

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

ORDINANCE NO. 2013-2102

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT  
ORDINANCE TEXT TO CREATE SECTION 15-3.0201E., R-1E  
COUNTRYSIDE/ESTATE SINGLE-FAMILY MULTIPLE RESIDENCE UPON A  
SINGLE LOT ESTATE DISTRICT AND TABLE 15-3.0201E., AND TO AMEND SUCH  
OTHER SECTIONS AND TABLES MADE APPLICABLE THERETO, TO ALLOW  
FOR MORE THAN ONE SINGLE-FAMILY RESIDENCE STRUCTURE UPON A  
SINGLE LOT ESTATE, TOGETHER WITH OTHER PERMITTED, SPECIAL AND  
ACCESSORY USES COMPATIBLE WITH A MORE THAN ONE SINGLE-FAMILY  
RESIDENCE STRUCTURE UPON A SINGLE LOT ESTATE USE  
(JOSEPH R. HASELOW AND DAWN M. BOLAND, APPLICANTS)

WHEREAS, Joseph R. Haselow and Dawn M. Boland having applied for a text amendment to create Section 15-3.0201E. and Table 15-3.0201E. of the Unified Development Ordinance so as to allow for more than one principal single-family residence structure upon a single lot estate, together with other Permitted, Special and Accessory Uses compatible with a more than one principal single-family residence structure upon a single lot estate Use; and

WHEREAS, the Plan Commission having reviewed the proposed amendment to allow for more than one principal single-family residence structure upon a single lot estate, together with other Permitted, Special and Accessory Uses compatible with a more than one principal single-family residence structure upon a single lot estate Use within the City of Franklin, and having held a public hearing on the proposal on the 21st day of March, 2013 and thereafter having recommended approval of such amendment; and

WHEREAS, the Common Council having accepted the recommendation of the Plan Commission and having determined that the proposed amendment is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and will serve to further orderly growth and development and promote the health, safety and welfare of the Community.

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

SECTION 1: §15-3.0201E. and Table 15-3.0201E. of the Unified Development Ordinance of the City of Franklin, Wisconsin, are hereby created to read as follows:

**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 two (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 E. below
- D. **Special Uses.** See Section 15-3.0602, 15-3.0700 and 15-3.0702 of this Ordinance in addition to the uses listed below.
- a. More than two (2) dwelling units (attached or detached)
  - b. Housing for farm laborers
- 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 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.
- 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. – 1st floor	1,200 s.f. – total & 600 s.f. – 1st floor	1,200 s.f. – total & 600 s.f. – 1st 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.

SECTION 2: §15-2.0206 of the Unified Development Ordinance of the City of Franklin, Wisconsin, be and the same is hereby amended as follows: the first sentence only: delete: “and” as it appears immediately before “only”; add the following to and at the end of the first sentence immediately after the term “districts”: “and only two (2) principal buildings in the R-1E District”; add the following as a new second sentence: “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.”

SECTION 3: §15-3.0602 of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended as follows: insert “R-1E,” immediately after “R-1,”.

SECTION 4: Table 15-3.0602 of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended as follows: add a column entitled “R-1E”, and in such column insert “P” (Permitted Use) for each of the following types of use: One-family detached dwellings, Home Occupations, Foster family home (a), Community living arrangement (serving 8 or fewer persons) (a), Accessory uses (see Section 15-2.0206 & Division 15-3.0800), Required off-street parking (see Division 15-5.0200), Private boathouses (with no living quarters), Private stable (for use by residents of the zoning lot &

guests), Essential Services, and Functional family unit; and in such column insert "S" (Special Use) for each of the following types of use: Lands and buildings used for agricultural purposes, Housing for farm laborers, Community living arrangement (serving 9 or more persons (a), Ch. 980 Stats. Supervised release and crimes against children sex offender use, Second single-family D.U. (to carry on permitted farm use, with min. A-1 Dist. lot size & setbacks).

SECTION 5: §§15-3.0702B. and 15-5.0202G.1. of the Unified Development Ordinance of the City of Franklin, Wisconsin, are hereby amended as follows: insert ", R-1E," immediately after "R-1".

SECTION 6: §§15-3.0802F., 15-5.0202C.2., 3. and 8., 15-5.0202G.2., 15-5.0301B.1., 15-9.0102A. and Tables 15-5.0401(A), (B) and (C) of the Unified Development Ordinance of the City of Franklin, Wisconsin, are hereby amended as follows: insert "R-1E," immediately after "R-1,".

SECTION 7: §15-11.0103 as to the definition of "Functional Family Unit" only, is hereby amended as follows: insert "R-1E (as applied to this District, "single" dwelling unit shall mean and be such number of dwelling units lawfully existing upon the property)," immediately after "R-1,".

SECTION 8: §15-11.0103 of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended as follows: delete "Such quarters shall have no kitchen facilities nor be rented or otherwise used as a separate dwelling." from the definition of "Guest House".

SECTION 9: 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.

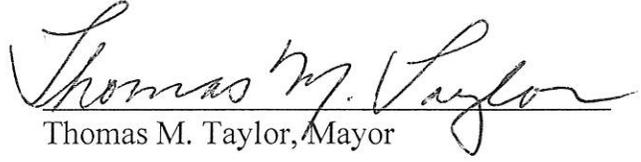
SECTION 10: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 11: 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 2nd day of April, 2013, by Alderman Skowronski.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 2nd day of April, 2013.

APPROVED:

  
Thomas M. Taylor, Mayor

ATTEST:

  
Sandra L. Wesolowski, City Clerk

AYES 5 NOES 0 ABSENT 1 (Ald. Wilhelm)

