

ORDINANCE NO. 2006- 1887

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE  
TO CREATE THE OL-2 GENERAL BUSINESS OVERLAY DISTRICT

---

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. (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

4833	Television broadcasting stations	S
<b>SIC 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

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

5714	Drapery and upholstery stores	P
<b>SIC 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

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

7375	Information retrieval services	P
<b>SIC 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

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.

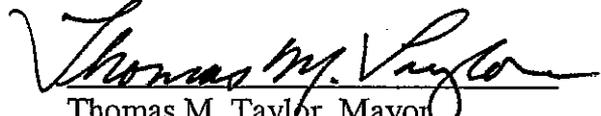
**SECTION 3:** All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

**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