

Chapter 5

EXISTING ZONING AND REAL PROPERTY

INTRODUCTION

This chapter analyzes the existing zoning in the City which was in place during the preparation of this Plan. Major shortcomings of both the zoning ordinance and its attendant Zoning Map are discussed. The existing Zoning Map for the City of Franklin is illustrated on Map 5.1.

The zoning analysis presents a detailed discussion of zoning district structure and type, overzoning and underzoning, strip zoning, protection of the City's natural resource base features, adequate provision of landscaped bufferyards, the adequacy of district lot sizes, the adequacy of building and structure height limitations in the nonresidential zoning districts, the adequacy of off-street parking standards, use of the floor area ratio concept, site plan review, and conclusions regarding City zoning.

In addition, the 1990 real property boundary lines (cadastral lines) are described for the City on a special planning district, neighborhood, and planning area basis. These are presented in Chapter 8 of this Plan. The definition of the location of real property boundary lines was critical for the preparation of the detailed subarea plans presented in Chapter 8.

EXISTING ZONING

Zoning is one of the major Plan implementation tools available to the City. In fact, one of the primary functions of a zoning ordinance is to assist in the protection of the health, safety, and general welfare of community residents through the implementation of the municipality's comprehensive plan or elements thereof. Under the provisions of Chapter 62.23(7)(c) of the Wisconsin Statutes:

Such regulations shall be made in accordance with a comprehensive plan...with reasonable consideration, among other things, of the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such city.

Since zoning is the most important tool for plan implementation, it is necessary to undertake a critical view of the existing Zoning Ordinance and districts in order to identify some of the major flaws and problems.

It should also be remembered that the existing City Zoning Ordinance was created over twenty years ago. Since then there have been substantial changes in the overall land use types which have emerged in the City. Also, there has been substantial progress made nationally in the field of urban planning and zoning controls relative to the emergence of more effective methods of Plan implementation and zoning control. Therefore, the completion of this Plan for the City dictates that a comprehensive update of the City's Zoning Ordinance also be prepared. The Plan lays the necessary foundation for such comprehensive zoning update.

In general terms, a zoning ordinance is a public law which regulates and restricts the use of private property in the public interest. A zoning ordinance divides a community, such as the City, into a number of zoning districts for the general purposes of regulating the following:

1. the use of land, water, and structures;
2. the height, size, shape, bulk, and placement of structures; and
3. the density of population and intensity of development.

Since zoning typically seeks to confine the extent of certain land uses to those areas of the community which are best suited to these uses, zoning should encourage the most appropriate use of land throughout the community. Thus, through zoning, the community can seek to assure adequate light, air, and open space for each building; reduce fire hazards; prevent overcrowding of the land and congestion of the street systems; prevent overloading of the utility systems; and a host of other things for the general good of the public. Zoning should also seek to protect and preserve the natural resource base.

The existing Zoning Ordinance for the City of Franklin is Ordinance No. 221. It was initially adopted in 1968 and has been amended several times since that date. The Ordinance is characterized by the provision for twenty-seven zoning districts. These districts include eight residence, six business, three industrial, two agricultural, four floodland- and shoreland-related, three public and semi-public, and the planned development district:

Residence Districts:

- R-1** Single-Family Residence District
(2-acre lots)
- R-2** Single-Family Residence District
(40,000 sq. ft. lots)
- R-3** Single-Family Residence District
(20,000 sq. ft. lots)
- R-4** Single-Family Residence District
(16,000 sq. ft. lots)
- R-5** Single-Family Residence District
(13,000 sq. ft. lots)
- R-6** Single-Family Residence District
(10,000 sq. ft. lots)
- R-7** Two-Family Residence District
(12,500 sq. ft. lots)
- R-8** General Residence District
(single-family, two-family, multi-family)

Business Districts:

- B-1** Neighborhood Shopping District
- B-2** Commercial District
- B-3** Business District
- B-4** Regional Shopping District
- B-5** Highway Business District
- B-6** Professional Business District

Industrial Districts:

- M-1** Limited Industrial District
- M-2** General Industrial District
- M-3** Quarrying District

Agricultural Districts:

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

Floodland Districts:

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

Public and Semi-Public Districts:

- C-1** Conservancy District
- P-1** Park District
- I-1** Institutional District

Planned Development Districts:

PDD-1 through PDD-15

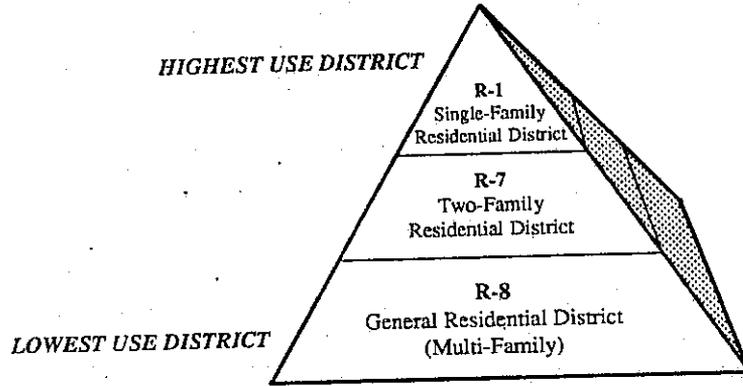
Zoning District Structure and Type

The existing City Zoning Ordinance follows a variation of the typical "pyramid approach" to use classifications in zoning districts rather than an "exclusive use district" approach. The pyramid approach in creating zoning districts is typically based upon a land use hierarchy in which zoning districts can be classified from the "highest" (i.e. those districts with the least nuisance factor; typically residential districts) to the "lowest" (i.e. those districts with the greatest nuisance factor; typically the industrial districts), with the business and other public use districts falling somewhere between the two categories. Those uses in the highest class are permitted throughout the pyramid, while those classes at the lowest level typically permit residential and business uses along with the permitted industrial uses. The exclusive use district concept, on the other hand, permits specific similar uses in a particular basic zoning district but excludes these uses from other zoning districts of the ordinance. Both the pyramid and the exclusive use district concepts are illustrated in Figure 5.1.

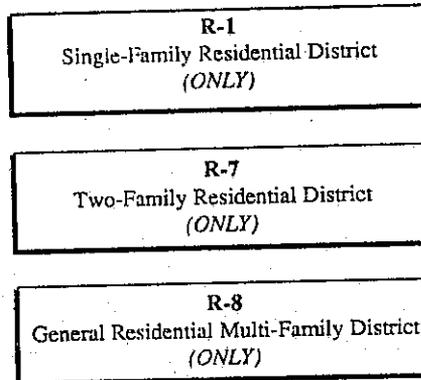
The application of the pyramid approach in the City of Franklin Zoning Ordinance, albeit in a somewhat modified form, is evident from an analysis of the permitted uses in the residential districts. For instance, the R-8 General Residential District (the only district which permits multi-family residential development in the City, other than the special PDD Planned Development District) permits uses in the R-7 Two-Family District and R-1 Single-Family District (see Figure 5.1). In the B-2 Commercial District, the uses of both

Figure 5.1

**CITY OF FRANKLIN VARIATION OF THE "PYRAMID"
APPROACH TO ZONING
vs.
THE EXCLUSIVE APPROACH**



**CURRENTLY USED "PYRAMID" APPROACH
VARIATION**



EXCLUSIVE USE DISTRICT APPROACH

Source: Lane Kendig, Inc.

B-1 Neighborhood Shopping District and B-3 Business District are accommodated as permitted uses. In the industrial use category, the M-2 General Industrial District permits the uses of the M-1 Limited Industrial District as "Special Use."

In the case of the district examples given, it is difficult to really ascertain the levels of development intensity which can reasonably be expected. For instance, since the R-8 General Residence District permits uses ranging from single-family to multi-family residential development, the sizing of public facilities (such as sanitary sewers, storm sewers, water mains, and roads) to accommodate the district's ultimate needs becomes difficult. This may even result in the oversizing of these facilities, perhaps even at public expense. It is equally difficult for neighbors of property so zoned to know what type of development they can expect to occur on these properties. These uncertainties can ultimately lead to heated public hearings (and public suspicion of zoning in general) over both special use approvals and site plan reviews.

In addition, using the pyramid approach in this fashion makes it very difficult to plan for limited and specific types of development in any area of the City. This type of planning is necessary to effectively implement a highly detailed comprehensive master plan such as set forth in this Plan document. The pyramid approach, as used in the City of Franklin, may also lead to undesirable mixed land uses and does not adequately protect lands from such incompatible uses.

Overzoning and Underzoning

Overzoning may be defined as the designation of land for residential, commercial, institutional, or industrial use, or intensity of use that is far beyond the community's short-term needs for such land uses. Overzoning is often done to attract or encourage development that, supposedly, will improve the community's tax base. It is oftentimes done with no consideration as to actual market demands or needs. In actuality, overzoning encourages scattered development which typically results in increased municipal service costs, the development of marginal land uses, and undesirable speculation on land values. In addition, overzoning is often the cause for an influx of rezoning petitions for zoning changes which, if granted, result in undesirable mixed-use and mixed-age development. Historically, overzoning, coupled with zoning regulations which permit all "higher" uses in "lower" use districts, has created severe land use problems for many municipalities. These problems have included the undesirable mixture of residential, commercial, and industrial land uses. Thus, the practice of overzoning does not serve to implement a sound comprehensive master plan nor foster the public good.

Underzoning, just as overzoning, can also create development problems. Underzoning can be defined as the provision of inadequate land for necessary land uses. Inadequately sized zoning districts can also inhibit the growth of a community and, in fact, create monopolies on certain types of land uses. Thus, it is very important to be realistic in defining the actual areas needed to be zoned in order to properly accommodate the forecast land uses which a comprehensive master plan sets forth.

Table 5.1 shows the total number of acres within each of the existing 1990 zoning districts in the City. Table 5.2 shows a comparison between the existing 1985 land use and the existing 1990 zoning of the City by general use category. (This comparison is made using two different base year dates since adequate 1990 existing land use data was not available during the conduct of Plan preparation.) It is recognized that the data presented in Table 5.2 are not from the same time period and that some limited rezoning has also taken place during this period. However, no real major, or excessively large, areas of the City have been rezoned during this 1985 to 1990 period.

Table 5.1

SUMMARY OF THE AMOUNT OF EXISTING ZONING BY
DISTRICT IN THE CITY OF FRANKLIN: 1990

<u>Zoning District</u>	<u>Area (acres)</u>	<u>Percent of Total</u>
Residence Districts:		
R-1 Single-Family Residence (2-acre lots)	594.6	2.68
R-2 Single-Family Residence (40,000 sq. ft. lots)	2,452.2	11.05
R-3 Single-Family Residence (20,000 sq. ft. lots)	5,267.3	23.75
R-4 Single-Family Residence (16,000 sq. ft. lots)	11.3	0.05
R-5 Single-Family Residence (13,000 sq. ft. lots)	136.5	0.62
R-6 Single-Family Residence (10,000 sq. ft. lots)	3,184.7	14.36
R-7 Two-Family Residence (12,500 sq. ft. lots)	92.9	0.42
R-8 General Residence (multi-family)	<u>1,125.3</u>	<u>5.0</u>
<i>Subtotal</i>	<i>12,864.9</i>	<i>58.00</i>
Business Districts:		
B-1 Neighborhood Shopping	88.9	0.41
B-2 Commercial	286.6	1.29
B-3 Business	213.8	0.96
B-4 Regional Shopping	62.5	0.28
B-5 Highway Business	186.2	0.84
B-6 Professional Business	<u>62.7</u>	<u>0.28</u>
<i>Subtotal</i>	<i>900.7</i>	<i>4.05</i>
Industrial Districts:		
M-1 Limited Industrial	1,068.8	4.82
M-2 General Industrial	331.7	1.49
M-3 Quarrying	<u>145.9</u>	<u>0.66</u>
<i>Subtotal</i>	<i>1,546.4</i>	<i>6.97</i>

Table 5.1 (continued)

SUMMARY OF THE AMOUNT OF EXISTING ZONING BY
DISTRICT IN THE CITY OF FRANKLIN: 1990

<u>Zoning District</u>	<u>Area (acres)</u>	<u>Percent of Total</u>
Agricultural Districts:		
A-1 Agricultural	1,730.3	7.80
A-2 Prime Agricultural	<u>1,146.5</u>	<u>5.17</u>
<i>Subtotal</i>	<i>2,876.9</i>	<i>12.97</i>
Floodland Districts:		
FW Floodway	1,888.3	8.51
FC Floodplain Conservancy	209.9	0.95
FFO Floodplain Fringe Overlay	-- ^a	--
SW Shoreland Wetland Overlay	-- ^b	--
<i>Subtotal</i>	<i>2,098.3</i>	<i>9.46</i>
Public and Semi-Public Districts:		
C-1 Conservancy District	1,061.9	4.79
P-1 Park District	228.5	1.02
I-1 Institutional District	<u>128.5</u>	<u>0.58</u>
<i>Subtotal</i>	<i>1,418.9</i>	<i>6.39</i>
Planned Development Districts:		
PDD-1	-- ^c	--
PDD-2 Mixed ^d	144.8	0.65
PDD-3	34.1 ^e	0.15
PDD-4	-- ^c	--
PDD-5 Multi-Family	21.1	0.10
PDD-6 Two-Family	5.5	0.03
PDD-7 Industrial	105.7	0.48
PDD-8 Multi-Family	17.2	0.08
PDD-9 Multi-Family	7.4	0.03
PDD-10 Mixed ^e	33.8	0.15

Table 5.1 (continued)

SUMMARY OF THE AMOUNT OF EXISTING ZONING BY
DISTRICT IN THE CITY OF FRANKLIN: 1990

<u>Zoning District</u>	<u>Area (acres)</u>	<u>Percent of Total</u>
Planned Development Districts: (continued)		
PDD-11 Multi-Family	21.6	0.10
PDD-12 Multi-Family	14.9	0.07
PDD-13 Commercial	34.9	0.16
PDD-14 Commercial	15.0	--
PDD-15 Multi-Family	<u>19.8</u>	<u>0.09</u>
<i>Subtotal</i>	475.8	2.09
<hr/>		
TOTAL	22,181.9	100.00
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^aThe Floodplain Fringe Overlay District is not included in these overall calculations, since it overlays a number of basic use districts which are already counted.

^bThe Shoreland Wetland Overlay District has not yet been mapped.

^cThis PDD District has expired.

^dThis PDD District contains a mixture of 124.7 acres of single-family, two-family, and multi-family residential; a 10-acre elementary school site; and 10.1 acres of commercial uses.

^eThis PDD District contains 9.9 acres of both commercial and mini-warehousing uses and 23.9 acres of multi-family residential.

Sources: Lane Kendig, Inc. and the City of Franklin Zoning Ordinance and Maps.

Table 5.2

EXISTING 1985 LAND USE COMPARED TO 1990 ZONING
IN THE CITY OF FRANKLIN

<u>General Land Use Category</u>	<u>1985 Existing Land Use</u>		<u>1990 Existing Zoning</u>	
	<u>Total Acres</u>	<u>Percent of City</u>	<u>Total Acres</u>	<u>Percent of City</u>
Residential:				
Single-Family	3,013.34	13.58	11,646.6	52.51
Two-Family	5.81	.03	97.7	0.45
Multi-Family	152.38	.69	1,251.2	5.64
Under Development ^a	164.28	.74	--	--
Other Residential ^b	--	--	124.7	0.56
<i>Subtotal</i>	<i>3,335.81</i>	<i>15.04</i>	<i>13,120.2</i>	<i>59.16</i>
Retail Sales and Service	175.58	.79	970.6	4.38
Industrial	150.36	.67	1,506.2	6.79
Governmental/Institutional	241.45	1.08	128.5	0.58
Recreational	785.10	3.54	228.5	1.02
Natural Areas including Water, Wetland, and Woodlands	3,243.83	14.61	3,160.2	14.25
Quarrying, Extractive, and Landfills	437.26	1.97	145.9	0.66
Agricultural and Other Open Lands	12,529.46	56.47	2,876.9	12.97
Transportation and Utilities	1,283.13	5.83	-- ^c	-- ^c
TOTAL	22,181.98	100.00	22,181.9	100.00

Table 5.2 (continued)

**EXISTING 1985 LAND USE COMPARED TO 1990 ZONING
IN THE CITY OF FRANKLIN**

^aPlatted residential subdivisions which were under development in 1985.

^bAs defined by the approved Planned Development District No. 2 and representing the residential portions of that development only.

^cNo figure given since land is typically zoned to the centerline of streets and highways. These figures are dispersed throughout all of the zoning districts.

Sources: Lane Kendig, Inc., SEWRPC, and the City of Franklin.

Based upon this analysis, the following observations and comments are made:

1. Land zoned in the R-1 Single-Family Residence District (2-acre lots) could accommodate a total of about 258 dwelling units; the R-2 Single-Family Residence District (40,000 sq. ft. lots), a total of about 2,202 dwelling units; the R-3 Single-Family Residence District (20,000 sq. ft. lots), a total of about 9,049 dwelling units; the R-4 Single-Family Residence District (16,000 sq. ft. lots), a total of 23 dwelling units; the R-5 Single-Family Residence District (13,000 sq. ft. lots), a total of about 338 dwelling units; and the R-6 Single-Family Residence District (10,000 sq. ft. lots), a total of about 9,770 dwelling units.

Land zoned in the R-7 Two-Family Residence District (12,500 sq. ft. lots) and the PDD-6 District could accommodate a total of about 244 duplex structures housing a total of about 489 dwelling units.

Land zoned in the R-8 General Residence District (multi-family) and the various PDD Districts (PDD-5, PDD-8, PDD-9, PDD-10, PDD-11, PDD-12, and PDD-15) could accommodate a total of about 10,009 dwelling units. Thus, under the existing R-8 General Residence District zoning, the trend towards increased development of multi-family dwelling cannot be abated.

All land zoned for residential use in the City could accommodate a grand total of about 32,138 dwelling units. As pointed out in Chapter 2 of this Plan, the total number of dwelling units in the City was about 7,603 at the end of 1988. The total forecast housing stock for the City in the year 2010 would be in the range of from 11,291 to 12,066 dwelling units. The existing zoning for residential uses in the City grossly exceeds this forecast range by from about 20,072 to 20,847 dwelling units.

From a population standpoint, the existing 1990 residential zoning could actually accommodate, based upon the year 2010 optimistic household population forecast of 2.8 persons, a total year 2010 City population of 89,986 persons. This grossly exceeds the optimistic planned population forecast of 32,800 set forth and discussed in Chapter 2 and upon which this Plan is based.

Based upon the foregoing analysis and findings it can, therefore, be concluded that the City is overzoned relative to residential uses to meet the total housing needs of the City for the year 2010.

2. Retail sales and service uses occupy about 176 acres. However, about 970 acres are zoned for this use. This is 733 acres more than would be required by the year 2010, as indicated in Chapter 8 of this Plan.

3. Industrial uses occupy about 150 acres. However, about 1,506 acres are zoned for this use. This is almost 861 acres more than would be required by the year 2010, as indicated in Chapter 8 of this Plan.
4. Governmental and institutional uses occupy about 241 acres. However, only about 129 acres are zoned in the I-1 Institutional District. This can, in part, be accounted for by the introduction of the I-1 Institutional District to the Zoning Ordinance text in 1982 and not subsequently rezoning existing institutional uses into the I-1 District. Thus, due to underzoning, any existing institutional buildings, structures, and properties are nonconforming uses. There is a need to bring many of those existing nonconforming institutional uses into conformity.
5. It is also interesting to note that while about 12,529 acres of land in the City are currently vacant or used for agricultural purposes, only about 2,877 acres are actually zoned for agricultural uses.

Communities, such as the City of Franklin, which desire to regulate growth in an orderly manner by placing development in time and space are faced with the problem of just how far in advance of development land should be zoned for various land uses. This is particularly true in communities in which land may be undergoing a rapid transition from rural to suburban or urban land use, as in the case of the City of Franklin. The immediate zoning of large areas of land for residential, commercial, or industrial use which extends well beyond a typical 20-year planning period does indeed result in overzoning with its attendant undesirable effects. Therefore, it is best to place such large areas of undeveloped agricultural land and other rural open lands into either an agricultural or agricultural holding district until suburban or urban development becomes imminent.

Such overzoning also has a significant detrimental effect on the preservation of the City's community character. An analysis of how the City's existing overzoning actually affects community character is graphed in Figure 5.2. Figure 5.2 indicates that the unplanned and currently overzoned community character would result in a overall community character for the City of Franklin of a "Suburban" type. In addition, and for comparative purposes, Figure 5.2 indicates the existing 1985 City community character (based upon existing land use) results in an overall "Estate" character for the City. Obviously, the overzoning and existing conditions indicate a potential for a great transformation of current City character.

Based upon the foregoing analysis, it can be concluded that the City is grossly overzoned in the categories referenced above. Such overzoning, if left unchecked or undiminished, will ultimately result in a community character which will be

dramatically different than existing conditions or, for that matter, even the planned conditions set forth in Chapter 8. Therefore, there is a strong and sound planning basis and rationale for rezoning certain areas of the City into conformance with the objectives of this Plan.

Strip Zoning

Historically, lands fronting along arterial streets and highways were zoned for commercial or industrial uses and occasionally multiple-family uses. This practice resulted in "strip zoning" along arterials not only within urban areas but out into rapidly developing suburban and even rural areas. Strip zoning is a particularly detrimental type of overzoning. A classic example can be found extending along S. 27th Street in both the Cities of Franklin and Oak Creek. In recent years, however, the City of Franklin has been minimizing the adverse effects typically associated with strip zoning along S. 27th Street through its wise use of the Planned Development Districts (for example, PDD-10, PDD-13, and PDD-14) for large areas and parcels of land. Thus, each of these designated PDD areas has been, or is being, developed under a single unified site development plan.

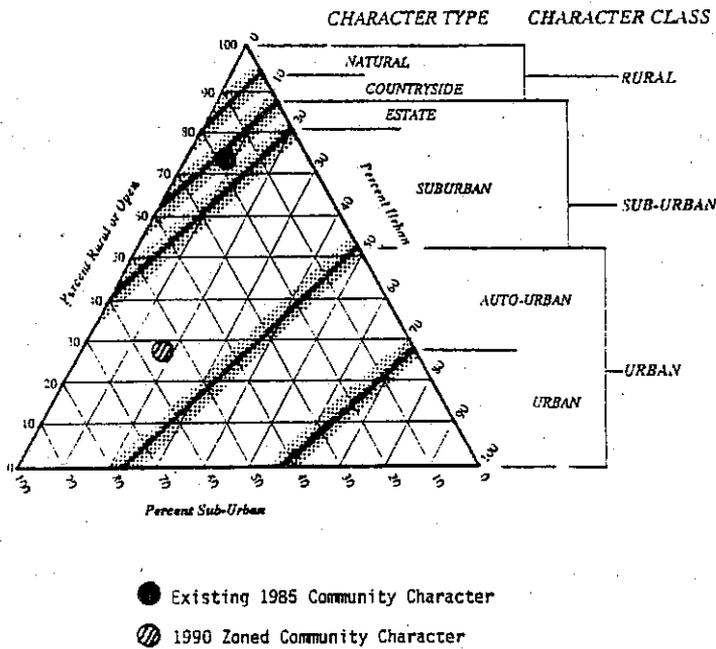
Other areas of the City are, or will also be, under enormous pressure by both developers and property owners for the continuation of strip zoning and its accompanying deleterious effects. Such areas will probably include STH 100, STH 36, S. 76th Street, St. Martins Road, W. Forest Home Avenue, W. Rawson Avenue, and, perhaps, others such as W. Drexel Avenue. Therefore, **it is very important for City officials to have great resolve and resist attempts to "strip zone" the important investment which the public has made in these arterial street and highway facilities.** This can be accomplished under the direction of this Plan and the methodology recommended in Chapter 12 for the approval or denial of Plan and zoning amendments.

Protection of the City's Natural Resource Base Features

Protection of Floodlands and Shoreland Wetlands: The existing City Zoning Ordinance adequately addresses the protection of flood prone areas through the use of the FW Floodway, FC Floodplain Conservancy, and FFO Floodplain Fringe Overlay Districts. In addition, the City Zoning Ordinance also adequately addresses the protection of State-designated shoreland wetland areas through its recently created and adopted SW Shoreland Wetland Overlay District requirements. By their very nature, these districts also protect the water resources of the City.

Figure 5.2

POTENTIAL UNPLANNED COMMUNITY CHARACTER OF THE CITY OF FRANKLIN BASED UPON EXISTING ZONING: 1990



<u>Land Use Category</u>	<u>Existing 1985 Land Use (Percent of Planning Area)</u>	<u>Existing 1990 Zoning (Percent of Planning Area)</u>
Urban	9.83	18.25
Suburban	17.12	53.88
Rural	73.05	27.87
Overall Character:	Estate	Suburban

Source: Lane Kendig, Inc.

Protection of Other Wetlands and Drainageways: As stated in the Zoning Ordinance, the existing C-1 Conservancy District is

intended to be used to prevent destruction of valuable natural or man-made resources and to protect watercourses which are not adequately drained, or which are subject to periodic flooding, where development would result in hazards to health, safety, or would deplete or destroy natural resources or be otherwise incompatible with the public welfare.

This district has been used to protect both drainageways which are not a part of a defined floodplain or floodway as well as wetland areas. From a definitional standpoint, the intent of the district does not adequately address the preservation of wetlands; rather, it addresses the protection of natural resources on a more generic basis. Also, there are no protection standards advanced which would regulate the extent of natural resource destruction for either permitted or special uses.

The existing City Zoning Ordinance does not effectively or adequately protect wetlands which are not shoreland wetlands. Section 15.4 of the Zoning Ordinance does, however, require that wetland fill permits be obtained pursuant to Section 404 of the Federal Water Quality Pollution Control Act.

Section 3.14 of the City Zoning Ordinance also attempts to regulate the filling of wetlands in the City, although no specific mention of wetlands is made. Under this Section, no standards are set forth relative to the level of protection to be achieved. In fact, it does not specify whether or not wetlands are even to be afforded this minimal measure. As in the case of the protection of woodlands and steep slope areas, however, the protection relies upon the discretionary judgement of the City Plan Commission. The Section also has a tendency to conflict with the various zoning district allowances for land use intensity on a zoning lot. Therefore, this provision may prove impotent relative to the true protection of the City's nonshoreland wetlands.

From a policy standpoint, the City should also effectively regulate nonshoreland wetlands. The natural resource protection standards that should be used are stated in Chapters 3 and 6 of this Plan.

Protection of Woodlands and Forests: Section 3.14 regulates, in a limited fashion, tree cutting and shrubbery clearing to only thirty percent of the existing woodlands on the lot or tract. Again, as in the case of the protection of nonshoreland wetlands, the protection relies upon the discretionary judgement of the City Plan Commission. In addition, it has a tendency to conflict with the various zoning district allowances for land use intensity

on a zoning lot. Therefore, this provision may prove impotent relative to the true protection of the City's declining woodland and forest resources.

Protection of Steep Slopes: Section 3.14 also attempts to regulate the destruction of steep slope areas in the City. Under this Section, no standards are set forth relative to the level of protection to be achieved and, indeed, what areas of steep slopes are to be afforded protection. As in the case of the protection of woodlands and forests, however, the protection relies upon the discretionary judgement of the City Plan Commission. This Section also has a tendency to conflict with the various zoning district allowances for land use intensity on a zoning lot. Therefore, this provision may prove impotent relative to the true protection of the City's steep slope resources.

Adequate Provision of Landscaped Bufferyards

Many areas in the City of Franklin have a rural or suburban character class. Bufferyards and landscaping are critical elements that ensure the adequacy of the design of these areas. Bufferyards are an important tool to be used in mitigating the conflicts between several land use categories which may either abut or be adjacent to one another. Although the City of Franklin has recognized the importance of bufferyards and landscaping (to a very limited extent) through the site plan review process [Section 15.8 of the City's Zoning Ordinance], the existing Zoning Ordinance and land division regulations fall short of providing the necessary tools and standards to ensure bufferyard and landscaping provisions. Chapter 6 of this Plan sets forth the necessary policy guidelines regarding the creation and use of bufferyards so that appropriate revisions to both the City's zoning and land division ordinances can be made. If development conforms to regulations that ensure quality, then there should be no need for heavy reliance on the site plan review process alone.

The use of landscaped bufferyards or the setting of urban and suburban development into surrounding vegetation are both legitimate design tools for mitigating any undesirable visual appearances. These tools are found in a great many other ordinances across the country. Such mitigation is a very clearly needed element that relates to the central purpose of zoning--to protect one use from another. Where two abutting land use types are quite different, one may have an adverse effect on another unless an adequate buffer is present. There are numerous types of buffers which can be introduced into the City Zoning Ordinance so that this concept can effectively implement the objectives of this Plan.

Native landscaping, including existing woodland and forest areas and hedgerows, is important to Franklin's character, especially since it has become a decreasing natural resource. It was pointed out in Chapter 3 of this Plan that in 1985 the woodland areas in

Franklin represented only 1,384 acres of land, or only about six percent of the total 22,181 acre City area. Many communities throughout the country find it is logical to preserve these natural native hedgerows and woodlands, because new plant material is costly to purchase, install, and maintain. The cost of new large plant material nearly always exceeds the cost of preserving the existing plants. The preservation of plant materials already on a site is, typically, the best approach to use with respect to the provision of the necessary landscaping for adequate bufferyards and site landscaping.

Adequacy of District Lot Sizes

The minimum lot size requirements in the existing City Zoning Ordinance are shown in Table 5.3. This section identifies some of the problems which are associated with lot size in some of the zoning districts.

Residential Lots: With respect to the residential districts, the City has an array of possible lot sizes available for the regulation of population density. No single-family residential district, however, allows for variation of lot sizes in order to either allow for flexible density within a given density range, and/or to preserve open space and natural resource features. It is also interesting to point out that while the City does have six distinct Single-Family Residence Districts, which are set apart from one another based upon their respective lot sizes, three of these districts are not used as often as are the remaining three (see Table 5.1.) For instance, the R-4 District (16,000 sq. ft. lots) is represented by only about 11 acres on the City's zoning map, the R-5 District (13,000 sq.ft. lots) by only about 137 acres, and the R-1 District (2-acre lots) by about 595 acres. Thus, the intended variation of lot sizes set forth by the existing single-family residence districts is not fully realized by those districts as they are currently mapped. Based upon the existing zoning map and amount of acreage set aside in each district, there is a significant lot size leap from the R-6 District (10,000 sq.ft. lots) to the R-3 District (20,000 sq.ft. lots) with very little consumer choice afforded between these two lot sizes.

In recent years, the size of the average single-family house has been increasing based upon housing market forces. This is true at a national level as well as in the City of Franklin. The existing R-6 District (10,000 sq. ft. lot area) has a minimum house size of 1,250 square feet for a one-story house and 1,550 square feet for a two-story house. Under these minimum house size circumstances, a 10,000 square foot lot is adequate to accommodate necessary grading to facilitate stormwater runoff, provide adequate setbacks and landscaping, minimize the impermeable surface of the lot, minimize the adverse impacts typically associated with bulk and perceived intensity of use, and allow for accessory structures and uses. However, once house sizes start increasing significantly over the minimum house size requirements of the R-6 District, it becomes very difficult to achieve the effect initially intended by the R-6 District.

Table 5.3

**SUMMARY OF MINIMUM REQUIRED LOT SIZES BY ZONING DISTRICT
IN THE CITY OF FRANKLIN: 1990**

<u>Zoning District</u>	<u>Minimum Required Lot Size</u>
<i>Residence Districts:</i>	
R-1 Single-Family Residence	2 acres
R-2 Single-Family Residence	40,000 sq. ft.
R-3 Single-Family Residence	20,000 sq. ft.
R-4 Single-Family Residence	16,000 sq. ft.
R-5 Single-Family Residence	13,000 sq. ft.
R-6 Single-Family Residence	10,000 sq. ft.
R-7 Two-Family Residence	12,500 sq. ft. ^a 40,000 sq. ft. ^b
R-8 General Residence (multi-family)	12,500 sq. ft.
<i>Business Districts:</i>	
B-1 Neighborhood Shopping	No required minimum ^c
B-2 Commercial	No required minimum ^c
B-3 Business	No required minimum ^c
B-4 Regional Shopping	No required minimum ^c
B-5 Highway Business	No required minimum ^c
B-6 Professional Business	No required minimum ^c
<i>Industrial Districts:</i>	
M-1 Limited Industrial	No required minimum ^c
M-2 General Industrial	No required minimum ^c
M-3 Quarrying	No required minimum ^c
<i>Agricultural Districts:</i>	
A-1 Agricultural:	
One-family	3 acres
Other Permitted Uses	2 acres
Special Uses	20,000 sq. ft.
A-2 Prime Agricultural	35 acres

Table 5.3 (continued)

**SUMMARY OF MINIMUM REQUIRED LOT SIZES BY ZONING DISTRICT
IN THE CITY OF FRANKLIN: 1990**

<u>Zoning District</u>	<u>Minimum Required Lot Size</u>
<i>Floodland Districts:</i>	
FW Floodway	No required minimum
FC Floodplain Conservancy	No required minimum
FFO Floodplain Fringe Overlay	No required minimum
SWS Shoreland Wetland Overlay	No required minimum
<i>Public and Semi-Public Districts:</i>	
C-1 Conservancy District	No required minimum
P-1 Park District	No required minimum ^a
I-1 Institutional District:	
One-family	10,000 sq. ft. ^a
Nonresidential Uses	15,000 sq. ft. ^a
One-family	40,000 sq. ft. ^b
Nonresidential	2 acres ^b
<i>Planned Development Districts:</i>	Based upon the unique requirements of the specific Planned Development District

^aWith the provision of public sanitary sewer service.

^bWith on-site septic disposal systems.

^cIn addition, there is no minimum required lot width.

Sources: Lane Kendig, Inc. and the City of Franklin Zoning Ordinance.

In recent years, developers have been constructing excessively large houses upon 10,000 square-foot lots thus compromising the true intent of the R-6 District to accommodate the more affordable houses in the City. In order to respond to this market driven force of increased house sizes, sufficient residential lot area will be needed to accommodate single-family dwelling units which exceed the minimum house size standards of the R-6 District. Adequate lot area should be provided these larger houses to adequately accommodate grading to facilitate stormwater runoff, provide for adequate setbacks and landscaping, minimize the impermeable surface of the lot, minimize the adverse impacts typically associated with bulk and perceived intensity of use, and allow for accessory structures and uses.

Two solutions to this problem will need to be considered by the City relative to the revision and amendment of the existing zoning ordinance: first, provide for greater lot size and residential density flexibility within the R-6 District itself; and second, increased use of the already existing little used R-5 District (13,000 sq. ft. lots).

Business and Industrial Lots: With respect to the business and industrial districts, however, neither minimum lot size nor minimum lot width requirements are specified. This is particularly troublesome for several reasons. First, it could be assumed that no minimum lot size is necessary, because some of these districts have maximum specified floor area ratios (only in the B-2, B-3, B-4, M-1, M-2, A-1, and A-2 Districts are maximum floor area ratios specified). Unfortunately, as will be presented later in this Chapter, the floor area ratios specified for the business and industrial districts do not work. Specifically, the problem arises that without either a minimum lot size or lot width requirement, there is the tendency for commercial parcels to be resubdivided into ever decreasing lot sizes and widths. These decreasing lot sizes and widths, over time, have the tendency to create a corresponding increase in the number of access points to the supporting arterial street system. This often results in traffic congestion, safety problems associated with lot ingress and egress, reduced traffic speeds (which compromises the public investment in the arterial street facility by decreasing its adequacy to function properly), increased commercial signage and visual pollution, and commercial areas which do not function well from a planning standpoint.

Both minimum lot sizes and lot widths should be established for all business and industrial districts. These should be established in conjunction with the use of street and highway access requirements set forth in Chapter 6 of this Plan.

Adequacy of Building and Structure Height Limitations in the Nonresidential Zoning Districts

The adequate regulation of height is one of the most important foundations upon which modern zoning ordinances are based. It allows the proper relationship to be achieved

between the scale of man and the built environment which he creates. In addition, it allows for the careful regulation of the size of buildings relative to one another and a building's immediate surroundings.

The definition of "building height" itself becomes a crucial element in the achievement of the desired visual results. The definition of "building height" in the existing City Zoning Ordinance is as follows:

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.

The following part of that definition is troublesome: "...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..." It is troublesome because the steeper a roof is made, the higher it can get. It would be much simpler and easier to visually realize the final results if the definition established the height to the highest part of the roof (excluding chimneys, etc.).

More important, however, than the definition of "building height" is the lack of any height restrictions whatsoever in many of the zoning districts. Height restrictions cannot be found in many of the most intense use districts including the:

- B-2 Commercial District
- B-3 Business District
- B-4 Regional Shopping District
- M-1 Limited Industrial District
- M-2 General Industrial District
- M-3 Quarrying District

All of the single-family residential districts and the two agricultural districts, for instance, have a maximum building height of 30 feet or 2.5 stories (except farm structures in the A-1 and A-2 Districts); the R-7 Two-Family Residential District, 30 feet; the multi-family district, 100 feet; and the B-1, B-5, and B-6 Business Districts, 35 feet.

It is critical that reasonable maximum height limitations be established for the B-2, B-3, B-4, M-1, M-2, and M-3 Districts to minimize any potentially harmful impact upon neighboring properties and land uses of a lesser intensity and height. Without such limitations, the recommended landscape bufferyard provisions set forth in Chapter 6 would be impotent when applied to exceedingly tall buildings.

Adequacy of the Off-Street Parking Standards

In late 1987, the Institute of Transportation Engineers published the 2nd edition of Parking Generation (Washington, D.C.: Institute of Transportation Engineers, 1987). Based upon detailed case studies, this book sets forth the amount of off-street parking required for various land uses. Section 14.3 of the City Zoning Ordinance needs to be reviewed (in view of this publication), amended, and expanded to include additional standards for uses not currently specified, and where appropriate, standards for the provision of off-street parking. This is necessary for a number of reasons. First, if more off-street parking is required for some land uses, those uses following the new standards will minimize the potential for "spill-over" increased parking on adjoining properties, local streets, and arterials, and will potentially reduce adverse effects upon adjoining properties. Second, if less off-street parking is required for some land uses, there will be less surface water runoff, less pollutant matter in that runoff, the potential provision of more landscaping and open space, and reduced paving costs to the developer.

Use of the Floor Area Ratio Concept

The use of the "floor area ratio" (FAR) concept in zoning ordinances has been a standard method used for the control of land use intensity. This concept is typically used for the control and regulation of land use intensities associated with nonresidential development. For the purposes of discussion, FAR can be defined as a ratio derived by dividing the total gross floor area of a building by the area of the site or lot. FARs are usually expressed as maximums. When used properly, this can be a very important zoning tool to control development intensities and impacts upon surrounding land uses and the facilities serving those uses.

The FAR concept is used in the City Zoning Ordinance in a limited fashion and only in some zoning districts. Under the requirements of the City Zoning Ordinance, floor area ratios are prescribed for zoning districts as indicated in Table 5.4.

For the B-2, B-3, and B-4 Business Districts, the following are the maximum FARs which can be realistically achieved assuming the provision of: 200 square feet of off-street parking per 1,000 square feet of gross building floor area (per existing Zoning Ordinance requirements); one loading dock facility for every 25,000 square feet of gross building floor area (generally per existing Zoning Ordinance requirements); 400 square feet of total pavement area per off-street parking space, including drives; and absolutely no landscaping, on-site open space, or setbacks:

<u>Building Stories</u>	<u>Maximum FAR Achievable</u>
1	0.32
2	0.39
3	0.42
4	0.43
5	0.44

For industrial and manufacturing uses in the M-1 and M-2 Industrial Districts, the following are the maximum FARs which can be realistically achieved assuming the provision of: 600 square feet of off-street parking per 1,000 square feet of gross building floor area (per existing Zoning Ordinance requirements); one loading dock facility for every 25,000 square feet of gross building floor area (generally per existing Zoning Ordinance requirements); 400 square feet of total pavement area per off-street parking space including drives; and absolutely no landscaping, on-site open space, or setbacks:

<u>Building Stories</u>	<u>Maximum FAR Achievable</u>
1	0.58
2	0.82
3	0.96

For warehousing uses in the M-1 and M-2 Industrial Districts, the following are the maximum FARs which can be realistically achieved assuming the provision of: 1,500 square feet of off-street parking per 1,000 square feet of gross building floor area (per existing Zoning Ordinance requirements); one loading dock facility for every 25,000 square feet of gross building floor area (generally per existing Zoning Ordinance requirements); 400 square feet of total pavement area per off-street parking space including drives; and absolutely no landscaping, on-site open space, or setbacks:

<u>Building Stories</u>	<u>Maximum FAR Achievable</u>
1	0.76
2	1.23
3	1.56

Table 5.4

**EXISTING 1990 CITY OF FRANKLIN ZONING DISTRICT
FLOOR AREA RATIOS**

<u>Zoning District (FAR)</u>	<u>Maximum Floor Area Ratio</u>
<i>Residence Districts</i>	
	No FAR requirements
<i>Business Districts:</i>	
B-1 Neighborhood Shopping District	No FAR requirements
B-2 Commercial District	2.0
B-3 Business District	2.0
B-4 Regional Shopping District	1.0
B-5 Highway Business District	No FAR requirements
B-6 Professional Business District	No FAR requirements
<i>Industrial Districts:</i>	
M-1 Limited Industrial District	1.5
M-2 General Industrial District	1.5
M-3 Quarrying District	No FAR requirements
<i>Agricultural Districts:</i>	
A-1 Agricultural District: One-family Dwellings Special Uses	0.05 Determined when "Special Use" permit is granted
	No FAR requirements
A-2 Prime Agricultural District: Principal Farm Dwelling Second Farm Dwelling (when permitted) Other Farm Structures	0.05 0.05 0.10
<i>Floodland Districts:</i>	
FW Floodway District	No FAR requirements
FC Floodplain Conservancy District	No FAR requirements
FFO Floodplain Fringe Overlay District	No FAR requirements
SW Shoreland Wetland Overlay District	No FAR requirements

Table 5.4 (continued)

**EXISTING 1990 CITY OF FRANKLIN ZONING DISTRICT
FLOOR AREA RATIOS**

<u>Zoning District (FAR)</u>	<u>Maximum Floor Area Ratio</u>
Public and Semi-Public Districts:	
C-1 Conservancy District	No FAR requirements
P-1 Park District	No FAR requirements
I-1 Institutional District	No FAR requirements ^a
Planned Development Districts	May be required; determined on a district-by-district basis

^aMaximum lot coverage standard of 35 percent for buildings and structures including accessory buildings.

Sources: Lane Kendig, Inc. and the City of Franklin Zoning Ordinance.

With the exception of warehousing-related uses (assuming the current off-street parking requirements of the Existing Zoning ordinance), it can be concluded that there is a critical need to redefine the FAR values in the B-2, B-3, B-4, M-1, and M-2 Districts because, as they currently exist, they cannot be achieved and do not work. Indeed, they can even be considered as a form of overzoning.

It is recommended that FAR requirements in the business, industrial, and institutional districts be either introduced or amended relative to the purpose and intent of each of the districts. In addition, it is further recommended that such amendments be made in conjunction with the establishment in each of these districts of minimum requirements for landscape surface ratios (LSRs: the area of land devoted to pervious landscaping divided by the area of the site or lot) and impervious surface ratios (ISRs: a measure of the intensity of land use that is determined by dividing the total area of all impervious surfaces on the site by the area of the site or lot). Through the use of adequately defined and workable FARs, LSRs, and ISRs, site design and development can be greatly improved, and the purpose and intent of those districts they are applied to can be effectively realized. Through the use of FARs, the control of the intensity of land use will be assured. Through the use of LSRs, the level of open space and landscaping is assured. Through the use of ISRs, the true impact of stormwater runoff can be effectively calculated for the planning and provision of stormwater drainage facilities.

Site Plan Review

Section 15.8 of the City Zoning Ordinance sets forth the City's site plan review process. This is a very effective section of the Ordinance for the administration of this Comprehensive Master Plan, particularly relative to Chapters 6 and 8 of this Plan. If the aforementioned Zoning Ordinance problems are corrected and the new zoning districts and options recommended in Chapter 12 implemented, site plan review will be greatly strengthened and simplified.

CONCLUSIONS

Based upon the analysis and discussion presented in this Chapter, as well as the plans presented in Chapter 8, it can be concluded that the current City Zoning Ordinance text and district map should be amended immediately following the completion and adoption of this Comprehensive Master Plan. Other detailed zoning ordinance recommendations, including recommendations pertaining to new districts and alternative zoning options, are set forth in Chapter 12 of this Plan.