centerline, whichever is the highest elevation. If any story conforms to the definition of "Living Area, First Floor," or "Basement," that story shall never be considered a half basement. For the purposes of height measurement, a half basement shall be counted as a story where more than one-half (0.5) of the height is above the average level of the abutting ground elevation.

**Basin, Detention.** A man-made or natural depression below the surrounding grade level designed to collect surface and subsurface water so that it might impede the water flow and to gradually release the same at a rate not greater than that prior to the development of the property, into natural or man-made outlets (i.e., the storm sewer system or stream).

**Basin, Retention.** A man-made or natural body of water of a depth of not less than three (3) feet, designed to contain water at all times, the level of which will be increased as a result of the flow into it of surface and subsurface water, collected therein and released gradually into natural or man-made outlets.

**Bedroom.** Any room other than a living room, dining room, family room, kitchen, bathroom, or utility room, for the purpose of this Ordinance, shall be considered a bedroom. Dens, studies, etc. and similar areas which may be used as bedrooms shall be counted as bedrooms for the purposes of this Ordinance.

**Berth, Loading.** (See definition of "Loading and Unloading Space, Off-Street.")

**Bicycle Path.** A pathway designed specifically to satisfy the physical requirements of bicycling.

**Billboard.** Any structure or portion thereof upon which are signs or advertisements used as an outdoor display. This definition does not include bulletin boards used to announce church services, or to display court or other public official notices, or signs offering the sale or lease of the premises on which the sign is located.

**Block.** A tract of land bounded by streets or, in lieu of a street or streets, by public parks, cemeteries, railroad rights-of-way, bulkhead lines or shorelines of waterways or corporate boundary lines of municipalities.

**Boarding House.** A building other than a hotel or restaurant where meals are provided for compensation to four (4) or more persons, but not more than twelve (12), who are not members of the keeper's family.

**Board of Zoning and Building Appeals.** (See definition of "Zoning Board.")

**Boathouse.** Any structure designed for the purpose of protecting or storing of boats used in conjunction with a residence for noncommercial purposes, and located on the same lot as the principal building and not for human habitation.

**Buffer.** (See definition of "Bufferyard.")

**Buffer, Shore.** All of that land area located within seventy-five (75) feet landward of the ordinary high water mark of all ponds, streams, lakes, and navigable waters (as determined by the Wisconsin Department of Natural Resources) and parallel to that ordinary high water mark, which is to remain undisturbed as a Natural Resource Feature (including undisturbed natural vegetation). Shore buffers do not include any area of land adjacent to any stream enclosed within a drainage structure, such as a pipe or culvert. The area of shore buffers (in square feet and acres) shall be measured and graphically delineated on the "Natural Resource Protection Plan." A shore buffer is also a setback.

**Buffer, Wetland.** All of that land area located within thirty (30) feet landward of a delineated wetland boundary and parallel to that delineated wetland boundary.

**Bufferyard.** An area of land within the boundaries of a lot or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or using trees, shrubs, fences, and/or berms, designed to limit continuously the view and/or sound from the lot or site to adjacent lots or sites. Bufferyards are typically defined by a delineated easement graphically indicated on the face of the Site Plan, Landscape Plan, Certified Survey Map, Subdivision Plat, or Condominium Plat. Bufferyards may be required between zoning districts and/or land uses to eliminate or minimize conflicts between them as set forth in Division 15-3.0300 of this Ordinance.

**Buildable Area.** The space remaining on a zoning lot after the minimum space requirements of this Ordinance have been complied with.

**Building, Completely Enclosed.** A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls, pierced only by windows and normal entrance or exit doors.

**Building, Detached.** A building surrounded by open space on the same zoning lot.

**Building Height.** The vertical distance measured from the curb level or its equivalent established grade opposite the middle of the front of the building to the highest point of the roof in the case of a flat or slant roof, to the deck line of a mansard roof; and to the mean height level between eaves and ridge of a gable, or hip, or gambrel roof; provided that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade at the front of the building.

**Building Inspector.** The Building Inspector of the City of Franklin, Milwaukee County, Wisconsin.

**Building Line.** The line nearest the front of and across a zoning lot, establishing the minimum setback to be provided between the front line of a building or structure and the street right-of-way line.



**Building, Permanent.** Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no connecting doors, windows, or openings; and which is designed or intended for the shelter, enclosure or protection of persons, animals, or chattels. Any structures with interior areas not normally accessible for human use, such as gas holders, oil tanks, water tanks, grain elevators, coal bunkers, oil cracking towers, and other similar structures, are not considered as permanent buildings.

**Building, Principal.** A non-accessory building in which the principal use of the zoning lot on which it is located is conducted.

**Building, Temporary.** A structure designed, built, created, or occupied for short and/or intermittent periods of time not to exceed one (1) year, including tents, inflatable structures, lunch wagons, dining cars, trailers, and other roofed structures on wheels or other supports used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational, or recreational purposes; or for the enclosure or screening of goods or property; or for the display of signs and advertising. For the purpose of this definition, "roof" shall include an awning or other similar covering whether or not it is permanent in nature.

**Bulk.** Term used to indicate the size, height, area, density, intensity and location of structures. (See Part 3 of this Ordinance.)

**Business.** An occupation, employment, or enterprise which occupies time, attention, labor, and materials, or wherein merchandise is exhibited or sold, or where services are offered other than home occupations.

**Caliper.** A measurement of the diameter of a tree taken six (6) inches from above the ground level for trees up to and including four (4) inch caliper sizes, and twelve (12) inches above the ground level for larger sizes.

**Camp, Recreational.** An establishment consisting of a permanent building or group of permanent buildings used periodically by an association of persons where seasonal accommodations for recreational purposes are provided only to members of such association and not to anyone who may apply.

**Carport.** A roofed-over area attached to the principal building for vehicle storage, which may be open on three (3) sides.

**Certified Survey Map.** A plat or map prepared for a minor land division as defined in Division 15-7.0700 of this Ordinance and prepared and recorded as set forth in Section 236.34 of the Wisconsin Statutes (also see definition for "Minor Land Division").

**Channel.** A natural or artificial watercourse of perceptible extent which periodically or continuously contains moving water, or which forms a connecting link between two (2) bodies of water. It has a definite bed and banks which confine the water.

**Channel (as related to "Floodplains").** Those floodplains normally occupied by a stream of water under average annual high-water flow conditions while confined within generally well-established banks.

**Chapter 980 Stats. supervised release and crimes against children sex offender use.** An occupancy use of a dwelling unit or a residential use unit pursuant to a plan of the Department of Health and Family Services, a Court order, or as may otherwise result from or be provided for under Chapter 980 of the Wisconsin Statutes, which occupancy use is the supervised release of a sexually violent person (a person having committed a sexually violent offense as those terms are defined in §167-2. of the Municipal Code) and/or a crimes against children sex offender, or a residential use with or without supervision, by a person now, then or previously a sexually violent person and/or a crimes against children sex offender. A "crimes against children sex offender use" is an occupancy use by an individual who has been convicted of or has been found delinquent of or has been found not guilty by reason of disease or mental defect of any of the following offenses set forth within the Wisconsin Statutes, as amended, or the laws of this or any other state or the federal government, having like elements necessary for conviction, respectively:

§940.225(1) First Degree Sexual Assault;  
§940.225(2) Second Degree Sexual Assault;  
§940.225(3) Third Degree Sexual Assault;  
§940.22(2) Sexual Exploitation by Therapist;  
§940.30 False Imprisonment-victim was minor and not the offender's child;  
§940.31 Kidnapping-victim was minor and not the offender's child;  
§944.01 Rape (prior statute);  
§944.06 Incest;  
§944.10 Sexual Intercourse with a Child (prior statute);  
§944.11 Indecent Behavior with a Child (prior statute);  
§944.12 Enticing Child for Immoral Purposes (prior statute);  
§948.02(1) First Degree Sexual Assault of a Child;  
§948.02(2) Second Degree Sexual Assault of a Child;  
§948.025 Engaging in Repeated Acts of Sexual Assault of the Same Child;  
§948.05 Sexual Exploitation of a Child;  
§948.055 Causing a child to View or Listen to Sexual Activity;  
§948.06 Incest with a Child;  
§948.07 Child Enticement;  
§948.075 Use of a Computer to Facilitate a Child Sex Crime;  
§948.08 Soliciting a Child for Prostitution;  
§948.095 Sexual Assault of a Student by School Instructional Staff;  
§948.11(2)(a) or (am) Exposing Child to Harmful Material-felony sections;  
§948.12 Possession of Child Pornography;  
§948.13 Convicted Child Sex Offender Working with Children;  
§948.30 Abduction of Another's Child;  
§971.17 Not Guilty by Reason of Mental Disease-of an included offense; and  
§975.06 Sex Crimes Law Commitment.

**City Attorney.** The City Attorney of the City of Franklin, Milwaukee County, Wisconsin.

**City Clerk.** The City Clerk of the City of Franklin, Milwaukee County, Wisconsin. For application purposes, the term "City Clerk" may include the City Clerk's designee.

**City Planner.** The City of Franklin City Planning and Zoning Administrator.

**Class 2 Notice.** Publication of a public hearing notice under the provisions of Chapter 985 of the Wisconsin Statutes in a newspaper of circulation in the affected areas. Publication is required on two (2) consecutive weeks, the last at least seven (7) days prior to the public hearing.

**Clinic.** (See definition of "Medical Health Center.")

**Club, Private.** A nonprofit association of persons, who are bona fide members paying annual dues, which owns, hires, or leases a building or portion thereof, the use of such premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises provided that adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed in conjunction with the operation of a dining room for the purpose of serving food and meals, though such beverages may be served in a separate room or rooms, and provided that such sale of alcoholic beverages is in compliance with the applicable federal, state, and county laws.

**Combustible Materials.** (See definition for "Materials, Inflammable.")

**Commission, Plan.** The Franklin City Plan Commission, to be consistent with Section 62.23(1) of the Wisconsin Statutes creating a City Plan Commission.

**Common Area.** Land in a residential development held in common and/or single ownership and not reserved for the exclusive use or benefit of an individual tenant or owner but rather for the benefit of all occupants of the development.

**Common Council.** The Common Council of the City of Franklin, Milwaukee County, Wisconsin.

**Community.** A town, municipality, or a group of adjacent towns and/or municipalities having common social, economic, or physical interests.

**Community Living Arrangement.** The following facilities licensed or operated, or permitted under the authority of Wisconsin State Statutes: child welfare agencies under Section 48.60, group foster homes for children under Section 48.02(7m), and community-based residential facilities under Section 50.01; but does not include day care centers, nursing homes, general hospitals, special hospitals, Chapter 980 Stats. supervised release and crimes against children sex offender uses, prisons, and jails. The establishment of a community living arrangement shall be in conformance with Sections 46.03(22), 59.97(15), 62.23(7)(i), and 62.23(7a) of the Wisconsin State Statutes.

**Comprehensive Plan.** (See definition of "Master Plan")

**Comprehensive Master Plan.** (See definition of "Master Plan")

**Condominium.** Property subject to a condominium declaration as defined, regulated, and established under Chapter 703 of the Wisconsin Statutes.

**Congregate Residence.** Any building or portion thereof which contains facilities for living, sleeping, and sanitation, as required by this Ordinance, and may include facilities for eating and cooking, for occupancy by other than a family. A congregate residence may be a convent, monastery, dormitory, or fraternity or sorority house but does not include jails, hospitals, nursing homes, hotels, or lodging houses.

**Construction.** Any or all work or operations necessary or incidental to the erection, demolition, assembling, installing, or equipping of buildings, or any alterations and operations incidental thereto. The term "construction" shall include land clearing, grading, excavating, and filling and shall also mean the finished product of any such work or operations.

**Construction, Start of.** The excavation of or installation of foundation footings or grading other than for the installation of materials for road construction.

**Contiguous.** In contact with one (1) or more sides.

**Court, Outer.** An open, unoccupied space opening onto a street, alley, or yard.

**Cul-de-Sac.** A local street with only one (1) outlet and having an appropriate turn-around for the safe and convenient reversal of traffic movement.

**Curb.** A vertical or sloping edge of a roadway.

**Cut-Off.** The point at which all light rays emitted by a lamp, light source, or luminaire are completely eliminated (cut-off) at a specific angle above the ground.

**Cut-Off Angle.** The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted.

**Cut-Off Type Luminaire.** A luminaire with elements such as shields, reflectors, or refractor panels which direct and cut off the light at an angle that is less than ninety (90) degrees.

**Day Care Center.** A State licensed facility where a person, other than a relative or guardian, provides care and supervision for four (4) or more children under seven (7) years of age, for less than twenty-four (24) hours a day and for compensation.

**Day-Night Average Sound Level ( $L_{dn}$ ).** A basic measure for quantifying noise exposure, namely: The A-weighted sound level averaged over a 24-hour time period, with a 10 decibel penalty applied to nighttime (10:00 p.m. to 7:00 a.m.) sound levels.

**dBA.** The A-weighting scale of sound measurement as expressed in decibels.

**DBH.** (See definition of "Diameter at Breast Height..")

**Decibel.** A unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in "decibels."

**Deck.** A structure attached to or closely adjacent to any dwelling unit that is:

- a. Designed and intended for the support of persons;
- b. Has no permanent or temporary cover or canopy;

- c. Is constructed on piers and without continuous foundation or footings;
- d. Is a minimum of eight (8) inches above grade; and
- e. Is greater than fifty (50) square feet in area.

**Dedication.** The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee simple interest or of a less than fee simple interest, including an easement.

**Density, Gross (GD).** The quotient of the total number of dwelling units on a site divided by the base site area of a site.

**Density, Net (ND).** The quotient of the total number of dwelling units divided by the net buildable site area of a site.

**Developer.** The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such land.

**Development.** The carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, or the dividing of land into parcels by any person. Any man-made change to improved or unimproved real estate including, but not limited to, construction of or additions or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials. The following activities or uses shall be taken for the purposes of these regulations to involve "development":

- a. A reconstruction, alteration of, or material change in the external appearance of a structure on land or water; or
- b. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or an increase in the floor area or number of businesses, manufacturing establishments, or offices; or
- c. Alteration of a shore or bank of a pond, river, stream, lake, or other waterway; or
- d. Commencement of drilling (except to obtain soil samples), mining, or excavation on a parcel of land; or
- e. Demolition of a structure; or
- f. Clearing of land as an adjunct of construction, including clearing or removal of vegetation, any significant disturbance of vegetation, or any soil manipulation; or
- g. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

The following operations or uses shall not be taken for the purpose of these regulations to involve "development":

- a. Work by a highway or road agency or railroad company for the maintenance of a road or railroad track if the work is carried out on land within the boundaries of the right-of-way; or
- b. Work by any utility, and other persons engaged in the distribution or transmission of gas or water, for the purposes of inspecting, repairing, renewing, or constructing on established rights-of-way sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like. (Exclusive of the activities requiring a Special Use Permit as per the requirements of this Ordinance); or
- c. The maintenance, renewal, or alteration of any structure, where only the interior or the color of the structure or the decoration of the exterior of the structure is affected; or
- d. The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling; or
- e. A change in the ownership or form of ownership of any parcel or structure; or
- f. Work involving the landscaping of a detached dwelling; or
- g. Work involving the maintenance of existing landscaped areas and existing rights-of-way such as setbacks and other non-natural planting areas; or
- h. Agricultural land uses such as planting, growing, cultivating and harvesting crops; growing and tending gardens; or harvesting trees planted and grown for commercial purposes.

"Development" includes all other activity customarily associated with it unless otherwise specified. When appropriate to the context, "development" refers to the act of development or to the result of development within the City. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of this definition.

**Development, Multiple-Family Dwelling.** A residential building designed for occupancy by three (3) or more dwelling units.

**Development, Rural.** Agricultural, residential, recreational, and other open space development at such concentrations and densities not requiring traditional urban services and facilities. Such rural development may be expected to result in minimum disturbance of the land and land cover and, therefore, less impact on the natural environment. (Also see definition for "Rural Area.")

**Development, Urban.** Residential, commercial, industrial, governmental, and institutional development in sufficient concentrations or densities to require a variety and high level of traditional urban services and facilities including but not limited to: full- or part-time municipal police and fire protection, and community administration; additional public streets and highways; neighborhood parks and playgrounds; neighborhood schools; local libraries; public sanitary sewer facilities, public water supply

facilities, and public solid waste removal; storm sewers; mass transit facilities; continual street maintenance; curbs, gutters, and sidewalks; street lighting; and neighborhood convenience shopping. Such development may be expected to alter or require the altering of land and land cover and have detrimental impact on the ground and surface waters. (Also see definition for "Urban Area.")

**Diameter at Breast Height (DBH).** The diameter of the trunk of a tree measured in inches at a point four and one-half (4.5) feet above ground line. This point of measurement is used for established and mature trees.

**District, Basic.** A part or parts of the City for which the regulations of this ordinance governing the use and location of land and buildings are uniform (such as the Residential and Nonresidential District Classifications).

**District, Overlay.** Overlay districts provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the more strict of the conflicting requirements shall apply.

**Disturbance, Land.** Any man-made change of the land surface including removing vegetative cover, excavating, filling, and grading but not including agricultural land uses such as planting, growing, cultivating, and harvesting crops; growing and tending gardens; or harvesting trees for commercial purposes.

**Division of Land.** Where the title or part thereof of land is transferred by the execution of a land contract, an option-to-purchase, an offer-to-purchase and acceptance, a deed, a Subdivision Plat, or a Certified Survey Map.

**Drip Line.** The farthest distance, measured as a radius and the total area encompassed thereby, where the branches of a tree extend from its trunk indicating the extent of the canopy of a tree.

**Drive-In and Drive Through (or "Drive Thru") Establishment or Facility.** A commercial retail, personal service, or service establishment designed or intended to enable a customer in a motor vehicle parked on or moving through the premises to transact business with a person located outside of the motor vehicle including an establishment or facility that by design of physical facilities or by service or packaging procedures encourages or permits customers to receive a service or obtain a product while staying within a motor vehicle. Such establishments include, but are not necessarily limited to, financial institutions, restaurants, and dry cleaning stores.

**Driveway.** A paved or unpaved area used for ingress or egress of vehicles allowing access from a street to a lot or site, use, building, or other structure or facility.

**Dryland Access.** A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land which is outside the floodplain, such as a road with its surface above the regional flood elevation and wide enough to accommodate wheeled vehicles.

**Dwelling.** A building or portion thereof, but not including a house trailer or mobile home, designed or used exclusively for residential occupancy, including one-family dwelling units, two-family dwelling units, and multiple-family dwelling units, but not including hotels, motels, or boarding or lodging houses.

**Dwelling, Attached.** A dwelling which is joined to another dwelling at one (1) or more sides by a party wall or walls.

**Dwelling, Detached.** A dwelling which is entirely surrounded by open space on the same lot.

**Dwelling, Duplex.** A two-family dwelling in which the living quarters are arranged side by side or one over the other.

**Dwelling, Efficiency.** A dwelling unit consisting of one principal room with no separate sleeping rooms.

**Dwelling Group.** Two (2) or more one-family, two-family, or multiple-family dwellings, or boarding or lodging houses, located on one (1) zoning lot, but not including tourist courts or motels.

**Dwelling, Multiple-Family.** A building or portion thereof designed or altered for occupancy by three (3) or more families living independently of each other.

**Dwelling, One-Family.** A dwelling unit designed exclusively for use and occupancy by one (1) family.

**Dwelling, Row (Party-Wall).** A row of two (2) to six (6) attached one-family, party-wall dwellings, not more than two and one-half (2-1/2) stories in height, nor more than two (2) rooms in depth, measured from the building line.

**Dwelling, Two-Family.** A building designed or altered to provide dwelling units for occupancy by two (2) families.

**Dwelling Unit.** One (1) or more rooms in a residential structure, or other structure properly zoned for residential uses, which are arranged, designed, used, or intended for use by one (1) family, plus not more than four (4) lodgers, for living or sleeping purposes, and which includes complete kitchen facilities permanently installed.

**Easement.** The area of land set aside or over or through which a liberty, privilege, or advantage in land, distinct from ownership of the land, is granted to the public or some particular person or part of the public.

**Easement, Conservation.** A type of "Protective Covenant" the boundary lines of which are graphically depicted on the face of a Certified Survey Map, Preliminary Plat, Final Plat and/or Condominium Plat used to conserve and preserve a natural resource feature that is protected under the provisions of this Ordinance.

**Electromagnetic Fields.** Fields that arise whenever electrons are moved through a conducting medium. They have two components, one electric, the other magnetic. These fields have regular periodicity, measured in hertz.

**Erosion.** The detachment and movement of soil, sediment or rock fragments by water, wind, ice, or gravity.

**Extraterritorial Plat Approval Jurisdiction.** The unincorporated area within one and one-half (1.5) miles of a fourth-class city or a village and within three (3) miles of all other cities. Wherever such statutory extraterritorial powers overlap with those of another city or village, the jurisdiction over the



overlapping area shall be divided on a line all points of which are equidistant from the boundaries of each community so that not more than one community exercises extraterritorial powers over any area.

**Family.** A family may consist of a person living alone or any of the following groups living together in a dwelling unit and sharing common living, sleeping, cooking and eating facilities:

1. Any number of people related by blood, marriage, adoption, guardianship or other duly authorized custodial relationships;
2. Two unrelated people;
3. Two unrelated people and any children related to either of them.

A family does not include:

1. Any society club, fraternity, sorority, association, lodge, combine, federation or other like organization;
2. Two or more individuals whose association to each other is temporary and/or seasonal in nature;
3. More than one person determined to be a sexually violent person under Chapter 980, Wisconsin Statutes and/or a crimes against children sex offender as defined within this Ordinance;
4. Three or more people who are granted a Special Use Permit as a Functional Family Unit, provided that a Special Use Permit for a Functional Family Unit shall be personal to the Functional Family Unit.

**Farm.** An area which is used for the growing of the usual farm products such as: vegetables, fruit trees, and grain, and for the packing or storage of the products produced on the premises; as well as for the raising thereon of the usual farm poultry and farm animals such as horses and cattle, as secondary to crop raising, subject to distance limitations from residential property, and not including the commercial feeding of garbage or offal to swine or other animals, the commercial feeding of animals on open lots where no feed is raised on the premises, or the commercial feeding of poultry broilers, or laboratory animals, such as mice, rats, rabbits, etc. Specific farm uses are further defined in Section 15-3.0603 of this Ordinance.

**Federal Emergency Management Agency (FEMA).** The federal agency that administers the National Flood Insurance Program.

**Fence.** A structure which is a barrier or is used as a boundary or means of protection or confinement.

**Fence, Decorative.** A fence, including gates, which is more than seventy-five (75) percent open and less than three (3) feet in height, such as split rail fences used for ornamental purposes. For purposes of this section, chain link and picket fences are not considered to be decorative fences.

**Fence, Solid.** A fence, including gates, which conceals from view from adjoining properties, streets, or alleys activities conducted behind it.

**Fill, Solid.** Solid fill is earth, clay, soil, ground, stones, rocks, and also broken concrete, if the same does not exceed eighteen inches in diameter, cinders (consisting of the residue from the combustion of coal and not less than 1/8 inch in diameter), or any mixture or combination of the foregoing.

**Filling.** (See definition of "Fill.")

**Final Plat.** The final map, drawing or chart on which the Subdivider's plan of subdivision is presented for approval and which, if approved, will be submitted to the Milwaukee County Register of Deeds.

**Flood.** A temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the channel.

**Flood Insurance Study.** An examination, evaluation, and determination of flood hazards, and if appropriate, corresponding water surface elevations; or an examination, evaluation, and determination of mudslide (i.e., mud flow) and/or flood-related erosion hazards. Such studies shall result in the publication of a Flood Insurance Rate Map showing the intensity of flood hazards in either numbered or unnumbered A Zones.

**Flood Profile.** A graph showing the relationship of the floodwater surface elevation of a flood event of a specified recurrence interval to the stream bed and other significant natural and man-made features along a stream.

**Flood Protection Elevation.** A point two (2) feet above water surface elevation of the 100-year recurrence interval flood. This safety factor, also called "freeboard," is intended to compensate for the many unknown factors that contribute to flood heights greater than those computed. Such unknown factors may include ice jams, debris accumulation, wave action, and obstructions of bridge openings.

**Flood, Regional.** The regional flood is a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics. The flood frequency of the regional flood is once in every 100 years; this means that in any given year, there is a one (1) percent chance that the regional flood may occur or be exceeded. During a typical thirty (30) year mortgage period, the regional flood has a twenty six (26) percent chance of occurrence.

**Flood Stage.** The elevation of the floodwater surface above an officially established datum plane, which is either National Geodetic Vertical Datum (NGVD) or Franklin City Datum, as noted on each sheet of the Official Zoning Map or in any of the flood profiles cited in this Ordinance.

**Floodplain Fringe.** Those floodplains, outside the floodway, subject to inundation by the 100-year recurrence interval flood. For the purpose of this ordinance, the floodplain fringe includes the Floodplain Conservancy District and the Floodplain Fringe Overlay District.

**Floodproofing.** Any combination of structural provision, changes or adjustments to properties and structures, water and sanitary facilities, and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

**Floodway.** A designated portion of the 100-year flood that will safely convey the regulatory flood discharge with small, acceptable upstream and downstream stage increases, limited in Wisconsin to less than 0.01 foot unless special legal measures are provided. The floodway, which provides the channel, is that portion of the floodplain not suited for human habitation. All fill, structures, and other development that would impair floodwater conveyance by adversely increasing flood stages or velocities or would itself be subject to flood damage should be prohibited in the floodway.

**Floor Area, Gross.** For the purpose of determining the floor area ratio, the gross floor area of a building or buildings shall be the sum of the gross horizontal areas of the several floors of such building or buildings--measured from the exterior faces of exterior walls or from the centerline of party walls separating two buildings. In particular, "gross floor area" shall include:

- a. Basement space if at least one-half (0.5) of the basement story height is above the established curb or ground level;
- b. Elevator shafts and stairwells at each floor;
- c. Floor space used for mechanical equipment where the structural headroom exceeds seven and one-half (7.5) feet; except equipment, open or enclosed, located on the roof; i.e., bulkheads, water tanks, and cooling towers;
- d. Attic floor space where the structural headroom exceeds seven and one-half (7.5) feet;
- e. Interior balconies and mezzanines;
- f. Enclosed porches, but not terraces and breezeways;
- g. Accessory buildings.

**Floor Area, Gross (For Determining Requirements for Off-Street Parking and Off-Street Loading).** The floor area shall mean the sum of the gross horizontal areas of the several floors of the buildings or portion thereof, devoted to such use, including accessory storage areas located within selling or working space, such as counters, racks, or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, floor area for purposes of measurement for off-street parking spaces shall not include: floor area devoted primarily to storage purposes (except as otherwise noted herein); floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space, or basement floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

**Floor Area, Ground.** The lot area covered by a principal building, measured at grade from the exterior faces of the exterior walls, but excluding open porches or terraces, garages, or carports.

**Floor Area Ratio, Gross (GFAR).** An intensity measured as a ratio derived by dividing the total gross floor area of a building or structure by the base site area. Where the lot is part of a larger development and has no required bufferyard, that lot area may be used instead of the base site area to calculate the lot's development potential. Also see Division 15-3.0500.

**Floor Area Ratio, Net (NFAR).** An intensity measured as a ratio derived by dividing the total gross floor area of a building or structure by the net buildable site area. Also see Division 15-3.0500.

**Footcandle.** A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.

**Forest.** (See definitions for "Woodland, Mature" and "Woodland, Young.")

**Foster Family Home.** The primary domicile of a foster parent which is for four (4) or fewer foster children and which is licensed under Section 48.62 of the Wisconsin State Statutes and amendments thereto.

**Freeway.** A major highway having no intersections at grade and having fully controlled access, hence, "free" from conflicts and interruptions.

**Frequency.** The number of oscillations per second in a sound wave, measuring the pitch of the resulting sound.

**Frontage.** All the property fronting on one (1) side of a street between the nearest intersecting streets or between a street right-of-way, waterway, or other similar barrier.

**Functional Family Unit.** In R-1, R-1E (as applied to this District, "single" dwelling unit shall mean and be such number of dwelling units lawfully existing upon the property), R-2, R-3, R-3E, R-4, R-5 and R-6 single-family residence zoning districts and in R-7 two-family, R-8 general residence, VR Village residence, residential planned development and A-I and A-2 agricultural zoning districts, a functional family unit shall consist of a group of individuals living together in a single dwelling unit and functioning as a family with respect to those characteristics that are consistent with the purposes of zoning restrictions in single family residential neighborhoods. In determining whether or not a group of unrelated individuals is a functional family unit under this definition, the following criteria must be used.

1. The occupants must share the entire dwelling unit. A unit in which the various occupants act as separate roomers cannot be deemed to be occupied by a functional family unit.
2. The following factors shall be considered in determining whether a functional family exists:
  - a. The presence of minor dependent children regularly residing in the household;
  - b. Evidence of shared household expenses;
  - c. Whether or not different members of the household have the same address for the purposes of voter registrations, drivers' licenses, motor vehicle registrations, summer or other residences and the filing of taxes;
  - d. Enrollment of dependent children in local schools and/or home schooled in relation thereto;
  - e. Any other evidence reasonably related to whether or not the group or persons have functioned as a family unit as defined in this ordinance.

**Garage, Bus.** Any building used or intended to be used for the storage of three (3) or more passenger motor buses, or motor coaches used in public transportation, including school buses.

**Garage, Bus or Truck.** A building which is used or intended to be used for the storage of motor buses, trucks, truck trailers, tractors, and commercial vehicles exceeding one and one-half (1.5) tons capacity.

**Garage, Private.** An accessory building or an accessory portion of the principal building which is intended for and used to store the private passenger vehicles of family or families resident upon the premises, and in which no business, service, or industry connected directly or indirectly with automobile vehicles is carried on; provided that not more than one-half (0.5) of the space may be rented for the private vehicles of persons not resident on the premises, except that all the space in a garage of one (1) or two (2) car capacity may be so rented. Such a garage shall not be used for more than one (1) commercial vehicle and the load capacity of such vehicle shall not exceed one-half (0.5) ton.

**Garage, Public.** A building other than a private garage, used for the care, incidental servicing, and sale of automobile supplies, or where motor vehicles are parked or stored for remuneration, hire, or sale within the structure, but not including trucks, tractors, truck-trailers, and commercial vehicles exceeding one and one-half (1.5) tons capacity.

**Gauss.** A measure of magnetic flux density. It is used to compare relative strengths of magnetic fields.

**Golf Course.** Public, semi-public, or private grounds over which the game of golf is played, including accessory buildings and land uses incidental thereto, and consisting of at least one hundred and twenty (120) acres for each standard eighteen (18) hole golf course, sixty (60) acres for each standard nine-hole course, and twenty five (25) acres for each nine-hole, par three (3) course.

**Grade, Street.** The elevation of the established street in front of the building, measured at the center of such front. Where no street grade has been established, the City Engineer shall establish such street grade or its equivalent for the purpose of this Ordinance.

**Group Foster Home.** Any facility operated by a person required to be licensed by the State of Wisconsin under State Statute Section 48.62 for the care and maintenance of five (5) to eight (8) foster children.

**Guest House.** Living quarters within a detached accessory building located on the same premises with the principal building for use by temporary guests of the occupants of the premises.

**Gutter.** A shallow channel usually set along a curb or the pavement edge of a road for purposes of catching and carrying off runoff water.

**Height, Fence.** The height of the fence shall be determined by measuring the vertical distance from the grade to the top of each section of the fence.

**Heliport.** A helistop that also includes all necessary passenger and cargo facilities, helicopter maintenance and overhaul, fueling service, storage, tie-down areas, hangars, and other necessary buildings and open spaces. Heliports include any of the uses of helistops.

**Helistop.** An area designated for the landing and taking off of helicopters for the purpose of picking up or discharging passengers or cargo, not including fueling or service facilities.

**Hertz.** A unit that measures frequency in all physical systems that have wave pattern. Abbreviated Hz.

**High Groundwater Elevation.** The highest elevation to which subsurface water rises. This may be evidenced by the actual presence of water during wet periods of the year, or by soil mottling during drier

periods. "Mottling" is a mixture or variation of soil colors. In soils with restricted internal drainage, gray, yellow, red, and brown colors are intermingled given a multi-colored effect.

**High Water Elevation (Surface Water).** The average annual high water level of a pond, stream, lake, flowage, or wetland, referred to an established datum plane or, where such elevation is not available, the elevation of the line up to which the presence of water is so frequent as to leave a distinct mark by erosion, change in, or destruction of, vegetation or other easily recognized topographic, geologic, or vegetative characteristic.

**Historic Structure.** Historic structure means any structure that is:

- (1) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a local inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.

**Home Occupation.** Any gainful occupation or profession engaged in by an occupant of a dwelling unit as a use which is clearly incidental to the use of the dwelling unit for residential purposes. (See Section 15-3.0802 of this Ordinance.)

**Homeowners' Association.** A Wisconsin non-profit membership corporation which serves as an association of homeowners within a Subdivision, Certified Survey Map, or Condominium having shared common interest responsibilities with respect to the costs and upkeep of common private property of a Subdivision, Certified Survey Map, or Condominium. Such common property includes private recreation and open space areas within the Subdivision, Certified Survey Map, or Condominium. For the purposes of this Ordinance, homeowners' associations include condominium associations.

**Hospital.** An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care for not less than twenty four (24) hours in any week of three (3) or more nonrelated individuals suffering from illness, disease, injury, deformity, or other abnormal physical conditions. The term "hospital" as used herein does not apply to institutions operating solely for the treatment of insane persons, drug addicts, liquor addicts, or other types of cases necessitating restraint of patients, and the term "hospital" shall not be used for convalescent, nursing, shelter, or boarding homes.

**Hospital, Animal.** A lot, building, structure, enclosure, or premises whereon or wherein three (3) or more dogs, cats, or other domestic animals are kept or maintained and is operated by, or the treatment therein is under direct supervision of, a veterinarian licensed to practice by the State of Wisconsin. A facility rendering surgical and medical treatments to animals, having no limitation to overnight

accommodations for such animals. Crematory facilities shall not be allowed in an animal hospital. For the purpose of these regulations, where an animal hospital is permitted, a veterinary clinic or veterinary hospital shall also be permitted.

**Hotel, Apartment.** A hotel in which at least ninety (90) percent of the hotel accommodations are for occupancy by the permanent guests. An apartment hotel having not less than fifty (50) guest rooms may have a dining room open to the public which is accessible only from an inner lobby or corridor.

**Hotel-Inn.** An establishment containing lodging accommodations designed for use by transients, travelers, or temporary guests. Facilities provided may include maid service, laundering of linen used on the premises, restaurants including the sale of alcoholic beverages, telephone, and secretarial or desk service.

**Householder.** The occupant of a dwelling unit who is either the owner or lessee thereof.

**Illumination, Maximum Permitted.** The maximum illumination measured in footcandles at the interior bufferyard line at six (6) inches above ground level.

**Impact Noises.** Noises whose peak values are more than 6 dBA higher than the values indicated on a sound level meter meeting the requirements of the American National Standards Institute (ANSI S1.4-1961) "American Standard Specification for General Purpose Sound Level Meters," and are of a short duration. Impact noises are generated by sources that do not operate more than one (1) minute in any one-hour period.

**Impervious Surface.** Impervious surfaces are those which do not absorb water. Impervious surfaces consist of all buildings, parking areas, driveways, roads, sidewalks, decks, and any areas of concrete or asphalt. In the case of lumberyards or similar uses, areas of stored lumber constitute impervious surfaces.

**Impervious Surface Ratio (ISR).** A measure of the intensity of land use which is determined by dividing the total area of all impervious surfaces on a site by the base site area (resulting in the gross ISR determination) or the net buildable area (resulting in the net ISR determination).

**Improvement.** Any man-made immovable item which becomes part of, placed upon, or is affixed to real estate.

**Improvement, Public.** Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, curb and gutter, sidewalk, pedestrianway, bicycle path, stormwater detention and retention basins, planting strip, or other utility and/or facility for which the City may ultimately assume the responsibility for maintenance and operation.

**Improvement, Substantial.** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the present equalized assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however, include either: (a) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (b) any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society or listed on the National Register of Historic Places. Ordinary maintenance repairs are not considered structural repairs, modifications, or

additions; such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other nonstructural components.

**Increases in Regional Flood Height:** A calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, determined by comparing existing conditions and proposed conditions and which is directly attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients, and discharge.

**Inspector.** Inspector shall mean the Zoning Administrator, Building Inspector, Code Enforcement Officer of the City and/or the Sanitarian of the City.

**Institution, Educational.** Public, private, parochial, charitable, or nonprofit junior college, college, or university, other than trade or business schools, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants, and other incidental facilities for students, teachers, and employees.

**Irrevocable Letter of Credit.** An agreement guaranteeing payment for subdivision improvements, entered into by a bank, savings and loan, or other financial institution which is authorized to do business in this State and which has a financial standing acceptable to the City, and which is approved, as to form, by the City Attorney.

**Junk Yard, Including Automobile Wrecking and Storage.** Any lot, building, structure, enclosure, premises or parts thereof used for the storage, keeping, or abandonment of any worn-out, cast-off, or discarded or abandoned article, material, vehicle, automobile, or machinery or parts thereof, which is ready for destruction or sale or has been collected or stored for salvage or conversion to some use, including scrap metal, paper, wood, cordage, or other waste or discarded materials, articles, vehicles, automobiles, and machinery or parts thereof, or vehicles or automobiles without a valid current state registration and license plate issued to said vehicle or automobile, and to the occupant, owner, purchaser, lessor, lessee, or tenant of any lot, building, or structure therein or thereon situated.

**Kennels, Boarding.** For 4 or more cats or dogs within Animal Hospitals, for remuneration.

**Kennel, Commercial.** A lot, building, structure, enclosure, or premises whereon or wherein dogs or cats are maintained, boarded, bred, kept, or cared for in return for remuneration, or are kept for the purpose of sale, or are groomed, trained, or handled, for others.

**Laboratory, Commercial.** A place devoted to experimental study such as testing and analyzing. Manufacturing, assembly, or packaging of products is not included within this definition.

**Lake.** Any body of water two (2) acres or larger in size as measured by the shoreline at its maximum condition rather than the permanent pool condition, if there is any difference.

**Land User.** For the purposes of Division 15-8.0300, any person operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes use of his or her land.

**Land Use, Agricultural.** For the purposes of Division 15-8.0300, the use of land for planting, growing, cultivating, and harvesting of crops for human or livestock consumption and pasturing or yarding of livestock.



**Land Use, Commercial.** For the purposes of Division 15-8.0300, the use of land for the retail or wholesale sale of goods or services. Also included will be manufacturing and industrial development.

**Landmark.** Any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the City, state, or nation and which has been designated as a landmark pursuant to the provisions of the City of Franklin Municipal Code.

**Landowner.** For the purposes of Division 15-8.0300, any person holding title to or having an interest in land.

**Landscape Bufferyard.** (See definition for "Bufferyard.")

**Landscape Plan.** (See Division 15-7.0301 of this Ordinance.)

**Landscape Surface Area.** Surface area of land not covered by any building or impervious surface; impervious surface, and that is maintained as a natural area and left undisturbed or to support plant life.

**Landscape Surface Ratio (LSR).** The ratio derived by dividing the area of landscaped surface by the base site area.

**Landscaping.** Living material, such as grass, groundcover, flowers, shrubs, vines, hedges, and trees; and nonliving durable material such as rocks, pebbles, sand, mulch, wood chips or bark, walls, and fences, but not including paving.

**Lateral, Sanitary Sewer.** Pipes installed for conducting sewage from the street to the structure on a lot or parcel.

**Lateral, Water.** Pipes installed for conducting water from the street to the lot or parcel.

**Letter of Map Amendment (LOMA).** An official notification from the Federal Emergency Management Agency stating that a Flood Hazard Boundary Map or Flood Insurance Rate Map has been amended. LOMA's are usually issued because a property has been inadvertently mapped as being in the floodplain, but is actually on natural high ground at or above the regional flood elevation (100-year recurrence interval flood elevation).

**Letter of Map Revision Based on Fill (LOMR-F).** An official notification from the Federal Emergency Management Agency indicating that a structure or parcel has been elevated on fill to or above the regional flood elevation and is, therefore, excluded from being located in the floodplain as initially denoted in the City's Flood Hazard Boundary Map or Flood Insurance Rate Map.

**Level, Curb.** The level of the established curb in front of a building or structure, measured at the center of such front. Where no curb level has been established, it shall be deemed to be the established level of the centerline of the street surface in front of a building or structure, measured at the centerline of such front.

**Limousine.** A passenger automobile that has a capacity of 10 or fewer persons, excluding the driver; that has a minimum of 5 seats behind the driver; and that is operated for hire on an hourly basis under a prearranged contract for the transportation of passengers on public roads and highways along a route under the control of the person who hires the vehicle and not over a defined regular route.

*[Note: This does not include taxicabs, hotel or airport shuttles or buses, buses employed solely in transporting school children or teachers, vehicles owned and operated without charge or remuneration by a business entity for its own purposes, vehicles used in carpools or van pools, public agency vehicles that are not operated as a commercial venture, vehicles operated as part of the employment transit assistance program under s. 106.26, ambulances or any vehicle that is used exclusively in the business of funeral directing]*

**Limousine Services.** Establishments primarily engaged in providing an array of specialty and luxury passenger transportation services via limousine or luxury sedans generally on a reserved basis with a driver.

**Living Area, First Floor.** Lowest story of a dwelling wholly above ground level. For the purpose of calculating minimum living area in a single family or two family dwelling with three (3) or more stories having finished living area, the living area of any two (2) connecting floors wholly above ground level may be combined to achieve minimum first floor living area. Connecting floors means any two (2) stories with an elevation difference of four and one-half (4.5) feet or less. The first floor living area shall never conform to the definitions of "Half Basement" or "Basement."

**Loading and Unloading Space, Off-Street.** An open, hard-surfaced area of land other than a street or a public way, the principal use of which is for the standing, loading, and/or unloading of motor vehicles, tractors, and trailers, to avoid undue interference with public streets and alleys. Such space shall not be less than ten (10) feet in width, thirty five (35) feet in length, and fourteen (14) feet in height, exclusive of access aisles and maneuvering space.

**Lodge, Private.** (See definition of "Club, Private.")

**Lodging House.** (See definition of "Rooming House.")

**Lot.** A parcel of land legally described as a distinct portion or piece of land of record.

**Lot Area.** The area contained within the exterior, or peripheral, boundaries or lot lines of a lot excluding street and land under navigable bodies of water.

**Lot Area.** The area of a horizontal plane bounded by vertical planes containing the front, side, and rear lot lines. For the purpose of this ordinance, the lot area shall be measured from the base setback line.

**Lot, Bus.** Any lot or land area used for the storage or layover of passenger buses or motor coaches.

**Lot, Corner.** A lot situated at the junction of and abutting on two (2) or more intersecting streets.

**Lot Coverage.** The area of a zoning lot occupied by the principal building or buildings, accessory structure(s) and accessory building(s).

**Lot Depth.** The mean horizontal distance between the front and rear lot lines of a lot measured within the lot boundaries.

**Lot, Double Frontage.** A lot, other than a corner lot, with frontage on two (2) parallel or approximately parallel streets, and which is not a corner lot. Double frontage lots shall normally be deemed to have two

(2) front yards, two (2) side yards and no rear yard. Double frontage lots shall not generally be permitted unless the lot abuts an arterial highway. Double frontage lots abutting arterial highways should restrict direct access to the arterial highway by means of a planting buffer or some other acceptable access buffering measure. On a "Double Frontage Lot" both street lines shall be deemed front lot lines.

**Lot, Flag.** A lot, typically not meeting minimum frontage requirements and where access to a public street is by a narrow, private access easement, strip of land, or driveway.

**Lot Frontage.** The front of a lot shall be that boundary of a lot along a public street; for a corner lot the owner may elect either street line as the front lot line.

**Lot, Interior.** A lot other than a corner lot.

**Lot Line.** A property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends to the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way line.

**Lot Line, Front.** The front property boundary line of a zoning lot.

**Lot Line, Interior.** A side lot line common with another lot.

**Lot Line, Rear.** The lot line or lot lines most nearly parallel to and most remote from the front lot line.

**Lot Line, Side.** A lot line other than a front or rear lot line.

**Lot of Record.** An area of land designated as a lot on a plat of subdivision or certified survey map recorded or registered pursuant to statute.

**Lot, Through.** (See definition of "Lot, Double Frontage.")

**Lot Width.** The mean horizontal distance between the side lot lines measured within the lot boundaries, or the minimum distance between the side lot lines within the buildable area of a lot.

**Lot, Zoning.** (See definition of "Zoning Lot.")

**Lounge.** (See definition of "Tavern.")

**Luminaire.** A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

**Manufacturing.** The making of anything by any agency or process.

**Manufactured Home.** A structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. The term includes, but is not limited to, the definition of "mobile home" as set forth in regulations governing the Mobile Home Safety and Construction Standards Program. [24 C.F.R. 3282.7(a)]. Factory-built homes on permanent foundations are considered buildings, and are governed by the Wisconsin Uniform Dwelling Code.

**Manufactured Home Park.** A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home spaces for rent or lease.

**Manufactured Home Subdivision.** A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for sale.

**Master Plan.** A document or series of documents prepared by the City Plan Commission and duly adopted by said Commission setting forth policies for the future development or redevelopment of the City of Franklin pursuant to Chapter 62.23 of the Wisconsin Statutes. The master plan shall also include neighborhood and subarea plans, proposals for future land use, open space, streets and transportation, urban redevelopment, and public facilities. Devices for the implementation of these plans, such as zoning, official map, land division and building line provisions, design guidelines, and capital improvement programs shall also be considered a part of the master plan. The master plan can also be termed the "Comprehensive Plan" and/or "Comprehensive Master Plan."

**Materials, Inflammable.** Inflammable and combustible materials shall mean and include oils and oil lights, sweepings from garage floors, barrels, boxes or other containers containing oil or other similar liquids, rags, clothes, paper, shavings, paper or cardboard boxes or cartons, grease, paints, varnish, or other similar substances, any of which are likely to be readily inflammable or combustible.

**Materials, Toxic.** A substance (liquid, solid, or gaseous) which, by reason of a deleterious property, tends to destroy life or impair health.

**Measure, Construction Site Control.** A control measure used to meet the requirements of Division 15-8.0300 of this Ordinance.

**Measure, Control.** For the purposes of Division 15-8.0300, a practice or combination of practices to control erosion and attendant pollution.

**Medical Health Center.** An establishment where patients are admitted for special study and treatment by two (2) or more licensed physicians practicing medicine together and their professional associates.

**Mini-Storage.** A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the dead storage of a customer's goods or wares. At least one (1) toilet facility shall be available to customers. No sales, service, or repair activities other than the rental of dead storage units are permitted on the premises. Maximum leasable space per tenant shall be one thousand (1,000) square feet. Outdoor storage, or the storage of junk, explosives, or inflammable materials, and other noxious or dangerous materials are specifically prohibited.

**Minor Land Division.** Any division of land not defined as a 'subdivision.' Minor land divisions include the division of land by the owner or Subdivider resulting in the creation of two (2), but not more than four (4), parcels of building sites, any one of which is less than thirty five (35) acres in size; or the division of a block, lot or outlot within a recorded Subdivision Plat into not more than four (4) parcels or building sites without changing the exterior boundaries of said block, lot, or outlot. Such minor land divisions shall be made by a Certified Survey Map.

**Minor Variance.** (See definition of "Variance, Minor.")

**Mixed Use.** A building or structure that contains two (2) or more of the following basic land use types: commercial, office, or residential which are vertically integrated, and that are located over each other in whole or in part. Mixed uses may be integrated horizontally provided that they are physically interrelated by pedestrian areas that are uninterrupted by vehicular traffic. In horizontal integration of mixed uses, the uses may not be separated by roads or parking areas.

**Mobile Home.** Any trailer as defined herein used for residential purposes.

**Mobile Home Park.** Any premises occupied or designed to accommodate one (1) or more families living in a house trailer or mobile home, or the parking of one or more trailers for business or storage purposes.

**Mobile Home Camp.** (See definition of "Mobile Home Park.")

**Motel.** A group of attached or detached buildings or facility containing individual sleeping or living units, designed for or used temporarily by automobile tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motels, motor lodges, or other similar type uses. Customary services such as maid service, telephone, linen, and desk service, and the use and upkeep of furniture are provided.

**Motor Lodge.** (See definition of "Motel.")

**Municipal Code.** The Municipal Code of the City of Franklin, Milwaukee County, Wisconsin.

**Municipality.** An incorporated village or city or an unincorporated town.

**Nameplate.** A sign indicating the name and address of a building or the name of an occupant thereof and the practice of a permitted occupation therein.

**National Map Accuracy Standards.** Standards governing the horizontal and vertical accuracy of topographic maps and specifying the means for testing and determining such accuracy, endorsed by all federal agencies having surveying and mapping functions and responsibilities.

**Natural Resource Protection Plan.** (See Division 15-7.0100 of this Ordinance.)

**Natural Resource Protection Standard.** The proportion of the natural features of a site (excluding land occupied by public street rights-of-way), which shall remain undeveloped and protected and is specifically designated for natural resource protection by deed restriction, protective covenant, zoning, or a combination thereof.

**Natural Resources.** Areas of steep slopes, woodlands and forests (mature and young), lakes, ponds, streams, shore buffer, floodplains, wetlands, shoreland wetlands, and wetland buffers as defined in this Ordinance.

**Navigable Water.** Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages, and other water within the territorial limits of this State, including the Wisconsin portion of boundary waters, which are navigable under the laws of this State. The Wisconsin Supreme Court has declared navigable bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on

an annually recurring basis. [*Muench v. Public Service Commission*, 261 Wis. 492 (1952) & *DeGayner and Co., Inc., v. Department of Natural Resources*, 70 Wis. 2d 936 (1975)]. Rivers and streams are presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this Ordinance.

**Navigable Lake.** (See definition of "Navigable Water.")

**Navigable Stream.** Any stream capable of floating any boat, skiff, or canoe of the shallowest draft used for recreational purposes. (Also see definition of "Navigable Water.")

**Nonconforming Building.** A building or structure, or portion thereof, lawfully existing at the time of the adoption of this Ordinance, which was designed, erected, or structurally altered for a use that does not conform after the passage of this Ordinance to the use regulations of the district in which it is located.

**Nonconforming Use.** Any building, structure, or land lawfully occupied by a use or lawfully established at the time of the adoption of this Ordinance or amendments hereto, which does not conform after the passage of this Ordinance, or amendments hereto, with the use regulations of this Ordinance.

**Non-Earth Materials.** Materials other than earth, clay, soil, ground, stones, and rock.

**Noxious Matter.** Material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the psychological, social, or economic well-being of human beings.

**Nursery, Day.** A building or portion thereof used for the daytime care of preschool-age children.

**Nursery School.** An institution providing day care for children from four (4) to six (6) years of age.

**Nursing Home.** A private home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, but not including facilities for the treatment of sickness or injuries or for surgical care.

**Objecting Agencies.** The Wisconsin Department of Agriculture, Trade and Consumer Protection; the Wisconsin Department of Transportation; the Wisconsin Department of Natural Resources; the Wisconsin Department of Industry, Labor, and Human Relations and the county planning agency (as defined by Section 236.02(a) of the Wisconsin Statutes).

**Obstruction.** An obstacle, impediment, or hindrance.

**Obstruction to Flood Flow.** Any development which blocks the conveyance of floodwaters such that this development by itself or in connection with any future similar development will cause an increase in regional flood height.

**Octave Band.** A means of dividing the range of sound frequencies into octaves in order to classify sound according to pitch.

**Octave Band Filter.** An electrical frequency analyzer, designed according to standards formulated by the American Standards Association and used in conjunction with a sound level meter to take measurements in specific octave intervals (American Standard for Sound Level Meters, A.S.A. No. 244.3-1944).

**Odorous Matter.** Solid, liquid or gaseous material which produces an olfactory response in a human being.

**Odor Threshold Concentration.** The lowest concentration of odorous matter which will produce an olfactory response in a human being as detected by a panel of healthy observers. Odor thresholds shall be determined in accordance with American Society for Testing and Materials Test Method D1391-57 "Standard Method for Measurement of Odor in Atmosphere (Dilution Method)" (Philadelphia: American Society of Testing and Material, 1957).

**Office, Home.** (See definition of "Home Occupation" and Section 15-5.0802 of this Ordinance.)

**Official Map.** That document as described by Chapter 62.23(6) of the Wisconsin Statutes, as amended, which shows the location of streets, highways, parkways, parks, playgrounds, railroad rights-of-way, waterways, and public transit facilities in the City of Franklin.

**Official Zoning Map.** (See definition of "Zoning Map.")

**Opacity.** The degree of opaqueness of a bufferyard, or relative sight screening value, as measured by levels of intensity of bufferyard foliage or other characteristics of the bufferyard including fencing, earthen berms, or walls.

**Open Sales Lot.** Any land used or occupied for the purpose of buying and selling new or second-hand passenger cars or trucks, motor scooters, motorcycles, boats, trailers, aircraft, monuments, farm machinery and equipment, and for the storage of same prior to sale.

**Open Space.** Any site, parcel, lot, area, or outlot of land or water essentially unimproved and set aside, dedicated, designated, or reserved for the public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Land that is to be used primarily for resource protection, agriculture, recreational purposes, or otherwise left undisturbed and specifically excluding road rights-of-way and lots. Open space land shall not be occupied by non-recreational buildings, roads, drives, public rights-of-way, or off-street parking areas for non-recreational uses. Land located within the yards or lots of residential and/or nonresidential properties is *not* considered open space unless it is deed restricted for open space protection or natural resource features protection. Where lots are above the minimum sizes required and the excess lot area is deed restricted to open space uses it may be counted as open space.

**Open Space, Public.** An open space area conveyed or otherwise dedicated to a municipality, municipal agency, public school district, state or county agency, or other public body for recreational or conservational uses. Any publicly owned open area, including, but not limited to, the following: parks, playgrounds, forest preserves, beaches, waterways, and parkways but not including streets or dedicated public rights-of-way.

**Open Space Ratio (OSR).** The number derived by dividing the open space of the site by the base site area. When applied to natural resource protection, the open space ratio shall include the natural resource

feature(s) to be protected. Minimum requirements for open space ratios are set forth for the various zoning districts under individual zoning district requirements Sections of this Ordinance.

**Option, Development.** Alternative development types within specific residential zoning districts as set forth in this Ordinance.

**Ordinary High Water Mark.** The point on the bank or shore of a navigable water up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

**Outlot.** A parcel of land, other than a lot or block, so designated on the plat, but not of standard lot size, which can be either redivided into lots or combined in the future with one (1) or more other adjacent outlots or lots in adjacent subdivisions or minor land divisions in the future for the purpose of creating buildable lots. In addition to the foregoing, an "outlot" may also be any parcel of land depicted upon a plat or certified survey map which has been designated "outlot" as determined necessary by the Common Council to reserve such parcel for a future potential use or as necessary to further the purposes of this Ordinance and such designation as "outlot" shall mean that the designated parcel is unbuildable. An "outlot" designation may be removed by the Common Council upon its determination upon a further division that the reasons for the designation no longer exist or that the purposes of this Ordinance are further served by the removal of such designation.

**Owner.** Includes the plural as well as the singular and may mean either a natural person, individual, firm, association, syndicate, partnership, private corporation, public or quasi-public corporation, or combination of these having sufficient proprietary interest to seek development of land. For purposes of successive division of a parcel of land by Certified Survey Maps, "owner" shall be taken to include any related person, firm, partnership or corporation, to whom conveyance has been made within two (2) years of application for approval of a Certified Survey Map. "Related" shall mean any natural person related to a transferor by blood or marriage, any person acting in an agency or trust capacity, any partnership in which the transferor is a partner and any corporation in which the transferor is a stockholder, officer or director, or in which related persons are stockholders, officers or directors.

**Ownership, One.** For the purpose of this Ordinance, lots shall be considered as owned by the same person when they are owned by the same individual or corporation or other single legal entity; an individual and another in joint tenancy, or as tenants in common, and either of said joint or common tenants owns other lots individually or as joint tenant or tenant in common with another; as individual and other lots by his spouse, parent, grandparents, children, grandchildren, or the spouse of any child or grandchild, or a brother or sister or when any of said lots are owned by an individual and other lots are owned by a corporation or other single legal entity in which said individual is an officer or director or controlling stockholder.

**Parking Area, Private.** An open, hard-surfaced area, other than a street or public way, designed, arranged, and made available for the storage of private passenger automobiles only, of occupants of the building or buildings for which the parking area is developed and is accessory.

**Parking Area, Public.** An open, hard-surfaced area, other than a street or public way, intended to be used for the storage of passenger automobiles and commercial vehicles under one and one-half (1-1/2) tons capacity, and available to the public, whether for compensation, free, or as an accommodation to clients or customers.



**Parking Space, Automobile.** Space within a public or private parking area of not less than one hundred and eighty (180) square feet (9 ft. by 20 ft.), exclusive of access aisles or drives, ramps, columns, or office and work areas, for the storage of one (1) passenger automobile or commercial vehicle under one and one-half (1-1/2) tons capacity.

**Particulate Matter.** For the purposes of determining air contaminations, particulate matter is any material other than water which is suspended in or discharged into the atmosphere in a finely divided form as a liquid or solid capable of being airborne or gasborne. Dust is solid particulate matter capable of being airborne or gasborne.

**Pedestrianway.** A public way that is intended for the convenience of pedestrians only; it may also provide public right-of-way for utilities.

**Performance Standard.** A criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat generated by or inherent in uses of land or buildings.

**Permit, Filling.** A filling permit to engage in the act of filling on a specified parcel of land.

**Permitted Use.** A use by right which is specifically authorized in a particular zoning district.

**Person.** The word "person" shall mean and include any natural person, firm, corporation, or partnership.

**Plan Commission.** The City of Franklin Plan Commission created by the Common Council pursuant to Section 62.23 of the Wisconsin Statutes.

**Plan, Control.** A written description of the number, locations, sizes, and other pertinent information of control measures designed to meet the requirements of this ordinance submitted by the applicant for review and approval.

**Plan, Control.** For the purposes of Division 15-8.0300, a graphic and written description of the number, locations, sizes, and other pertinent information of control measures designed to meet the requirements of this ordinance submitted by the applicant for review and approval by the City Engineer or his authorized representative.

**Plan, Development.** The Milwaukee County Development Plan (including components thereof including park, recreation, open space, and transportation plans) text and all accompanying maps, charts, explanatory material adopted by Milwaukee County pursuant to Section 59.97 of the Wisconsin Statutes, and all amendments thereto.

**Plat.** The map, drawing, or chart on which the Subdivider's land division or Condominium Developer's condominium is presented to the City of Franklin for approval.

**Pond.** All bodies of water less than two (2) acres in area as measured by the shoreline at its maximum condition rather than the permanent pool condition, if there is any difference.

**Pond, Water Quality.** A man-made pond constructed to improve the water quality of an area.

**Porch.** A roofed-over structure projecting out from the wall or walls of a main structure and commonly open to the weather in part.

**Preliminary Plat.** A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration.

**Principal Use.** The main use of land or buildings as distinguished from a subordinate or accessory use.

**Protective Covenants.** Contracts entered into between private parties or between private parties and public bodies pursuant to Section 236.293 of the Wisconsin Statutes, which constitute a restriction on the use of all private or platted property within a minor land division or subdivision for the benefit of the public or property owners and to provide mutual protection against undesirable aspects of development that would tend to impair stability of values.

**Public Way.** Any public road, street, highway, walkway, drainageway, or part thereof.

**Quarters, Temporary.** A room or rooms located on the property and intended for the temporary use of a watchman, servant, owner, etc. These quarters shall not be used as permanent living quarters.

**Railroad Right-of-Way.** A strip of land with tracks and auxiliary facilities for track operation, but not including depot loading platforms, stations, train sheds, warehouses, car shops, car yards, locomotive shops, water towers, etc.

**Recreation Land, Community Level Public Outdoor.** An outdoor recreation site serving several neighborhoods and generally containing more open space and natural resource oriented areas than typical "Neighborhood Level Public Outdoor Recreation Land." Active recreational facilities located in such areas can include, but not necessarily be limited to, baseball, softball, tennis, basketball, playground or playfield (which may be associated with a middle or high school), picnicking, swimming, recreational trails, and passive activity areas, etc. Such recreational land typically serves an area with a radius of from about two (2) to ten (10) miles and provides sufficient useable land area per capita to meet the standards set forth in Section 15-5.0110 of this Ordinance. The size of such areas typically ranges from twenty-five (25) to ninety-nine (99) acres in area.

**Recreation Land, Neighborhood Level Public Outdoor.** An outdoor recreation site serving a single neighborhood and generally containing less open space and natural resource oriented areas than typical "Community Level Public Outdoor Recreation Land." Active recreational facilities located in such areas can include, but not necessarily be limited to, baseball, softball, tennis, basketball, playground or playfield (which may be associated with an elementary school), picnicking, ice skating area, recreational trails, and passive activity areas, etc. Such recreational land typically serves an area with a radius of from about one-half (0.5) to two (2) miles and provides sufficient useable land area per capita to meet the standards set forth in Section 15-5.0110 of this Ordinance. The size of such areas are typically less than twenty-five (25) acres in area.

**Recreation, Passive.** Recreational uses, areas, or activities oriented to noncompetitive activities which require no special equipment. Passive recreation areas are generally maintained by mowing. Bicycle riding, hiking, and bird watching are examples of passive recreation activities.

**Register of Deeds.** Milwaukee County Register of Deeds.

**Replat.** The process of changing, or the map or plat which changes, the boundaries of a recorded Subdivision Plat, Certified Survey Map, or part thereof. The division of a large block, lot or outlot within a recorded Subdivision Plat or Certified Survey Map without changing the exterior boundaries of said block, lot, or outlot is not a replat.

**Residential Housing for Older Persons.** Residential housing:

1. Provided under any State or Federal program that the U.S. Secretary of Housing and Urban Development determines is specifically designed and operated to assist elderly persons (as defined in the State or Federal program); or
2. Intended for, and solely occupied by, persons sixty-two (62) years of age or older; or
3. Intended and operated for occupancy by at least one (1) person fifty-five (55) years of age or older per unit. In determining whether housing qualifies as housing for older persons under this definition, the following factors shall be applied:
  - a. The existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; and
  - b. That at least eighty (80) percent of the units are occupied by at least one person fifty-five (55) years of age or older per unit; and
  - c. The publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons fifty-five (55) years of age or older.
4. Residential housing for older persons includes traditional residential facilities for the elderly as well as assisted living. Such housing is a part of a facility within which residents, with or without minor physical disabilities, live, cook, dine, and recreate and may avail themselves of medical and other services.

**Restaurant.** Any land, building, or part thereof, other than a boarding house, where meals are provided for compensation, including a cafe, cafeteria, coffee shop, lunch room, tearoom, and dining room; and including the serving of alcoholic beverages when served with and incidental to the serving of meals.

**Restaurant, Fast Food.** An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state for consumption as follows:

- a. Within the restaurant building;
- b. Within a motor vehicle parked on the premises; or
- c. Off the premises as either carry-out orders or orders using a drive through facility.

The principal method of operation includes the serving of food and/or beverages in paper, plastic, or other disposable containers.

**Rest Home.** (See definition of "Nursing Home.")

**Ringelmann Chart.** A chart which is described in the U. S. Bureau of Mines Information Circular 7718, and on which are illustrated graduated shades of gray for use in estimating the light-obscuring capacity of smoke.

**Ringelmann Number.** The number of the area on the Ringelmann Chart that coincides most nearly with the visual density of smoke emission.

**Roofline.** The top or bottom edge of a roof or building parapet, excluding any cupolas, pylons, chimneys, or other minor projections.

**Rooming House.** A building with not more than five (5) guest rooms where lodging is provided for compensation, pursuant to previous arrangement, but not open on a daily, overnight, or per meal basis to transient guests.

**Runoff.** The rainfall, snowmelt, discharge pumping, or irrigation water flowing over the ground surface.

**Rural Area.** Those areas of the City of Franklin *not* within a delineated sanitary sewer service area in conformance with an adopted areawide water quality management plan.

**Sand and Gravel Pits.** The term sand or gravel pit shall include the removal of sand or gravel deposits from the land for commercial purposes, regardless of whether or not such operation results in the creation of a depression in the ground.

**Sanitarium.** (See definition of "Hospital.")

**Seat.** Furniture upon which to sit having a linear measurement not less than 24 inches across the surface used for sitting; intended for use in determining off-street parking requirements.

**Services, Essential.** Services provided by the public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services, whether installed underground, at the surface, above ground, or overhead, include installations for gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communications; and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, inlets, manholes, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings. Essential Services include governmental emergency notification systems, including, but not limited to, outdoor warning siren systems, whether installed upon or within buildings, or upon outdoor poles or other support structures. Essential services also includes the removal of any obstruction, vegetative or otherwise, within or adjacent to a stream, watercourse, drainageway, channel, ditch, swale or the like, artificial or natural, or within or adjacent to a natural resource feature supporting surface water drainage, which obstruction impedes the natural or intended drainage of such feature or facility, so as to cause or precipitate flooding, provided that such removal is performed by or under the direction of a governmental agency, or upon private property by the owner of the property, after obtaining all necessary governmental permits. In the case of an emergency which endangers persons or property, including but not limited to storm damage, essential services shall also include the removal of dead or damaged vegetation presenting such danger which is located within a natural resource, provided

that such removal is performed by or under the direction of a governmental agency, or upon private property by the owner of the property, after obtaining all necessary governmental permits.

**Setback.** The minimum required horizontal distance by which any building or structure shall be separated from a lot line, measured along a straight line and at a right angle to such lot line, and the nearest point of a building or structure; and the minimum required horizontal distance by which any building, structure, or development shall be separated from a natural resource (inclusive of any required or mitigated shore buffer or wetland buffer), measured along a straight line and at a right angle to such natural resource, and the nearest point of a building, structure, or development (excluding stormwater management facilities, stormwater quality ponds, and drainage structures such as a pipe or culvert as allowed to be located within that portion of a wetland setback located outside of a wetland buffer under the provisions of Section 15-4.0102I. of the Unified Development Ordinance and excluding structural support(s) consisting of piers and/or abutments for bridges allowed to be placed within shore buffers and wetland buffers and setbacks provided that areas of disturbance of natural resource features to provide for said structural supports shall be restored to the restoration standards of Section 15-4.0102I. of this Ordinance and pursuant to the requirements of Table 15-4.0100 of this Ordinance.)

**Setback Line, Base.** The ultimate street line as established by the Master Plan of the City, or component thereof, and/or a highway width ordinance of Milwaukee County or by an Official Map of the City. On all such streets the base setback line shall be located at a distance from the centerline equal to one-half of such established width. On all other streets, the base setback line shall be thirty (30) feet from the centerline of such street or sixty (60) feet from the centerpoint of a cul-de-sac, unless specifically designated otherwise by the Common Council of the City. The base setback line of frontage roads shall be located at a distance from the centerline equal to one-half of the right-of-way of said frontage road. All setback lines shall be parallel to and measured at right angles to the centerline of the street or highway. All front yard building setbacks shall be measured from the base setback lines.

**Setback Line, Building.** A line parallel to the street line at a distance from it, regulated by the front yard requirements set up in this Ordinance.

**Shelter, Emergency.** Public or private enclosures designed to protect people from aerial, radiological, biological, or chemical warfare, fire, flood, windstorm, riots, and invasions.

**Shopping Center.** A group of commercial establishments which is planned, developed, owned, and managed as a unit.

**Shore Buffer.** (See definition of "Buffer, Shore.")

**Shoreland.** Those lands lying within the following distances from the ordinary high water mark of navigable waters: one thousand (1,000) feet from a lake, pond, or flowage; and three hundred (300) feet from a river or stream, or to the landward side of the floodplain as designated on the adopted City of Franklin Zoning Map; whichever distance is greater. Shorelands shall not include those adjacent to farm drainage ditches where: (a) such lands are not adjacent to navigable stream or river; (b) those parts of such drainage ditches adjacent to such lands were not navigable before ditching or had no previous stream history; and (c) such lands are maintained in nonstructural agricultural use.

**SIC.** Standard Industrial Classification from the 1987 (or latest edition) manual published by the Executive Office of the President, Office of Management and Budget.

**Sidewalk.** A paved path provided for pedestrian use and usually located at the side of a road within a public street right-of-way but physically separated by distance from the road pavement.

**Site.** For the purposes of Division 15-8.0300, the entire area included in the legal description of the land on which the land disturbing or land development activity is proposed in the Construction Site Erosion Control Permit application.

**Site Area, Base.** (See Division 15-3.0500 of this Ordinance.)

**Site Area, Net.** The entire land area within the boundaries of a site, less the area of all land required or proposed for public use, open space, or natural resource preservation or protection.

**Site Capacity Analysis.** A calculation of buildable site area, taking into account its resource protection land, open space, and other lands (see Division 15-3.0500 of this Ordinance).

**Site, Landmark.** Any parcel of land of historic significance due to substantial value in tracing the history of aboriginal man, or upon which a historic event has occurred, and, which has been designated as a landmark site under the provisions of the City of Franklin Municipal Code, or a parcel of land, or part thereof, on which is situated a landmark and any abutting parcel, or part thereof, used as and constituting part of the premises on which the landmark is situated.

**Site Plan.** (See Division 15-7.0200 of this Ordinance.)

**Sketch Plan.** (See Division 15-7.0400 of this Ordinance.)

**Slope.** The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

**Slope, Steep.** Three categories of steep slopes are defined herein for use in this Ordinance. These categories are based upon the relative degree of the steepness of the slope as follows: ten (10) to twenty (20) percent, twenty (20) to thirty (30) percent, and greater than thirty (30) percent. No land area shall be considered a steep slope unless the steep slope area has at least a ten (10) foot vertical drop and has a minimum area of five thousand (5,000) square feet. Steep slopes exclude man-made steep slopes.

**Smoke.** Small gasborne particles other than water that form a visible plume in air.

**Smoke Units.** The number obtained by multiplying the smoke density in Ringelmann Numbers by the time of emission in minutes. For the purpose of this chart, a Ringelmann Density reading is made at least once every minute during the period of observation; each reading is then multiplied by the time in minutes during which it is observed; and the various products are added together to give the total number of "smoke units" observed during the total period under observation.

**Soil Mapping Unit Lines.** The boundaries of soils shown on the operational soil survey maps prepared by the United States Department of Agriculture, Soil Conservation Service for the Southeastern Wisconsin Regional Planning Commission published in the Soil Survey of Milwaukee and Waukesha Counties dated July 1971.

**Sound Level Meter.** An instrument standardized by the American Standards Association for measurement of intensity of sound.

**Special Exception.** A special or unique situation involving a shore buffer, navigable water-related feature, wetland, wetland buffer, and wetland setback and natural resource feature improvement or enhancement, which may be authorized by the Common Council and is specifically set forth in this Ordinance as a special exception and which may justify the waiver of the regulations applicable to streams, shore buffers, navigable water-related feature, wetland, wetland buffers, and wetland setbacks and does not necessarily require the demonstration of an unnecessary hardship or practical difficulty. [See *Fabyn v. Waukesha County Board of Adjustment*, 246 Wis. 2d 851, 632 N.W.2d 116 (Ct. App. 2001)]

**Special Use.** A use permitted by special zoning certificate in accordance with the provisions of this Ordinance.

**Stable, Livery.** Any building, other than a private stable, designed, arranged, used, or intended to be used for the storage of horses and horse-drawn livery, or both.

**Stable, Private.** Any building which is located on a lot on which a dwelling is located and which is designed, arranged, used, or intended to be used for housing horses for the private use of occupants of the dwelling.

**Stacking Requirements.** For the purpose of this Ordinance, stacking requirements are the number of cars that must be accommodated in a reservoir space while awaiting ingress or egress to specified business or service establishments.

**Stand, Roadside.** A farm building used or intended to be used solely by the owner or tenant of the farm on which such building is located, for the sale of the farm products raised on said farm.

**"Standards and Specifications for Development."** The set of standards and specifications which the City uses, and has established as public policy, for the installation of improvements as set forth in this Ordinance. Said *"Standards and Specifications for Development"* shall be in printed form and shall consist of the *City of Franklin Land Development Handbook* as amended and any other additional standards, specifications, and design guidelines which the City may use.

**Story.** That portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above, then the space between the floor and the ceiling above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof.

**Story, Half.** A half story is that portion of a building under a gable, hip, or mansard roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four and one-half (4.5) feet above the finished floor of each story. In the case of one-family dwellings, two-family dwellings, and multiple-family dwellings less than three (3) stories in height, a half-story in a sloping room shall not be counted as a story.

**Stream.** A course of running water, either perennial or intermittent, flowing in a channel.

**Stream, Intermittent.** A stream that flows only after rainfall or snow melt and therefore, is dry most of the year.

**Stream, Perennial.** A stream that flows throughout most (that is, greater than fifty percent) of the year.

**Street.** A public way, other than an alley, which affords a primary means of access to abutting property.

**Street, Arterial.** A federal-, state-, or county-marked route normally having four (4) lanes for traffic and some form of median marker. May also be a city-designated "arterial street" in the adopted City of Franklin Comprehensive Master Plan or component thereof, or on the Official Map. Parking may be banned. A street used, or intended to be used, primarily for fast or heavy through traffic providing for the expeditious movement of through traffic into, out of, and within the community. Arterial streets shall include freeways and expressways as well as standard arterial streets, highways, and parkways. Arterial streets shall be located to minimize the penetration of such streets through existing and proposed residential areas. Arterial streets shall be designed to convey an average daily traffic (ADT) of three thousand (3,000) and greater.

**Street, Collector.** A street used, or intended to be used, to carry traffic from minor streets to the system of arterial streets including principal entrance streets to residential developments and/or activity/employment centers. Collector streets shall be designed to convey an average daily traffic (ADT) of between five hundred (500) and three thousand (3,000).

**Street, Frontage.** A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.

**Street Line.** A line separating a lot, piece, or parcel of land from a street.

**Street, Minor.** A street used, or intended to be used, primarily for access to abutting properties. Residential minor streets that are designed as either looped or through streets shall be designed so that no section conveys an average daily traffic (ADT) greater than five hundred (500). Residential minor land access streets that are designed as permanent cul-de-sac streets shall be designed so that no section conveys an average daily traffic (ADT) greater than two hundred fifty (250).

**Streetscape.** Those features of either the man-made or natural environment which abut, face, or are a part of a public street right-of-way including landscaping (materials and plants), street furniture, building facades, and utilities and facilities which are visible to the public such as fire hydrants, storm sewer grates, sidewalk and street paving, etc.

**Structural Alterations.** Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, and girders.

**Structure.** Anything constructed or erected which requires location on the ground, including a fence or free-standing wall. A sign, billboard, or other advertising medium, detached or projecting, shall be construed to be a structure.

**Structure, Nonconforming.** Any structure which does not conform to the regulations of this Ordinance prescribing the maximum floor area ratio, required yards, coverage, height and setbacks, minimum required spacing between structures on a single lot, or minimum required usable open space for the district in which such structure is located.

**Subdivider.** Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor land division (Certified Survey Map) or replat.



**Subdivider's Agreement.** An agreement by which the City and the Subdivider agree in reasonable detail as to all of those matters which the provisions of these regulations permit to be covered by the Subdivider's Agreement and which shall not come into effect unless and until an Irrevocable Letter of Credit or other appropriate surety has been issued to the City.

**Subdivision.** The division of a lot, parcel, or tract of land by the owners thereof, or their agents, for the purpose of transfer of ownership or building development where the act of division creates five (5) or more parcels or building sites of one and one-half (1.5) acres each or less in area; or where the act of division creates five (5) or more parcels or building sites of one and one-half (1.5) acres each or less in area by successive division within a period of five (5) years.

**Subdivision, Conventional.** A residential subdivision which does *not* provide a designated amount of open space as set forth under the requirements of Division 15-3.0200 of this Ordinance for an "Open Space Subdivision."

**Subdivision, Grid Type.** A residential subdivision located within the VR District which is characterized by the dominant design feature of the streets, blocks, and lots laid out in a rectilinear fashion with most street rights-of-way lines meeting at ninety (90) degree angles and with no curvature and generally with lots characterized by parallel front and rear lot lines and parallel side lot lines. (Also see the requirements of Division 15-3.0200 of this Ordinance for the VR District)

**Subdivision, Open Space.** A residential subdivision which provides a designated amount of open space as set forth under the requirements of Division 15-3.0200 and Section 15-3.0702(A) of this Ordinance.

**Subgrade.** The natural ground lying beneath the structural portion of a road.

**Surety Bond.** A bond guaranteeing performance of a contract or obligation through forfeiture of the bond if said contract or obligation is unfulfilled by the Subdivider.

**Tavern.** A building where liquors are sold to be consumed on the premises, but not including restaurants, where the principal business is serving food.

**Temporary.** A use of a structure, trailer or property for a limited period, for a specific purpose that is not the permanent use of the property. Any temporary facility or use shall be removed at the cessation of the occurrence of the property causing the temporary use.

**Terminal, Motor Freight.** A building in which freight, brought to said building by motor truck, is assembled and sorted for routing in intrastate and interstate shipment by motor truck.

**Theater.** (See definition of "Auditorium.")

**Tourist Court.** (See definition of "Motel.")

**Tourist Home.** A dwelling in which accommodations are provided or offered for transient guests.

**Toxic and Noxious Matter.** Any solid, liquid, or gaseous matter, including but not limited to, gases, vapors, dusts, fumes, and mists, containing properties which by chemical means are inherently harmful and likely to destroy life or impair health, or capable of causing injury to the well-being of persons or damage to property.

**Trailer Park.** (See definition of "Mobile Home Park.")

**Trailer House.** (See definition of "Mobile Home.")

**Trailer.** A vehicle without motor power used or adaptable for living, sleeping, hauling, business, or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirting, which does not meet building code requirements, and has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place. The term "trailer" shall include "camp car" and "house car." A permanent foundation shall not change its character unless the entire structure is erected in accordance with prevailing City codes and Ordinances.

**Trailer Sales Area.** An open area, other than a street, used for the display or sale of new or used trailers, and where no repair work is done except for minor incidental repair of trailers to be displayed and sold on the premises.

**Tree.** Any self-supporting, woody plant together with its root system, growing upon the earth usually with one (1) trunk, or a multi-stemmed trunk system, supporting a definitely formed crown.

**Tree, Canopy.** A tree whose leaves would occupy the upper level of a forest in a natural ecological situation. These trees are often referred to as shade trees.

**Tree, Street.** A tree located in a public place, street, special easement, or right-of-way adjoining a street.

**Tree, Understory.** A tree whose leaves would occupy the lower level of a forest in a natural ecological situation. This type of tree is often referred to as an ornamental trees.

**Trip.** A single or one-way vehicle movement to or from a property.

**Truck Parking Area.** Any land used or intended to be used for the storage or parking of trucks, trailers, tractors, and including commercial vehicles, while not loading or unloading, which exceed one and one-half (1-1/2) tons in capacity.

**Truck Parking Yard.** (See definition of "Truck Parking Area.")

**Undisturbed.** As the term is used within Part 4 of this Ordinance, "undisturbed" means an area of land not subjected to the removal of vegetative cover and/or earthmoving activities, including filling.

**Use.** The purpose for which land or a building thereon is designed, arranged, or intended, or for which it is occupied or maintained, let or leased.

**Use, Accessory.** (See definition of "Accessory Structure or Use.")

**Urban Area.** A delineated sanitary sewer service area in conformance with an adopted areawide water quality management plan.

**Use, Nonconforming.** (See definition of "Nonconforming Use.")

**Use, Permitted.** (See definition of "Permitted Use.")

**Use, Principal.** The main use of land or buildings as distinguished from a subordinate or accessory use.

**Utility, Public.** Any person, firm, corporation, or municipal department duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, transportation, or water.

**Variance, Minor.** A variance from the terms and provisions of the Building Code and Unified Development Ordinance which may be granted only as to accessory buildings of one hundred and fifty (150) square feet or less in area, decks, and fences.

**Vehicle, Commercial.** Any vehicle over six thousand (6,000) pounds empty weight.

**Veterinary Clinic.** (See definition of "Hospital, Animal.")

**Veterinary Hospital.** (See definition of "Hospital, Animal.")

**Vibration.** Ground transmitted oscillations. The periodic displacement or oscillation of the earth.

**Vibrations, Impact.** Discrete impulses which do not exceed sixty (60) per minute.

**Vibrations, Steady-State.** Vibrations which are continuous, or vibrations in discrete impulses more frequent than sixty (60) per minute.

**Watercourse.** A permanent or intermittent stream channel.

**Wetland.** An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

**Wetland Setback.** All of that landward land area defined by the minimum required horizontal setback distance of fifty (50) feet from a delineated wetland boundary, and a line parallel thereto. The wetland setback is inclusive of any required wetland buffer area. (Also see §15-4.0102J. of the Unified Development Ordinance.)

**Wetland, Shoreland.** A wetland, as defined by this Ordinance, which is located within a shoreland area.

**Wisconsin Administrative Code.** The rules of administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system as directed by Section 35.93 and Chapter 227 of the Wisconsin Statutes, including subsequent amendments to those rules.

**Woodland, Mature.** An area or stand of trees whose total combined canopy covers an area of one (1) acre or more and at least fifty (50) percent of which is composed of canopies of trees having a diameter at breast height (DBH) of at least ten (10) inches; or any grove consisting of eight (8) or more individual trees having a DBH of at least twelve (12) inches whose combined canopies cover at least fifty (50) percent of the area encompassed by the grove. However, no trees planted and grown for commercial purposes should be considered a mature woodland.

**Woodland, Young.** An area or stand of trees whose total combined canopy covers an area of one-half (0.50) acre or more and at least fifty (50) percent of which is composed of canopies of trees having a

diameter at breast height (DBH) of at least three (3) inches. However, no trees planted and grown for commercial purposes shall be considered a young woodland.

**Yard.** An open space on the same zoning lot with a principal building or group of buildings, which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted in this ordinance, and which extends along a lot line and at right angles thereto to a depth or width specified in the yard regulations for the district in which the zoning lot is located.

**Yard, Front.** A yard extending along the full length of the front lot line between the side lot lines.

**Yard, Rear.** A yard extending along the full length of the rear lot line between the side lot lines. On a corner lot, the rear yard shall be that yard directly opposite the front yard.

**Yard, Shore.** A yard extending across the full width or depth of a lot between the point of the 100-year recurrence interval floodplain or ordinary high water mark of a pond, stream or lake; or a wetland nearest the principal structure and the principal structure nearest the 100-year recurrence interval floodplain or high water mark of a pond, stream or lake, or a wetland.

**Yard, Side.** A yard extending along a side lot line from the front yard to the rear yard.

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

**Zoning Board.** Reference to "Zoning Board" shall refer to the Board of Zoning and Building Appeals of Franklin, Wisconsin.

**Zoning Board of Appeals.** (See definition of "Zoning Board.")

**Zoning Compliance Permit.** The permit required by this Ordinance prior to the erection, reconstruction, enlargement, or moving of any building or structure, or use of a structure, land, or water where such erection or use complies with all provisions of this Ordinance.

**Zoning District.** As defined by the City of Franklin Unified Development Ordinance and its accompanying maps as amended.

**Zoning Lot.** A single tract of land located within a single block which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. Therefore, a "zoning lot" may or may not coincide with a lot of record.

**Zoning Map.** The map or maps incorporated into this Ordinance as a part hereof, designating and delineating boundaries of zoning districts.

# Part 12

## **PART 12: ADOPTION AND EFFECTIVE DATE**

### **DIVISION 15-12.0100 ADOPTION AND EFFECTIVE DATE**

#### **SECTION 15-12.0101 PUBLIC HEARINGS**

The City of Franklin Plan Commission held a public hearing on this Unified Development Ordinance which includes both zoning and land division regulations for the City of Franklin pursuant to the requirements of Sections 62.23(7) and 236.45(4) of the Wisconsin Statutes on January 8, 1998. The City of Franklin Common Council held a public hearing on this Unified Development Ordinance on May 19, 1998.

#### **SECTION 15-12.0102 PLAN COMMISSION RECOMMENDATION**

The Plan Commission recommended to the Common Council the adoption of this Unified Development Ordinance at its meeting held on April 2, 1998.

#### **SECTION 15-12.0103 COMMON COUNCIL APPROVAL**

The Common Council of the City of Franklin concurred with the recommendations of the Plan Commission and proceeded to adopt the Unified Development Ordinance at a meeting held on May 19, 1998.

#### **SECTION 15-12.0104 EFFECTIVE DATE**

This Unified Development Ordinance shall take effect upon passage and adoption by the Common Council and the filing of proof of posting or publication in the Office of the City Clerk.

Date of Posting: May 28, 1998.

Effective Date: August 1, 1998.

Mayor: \_\_\_\_\_  
Mayor, City of Franklin, WI

ATTESTED:

\_\_\_\_\_  
City Business Administrator/Clerk

# Part 13

**Exhibit A**

**CITY OF FRANKLIN, WISCONSIN**  
**FLOODPLAIN ZONING ORDINANCE**

**September 2008**

Date of Public Hearing: September 11, 2008

Date of Adoption: September 11, 2008

Date of Publication:



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## **1.0 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE AND GENERAL PROVISIONS**

### **1.1 STATUTORY AUTHORIZATION**

This ordinance is adopted pursuant to the authorization in ss. 62.23 and the requirements in s. 87.30, Stats.

### **1.2 FINDING OF FACT**

Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare and tax base.

### **1.3 STATEMENT OF PURPOSE**

This ordinance is intended to regulate floodplain development to:

- (1) Protect life, health and property;
- (2) Minimize expenditures of public funds for flood control projects;
- (3) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- (4) Minimize business interruptions and other economic disruptions;
- (5) Minimize damage to public facilities in the floodplain;
- (6) Minimize the occurrence of future flood blight areas in the floodplain;
- (7) Discourage the victimization of unwary land and homebuyers;
- (8) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
- (9) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

### **1.4 TITLE**

This ordinance shall be known as the Floodplain Zoning Ordinance for the City of Franklin, Wisconsin.

### **1.5 GENERAL PROVISIONS**

#### **(1) AREAS TO BE REGULATED**

This ordinance regulates all areas that would be covered by the regional flood or base flood.

#### **(2) OFFICIAL MAPS & REVISIONS**

The boundaries of all floodplain districts are designated as floodplains or A-Zones on the maps listed below and the revisions in the City of Franklin Floodplain Appendix. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the City Clerks Office, City of Franklin. If more than one map or revision is referenced, the most restrictive information shall apply.

OFFICIAL MAPS : Based on the Flood Insurance Rate Map (FIRM), panel numbers 55079C0137E, 55079C0139E, 55079C0141E, 55079C0142E, 55079C0143E, 55079C0144E, 55079C0161E, 55079C0162E, 55079C0163E, 55079C0164E, 55079C0206E, 55079C0207E, 55079C0209E, 55079C0226E, 55079C0227E, 55079C0228E, 55079C0229E, dated September 26, 2008; with corresponding profiles that are based on the Flood Insurance Study (FIS), Milwaukee County, Wisconsin, and Incorporated Areas, Flood Insurance Study Number 55079CV001A, 55079CV002A, 55079CV003A, 55079CV004A, and 55079CV005A, prepared by the Federal Emergency Management Agency, dated September 26, 2008.

Approved by: The DNR and FEMA

(3) ESTABLISHMENT OF DISTRICTS

The regional floodplain areas are divided into three districts as follows:

- (a) The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters.
- (b) The Floodfringe District (FF) is that portion of the floodplain between the regional flood limits and the floodway.
- (c) The General Floodplain District (GFP) is those areas that have been or may be covered by floodwater during the regional flood.

(4) LOCATING FLOODPLAIN BOUNDARIES

Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in paragraphs (a) or (b) below. If a significant difference exists, the map shall be amended according to s. 8.0. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to s. 7.3(3) and the criteria in (a) and (b) below.

- (a) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.

- (b) Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual on-site inspection and any information provided by the Department.

(5) REMOVAL OF LANDS FROM FLOODPLAIN

Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to s. 8.0.

(6) COMPLIANCE

Any development or use within the areas regulated by this ordinance shall be in compliance with the terms of this ordinance, and other applicable local, state, and federal regulations.

(7) MUNICIPALITIES AND STATE AGENCIES REGULATED

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

(8) ABROGATION AND GREATER RESTRICTIONS

- (a) This ordinance supersedes all less-restrictive provisions of the Unified Development Ordinance or any municipal zoning ordinance enacted under s. 62.23 or s. 87.30, Stats., which relate to floodplains. If another ordinance is more restrictive than this ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
- (b) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

(9) INTERPRETATION

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

(10) WARNING AND DISCLAIMER OF LIABILITY

The flood protection standards in this ordinance are based on engineering experience and scientific research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor does this ordinance create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

(11) SEVERABILITY

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

(12) ANNEXED AREAS

The Milwaukee, Racine and Waukesha County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and the National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway.

(13) GENERAL DEVELOPMENT STANDARDS

The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building, construction and or development site is in a flood-prone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and practices that minimize flood damages; and be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. All land divisions shall be reviewed for compliance with the above standards. All land divisions proposals (including manufactured home parks and condominiums) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance.

**2.0 GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS**

**2.1 HYDRAULIC AND HYDROLOGIC ANALYSES**

- (1) Except as allowed in par. (3) below, no floodplain development shall:

- (a) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height; or
  - (b) Increase regional flood height due to floodplain storage area lost, which equals or exceeds 0.01 foot.
- (2) The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or increase regional flood heights 0.01 foot or more, based on the officially adopted FIRM or other adopted map, unless the provisions of sub. (3) are met.
- (3) Obstructions or increases equal to or greater than 0.01 foot may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 8.0.

## **2.2 WATERCOURSE ALTERATIONS**

No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices and required the applicant to secure all necessary local, state and federal permits. The flood carrying capacity of any altered or relocated watercourse shall be maintained. As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation, the zoning administrator shall notify FEMA of the changes by submitting appropriate technical or scientific data in accordance with NFIP guidelines that shall be used to revise the FIRM, risk premium rates and floodplain management regulations as required.

## **2.3 CHAPTERS 30, 31, WIS. STATS., DEVELOPMENT**

Development which requires a permit from the Department, under chs. 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodway lines, water surface profiles, BFE's established in the FIS, or other data from the officially adopted FIRM, or other floodplain zoning maps or the floodplain zoning ordinance are made according to s. 8.0.

## **3.0 FLOODWAY DISTRICT (FW)**

### **3.1 APPLICABILITY**

This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to s. 5.4.

### **3.2 PERMITTED USES**

The following open space uses are allowed in the floodway district and the floodway areas of the general floodplain district, if

- (a) they are not prohibited by any other ordinance;
- (b) they meet the standards in s. 3.3 and 3.4; and
- (c) all permits or certificates have been issued according to s. 7.1:

- (1) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.
- (2) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
- (3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of s. 3.3(4).
- (4) Uses or structures accessory to open space uses, or classified as historic structures that comply with ss. 3.3 and 3.4.
- (5) Extraction of sand, gravel or other materials that comply with s. 3.3(4).
- (6) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31, Stats.
- (7) Public utilities, streets and bridges that comply with s. 3.3(3).

### **3.3 STANDARDS FOR DEVELOPMENTS IN FLOODWAY AREAS**

#### **(1) GENERAL**

- (a) Any development in floodway areas shall comply with s. 2.0 and have a low flood damage potential.
- (b) Applicants shall provide the following data to determine the effects of the proposal according to s. 2.1:
  1. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
  2. An analysis calculating the effects of this proposal on regional flood height.
- (c) The zoning administrator shall deny the permit application if the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for par. (b) above.

#### **(2) STRUCTURES**

Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

- (a) The structure is not designed for human habitation and does not have a high flood damage potential.



- (b) It must be anchored to resist flotation, collapse, and lateral movement;
- (c) Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and
- (d) It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

(3) **PUBLIC UTILITIES, STREETS AND BRIDGES**

Public utilities, streets and bridges may be allowed by permit, if:

- (a) Adequate floodproofing measures are provided to the flood protection elevation; and
- (b) Construction meets the development standards of s. 2.1.

(4) **FILLS OR DEPOSITION OF MATERIALS**

Fills or deposition of materials may be allowed by permit, if:

- (a) The requirements of s. 2.1 are met;
- (b) No material is deposited in the navigable channel unless a permit is issued by the Department pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and the other requirements of this section are met;
- (c) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
- (d) The fill is not classified as a solid or hazardous material.

**3.4 PROHIBITED USES**

All uses not listed as permitted uses in s. 3.2 are prohibited, including the following uses:

- (1) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
- (2) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
- (3) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
- (4) Any private or public sewage systems;
- (5) Any public or private wells which are used to obtain potable water;
- (6) Any solid or hazardous waste disposal sites;

- (7) Any wastewater treatment ponds or facilities;
- (8) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

#### **4.0 FLOODFRINGE DISTRICT (FF)**

##### **4.1 APPLICABILITY**

This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to s. 5.4.

##### **4.2 PERMITTED USES**

Any structure, land use, or development which is allowed in the floodway district is also allowed in the floodfringe district if the standards in s. 4.3 are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in s. 7.1 have been issued.

##### **4.3 STANDARDS FOR DEVELOPMENT IN FLOODFRINGE AREAS**

S. 2.1 shall apply in addition to the following requirements according to the use requested.

###### **(1) RESIDENTIAL, COMMERCIAL, MANUFACTURING AND INDUSTRIAL USES**

Residential, commercial, manufacturing and industrial uses are prohibited in floodfringe areas. See s. 7.3(4)(c) for variance standards.

###### **(2) ACCESSORY STRUCTURES OR USES**

Except as provided in par. (b), an accessory structure which is not connected to a principal structure may be constructed with its lowest floor at or above the regional flood elevation.

###### **(3) STORAGE OF MATERIALS**

Storage of materials is prohibited in floodfringe areas. See s. 7.3(4)(d) for variance standards.

###### **(4) PUBLIC UTILITIES, STREETS AND BRIDGES**

All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and

- (a) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction of and substantial improvements to such facilities may only be permitted if they are floodproofed in compliance with s. 7.5 to the flood protection elevation;

- (b) Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

(5) **SEWAGE SYSTEMS**

All on-site sewage disposal systems shall be floodproofed, pursuant to s. 7.5, to the flood protection elevation and shall meet the provisions of all local ordinances and ch. COMM 83, Wis. Adm. Code.

(6) **WELLS**

All wells shall be floodproofed, pursuant to s. 7.5, to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.

(7) **SOLID WASTE DISPOSAL SITES**

Disposal of solid or hazardous waste is prohibited in floodfringe areas.

(8) **DEPOSITION OF MATERIALS**

Any deposited material must meet all the provisions of this ordinance.

(9) **MANUFACTURED HOMES**

Manufactured homes are prohibited in floodfringe areas. See s. 7.3(4)(e) for variance standards.

(10) **MOBILE RECREATIONAL VEHICLES**

Mobile recreational vehicles are prohibited in floodfringe areas. See s. 7.3(4)(f) for variance standards.

**5.0 GENERAL FLOODPLAIN DISTRICT (GFP)**

**5.1 APPLICABILITY**

The provisions for this district shall apply to all floodplains for which flood profiles are not available or where flood profiles are available but floodways have not been delineated. Floodway and floodfringe districts shall be delineated when adequate data is available.

**5.2 PERMITTED USES**

Pursuant to s. 5.4, it shall be determined whether the proposed use is located within a floodway or floodfringe area.

Those uses permitted in floodway (s. 3.2) and floodfringe areas (s. 4.2) are allowed within the general floodplain district, according to the standards of s. 5.3, provided that all permits or certificates required under s. 7.1 have been issued.

**5.3 STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT**

***City of Franklin Unified Development Ordinance***

S. 3.0 applies to floodway areas, s. 4.0 applies to floodfringe areas. The rest of this ordinance applies to either district.

#### **5.4 DETERMINING FLOODWAY AND FLOODFRINGE LIMITS**

Upon receiving an application for development within the general floodplain district, the zoning administrator shall:

- (1) Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures;
- (2) Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:
  - (a) A typical valley cross-section showing the stream channel, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development, and all historic high water information;
  - (b) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;
  - (c) Profile showing the slope of the bottom of the channel or flow line of the stream;
  - (d) Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.
- (3) Transmit one copy of the information described in pars. (1) and (2) to the Department Regional office along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of s. 7.1(2)(c) apply, the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations.

#### **6.0 NONCONFORMING USES**

##### **6.1 GENERAL**

###### **(1) APPLICABILITY**

If these standards conform with s. 62.23(7)(h), Stats., they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.

- (2) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:

- (a) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Ordinary maintenance repairs are not considered an extension, modification or addition; these include painting, decorating, paneling and the replacement of doors, windows and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Ordinary maintenance repairs do not include any costs associated with the repair of a damaged structure.
- (b) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;
- (c) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;
- (d) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1). The costs of elevating a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;
- (e)
  - 1. Except as provided in subd. 2., if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.
  - 2. For nonconforming buildings that are damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it after the nonflood disaster, provided that the nonconforming building will meet all of the minimum requirements under applicable FEMA regulations (44 CFR Part 60), or the regulations promulgated thereunder.
- (f) A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration will comply with s. 3.3 (1), flood resistant materials are used, and construction practices and floodproofing methods that comply with s. 7.5 are used.

## **6.2 FLOODWAY AREAS**

- (1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area, unless such modification or addition:
  - (a) Has been granted a permit and a variance which meets all ordinance requirements;
  - (b) Meets the requirements of s. 6.1;
  - (c) Will not increase the obstruction to flood flows or regional flood height;
  - (d) Any addition to the existing structure shall be floodproofed, pursuant to s. 7.5, by means other than the use of fill, to the flood protection elevation;
  - (e) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
    1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
    2. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
    3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
    4. The use must be limited to parking or limited storage.
- (2) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances and ch. COMM 83, Wis. Adm. Code.
- (3) No new well or modification to an existing well used to obtain potable water shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing well in a floodway area shall meet the applicable requirements of all municipal ordinances and chs. NR 811 and NR 812, Wis. Adm. Code.

## **6.3 FLOODFRINGE AREAS**

- (1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality, and the modification or addition shall be placed on fill or floodproofed to the flood protection elevation in compliance with the standards for

that particular use in s. 4.3, except where s. 6.3(2) is applicable.

- (2) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances and ch. COMM 83, Wis. Adm. Code.
- (3) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance and ch. NR 811 and NR 812, Wis. Adm. Code.

## **7.0 ADMINISTRATION**

Where a zoning administrator, planning agency or a board of zoning and building appeals has already been appointed to administer a zoning ordinance adopted under ss. 62.23(7), Stats., these officials shall also administer this ordinance.

### **7.1 ZONING ADMINISTRATOR**

#### **(1) POWERS AND DUTIES**

The zoning administrator is authorized to administer this ordinance and shall have the following duties and powers:

- (a) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
- (b) Issue permits and inspect properties for compliance with provisions of this ordinance, and issue certificates of compliance where appropriate.
- (bm) Inspect all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structures has occurred.
- (c) Keep records of all official actions such as:
  - 1. All permits issued, inspections made, and work approved;
  - 2. Documentation of certified lowest floor and regional flood elevations for floodplain development;
  - 3. Records of water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
  - 4. All substantial damage assessment reports for floodplain structures.
- (d) Submit copies of the following items to the Department Regional office:
  - 1. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;

2. Copies of any case-by-case analyses, and any other information required by the Department including an annual summary of the number and types of floodplain zoning actions taken.
  3. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
- (e) Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.
- (f) Submit copies of text and map amendments and biennial reports to the FEMA Regional office.

(2) **LAND USE PERMIT**

A land use permit shall be obtained before any new development or any structural repair or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the zoning administrator shall include:

(a) **GENERAL INFORMATION**

1. Name and address of the applicant, property owner and contractor;
2. Legal description, proposed use, and whether it is new construction or a modification;

(b) **SITE DEVELOPMENT PLAN**

A site plan drawn to scale shall be submitted with the permit application form and shall contain:

1. Location, dimensions, area and elevation of the lot;
2. Location of the ordinary highwater mark of any abutting navigable waterways;
3. Location of any structures with distances measured from the lot lines and street center lines;
4. Location of any existing or proposed on-site sewage systems or private water supply systems;
5. Location and elevation of existing or future access roads;
6. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
7. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);



8. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of s. 3.0 or 4.0 are met; and
9. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to s. 2.1. This may include any of the information noted in s. 3.3(1).

(c) DATA REQUIREMENTS TO ANALYZE DEVELOPMENTS

1. The applicant shall provide all survey data and computations required to show the effects of the project on flood heights, velocities and floodplain storage, for all subdivision proposals, as "subdivision" is defined in s. 236, Stats., and other proposed developments exceeding 5 acres in area or where the estimated cost exceeds \$125,000. The applicant shall provide:
  - a. An analysis of the effect of the development on the regional flood profile, velocity of flow and floodplain storage capacity;
  - b. A map showing location and details of vehicular access to lands outside the floodplain; and
  - c. A surface drainage plan showing how flood damage will be minimized.

The estimated cost of the proposal shall include all structural development, landscaping, access and road development, utilities, and other pertinent items, but need not include land costs.

(d) EXPIRATION

All permits issued under the authority of this ordinance shall expire 360 days after issuance.

(3) CERTIFICATE OF COMPLIANCE

No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following provisions:

- (a) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;
- (b) Application for such certificate shall be concurrent with the application for a permit;
- (c) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;
- (d) The applicant shall submit a certification signed by a registered professional engineer,

architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that floodproofing measures meet the requirements of s. 7.5.

(4) **OTHER PERMITS**

The applicant must secure all necessary permits from federal, state, and local agencies, including those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

**7.2 ZONING AGENCY**

(1) The City of Franklin Plan Commission shall:

- (a) oversee the functions of the office of the zoning administrator; and
- (b) review and advise the Common Council on all proposed amendments to this ordinance, maps and text.

(2) The City of Franklin Plan Commission shall not:

- (a) grant variances to the terms of the ordinance in place of action by the Board of Zoning and Building Appeals; or
- (b) amend the text or zoning maps in place of official action by the Common Council.

**7.3 BOARD OF ZONING AND BUILDING APPEALS**

The Board of Zoning and Building Appeals, created under s. 62.23(7)(e), Stats., is hereby authorized or shall be appointed to act for the purposes of this ordinance. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The zoning administrator may not be the secretary of the Board.

(1) **POWERS AND DUTIES**

The Board of Zoning and Building Appeals shall:

- (a) Appeals - Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance.
- (b) Boundary Disputes - Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map.
- (c) Variances - Hear and decide, upon appeal, variances from the ordinance standards.

(2) **APPEALS TO THE BOARD**

- (a) Appeals to the Board may be taken by any person aggrieved, or by any officer or

department of the municipality affected by any decision of the zoning administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the Board, by filing with the official whose decision is in question, and with the Board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the Board all records regarding the matter appealed.

(b) NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES

1. Notice - The Board shall:
  - a. Fix a reasonable time for the hearing;
  - b. Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing;
  - c. Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.
2. Hearing - Any party may appear in person or by agent. The Board shall:
  - a. Resolve boundary disputes according to s. 7.3(3).
  - b. Decide variance applications according to s. 7.3(4).
  - c. Decide appeals of permit denials according to s. 7.4.

(c) DECISION: The final decision regarding the appeal or variance application shall:

1. Be made within a reasonable time;
2. Be sent to the Department Regional office within 10 days of the decision;
3. Be a written determination signed by the chairman or secretary of the Board;
4. State the specific facts which are the basis for the Board's decision;
5. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application;
6. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

(3) BOUNDARY DISPUTES

The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:

- (a) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.
- (b) In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board.
- (c) If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the Common Council for a map amendment according to s. 8.0.

(4) VARIANCE

- (a) The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
  - 1. Literal enforcement of the ordinance provisions will cause unnecessary hardship;
  - 2. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
  - 3. The variance is not contrary to the public interest; and
  - 4. The variance is consistent with the purpose of this ordinance in s. 1.3.
- (b) In addition to the criteria in par. (a), to qualify for a variance under FEMA regulations, the following criteria must be met:
  - 1. The variance may not cause any increase in the regional flood elevation;
  - 2. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE;
  - 3. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.
- (c). Standards for residential uses, commercial uses, manufacturing and industrial uses in floodfringe areas. Any habitable structure, including a manufactured home, which is to be erected, constructed, reconstructed, altered, or moved into the floodfringe area, shall meet or exceed the following standards;
  - 1. The elevation of the lowest floor, excluding the basement or crawlway, shall be at or above the flood protection elevation on fill. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. The Department may authorize other floodproofing

measures if the elevations of existing streets or sewer lines makes compliance with the fill standards impractical;

2. The basement or crawlway floor may be placed at the regional flood elevation if it is floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;
  3. Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in par. (d).
  4. In developments where existing street or sewer line elevations make compliance with par. (c) impractical, the municipality may permit new development and substantial improvements where access roads are at or below the regional flood elevation, if:
    - i. The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
    - ii. The municipality has a natural disaster plan approved by Wisconsin Emergency Management and the Department.
- (d) Standards for storage of materials. Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with s. 7.5. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.
- (e) Standards for manufactured homes.
1. Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
  2. In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
    - i. have the lowest floor elevated to the flood protection elevation; and
    - ii. be anchored so they do not float, collapse or move laterally during a flood
  3. Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in s. 4.3(1).
- (f) Standards for mobile recreational vehicles. All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in s. 4.3 (11)(b) and (c). A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

- (g) A variance shall not:
  - 1. Grant, extend or increase any use prohibited in the zoning district.
  - 2. Be granted for a hardship based solely on an economic gain or loss.
  - 3. Be granted for a hardship which is self-created.
  - 4. Damage the rights or property values of other persons in the area.
  - 5. Allow actions without the amendments to this ordinance or map(s) required in s. 8.1.
  - 6. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
- (h) When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase flood insurance premiums and risks to life and property. A copy shall be maintained with the variance record.

#### **7.4 TO REVIEW APPEALS OF PERMIT DENIALS**

- (1) The Plan Commission (s. 7.2) or Board shall review all data related to the appeal. This may include:
  - (a) Permit application data listed in s. 7.1(2).
  - (b) Floodway/floodfringe determination data in s. 5.4.
  - (c) Data listed in s. 3.3(1)(b) where the applicant has not submitted this information to the zoning administrator.
  - (d) Other data submitted with the application, or submitted to the Board with the appeal.
- (2) For appeals of all denied permits the Board shall:
  - (a) Follow the procedures of s. 7.3;
  - (b) Consider zoning agency recommendations; and
  - (c) Either uphold the denial or grant the appeal.
- (3) For appeals concerning increases in regional flood elevation the Board shall:
  - (a) Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners.

- (b) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 foot provided no other reasons for denial exist.

## **7.5 FLOODPROOFING**

- (1) No permit or variance shall be issued until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation.
- (2) Floodproofing measures shall be designed to:
  - (a) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
  - (b) Protect structures to the flood protection elevation;
  - (c) Anchor structures to foundations to resist flotation and lateral movement; and
  - (d) Insure that structural walls and floors are watertight to the flood protection elevation, and the interior remains completely dry during flooding without human intervention.
- (2) Floodproofing measures could include:
  - (a) Reinforcing walls and floors to resist rupture or collapse caused by water pressure or
  - (b) Adding mass or weight to prevent flotation.
  - (c) Placing essential utilities above the flood protection elevation.
  - (d) Installing surface or subsurface drainage systems to relieve foundation wall and basement floor pressures.
  - (e) Constructing water supply wells and waste treatment systems to prevent the entry of flood waters.
  - (f) Putting cutoff valves on sewer lines or eliminating gravity flow basement drains.

## **7.6 PUBLIC INFORMATION**

- (1) Place marks on structures to show the depth of inundation during the regional flood.
- (2) All maps, engineering data and regulations shall be available and widely distributed.

## **8.0 AMENDMENTS**

### **8.1 GENERAL**

The Common Council may change or supplement the floodplain zoning district boundaries and this ordinance in the manner provided by law. Actions which require an amendment include, but are not limited to, the following:

- (1) Any change to the official floodplain zoning map, including the floodway line or boundary of any floodplain area.
- (2) Correction of discrepancies between the water surface profiles and floodplain zoning maps.
- (3) Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.
- (4) Any fill or floodplain encroachment that obstructs flow, increasing regional flood height 0.01 foot or more.
- (5) Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality.
- (6) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

### **8.2 PROCEDURES**

Ordinance amendments may be made upon petition of any interested party according to the provisions of s. 62.23, Stats. Such petitions shall include all necessary data required by ss. 5.4 and 7.1(2).

- (1) The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the Common Council. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of s. 62.23, Stats.
- (2) No amendments shall become effective until reviewed and approved by the Department.
- (3) All persons petitioning for a map amendment that obstructs flow, increasing regional flood height 0.01 foot or more, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the Common Council.
- (4) For amendments in areas with no water surface profiles, the zoning agency or board shall consider data submitted by the Department, the zoning administrator's visual on-site inspections and other available information. (See s. 1.5(4).)



## **9.0 ENFORCEMENT AND PENALTIES**

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 Section 31.04 of the Municipal Code, as amended. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to s. 87.30, Stats.

## **10.0 DEFINITIONS**

Unless specifically defined, words and phrases in this ordinance shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and is not discretionary.

- 1) "A ZONES" - Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
- 2) "ACCESSORY STRUCTURE OR USE" - A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.
- 3) "BASE FLOOD" - Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.
- 4) "BASEMENT" - Any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.
- 5) "BUILDING" - See STRUCTURE.
- 6) "BULKHEAD LINE" - A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.
- 7) "CAMPGROUND" - Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.
- 8) "CAMPING UNIT" - Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, tent or other mobile recreational vehicle.
- 9) "CERTIFICATE OF COMPLIANCE" - A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.

- 10) "CHANNEL" – A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
- 11) "CRAWLWAYS" OR "CRAWL SPACE" - An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.
- 12) "DECK" – An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.
- 13) "DEPARTMENT" - The Wisconsin Department of Natural Resources.
- 14) "DEVELOPMENT" - Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.
- 15) "DRYLAND ACCESS" - A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
- 16) "ENCROACHMENT" - Any fill, structure, equipment, building, use or development in the floodway.
- 17) "EXISTING MANUFACTURED HOME PARK OR SUBDIVISION" - A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads
- 18) "EXPANSION TO EXISTING MOBILE/MANUFACTURED HOME PARK" - The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.
- 19) "FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)" - The federal agency that administers the National Flood Insurance Program.
- 20) "FLOOD INSURANCE RATE MAP" (FIRM) - A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

- 21) "FLOOD" or "FLOODING" – A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:
- a. The overflow or rise of inland waters,
  - b. The rapid accumulation or runoff of surface waters from any source,
  - c. The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior, or
  - f. The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
- 22) "FLOOD FREQUENCY" - The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent (%) chance of occurring in any given year.
- 23) "FLOODFRINGE" - That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.
- 24) "FLOOD HAZARD BOUNDARY MAP" - A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.
- 25) "FLOOD INSURANCE STUDY" - A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.
- 26) "FLOODPLAIN" - Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.
- 27) "FLOODPLAIN ISLAND" - A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
- 28) "FLOODPLAIN MANAGEMENT" - Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
- 29) "FLOOD PROFILE" - A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

- 30) "FLOODPROOFING" - Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.
- 31) "FLOOD PROTECTION ELEVATION" - An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: FREEBOARD.)
- 32) "FLOOD STORAGE" - Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
- 33) "FLOODWAY" - The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
- 34) "FREEBOARD" - A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.
- 35) "HABITABLE STRUCTURE" - Any structure or portion thereof used or designed for human habitation.
- 36) "HEARING NOTICE" - Publication or posting meeting the requirements of Ch. 985, Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.
- 37) "HIGH FLOOD DAMAGE POTENTIAL" - Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.
- 38) "HISTORIC STRUCTURE" - Any structure that is either:
- a. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register,
  - b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district,
  - c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior, or
  - d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.

- 39) "INCREASE IN REGIONAL FLOOD HEIGHT" - A calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.
- 40) "LAND USE" - Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)
- 41) "MANUFACTURED HOME" - A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."
- 42) "MOBILE RECREATIONAL VEHICLE" - A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."
- 43) "MUNICIPALITY" or "MUNICIPAL" - The county, city or village governmental units enacting, administering and enforcing this zoning ordinance.
- 44) "NAVD" or "NORTH AMERICAN VERTICAL DATUM" – Elevations referenced to mean sea level datum, 1988 adjustment.
- 45) "NGVD" or "NATIONAL GEODETIC VERTICAL DATUM" - Elevations referenced to mean sea level datum, 1929 adjustment.
- 46) "NEW CONSTRUCTION" - For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.
- 47) "NONCONFORMING STRUCTURE" - An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)
- 48) "NONCONFORMING USE" - An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)

- 49) "OBSTRUCTION TO FLOW" - Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.
- 50) "OFFICIAL FLOODPLAIN ZONING MAP" - That map, adopted and made part of this ordinance, as described in s. 1.5(2), which has been approved by the Department and FEMA.
- 51) "OPEN SPACE USE" - Those uses having a relatively low flood damage potential and not involving structures.
- 52) "ORDINARY HIGHWATER MARK" - The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
- 53) "PERSON" - An individual, or group of individuals, corporation, partnership, association, municipality or state agency.
- 54) "PRIVATE SEWAGE SYSTEM" - A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.
- 55) "PUBLIC UTILITIES" - Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.
- 56) "REASONABLY SAFE FROM FLOODING" - Means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
- 57) "REGIONAL FLOOD" - A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.
- 58) "START OF CONSTRUCTION" - The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

- 59) "STRUCTURE" - Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
- 60) "SUBDIVISION" - Has the meaning given in s. 236.02(12), Wis. Stats.
- 61) "SUBSTANTIAL DAMAGE" - Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.
- 62) "UNNECESSARY HARDSHIP" - Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.
- 63) "VARIANCE" - An authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.
- 64) "VIOLATION" - The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.
- 65) "WATERSHED" - The entire region contributing runoff or surface water to a watercourse or body of water.
- 66) "WATER SURFACE PROFILE" - A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.
- 66) "WELL" - means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.