

CITY OF FRANKLIN  
COMMITTEE OF THE WHOLE MEETING  
MONDAY, DECEMBER 1, 2014, 6:30 P.M.  
COMMON COUNCIL CHAMBERS, FRANKLIN CITY HALL  
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN  
AGENDA\*

- I. Call to Order and Roll Call
- II. Request from Dave Bartels and Ruzica Bartoshevich for the City to locate, design and build a minimum of 8 tennis courts and 2 mini-tennis courts adjacent to one another in a single cluster layout within a City park to provide adequate tennis facilities for City residents as recommended in the Comprehensive Outdoor Recreation Plan.
- III. Discussion concerning and consideration of a possible comprehensive update or replacement of the City of Franklin Unified Development Ordinance.
- IV. Adjournment

\*Notice is given that a majority of the Plan Commission and Park Commission may attend this meeting to gather information about an agenda item over which the Plan Commission and Park Commission has decision-making responsibility. This may constitute a meeting of the Plan Commission and Park Commission per State ex rel. Badke v. Greendale Village Board, even though the Plan Commission and Park Commission will not take formal action at this meeting.

[Note: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information, contact the City Clerk's office at (414) 425-7500.]

<b>APPROVAL</b>  <i>Slw</i>	<b>REQUEST FOR</b>  <b>COMMITTEE OF THE WHOLE ACTION</b>	<b>MEETING DATE</b>  12/01/14
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>CITIZEN'S REQUEST FOR THE CITY TO LOCATE, DESIGN AND BUILD A MINIMUM OF 8 TENNIS COURTS AND 2 MINI-TENNIS COURTS ADJACENT TO ONE ANOTHER IN A SINGLE CLUSTER LAYOUT WITHIN A CITY PARK TO PROVIDE ADEQUATE TENNIS FACILITIES FOR CITY RESIDENTS AS RECOMMENDED IN THE COMPREHENSIVE OUTDOOR RECREATION PLAN</b>	<i>II.</i>

At the special parks tour meeting of the Parks Commission on October 11, 2014, three residents made a presentation during the citizen comment period requesting the City locate, design and build 5-8 tennis courts adjacent to one another in a single cluster layout within a City park to accommodate the Franklin High School tennis teams for practice and hosting tournaments. On general consensus, the Parks Commission agreed to place the request on the agenda for the November 10, 2014, Parks Commission meeting.

At the November 10, 2014, Parks Commission meeting, Ruzica Bartoshevich made a presentation to the Parks Commission, requesting the City locate, design and build six (6) additional tennis courts at Pleasant View Neighborhood Park, adjacent to the two (2) tennis courts currently under construction, to provide adequate tennis facilities for City residents, Franklin Recreation Department programming and the Franklin High School tennis teams for practice and hosting tournaments. On general consensus, the Parks Commission recommended Ruzica present her request to the Common Council.

The Comprehensive Outdoor Recreation Plan (CORP) only recommends three (3) tennis courts as part of the development of Pleasant View Neighborhood Park. This recommendation comes from *Table 3.5 Detailed Public Outdoor Recreation Facility Minimum Requirements for Typical Neighborhood Parks Without Neighborhood Elementary School Facilities* of the CORP. On July 1, 2014, the Common Council adopted Resolution 2014-7002 awarding a contract for the development of Phase I of Pleasant View Neighborhood Park, with two (2) tennis courts. The only City Park recommended by the CORP to have a cluster of eight (8) tennis courts is Southwest Park, which is envisioned to be a regional park serving the community, neighborhood and mini park needs of the entire southwestern portion of the City. Based on Staff's research, an amendment to the CORP would be necessary to accommodate the above request.

**COMMITTEE OF THE WHOLE ACTION REQUESTED**

Provide direction regarding the citizen's request for the City to locate, design and build a minimum of 8 tennis courts and 2 mini-tennis courts adjacent to one another in a single cluster layout within a City park to provide adequate tennis facilities for City residents as recommended in the Comprehensive Outdoor Recreation Plan.

## NUMBER OF COURTS PER COMMUNITY PER LOCATION

COMMUNITY	TOTAL	COMMUNITY	TOTAL
<b>CUDAHY</b>	<b>9</b>	<b>NEW BERLIN</b>	<b>41</b>
CUDAHY HS	7	NEW BERLIN WEST HS	10
SHERIDAN PARK	2	JOHN MALONE	4
<b>SOUTH MILWAUKEE</b>	<b>14</b>	FOUNTAIN SQUARE	1
SO MILWAUKEE HS	8	PRINCETON	6
GRANT PARK	6	MOORLAND PARK	8
<b>OAK CREEK</b>	<b>20</b>	VALLEY VIEW	4
OAK CREEK HS	9	LIONS PARK	4
WILLOW HEIGHTS	2	BUENA PARK	4
SOUTH HILLS	2	<b>FRANKLIN</b>	<b>15</b>
OAK LEAF	2	FRANKLIN HS	0
MANOR MARQUETTE	2	TUCKAWAY	5*
RIVERTON MEADOWS	1	FROEMMING	2*
CHAPEL HILLS	2	LIONS LEGEND	3
<b>GREENFIELD</b>	<b>19</b>	LIONS VERN BERG	2
GREENFIELD HS	8	KEN WINDL	2
ZABLOCKI PARK	3	JACK WORKMAN	1
WHITNALL HS	6	* = VERY POOR CONDITION	
WILSON REC CENTER	2	<b>WEST ALLIS</b>	<b>19</b>
<b>GREENDALE</b>	<b>35</b>	NATHAN HALE HS	8
GREENDALE HS	8	MCCARTY PARK	4
VILLAGE CLUB	10	HONEY CREEK	1
VILLAGE CLUB MINI COURTS	2	LAFOLLETTE PARK	3
COMMUNITY CENTER	6	RAINBOW PARK	3
COLLEGE PARK	3	<b>WAUKESHA</b>	<b>43</b>
MARTIN LUTHER HS	8	NORTH HS	8
<b>ST FRANCIS</b>	<b>17</b>	CARROLL UNIVERSITY	6
ST FRANCIS HS	8	WOYAHN COMPLEX*	16
GREENE PARK	3	UW WAUKESHA	4
THOMAS MORE	6	THE MEADOWS	4
<b>MUSKEGO</b>	<b>16</b>	MERRILL HILLS	4
MUSKEGO HS	12	FOX RIVER PARK	1
KURTH PARK	2	*ADDING 2 COURTS & STADIUM SEATING;	
		8 COURTS USED BY WAUKESHA SOUTH & 8 USED	
		BY CATHOLIC MEMORIAL HS; HOSTS SUMMER REC	
		PROGRAM FOR YOUTH	

BLUHM PARK 2

**NUMBER OF COURTS PER COMMUNITY PER LOCATION (CONTINUED)**

COMMUNITY	TOTAL
<b>KENOSHA</b>	<b>63</b>
BRADFORD HS	8
TREMPER HS	8
KENOSHA ATHLETIC CTR	10
COUNTRY CLUB	5
CLIFFSIDE PARK	4
UW PARKSIDE	6
CARTHAGE COLLEGE	10
ST JOSEPH'S	6
INDIAN TRAIL HS	6
<b>RACINE</b>	<b>62</b>
HORLICK HS	8
CASE HS	12
CITY PARK	6
CEDAR BEND	3
COUNTRY CLUB	6
LOCKWOOD	9
HUMBLE PARK	3
MEADOWBROOK	5
PRAIRIE SCHOOL	8
CRAWFORD PARK	2

## FRANKLIN YOUTH PARTICIPATION IN TENNIS

### RECREATION DEPARTMENT 2014 PROGRAMS

AGES                      5-7 YEARS                      8-10 YEARS                      10+  
 53 KIDS                      71 KIDS                      51 KIDS

TOTAL NUMBER 175\*

### FRANKLIN HIGH SCHOOL PARTICIPATION

	2013-14	2012-13	2011-12	2010-11
<b>TENNIS BOYS</b>	42	37	39	30
<b>TENNIS GIRLS</b>	58	46	51	51
<b>PROGRAM TOTAL (BOYS &amp; GIRLS)</b>	<b>100</b>	<b>83</b>	<b>90</b>	<b>81</b>

\*TOTAL NUMBER OF COURTS REC DEPT IS ABLE TO USE = 3  
 AS PER THE REC DEPARTMENT, THEY ARE CURRENTLY ONLY ABLE TO USE 3 COURTS TO MANAGE LARGE CLASS LOADS AND DEMAND DUE TO NEED TO LEAVE REMAINING USABLE (PLAYABLE) COURTS AVAILABLE FOR PUBLIC USE. ADDITION OF MINI-COURTS TO THE COMPREHENSIVE OUTDOOR RECREATION PLAN WOULD HELP ALLEVIATE THE BURDEN FOR KIDS 10 AND UNDER. (FROEMMING COURTS ARE COUNTY OWNED AND HAVE NOT BEEN MAINTAINED, COURTS HAVE LARGE CRACKS AND ARE GENERALLY UNPLAYABLE--SUMMER 2014 NO NETS ON COURTS)

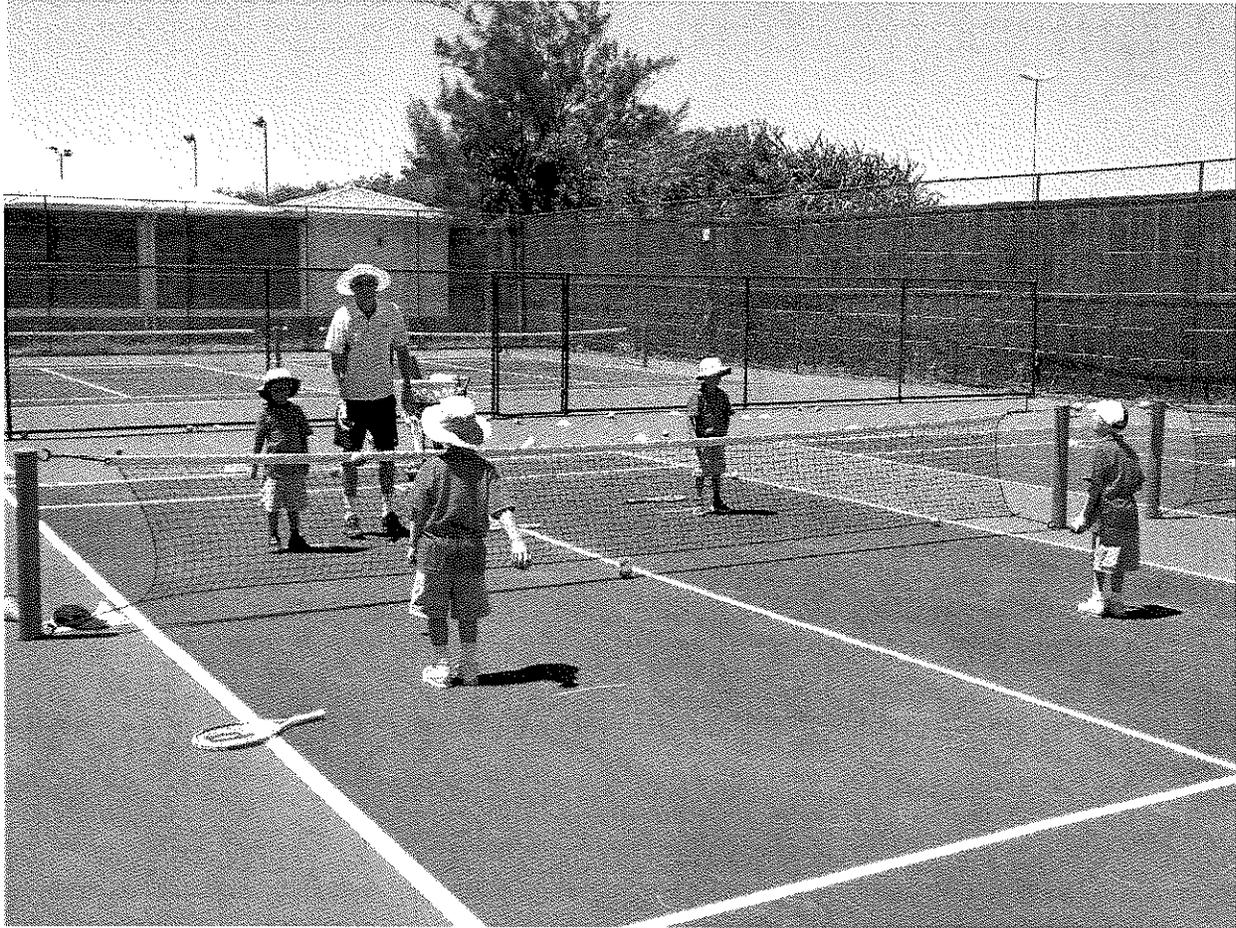
#### ADDITIONAL INFORMATION:

Rec Dept Programs are from 8:50am - 12:50 pm, Monday through Thursday for 3 weeks, one week session per age group.

2013 REC DEPARTMENT PARTICIPATION FOR ALL 3 SESSIONS (5-7 YRS/8-10 YRS/10+ YRS) WAS 119 KIDS. 2014 PARTICIPATION WAS 175 = 47% GROWTH FROM 2013 LEVELS

NOTE: There is an additional one week youth tennis camp run by the FHS Boys Varsity Coach and offered to children in grades 5 - 9. Statistics for this additional camp are not included in the above Youth Participation Rec Department levels. Numbers were not available at the time this document was submitted for the December 1st meeting.

Example of Mini-Tennis Courts



<p><b>APPROVAL</b> <i>Slw</i></p>	<p><b>REQUEST FOR COMMITTEE OF THE WHOLE</b></p>	<p><b>MEETING DATE</b> <b>12/01/14</b></p>
<p><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p><b>DISCUSSION CONCERNING AND CONSIDERATION OF A POSSIBLE COMPREHENSIVE UPDATE OR REPLACEMENT OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE</b></p>	<p><b>ITEM NUMBER</b> <i>III.</i></p>
<p>As recommended by the City of Franklin Comprehensive Master Plan, and with the support of Mayor Olson, Planning Department staff would like to initiate a discussion about a possible comprehensive update or replacement of the City's Unified Development Ordinance. Certain introductory and background information about this topic is provided in the attached Memorandum from the Planning Department.</p> <p style="text-align: center;"><b>COUNCIL ACTION REQUESTED</b></p> <p>Provide comments and direction to staff regarding a possible comprehensive update or replacement of the City of Franklin Unified Development Ordinance.</p>		



**MEMORANDUM: FROM PLANNING DEPARTMENT**

DATE: November 24, 2014

TO: Mayor Steve Olson  
City of Franklin Common Council

FROM: Joel Dietl, Planning Manager

SUBJECT: Consideration of a comprehensive update or replacement of the City of Franklin's Unified Development Ordinance

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**INTRODUCTION**

Sound planning dictates that a community's zoning and land subdivision ordinances be periodically reviewed to ensure they continue to reflect the community's vision and goals. Accordingly, the City of Franklin 2025 Comprehensive Master Plan recommends that "...the City undertake an update of the Unified Development Ordinance as soon as practical." It can be noted that the last comprehensive review and update of the City's zoning and land subdivision ordinances was over 15 years ago.

In addition, a number of public officials, staff, residents, and other individuals have indicated over the past years' dissatisfaction with one element or another of the Unified Development Ordinance (UDO), and have suggested that the City consider a comprehensive update or replacement of the UDO. Sound planning also dictates that if a community wishes to incorporate numerous and substantial changes to its zoning and/or land division ordinances, in essence rewriting the ordinances, the community should consider a comprehensive revision.

Therefore, the Planning Department would like to discuss the City of Franklin's Unified Development Ordinance with the Common Council, to determine if there is any interest in comprehensively updating or replacing the UDO. If, after this discussion, it appears that such interest exists, staff would prepare a more detailed report on the method and scope of this effort for the Council's consideration and approval. After such approval, staff would then initiate the actual work to update or replace the UDO.

To facilitate this discussion, staff has provided the following information:

- A brief background/history of the UDO.
- A brief explanation of zoning and land subdivision ordinances.
- A brief explanation of the process to guide an update/replacement of zoning and land subdivision ordinances.

**BACKGROUND**

The City of Franklin's Unified Development Ordinance was adopted by the Common Council on May 19, 1998. It updated and combined into one document the City's previously separate zoning and land subdivision ordinances. Significant revisions of the UDO occurred in 2003 (to include the current natural resource

protection standards) and in 2008 (to include Wisconsin Department of Natural Resources required floodplain zoning changes). Furthermore, since 1998, over 50 UDO text amendments have been approved.

While most communities maintain separate zoning and land subdivision ordinances, it must be noted that both zoning and land subdivision are land use controls, and that many instances of overlap can occur between the two. Therefore, it is important that zoning regulations be consistent and integrated with the land subdivision regulations and vice versa. It is primarily for this reason that some communities combine the two ordinances into one document, often referred to as a Unified Development Ordinance. Within Wisconsin, staff is aware of only two other communities (the Cities of Ashland and Onalaska) that have a UDO.

Franklin's UDO is based upon a template prepared by Meehan & Company, Inc. in 1995. Staff is aware that similar but separate zoning and land division ordinance templates were used by the communities of Grafton and Oak Creek among others.

#### ZONING AND LAND SUBDIVISION ORDINANCES

As previously noted, there are many instances of overlap between zoning and land subdivision (for instance, both address the issue of lot size, and Planned Development Districts typically combine elements of both). In addition, both are land use controls used to carry out a community's comprehensive master plan. However, there are two main differences. While zoning regulations are meant to control the use of property, subdivision regulations are meant to address the quality of development. Also, the statutory requirements and procedures for zoning and land subdivision regulations are very different.

As with other Wisconsin communities, the City of Franklin's zoning and land subdivision regulations are a combination of state mandated requirements, state enabled (but not required) provisions, and various planning/zoning practices, tools, and techniques. More details of the zoning and land subdivision elements of the UDO are set forth below.

#### Zoning

As required by State law, the City has adopted floodplain zoning, shoreland zoning, and traditional neighborhood development zoning and has included these provisions within the UDO.

State law enables (but does not require) the adoption of general zoning<sup>1</sup>. The City has adopted such zoning and has included these provisions within the UDO. As such, and pursuant to State requirements, the City has also created a board of appeals, identified certain enforcement measures, and is subject to certain community living arrangement (i.e. foster homes, adult family homes, etc.) standards, which provisions are also included in the UDO.

The City has also adopted exclusive agricultural zoning as allowed (but not required) by State law and has included such provisions within the UDO.

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<sup>1</sup> Wisconsin State Statute 62.23(7) states in part that Cities may regulate "...the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, mining, residence or other purposes if there is no discrimination against temporary structures." And "...may divide the city into districts of such number, shape, and area as may be deemed best suited to carry out the purposes of this section; and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration or use of buildings, structures, or land."

The City has chosen not to adopt extraterritorial zoning as allowed (but not required) by State law.

The UDO also incorporates certain common variations of traditional zoning including: planned development districts; overlay zoning; mixed use zoning; and conservation subdivision zoning. The UDO does not incorporate certain less common and/or newer variations of zoning such as Inclusionary Zoning<sup>2</sup> or Form-based Zoning<sup>3</sup>.

#### Land Subdivision

State law enables (but does not require), the adoption of a local land subdivision ordinance.<sup>4</sup> However, State law does require that all municipalities follow certain minimum subdivision requirements whether or not a local subdivision ordinance is adopted. The City has adopted such subdivision provisions and has included them within the UDO. This includes consistency requirements with Chapter 236 of the Wisconsin State Statutes, the City's ordinances, and the City's Comprehensive Master Plan.

The City has also adopted extraterritorial plat review and regulation of condominiums as allowed (but not required) by State law and has provided such provisions within the UDO.

The City has chosen not to delegate the approval of certain subdivision plats to the Plan Commission as allowed (but not required) by state law.

#### Miscellaneous Zoning and/or Land Subdivision Related Regulations

Many local communities incorporate a variety of additional planning/zoning practices, tools, and/or techniques within their zoning and/or land subdivision ordinances, or within separate ordinances.

Examples of other zoning and/or land subdivision related practices, tools, and/or techniques contained within Franklin's UDO include:

- Construction Site Erosion Control and Stormwater Management.
- Design Review (although Franklin has general site design standards that apply throughout the City, only a few of its zoning districts (such as the B-7 South 27<sup>th</sup> Street Mixed Use Office District and the CC City Civic Center District) and a few locations (such as the 27<sup>th</sup> Street Corridor) possess building design standards). These standards include:

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<sup>2</sup> Described as "...incentive zoning and mandatory set-aside provisions to address shortages in the availability of housing affordable to low- and moderate-income families." as stated in *Planning and Urban Design Standards*, by the American Planning Association, dated 2006.

<sup>3</sup> Described as "...to regulate building form rather than, or in addition to, land use. It establishes zones of building type based on pedestrian accessibility and the scale and character of surrounding development, but largely allows building owners to determine how the buildings will be used." as stated in *Planning and Urban Design Standards*, by the American Planning Association, dated 2006.

<sup>4</sup> Wisconsin State Statute 236.45 states in part that communities may regulate local land subdivisions "...to lessen congestion in the streets and highways; to further the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds, and other public requirements; to facilitate the further resubdivision of larger tracts into smaller parcels of land."

- Architecture
- Parking, Streets, and Transportation
- Landscaping and Lighting
- Natural Resource Protection standards.
- Conservation Easements.
- Developer Agreements and associated Financial Guarantee standards.

Examples of other zoning and/or land subdivision related practices, tools, and/or techniques within the City's Municipal Code include:

- Sign Ordinance.
- Building, Housing, and Sanitary Codes.
- Impact Fees.
- Special Assessments.

Examples of other zoning and/or land subdivision related best management practices, tools, and/or techniques which the City has not implemented include:

- An Official Map.
- Purchase/Transfer of Development Rights.
- Growth Management.

#### UDO UPDATE/REPLACEMENT PROCESS

Pursuant to State law, any revision of the City's zoning and/or land division regulations requires review and recommendation by the Plan Commission, and a public hearing, before it can be adopted by the Common Council. Sound planning also dictates that any zoning or land division regulation change be closely coordinated with each other and with the Comprehensive Master Plan.

As stated in *Wisconsin Land Use Laws, What You Always Wanted to Know about Wisconsin's Planning Laws But Were Afraid to Ask*, by Brian Ohm, dated April 5, 2006, the local Plan Commission often takes the lead on such an effort, with assistance from appropriate professionals and staff, and input from citizens. In some instances, a special task force or advisory committee is formed to develop the new or revised ordinance(s).

The Plan Commission or special committee guides the preparation of the draft ordinance(s), incorporating the findings from its research of various technical standards and the experience of other similar communities, as well as the input received from various concerned professionals, organizations, and citizens.

While Wisconsin Statutes set forth the procedures to be followed when the Plan Commission has agreed upon a draft ordinance(s), it is recommended that the formal statutory proceedings not be initiated until the Commission is relatively sure that the draft ordinance(s) will have a reasonable reception. Thus, it is recommended that the Plan Commission first present the preliminary draft to the community for review, comment, and possible revision. This is often accomplished through such means as open houses or informational meetings.

After the open house/informational meeting(s), the Plan Commission would schedule the formal Public Hearing. The Plan Commission would then decide upon a recommendation to forward to the Common Council, which would consist of one of the following:

- Recommend that the UDO not be revised or replaced.
- Decide that the revised/replaced UDO needs more work, whereupon the Plan Commission would return to an earlier stage of the process and continue working on the draft.
- Recommend approval of the draft with changes (as identified by the Plan Commission, raised at the Public Hearing, etc.).
- Recommend approval as presented at the Public Hearing.

When the Common Council receives the recommendation from the Plan Commission, the Council may adopt the ordinance(s) as submitted, reject them, or make changes.