

ORDINANCE NO. 2006- 1887AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE  
TO CREATE THE OL-2 GENERAL BUSINESS OVERLAY DISTRICT

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WHEREAS, the City of Franklin having petitioned for an amendment to the City of Franklin Unified Development Ordinance, Part 3: Zoning Districts: District Establishment, Dimensional, and Use Regulations, or as may be otherwise located and numbered within such Ordinance, to create the OL-2 General Business Overlay District (proposed within Division 15-3.0300), providing in part for the application of B-2 General Business District uses along with community and cultural centers as a Special Use, and B-2 district standards while retaining the underlying base zoning inasmuch as the continuation of those existing permitted and special uses allowed in the underlying base zoning may continue as conforming uses; and

WHEREAS, a public hearing was held before the City of Franklin Plan Commission on the 3rd day of August, 2006 upon the aforesaid petition and the Plan Commission thereafter having determined that the proposed zoning text amendment would promote the health, safety and welfare of the City and having recommended approval thereof to the Common Council; and

WHEREAS, the Common Council having considered the petition and having concurred with the recommendation of the Plan Commission and having determined that the proposed zoning text amendment to create the OL-2 General Business Overlay District would promote the health, safety and welfare of the Community.

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

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

The Unified Development Ordinance is hereby amended to create Section 15-3.0306C as follows:

**SECTION 15-3.0306C      OL-2 GENERAL BUSINESS OVERLAY DISTRICT**

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 and special 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 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.

The Unified Development Ordinance is hereby amended to create Table 15-3.0306C as follows:

**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)  |
| 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>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.<br>(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) 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.

Table 15-3.0603 of the Unified Development Ordinance is hereby amended to add the following list of permitted and special uses pertaining to the OL-2 General Business Overlay District:

**Table 15-3.0603  
Permitted and Special Uses**

| <b>SIC NO</b> | <b>STANDARD INDUSTRIAL CLASSIFICATION TITLE</b>       | <b>OL-2</b> |
|---------------|---|-------------|
| 181           | Ornamental nursery products                           | S           |
| 182           | Food crops grown under cover                          | S           |
| 741           | Veterinary services for livestock                     | S           |
| 742           | Veterinary services, specialties                      | S           |
| 171           | Plumbing, Heating, Air-Conditioning                   | S           |
| 1711          | Plumbing, heating, air-conditioning                   | S           |
| 172           | Painting and Paper Hanging                            | S           |
| 1721          | Painting and paper hanging                            | S           |
| 173           | Electrical Work                                       | S           |
| 1731          | Electrical work                                       | S           |
| 174           | Masonry, Stonework, and Plastering                    | S           |
| 1741          | Masonry and other stonework                           | S           |
| 1742          | Plastering, drywall, and insulation                   | S           |
| 1743          | Terrazzo, tile, marble, mosaic work                   | S           |
| 175           | Carpentry and Floor Work                              | S           |
| 1751          | Carpentry work  | S           |
| 1752          | Floor laying and floor work, not elsewhere classified | S           |
| 176           | Roofing, Siding, and Sheet Metal Work                 | S           |
| 1761          | Roofing, siding, and sheet metal work                 | S           |
| 2711          | Newspapers  | S           |
| 3851          | Ophthalmic goods                                      | P           |
| 3873          | Watches, clocks, watchcases & parts                   | P           |
| 3911          | Jewelry, precious metal                               | P           |
| 4215          | Courier services, except by air                       | P           |
| 4311          | U.S. Postal Service                                   | S           |
| 4724          | Travel agencies                                       | P           |
| 4725          | Tour operators  | P           |
| 4813          | Telephone communications, except radio                | S           |
| 4822          | Telegraph & other communications                      | P           |
| 4832          | Radio broadcasting stations                           | S           |

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|-------------------|---|-------------|
| 4833              | Television broadcasting stations                  | S           |
| <b>SIC<br/>NO</b> | <b>STANDARD INDUSTRIAL CLASSIFICATION TITLE</b>   | <b>OL-2</b> |
| 4841              | Cable and other pay TV services                   | S           |
| 489               | Communications Services, not elsewhere classified | S           |
| 4899              | Communications services, not elsewhere classified | S           |
| 4911              | Electric services                                 | S           |
| 4923              | Gas transmission and distribution                 | S           |
| 4941              | Water supply                                      | S           |
| 4952              | Sewerage systems                                  | S           |
| 5032              | Brick, stone, & related materials                 | S           |
| 5033              | Roofing, siding, & insulation                     | S           |
| 5039              | Construction materials, not elsewhere classified  | S           |
| 504               | Professional & Commercial Equipment               | S           |
| 5043              | Photographic equipment and supplies               | S           |
| 5044              | Office equipment                                  | S           |
| 5045              | Computers, peripherals & software                 | S           |
| 5046              | Commercial equipment, not elsewhere classified    | S           |
| 5047              | Medical and hospital equipment                    | S           |
| 5048              | Ophthalmic goods                                  | S           |
| 5049              | Professional equipment, not elsewhere classified  | S           |
| 506               | Electrical Goods                                  | S           |
| 5063              | Electrical apparatus and equipment                | S           |
| 5064              | Electrical appliances, TV & radios                | S           |
| 5065              | Electronic parts and equipment                    | S           |
| 507               | Hardware, Plumbing & Heating Equipment            | S           |
| 5072              | Hardware  | S           |
| 5074              | Plumbing & hydronic heating supplies              | S           |
| 5075              | Warm air heating & air-conditioning               | S           |
| 5078              | Refrigeration equipment and supplies              | S           |
| 508               | Machinery, Equipment, and Supplies                | S           |
| 5082              | Construction and mining machinery                 | S           |
| 5083              | Farm and garden machinery                         | S           |
| 5084              | Industrial machinery and equipment                | S           |
| 5085              | Industrial supplies                               | S           |
| 5087              | Service establishment equipment                   | S           |
| 5088              | Transportation equipment & supplies               | S           |
| 509               | Miscellaneous Durable Goods                       | S           |
| 5091              | Sporting & recreational goods                     | S           |
| 5092              | Toys and hobby goods and supplies                 | S           |
| 5093              | Scrap and waste materials                         | S           |
| 5094              | Jewelry & precious stones                         | S           |
| 5099              | Durable goods, not elsewhere classified           | S           |
| 511               | Paper and Paper Products                          | S           |
| 5111              | Printing and writing paper                        | S           |
| 5112              | Stationery and office supplies                    | S           |
| 5113              | Industrial & personal service paper               | S           |
| 512               | Drugs, Proprietaries, and Sundries                | S           |
| 5122              | Drugs, proprietaries, and sundries                | S           |

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|---------------|--|-------------|
| 513           | Apparel, Piece Goods, and Notions                        | S           |
| <b>SIC NO</b> | <b>STANDARD INDUSTRIAL CLASSIFICATION TITLE</b>          | <b>OL-2</b> |
| 5131          | Piece goods & notions                                    | S           |
| 5136          | Men's and boys' clothing                                 | S           |
| 5137          | Women's and children's clothing                          | S           |
| 5139          | Footwear   | S           |
| 514           | Groceries and Related Products                           | S           |
| 5141          | Groceries, general line                                  | S           |
| 5142          | Packaged frozen foods                                    | S           |
| 5143          | Dairy products, except dried or canned                   | S           |
| 5144          | Poultry and poultry products                             | S           |
| 5145          | Confectionery  | S           |
| 5146          | Fish and seafoods  | S           |
| 5147          | Meats and meat products                                  | S           |
| 5148          | Fresh fruits and vegetables                              | S           |
| 5149          | Groceries and related products, not elsewhere classified | S           |
| 5181          | Beer and ale   | S           |
| 5182          | Wine and distilled beverages                             | S           |
| 5192          | Books, periodicals, & newspapers                         | P           |
| 5193          | Flowers & florists' supplies                             | P           |
| 5194          | Tobacco and tobacco products                             | P           |
| 5198          | Paints, varnishes, and supplies                          | P           |
| 5231          | Paint, glass, and wallpaper stores                       | P           |
| 5251          | Hardware stores  | P           |
| 5261          | Retail nurseries and garden stores                       | S           |
| 5311          | Department stores  | P           |
| 5331          | Variety stores   | P           |
| 5411          | Grocery stores   | P           |
| 5421          | Meat and fish markets                                    | P           |
| 5431          | Fruit and vegetable markets                              | P           |
| 5441          | Candy, nut and confectionery stores                      | P           |
| 5451          | Dairy products stores                                    | P           |
| 5461          | Retail bakeries  | P           |
| 5499          | Miscellaneous food stores                                | S           |
| 5511          | New and used car dealers                                 | S           |
| 5521          | Used car dealers   | S           |
| 5531          | Auto and home supply stores                              | P           |
| 5571          | Motorcycle dealers                                       | P           |
| 5599          | Automotive dealers, not elsewhere classified             | S           |
| 5611          | Men's & boys' clothing stores                            | P           |
| 5621          | Women's clothing stores                                  | P           |
| 5632          | Women's accessory & specialty stores                     | P           |
| 5641          | Children's and infants' wear stores                      | P           |
| 5651          | Family clothing stores                                   | P           |
| 5661          | Shoe stores  | P           |
| 5699          | Miscellaneous apparel & accessory stores                 | P           |
| 5712          | Furniture stores   | P           |
| 5713          | Floor covering stores                                    | P           |

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| 5714              | Drapery and upholstery stores   | P           |
| <b>SIC<br/>NO</b> | <b>STANDARD INDUSTRIAL CLASSIFICATION TITLE</b>                               | <b>OL-2</b> |
| 5719              | Miscellaneous homefurnishings stores  | P           |
| 5722              | Household appliance stores  | P           |
| 5731              | Radio, TV, & electronic stores  | P           |
| 5734              | Computer and software stores  | P           |
| 5735              | Record & prerecorded tape stores  | P           |
| 5736              | Musical instrument stores   | P           |
| 5812              | Eating places (without drive through facilities)                              | P           |
| 5812              | Eating places (with drive through facilities)                                 | S           |
| 5813              | Drinking places (without drive through facilities)                            | S           |
| 5813              | Drinking places (with drive through facilities)                               | S           |
| 5912              | Drug stores and proprietary stores  | P           |
| 5921              | Liquor stores   | P           |
| 5932              | Used merchandise stores   | P           |
| 5941              | Sporting goods and bicycle shops  | P           |
| 5942              | Book stores   | P           |
| 5943              | Stationery stores   | P           |
| 5944              | Jewelry stores  | P           |
| 5945              | Hobby, toy, and game shops  | P           |
| 5946              | Camera & photographic supply stores   | P           |
| 5947              | Gift, novelty, and souvenir shops   | P           |
| 5948              | Luggage and leather goods stores  | P           |
| 5949              | Sewing, needlework, and piece goods   | P           |
| 5961              | Catalog and mail-order houses   | P           |
| 5963              | Direct selling establishments   | S           |
| 5992              | Florists  | P           |
| 5993              | Tobacco stores and stands   | P           |
| 5999              | Miscellaneous retail stores, not elsewhere classified                         | P           |
| 6011              | Federal reserve banks   | P           |
| 6021              | National commercial banks (without drive through facilities)                  | P           |
| 6021              | National commercial banks (with drive through facilities)                     | S           |
| 6022              | State commercial banks (without drive through facilities)                     | P           |
| 6022              | State commercial banks (with drive through facilities)                        | S           |
| 6029              | Commercial banks, not elsewhere classified (without drive through facilities) | P           |
| 6029              | Commercial banks, not elsewhere classified (with drive through facilities)    | S           |
| 6035              | Federal savings institutions (without drive through facilities)               | P           |
| 6035              | Federal savings institutions (with drive through facilities)                  | S           |
| 6036              | Savings institutions, except federal (without drive through facilities)       | P           |
| 6036              | Savings institutions, except federal (with drive through facilities)          | S           |
| 6061              | Federal credit unions (without drive through facilities)                      | P           |
| 6061              | Federal credit unions (with drive through facilities)                         | S           |
| 6062              | State credit unions (without drive through facilities)                        | P           |
| 6062              | State credit unions (with drive through facilities)                           | S           |
| 6099              | Functions related to deposit banking  | P           |
| 6111              | Federal & federal-sponsored credit  | P           |
| 6141              | Personal credit institutions  | P           |

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| 6153          | Short-term business credit                                | P           |
| <b>SIC NO</b> | <b>STANDARD INDUSTRIAL CLASSIFICATION TITLE</b>           | <b>OL-2</b> |
| 6159          | Miscellaneous business credit institutions                | P           |
| 6162          | Mortgage bankers and correspondents                       | P           |
| 6163          | Loan brokers  | P           |
| 6282          | Investment advice   | P           |
| 631           | Life Insurance  | P           |
| 6311          | Life Insurance  | P           |
| 632           | Medical Service and Health Insurance                      | P           |
| 6321          | Accident and health insurance                             | P           |
| 6324          | Hospital and medical service plans                        | P           |
| 633           | Fire, Marine, and Casualty Insurance                      | P           |
| 6331          | Fire, marine, and casualty insurance                      | P           |
| 635           | Surety Insurance  | P           |
| 6351          | Surety insurance  | P           |
| 636           | Title Insurance   | P           |
| 6361          | Title insurance   | P           |
| 637           | Pension, Health, and Welfare Funds                        | P           |
| 6371          | Pension, health, and welfare funds                        | P           |
| 639           | Insurance Carriers, not elsewhere classified              | P           |
| 6399          | Insurance carriers, not elsewhere classified              | P           |
| 6411          | Insurance agents, brokers, & service                      | P           |
| 6794          | Patent owners and lessors                                 | P           |
| 7011          | Hotels and motels   | S           |
| 7041          | Membership-basis organization hotels                      | P           |
| 721           | Laundry, Cleaning, & Garment Services                     | P           |
| 7212          | Garment pressing & cleaners' agents                       | P           |
| 7215          | Coin-operated laundries and cleaning                      | S           |
| 7219          | Laundry and garment services, not elsewhere classified    | P           |
| 7221          | Photographic studios, portrait                            | P           |
| 7231          | Beauty shops  | P           |
| 7241          | Barber shops  | P           |
| 7251          | Shoe repair and shoeshine parlors                         | P           |
| 7261          | Funeral service and crematories                           | S           |
| 7291          | Tax return preparation services                           | P           |
| 7299          | Miscellaneous personal services, not elsewhere classified | P           |
| 7334          | Photocopying & duplicating services                       | P           |
| 7335          | Commercial photography                                    | P           |
| 7336          | Commercial art and graphic design                         | P           |
| 7342          | Disinfecting & pest control services                      | S           |
| 7352          | Medical equipment rental                                  | P           |
| 7359          | Equipment Rental & leasing, not elsewhere classified      | S           |
| 7361          | Employment agencies                                       | P           |
| 737           | Computer and Data Processing Services                     | P           |
| 7371          | Computer programming services                             | P           |
| 7372          | Prepackaged software                                      | P           |
| 7373          | Computer integrated systems design                        | P           |
| 7374          | Data processing and preparation                           | P           |



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| 7375              | Information retrieval services                            | P           |
| <b>SIC<br/>NO</b> | <b>STANDARD INDUSTRIAL CLASSIFICATION TITLE</b>           | <b>OL-2</b> |
| 7376              | Computer facilities management                            | P           |
| 7377              | Computer rental & leasing                                 | P           |
| 7378              | Computer maintenance & repair                             | P           |
| 7379              | Computer related services, not elsewhere classified       | P           |
| 7382              | Security systems services                                 | P           |
| 7383              | News syndicates   | P           |
| 7389              | Business services, not elsewhere classified               | P           |
| 7533              | Auto exhaust system repair shops                          | S           |
| 7534              | Tire retreading and repair shops                          | S           |
| 7536              | Automotive glass replacement shops                        | S           |
| 7537              | Automotive transmission repair shops                      | S           |
| 7538              | General automotive repair shops                           | S           |
| 7539              | Automotive repair shops, not elsewhere classified         | S           |
| 7542              | Carwashes   | S           |
| 7549              | Automotive services, not elsewhere classified             | S           |
| 7622              | Radio and television repair                               | P           |
| 7631              | Watch, clock, and jewelry repair                          | P           |
| 7641              | Reupholstery and furniture repair                         | P           |
| 7699              | Repair services, not elsewhere classified                 | P           |
| 7812              | Motion picture & video production                         | S           |
| 7819              | Services allied to motion pictures                        | P           |
| 7822              | Motion picture and tape distribution                      | P           |
| 7829              | Motion picture distribution services                      | P           |
| 783               | Motion Picture Theaters                                   | S           |
| 7832              | Motion picture theaters, except drive-in                  | S           |
| 7841              | Video tape rental   | P           |
| 7911              | Dance studios, schools, and halls                         | P           |
| 7922              | Theatrical producers and services                         | P           |
| 7929              | Entertainers & entertainment groups                       | S           |
| 7933              | Bowling centers   | P           |
| 7991              | Physical fitness facilities                               | S           |
| 7993              | Coin-operated amusement devices                           | P           |
| 8011              | Offices & clinics of medical doctors                      | P           |
| 8021              | Offices and clinics of dentists                           | P           |
| 8031              | Offices of osteopathic physicians                         | P           |
| 8041              | Offices and clinics of chiropractors                      | P           |
| 8042              | Offices and clinics of optometrists                       | P           |
| 8043              | Offices and clinics of podiatrists                        | P           |
| 8049              | Offices of health practitioners, not elsewhere classified | P           |
| 8071              | Medical laboratories                                      | P           |
| 8072              | Dental laboratories                                       | P           |
| 8082              | Home health care services                                 | P           |
| 8092              | Kidney dialysis centers                                   | S           |
| 8093              | Specialty outpatient clinics, not elsewhere classified    | S           |
| 8099              | Health and allied services, not elsewhere classified      | S           |
| 8111              | Legal Services  | P           |

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| 8243          | Data processing schools                                 | P           |
| <b>SIC NO</b> | <b>STANDARD INDUSTRIAL CLASSIFICATION TITLE</b>         | <b>OL-2</b> |
| 8244          | Business and secretarial schools                        | P           |
| 8249          | Vocational schools, not elsewhere classified            | P           |
| 8322          | Individual and family services                          | P           |
| 8331          | Job training and related services                       | P           |
| 8351          | Child day care services                                 | S           |
| 8399          | Social services, not elsewhere classified               | P           |
| 8412          | Museums and art galleries                               | P           |
| 8611          | Business associations                                   | P           |
| 8621          | Professional organizations                              | P           |
| 8631          | Labor organizations                                     | P           |
| 8641          | Civic and social associations                           | P           |
| 8651          | Political organizations                                 | P           |
| 8699          | Membership organizations, not elsewhere classified      | P           |
|               | <b>OTHER USES NOT CLASSIFIED UNDER SIC CODE</b>         |             |
|               | Community Centers                                       | S           |
|               | Convenience Stores (with the dispensing of gasoline)    | S           |
|               | Convenience Stores (without the dispensing of gasoline) | P           |
|               | Cultural Centers  | S           |
|               | Essential Services                                      | P           |
|               | Hiking Trails   | P           |
|               | Historic Monuments or Sites                             | P           |
|               | Jogging Trails  | P           |
|               | Nature Areas  | P           |
|               | Nature Trails   | P           |
|               | Wildlife Sanctuaries                                    | P           |

SECTION 2: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.


SECTION 3: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 4: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced at a regular meeting of the Common Council of the City of Franklin this 15th day of August, 2006, by Alderman Sohns.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 15th day of August, 2006.

APPROVED:

  
Thomas M. Taylor, Mayor

ATTEST:

  
Sandra L. Wesolowski, City Clerk

AYES 6 NOES 0 ABSENT 0