



# *City of Franklin, WI* **UNIFIED DEVELOPMENT ORDINANCE**

Approved on May 6, 2025 by the Common Council  
Effective on June 9, 2025

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# Article 1. General Provisions

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## 15-1-01. Title

This Ordinance shall be known as, referred to, or cited as, "Unified Development Ordinance, City of Franklin, Wisconsin" or the "UDO".

## 15-1-02. Purpose

The purpose of this UDO is to promote the health, safety, morals, prosperity, aesthetics, and general welfare and to regulate land uses and control the division of land within the limits of the City of Franklin, Wisconsin.

## 15-1-03. Authority

These regulations are adopted under the authority granted by §§ 62.23(7), 62.231, 62.234, 66.1027, 87.30, 144.26, and 236.45 of the Wisconsin Statutes and amendments thereto.

## 15-1-04. Intent

It is the general intent of this UDO to regulate the division of land and restrict the use of all structures, lands, and waters to achieve the following objectives.

- A. Regulate and control development densities and formats to prevent overcrowding and to provide adequate sunlight, air, sanitation, drainage and protection from nuisances.
- B. Regulate population density and distribution to avoid inefficient land use and development patterns, to further the orderly layout and appropriate use of land, and to facilitate the provision of adequate public service and utilities.
- C. Regulate parking, loading, and access to lessen congestion and promote the safety and efficiency of streets and highways.
- D. Ensure safety from fire, flooding, pollution, contamination, noise, panic, and other dangers and hazards.
- E. Stabilize and protect existing and future property values.
- F. Encourage compatibility between different land uses and protect from the encroachment of incompatible development.

- G. Further the wise use, protection, preservation and conservation of natural resources and public spaces including soils, topography water, floodplains, shorelands, drainageways, wetlands and shoreland wetlands, woodlands and forests, scenic resources, and wildlife resources.
- H. Prevent flood damage to persons and property to minimize expenditures for flood relief and flood control projects.
- I. Provide for and protect a variety of suitable commercial and industrial sites.
- J. Protect the traffic-carrying and pedestrian capacity of existing and proposed arterial streets, highways, and collector streets.
- K. Facilitate adequate provisions for housing, transportation, pedestrian access, water supply, stormwater, wastewater, schools, parks, playgrounds, and other public facilities and services.
- L. Restrict building sites in areas covered by poor soils or in other areas poorly suited for development due to natural resource features or other characteristics.
- M. Facilitate the appropriate division of larger tracts into smaller parcels of land.
- N. Ensure adequate legal descriptions and proper survey monumentation of subdivided land.
- O. Implement the municipal, County, watershed, or regional plans or their components adopted by the City and facilitate the enforcement of those development standards.
- P. Provide for the administration and enforcement of this UDO.

#### 15-1-05. Interpretation

- A. **Minimum Standards Established.** The provisions of this UDO shall be interpreted as minimum requirements, unless otherwise stated, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.
- B. **Severability.** If any part, division, section, provision, or portion of this Ordinance is adjudged unconstitutional, or invalid by a court of competent jurisdiction, the remainder of this UDO shall not thereby be affected but shall remain in full force and effect. If an application of this UDO to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgement shall not be applicable to any other structure, land, or water not specifically included in said judgement.

#### 15-1-06. Jurisdiction

The jurisdiction of this Ordinance shall apply to all structures, lands, water, and air within the corporate limits of the City of Franklin.

#### 15-1-07. Compliance

No structure, development, land, water, or air shall be used and no structure or part thereof shall be located, erected, moved, reconstructed, substantially improved, extended, enlarged, converted, or structurally altered without a Building or Zoning Compliance Permit, and without full compliance with the provisions of this Ordinance and all other local, county, and state regulations. In addition, the following general provisions shall be complied with:

- A. **Wisconsin Department of Natural Resources.** Rules of the Wisconsin Department of Natural Resources, as amended, setting water quality standards for preventing and abating pollution and for regulating development within floodplain, wetland, and shoreland areas.
- B. **Comprehensive Plans or Master Plans.** Comprehensive or master plans, plans prepared by state, regional, county, or municipal agencies duly adopted by the Plan Commission, or components of such plans as amended.
- C. **City of Franklin Unified Development Ordinance.** The City of Franklin Unified Development Ordinance and all other applicable local and county ordinances as amended.

- D. **Wisconsin Administrative Code.** All applicable rules contained in the Wisconsin Administrative Code, as amended, not listed in this Section.
- E. **U.S. Army Corps of Engineers and U.S. Environmental Protection Agency.** Rules of the U.S. Army Corps of Engineers and U.S. Environmental Protection Agency as amended.
- F. **Americans with Disabilities Act (ADA) Accessibility Guidelines.** The requirements of the "Americans with Disabilities Act (ADA) Guidelines for Buildings and Facilities" as documented in the Federal Register, Vol. 56, No. 144, July 26, 1991, as amended.
- G. **Other Applicable Federal and State Laws and Regulations.** All other applicable federal and state laws and regulations as amended.

### 15-1-08. Municipalities and State Agencies Regulated

Unless specifically exempted by law, all cities, villages, towns, counties, and other municipal corporations are required to comply with this Ordinance and obtain all required permit. State agencies are required to comply if § 13.48(13) of the Wisconsin Statutes applies.

### 15-1-09. Vested Rights

- A. **Applicability to Pending Applications.** When a complete application for a zoning action is submitted but pending action by the City on the effective date of this UDO, the provisions in effect when the application was filed shall govern the review and approval. Upon the refiling of any pending application after the effective date of this UDO, the refiled application shall such application shall be subject to the applicable provisions of this UDO at the time of submittal.
- B. **Construction Allowed pursuant to Approved Plans.** Nothing in this UDO shall require a change in the plans for any structure or use if a building permit or certificate of occupancy or zoning compliance permit for such structure or use was lawfully issued prior to the effective date of this UDO or any such amendment thereto, and such building or certificate of occupancy or zoning compliance permit had not by its own terms expired prior to the effective date of this UDO, and construction pursuant to such permit is commenced prior to the expiration date of such permit.
- C. **Building Permit.** Where a building permit for a building or structure has been issued prior to the effective date of this UDO and construction is commenced within ninety (90) days of the effective date of this UDO, the building or structure may be completed in accordance with the approved plans for which the building permit has been issued.
- D. **Final Subdivision Plat.** Any preliminary subdivision plat filed prior to the effective date of this UDO shall vest such approval rights upon the approval of the preliminary subdivision plat. Any subsequent final subdivision plat may be subsequently filed in accordance with the approved preliminary plat.



## Article 2. Establishment of Districts

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### 15-2-01. Districts Established

#### A. Base Districts.

##### 1. Residential Districts.

- a. R-C - Countryside Residence District
- b. R-SE - Suburban/Estate Residence District
- c. R-SR - Suburban Residence District
- d. R-MF - Multiple-Family Residence District
- e. R-V - Village Residence District

##### 2. Commercial and Mixed-Use Districts.

- a. B-N - Neighborhood Business District
- b. B-G - General Business District
- c. B-R - Regional Business District
- d. B-MU - South 27<sup>th</sup> Street Mixed-Use District
- e. B-SM - St. Martins Road Historic Business District

##### 3. Industrial and Agricultural Districts.

- a. B-P - Business Park District
- b. LI - Limited Industrial District
- c. A - Agricultural District
- d. A-P - Agricultural Prime District

##### 4. Miscellaneous Districts.

- a. P - Park and Open Space District
- b. I - Institutional District
- c. L - Landfill District

d. PDL - Planned Development Legacy District

5. **Floodplain Overlay District.**

## 15-2-02. Purpose and Intent of Districts

### A. Residential Districts

1. **R-C - Countryside Residence District.** The R-C Countryside Residence District is intended to allocate land for single-family residential uses on large lots and in low-density settings. The District is further intended to preserve open space, sensitive natural features, and maintain the community's rural residential setting and scenic viewsheds where these assets exist in the southern areas of the City.
2. **R-SE - Suburban/Estate Residence District.** The R-SE Suburban/Estate Residence District is intended to provide land for single-family residential housing in moderately low densities and that is suburban or semi-rural in character. The District is further intended to preserve and protect the City's natural resources, including woodlands and open spaces.
3. **R-SR - Suburban Residence District.** The R-SR Suburban Residence District is intended to provide land for single-family suburban residential housing at moderately low densities. The District is designed to preserve the community's suburban and semi-rural character and its open space and natural resources. The district is intended to allow infill in locations where moderately low-density neighborhoods exist and to allow new residential growth, ensuring that development aligns with the City of Franklin's Comprehensive Plan.
4. **R-MF - Multiple-Family Residence District.** The R-MF Multiple-Family Residence District is intended to establish and preserve land for both multifamily and single-family attached residential development such as duplexes, townhomes, and rowhomes to accommodate a variety of households with different lifestyles, age ranges, and incomes. The District is intended to allow a flexible mix of scales, densities and formats throughout the community while ensuring that the single-family attached and multifamily residential uses enhance the character of Franklin's residential setting, contribute to the community's visual appeal, and ensure the adequate provision of open space.
5. **R-V - Village Residence District.** The R-V Village Residence District is intended to preserve the single-family residential character and architectural qualities of the St. Martins Historic Village Area. The District is intended to allow new single-family residential infill on vacant or underused sites in the Village area, provided that such development is consistent with the historic visual character and preserves its moderate residential density.

### B. Commercial and Mixed-Use Districts

1. **B-N - Neighborhood Business District.** The B-N Neighborhood Business District is intended to provide for the day-to-day retail, commercial service, and employment needs of Franklin residents, particularly the needs of the neighborhoods adjacent to properties in the District. The District is further intended to promote a mutually supportive mix of small-scale retail establishments and to ensure safe and convenient pedestrian and vehicular circulation on-site and between adjacent sites as redevelopment of existing sites occurs.
2. **B-G - General Business District.** The B-G General Business District is intended to promote a variety of commercial service and retail uses along the City's major roadways. The District is intended to allow moderately large-scale development that serves the general population of Franklin. It is further intended to promote commercial development in visually appealing plaza formats that promote safe and convenient pedestrian travel on sites and between adjacent sites and neighborhoods.
3. **B-R - Regional Business District.** The B-R Regional Business District is intended to promote a variety of commercial service and retail uses along the City's major roadways to serve the needs of Franklin residents as well as a regional consumer market beyond the City's borders. Moderately large-scale development should be configured with groups of large-lot commercial structures with outlot commercial buildings surrounding shared parking areas and should provide safe and convenient pedestrian travel on-site, and when practicable, between other sites and neighborhoods.

4. **B-MU - South 27<sup>th</sup> Street Mixed-Use District.** The B-MU South 27<sup>th</sup> Street Mixed-Use District is intended to provide land for a mutually-supportive combination of retail, commercial, office, and compact residential uses in buildings' upper floors along South 27<sup>th</sup> Street. Development is configured in multi-building plaza formats and on relatively large sites. The District is intended to facilitate greater densities of retail, commercial, office, and residential uses than in the B-1 through B-3 Districts, given South 27<sup>th</sup> Street's direct access to bus transit. The development should further be arranged in cohesive plaza developments that facilitate convenient vehicle and pedestrian travel and enhance the corridor's appearance.
5. **B-SM - Village Business District.** The B-SM Village Business District is intended to promote a mix of commercial retail, service, and upper-floor residential uses in the historic St. Martins Village area while maintaining the area's traditional character and built form. The District is designed to preserve historic structures while allowing infill development on underused sites that is consistent with the area's built characteristics and architectural qualities. Development should continue to be formatted in small lots and buildings should be placed relatively near front lot lines to preserve the area's pedestrian-oriented character.

**C. Industrial and Agricultural Districts.**

1. **B-P - Business Park District.** The B-P Business Park District is intended to promote a flexible mix of light industrial, research, and office uses in a campus like setting. Uses are conducted primarily indoors and do not have the potential to generate nuisances to adjoining properties. Circulation systems should be integrated into the site in a cohesive manner to ensure convenient pedestrian and vehicular travel.
2. **LI - Limited Industrial District.** The LI Limited Industrial District is intended to provide land for manufacturing, industrial, warehousing, and similar uses of a limited scale and intensity. The district is intended to support employment opportunities in the City while maintaining the community's natural resources and neighborhood character.
3. **A - Agricultural District.** The A Agricultural District is intended to preserve land in the City historically used for small farming operations engaged in crop production, the raising of livestock, the cultivation of orchards, and other small-scale agricultural activities. The district also accommodates limited single-family housing. The District is intended to preserve the large contiguous parcels of land that are characteristic of the community's rural areas.
4. **A-P - Prime Agricultural District.** The A-P Prime Agricultural District is intended to preserve and protect land in the City historically designated as prime agricultural land in the City of Franklin's Comprehensive Plan. The District is intended to preserve the natural integrity, agricultural productivity, and scenic qualities of these lands while allowing limited single-family residential use properties.

**D. Miscellaneous Districts**

1. **P - Park and Open Space District.** The P Park and Open Space District is intended to provide land for parks and recreational facilities that meet the needs of the Franklin community while also preserving the City's natural resources, including rivers, woodlands, wetlands and open space.
2. **I - Institutional District.** The I Institutional District is intended to allocate land for public or semi-public uses, municipal facilities, utilities, and noncommercial places of assembly as defined in this UDO. The district serves to accommodate existing and future public and semi-public uses and to allocate land separately from commercial and residential uses.
3. **L - Landfill District.** The L Landfill District is intended to contain and regulate existing and former landfill uses in the City while mitigating their adverse impacts such as odor, noise, and traffic on the community's commercial and residential areas.
4. **PDL - Planned Development Legacy District.** The PDL Planned Development Legacy District includes properties that have been previously zoned as a "planned development district" and are governed by a unique set of regulations as set forth in the related planned development ordinance. Properties zoned in the Legacy Planned Development District will continue to operate under their specific planned unit development ordinance. No property may be rezoned into the Legacy Planned Development District after the date of the adoption of this chapter.



- E. **Floodplain Overlay District.** All development within the Floodplain Overlay District; comprising the Floodway District (FW), Floodfringe District (FF), and General Floodplain District (GFP) is regulated by the Floodplain Zoning Ordinance of the City of Franklin, WI.

### 15-2-03. Official Zoning Map

- A. **Official Zoning Map Established.** The location and boundaries of the districts established by this UDO shall be established in the Zoning Map as amended, which is incorporated herein and hereby made a part of this Ordinance.
- B. **District Boundary Description and Interpretation.**
1. **Zoning Boundary Determination.** The district boundaries shall be streets, alleys, railroads, lot lines, streams, floodplain boundaries, and wetland boundaries unless otherwise shown on the Zoning Map.
  2. **Zoning Boundary Determination for Approximate Boundaries.** Where the designation of the Official Zoning Map indicates that various zoning districts are approximately bounded by a street, alley, lot line, stream, floodplain boundary, or wetland boundary, such lot line or the centerline of such street, alley, or railroad right-of-way, or centerline of the main channel of such stream, the floodplain boundaries, or wetland boundaries as delineated on maps prepared by the City or under the Root River Watershed study, or as determined through the use of on-site wetland delineation, flood profiles and accompanying hydrologic and hydraulic engineering data, shall be construed to be the zoning district boundary line.
  3. **Split Zoning of New Lots Prohibited.** The split zoning of any newly created lot or parcel into more than one zoning district shall not be allowed except for parcels split between a district and the Floodplain Overlay District.
  4. **Zoning of Annexed Land.** Any additions to the incorporated area of the City of Franklin shall be classified in the A Agricultural District until otherwise classified by amendment. Annexed land that includes statutory shoreland wetlands or floodplains shall adhere to the provisions of the Floodplain Zoning Ordinance and the Shoreland Wetland Ordinance of the City of Franklin Municipal Code.
    - a. **Annexations or Consolidations Containing Shorelands.** Annexations containing shorelands shall comply with § 62.231 of the Wisconsin Statutes.
    - b. **Annexations or Consolidations Containing Floodplains.** Annexations or consolidations containing floodplains shall be placed in the following districts as applicable:
      - i. All floodways and unnumbered A Zones on the FEMA map shall be placed in the FW Floodway District.

## Article 3. District Specific Standards

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### 15-3-01. Bulk and Dimensional Standards

- A. **Residential District Bulk and Dimensional Standards.** Table 15-3-01(A) establishes the bulk and dimensional requirements for development or the use of a lot in each residential district.

Table 15-3-01(A): Residential District Bulk and Dimensional Standards					
Standard	R-C	R-SE	R-SR	R-MF	R-V
<i>Lot Standards (Minimum)</i>					
Lot Area (sqft)	40,000*	18,000	10,000	12,000**	7,200
Lot Area / Dwelling Unit (sqft)***	--	--	--	4,500	--
Lot Width (ft)	150	90	80	100	60
Lot Depth (ft)	110	110	110	110	110
<i>Yard Setbacks (Minimum)</i>					
Front (ft)	60	45	30	15	25
Street Side (ft)	45	35	20	10	15
Interior Side (ft)	20	10	10	5	5
Rear (ft)****	30	30	30	15	25
<i>Building Standards (Maximum)</i>					
Building Height (ft)	35	35	35	35	35
Impervious Surface Coverage (%)	20	40	50	60	40
<i>Notes</i>					
(*) Lots not served by public sanitary sewer and water supply facilities: see Sec. 15-8-02.					
(**) Single-family and duplex structures with a party wall: minimum lot area of 6,000 sqft and min. lot width of 60 ft.					
(***) More than two dwelling units: Lot area per dwelling unit shall apply in addition to the baseline lot area requirement.					
(****) Minimum setback of 10 feet is allowed for detached garages.					

- B. **Nonresidential and Mixed-Use District Bulk and Dimensional Standards.** Table 15-3-01(B) establishes the bulk and dimensional requirements for development or uses of a parcel in each nonresidential or mixed-use district.

Table 15-3-01(B): Mixed-Use and Nonresidential District Bulk and Dimensional Standards											
Standard	B-N	B-G	B-R	B-MU	B-SM	B-P	LI	A	A-P	I	P
<b>Lot Standards (Minimum)</b>											
Lot Area (acres)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	3	35	n/a	n/a
Lot Width (ft)	50	50	50	50	50	50	50	200	300	50	50
Lot Depth (ft)	110	110	110	110	110	110	110	110	110	110	110
<b>Yard Setbacks (Minimum)</b>											
Front (ft)	25	25	40	30(1)	10	50	30	50	50	30	50
Street Side (ft)	25	25	40	30(1)	15	50	30	50	50	20	50
Interior Side (ft)	10	10	10	10(1)	5	20	20	25	25	10	20
Rear (ft)	20	20	20	30(1)	20	40	15	50	50	30	50
<b>Building Standards (Maximum)</b>											
Height Building (ft)	40	40	50	50(2)	40	95	45	35	35	45	40
Impervious Surface Coverage (%)	60	70	70	70	90	60	70	n/a	n/a	60	n/a
<b>Notes</b>											
(1) 40% of the required setback may be reduced when at least 15% of dwelling units on site are deed restricted to be affordable relative to 80% of the Milwaukee County Area Median Household Income. A minimum of 1 total dwelling units shall be provided on site to qualify.											
(2) An additional ten (10) feet of building height shall be allowed when at least 15% of dwelling units on site are deed restricted to be affordable relative to 80% the Milwaukee County Area Median Household Income. A minimum of 1 total dwelling unit shall be provided on site to qualify.											

### 15-3-02. Calculating Dimensional Standards

- A. **Lot Width.** Lot width shall be measured as the distance between the side lot lines of a lot at right angles to its depth along a straight line parallel to the front lot line.
- B. **Lot Widths for Lots that Abut a Cul-de-Sac.** The lot width of all lots which abut a cul-de-sac may be reduced by a maximum of twenty (20) percent of the required lot width for the district in which it is located. The required lot width for the district shall be met at the front yard setback line.

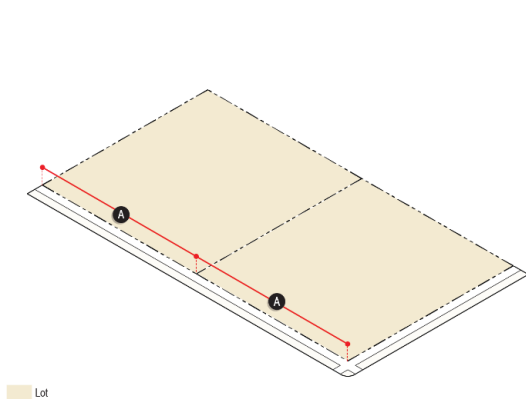


Figure 1 Lot Width

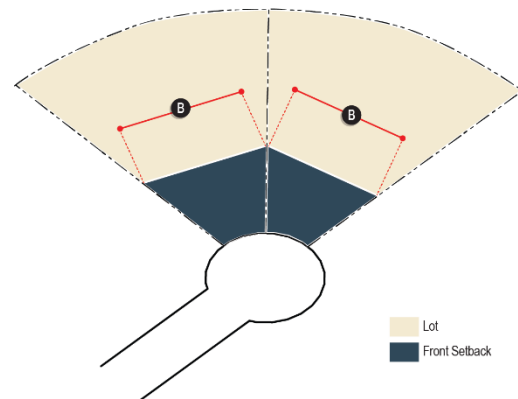


Figure 2 Lot Width For Lots That Abut a Cul-de-Sac

C. **Yard Setbacks.**

1. A required yard setback shall be measured as the horizontal distance from the center point of the applicable lot line into the interior of the lot for the minimum distance specified in Table 15-3-01(A) or (B).
2. The span of a yard setback shall be measured as follows.
  - a. **Front Yard.** From the interior side lot line to the other interior side lot line or street side lot line as applicable.
  - b. **Street Side Yard.** From the front yard setback line to the rear lot line.
  - c. **Interior Side Yard.** From the front yard setback line to the rear yard setback line.
  - d. **Rear Yard.**
    - I. From the interior side lot line to the other interior side lot line; or
    - II. From the interior side lot line to the street side yard setback line.

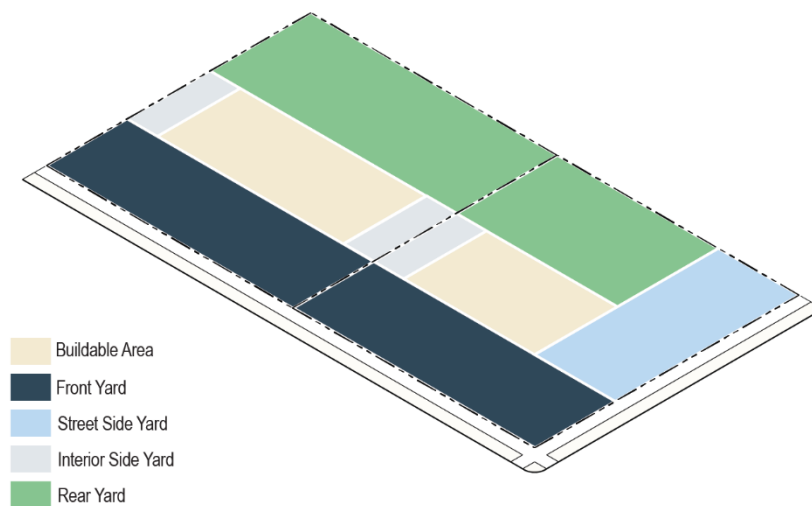


Figure 3 Yard Setbacks

D. **Height.**

1. **Building Height.** Building height shall be the vertical distance measured from the mean elevation of the finished lot grade along the building frontage to the highest elevation of the roof.

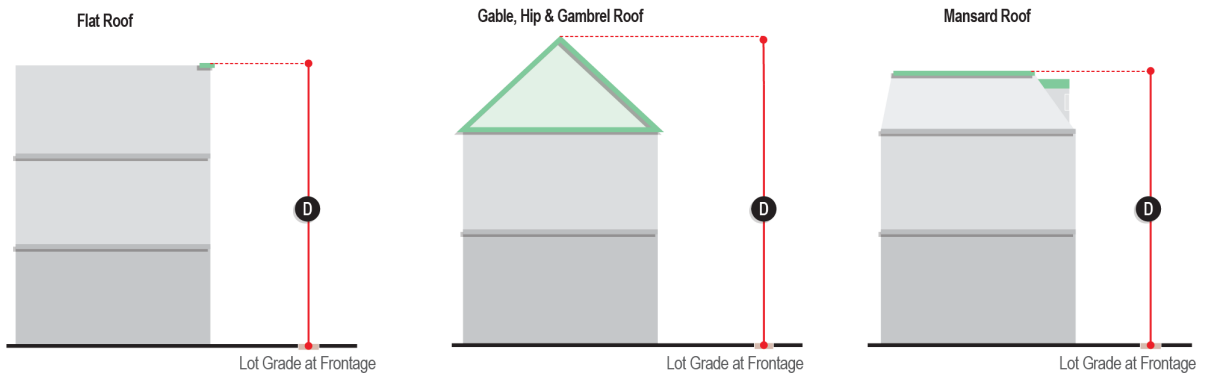


Figure 4 Building Height

2. **Porch Height.** The height of the porch shall be measured from the finished floor level of the porch to the lowest point of the roof.

- E. **Impervious Surface Coverage.** The portion of a lot that is not covered with soil or natural vegetation. Such surfaces include areas covered by buildings, porches, decks, patios, terraces, and swimming pools, and also include surfaces constructed of asphalt, concrete, gravel, brick, stone, tile or any other paving material used for parking, driveways and walkways.

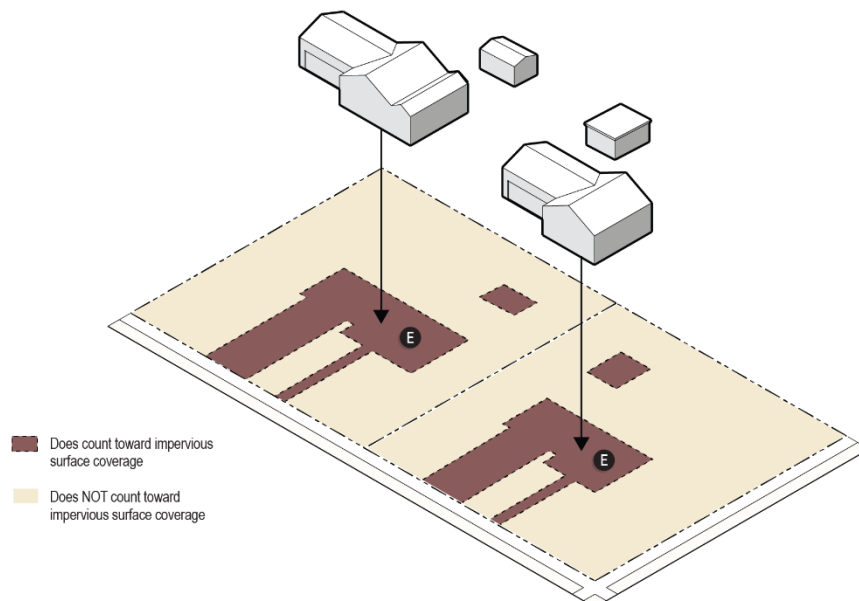


Figure 5 Impervious Surface Coverage



### 15-3-03. Exceptions to Bulk and Dimensional Standards

- A. **Height Exceptions.** The following structures may exceed the height limitations established in Table 15-03-1(A) and (B) as follows.
1. **Architectural Projections.** Architectural projections such as antennae, spires, steeples, belfries, parapet walls, cupolas, domes, flues, and chimneys may exceed the height limit for the district to provide for projections usual and customary to the proposed use.
  2. **Special Structures.** Structures such as elevator penthouses, mechanical penthouses, gas tanks, grain elevators, observation towers, and scenery lofts, manufacturing equipment and necessary appurtenances, cooling towers, fire towers, substations, and smoke stacks are exempt from the height limitations of this UDO provided the structures are an integral part of and do not detract from the design of the principal structure as approved by the Plan Commission and/or Architectural Board.
  3. **Essential Services, Utilities, Water Towers, and Electric Power and Communication Transmission Lines.** Essential services, utilities, water towers, and electric power and communication transmission lines are exempt from the height limitations of this Ordinance. Building-mounted earth station dish antennas shall not exceed the maximum height regulation of the district in which they are located.
  4. **Agricultural Structures.** Agricultural structures, such as barns, silos, windmills, shall not exceed in height twice their distance from the nearest lot line.
  5. **Public or Semipublic Facilities.** Public or semipublic facilities, such as schools, churches, hospitals, monuments, sanatoriums, libraries, and governmental offices and stations, may be erected to a height of sixty (60) feet, provided all required yard setbacks are increased not less than one (1) foot for each foot the structure exceeds the district's maximum height requirement.
  6. **Modification of Other Ordinances and Regulations Not Permitted Under this Section.** Modifications permitted under this Section of this Ordinance do not modify any requirements of federal, State, or local building codes relating to the elements addressed in this Section of this Ordinance.
- B. **Yard Setback Exceptions.** Obstructions into the yard setback requirements specified in Table 15-3-01(A) and (B) may be permitted as follows.
1. **Uncovered Stairs, Landings, and Fire Escapes.** Uncovered stairs, landings, and fire escapes may project a maximum of six (6) feet into a required yard setback and shall not be closer than three (3) feet to any lot line.
  2. **Architectural Projections.** Architectural projections including chimneys, flues, sills, eaves, belt courses, and ornamental features, may project a maximum of two (2) feet into a required yard setback. Bay windows may project a maximum of three (3) feet into a required yard setback.
  3. **Accessibility Structures.** ADA accessible wheelchair ramps and other features designed to promote universal access on the subject site may project into a required yard setback but shall be located at least three (3) feet from any lot line.
  4. **Utility and Electric Power and Communication Transmission Lines.** Utility and electric power and communication transmission lines are exempt from the yard setback and distance requirements of this Ordinance.
  5. **Terraces, Patios, Uncovered Decks.** Terraces, patios, uncovered decks, and ornamental features which do not extend more than three (3) feet above or below the adjacent grade may project a maximum of ten (10) feet into any required yard setback, however any such structure shall be setback at least five (5) feet from any property line.
  6. **Lampposts and Flagpoles.** Lampposts with a maximum height of ten (10) feet and flag poles with a maximum height of thirty-five (35) feet may project into required yard setbacks, however any such structure shall be set back at least five (5) feet from any property line.

7. **Air Conditioning Units.** Air conditioning units may project up to five (5) feet into a required side or rear yard setback but shall not be closer than five (5) feet from any property line.
8. **Below-Ground Stairways and Windows.** Stairways and windows that are constructed entirely below the site's finished grade may project into any required yard setback.
9. **Fences.** Fences may be located in required yard setbacks as specified in Article 5.
10. **Rainwater Harvesting Structures.** Rainwater harvesting structures with two-hundred (200) gallons or less of storage may project into a required side or rear yard setback but shall not be closer than five (5) feet from any property line. Rainwater harvesting structures with over two-hundred (200) gallons of capacity meet the location standards for accessory structures in Article 4. In no instance shall an underground rainwater harvesting structure be within five (5) feet of an easement.
  - a. If rain water harvesting structures are to be buried they shall be considered stormwater and shall conform to the requirements of SPS 382. A plumbing permit shall be required. Rain water harvesting structures located above ground shall not require a plumbing permit and shall not be required to conform with the requirements of SPS 382.
  - b. All rainwater harvesting structure shall be adequately maintained and in functional condition and shall meet the applicable standards of Section 190-24 of the Franklin Municipal Code.

#### 15-3-04. Permitted, Conditional, and Temporary Uses

- A. The following key shall be used in the interpretation of Table 15-3.0400(B) and (C).
  1. **Permitted Uses.** Uses which are marked as "P" in the table shall be allowed subject to all applicable regulations of this UDO.
  2. **Conditional Uses.** Uses which are marked as "C" in the table shall be allowed upon the approval of a Conditional Use Permit as detailed in Section 15-9-07.
  3. **Temporary Uses.** Uses which are marked "T" in the tables shall be allowed upon the approval of a Temporary Use Permit as detailed in Section 15-9-03(C)
    - a. The uses marked as "P" under temporary uses table are exempt from the Temporary Use Permit requirement, as outlined in Section 15-4-14(E) of this UDO.
  4. **Prohibited Uses.** A blank space in the tables indicates that a use type is not allowed in the respective zoning district unless it is otherwise expressly allowed by other regulations of this UDO.
  5. **Uses Not Listed.** If a proposed use is not listed in the tables, the Zoning Administrator shall determine if the use is substantially similar to a use listed on the tables per the process established in Article 9. If it is, they shall treat the use in the same manner as the substantially similar use. If not, the use shall be regarded as prohibited.
  6. **Additional Regulation.** If a use has use specific standards they are highlighted in green. Use specific standards shall apply to permitted, conditional, and temporary uses.

**B. Permitted, Conditional, and Temporary Uses in Residential Districts.**

<b>Table 15-3-04(B): Permitted, Conditional, and Temporary Uses in Residential Districts</b>					
<b>Use</b>	<b>R-C</b>	<b>R-SE</b>	<b>R-SR</b>	<b>R-MF</b>	<b>R-V</b>
<i>Residential</i>	<i>R-C</i>	<i>R-SE</i>	<i>R-SR</i>	<i>R-MF</i>	<i>R-V</i>
Community Living, 1-15 Persons	P	P	P	P	P
Community Living, 16 + Persons	C	C	C	P	C
Mobile/Manufactured Home Park, Existing Prior to this UDO				P	
Dwelling Duplex			C	P	C
Dwelling Townhome				P	
Dwelling Multifamily Building				P	
Dwelling Multifamily Complex				P	
Dwelling, Single-Family	P	P	P	P	P
Senior Housing, Assisted Living	C	C	C	C	C
Senior Housing, Nursing Care	C	C	C	C	C
Senior Housing, Total Life Care				C	
<i>Institutional</i>	<i>R-C</i>	<i>R-SE</i>	<i>R-SR</i>	<i>R-MF</i>	<i>R-V</i>
Educational Facility	C	C	C	C	C
<i>Place of Assembly</i>	<i>R-C</i>	<i>R-SE</i>	<i>R-SR</i>	<i>R-MF</i>	<i>R-V</i>
Noncommercial Place of Assembly, 20,000 sqft or less	P	P	P	P	P
Noncommercial Place of Assembly, more than 20,000 sqft	C	C	C	C	C
<i>Recreation, Amusement, and Lodging</i>	<i>R-C</i>	<i>R-SE</i>	<i>R-SR</i>	<i>R-MF</i>	<i>R-V</i>
Lodging House	P	P	P	P	P
Short Term Rental	P	P	P	P	P
<i>Agricultural</i>	<i>R-C</i>	<i>R-SE</i>	<i>R-SR</i>	<i>R-MF</i>	<i>R-V</i>
Community Garden	P	P	P	P	P
Crop Production	C				
Indoor Agriculture	C				
<i>Utilities and Transportation</i>					
Antenna	C	C	C	C	C
Telecommunications Tower	C	C	C	C	C
<i>Accessory</i>	<i>R-C</i>	<i>R-SE</i>	<i>R-SR</i>	<i>R-MF</i>	<i>R-V</i>
Accessory Dwelling, Detached/Attached	C	C	C	C	C
Accessory Dwelling, Internal	P	P	P	P	P
Accessory Structure	P	P	P	P	P
Artisan Workshop	P	P	P	P	P
Electric Vehicle Charging Station	P	P	P	P	P
Home Based Business	P	P	P	P	P
Solar Energy Collection System, canopy	P	P	P	P	P
Solar Energy Collection System, ground mounted	P	P	P	P	P
Solar Energy Collection System, roof mounted	P	P	P	P	P
<i>Temporary</i>	<i>R-C</i>	<i>R-SE</i>	<i>R-SR</i>	<i>R-MF</i>	<i>R-V</i>
Construction Related	T	T	T	T	T
Construction Trailers as Temporary Offices	P	P	P	P	P

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Dumpsters for Trash and Garbage Required for Construction Sites	P	P	P	P	P
Garage and Yard Sales	P	P	P	P	P
Food Truck	T	T	T	T	T
Model Homes, Model Dwelling Units, and Pre-Construction Sales Offices	P	P	P	P	P
Public Interest and Special Events	P*	P*	P*	P*	P*
Temporary Roadside Stands for the Sale of Agricultural Products	P	P	P	P	P
Temporary Concrete Batch Plants or Asphalt or Asphalt Reprocessing Plants and Temporary Stone Crushers	T	T	T	T	T
(*) Separate license required as specified in the Municipal Code.					

C. Permitted, Conditional, and Temporary Uses in Nonresidential and Mixed-Use Districts.

Table 15-3-04(C): Permitted, Conditional, and Temporary Uses in Nonresidential and Mixed-Use Districts													
Use	B-N	B-G	B-R	B-MU	B-SM	B-P	LI	A	A-P	P	I	L	FW
<i>Residential</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Single-Family				P	P			P	P				
Multifamily				C									
Multifamily, second upper floor or above only	P	P	P	P	P								
<i>Institutional</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Educational Facility											C		
Governmental Uses											C		
Health Care Facility	P	P	P	P	C	P	C				P		
Cemetery											C		
<i>Place of Assembly</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Indoor Commercial Place of Assembly, 20,000 sqft or less	P	P	P	P	P			C	C	C	P		
Indoor Commercial Place of Assembly, more than 20,000 sqft	C	P	P	P	C			C	C	C	P		
Outdoor Commercial Place of Assembly	C	C	C	C	C			C	C	C	C		
Noncommercial Place of Assembly, 20,000 sqft or less								C	C	C	P		
Noncommercial Place of Assembly, more than 20,000 sqft								C	C	C	P		
<i>Recreation, Amusement, and Lodging</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Campground										C			
Lodging House								P	P				
Hotel	C	C	C	C									
Motel		C											
Recreation Area										P	P		P
Trail	P	P	P	P	P	P	P	P	P	P	P		P
Short-Term Rental					C			P	P				

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<i>Retail</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Adult Establishment							C						
General Retail, 20,000 sqft or less	P	P	P	P	P								
General Retail, more than 20,000 sqft	C	P	P	P	C								
Multitenant Shopping Center	C	C	C	C									
Wholesale Establishment							C						
<i>Service</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Animal Boarding Facility/Kennel and/or Veterinary Service	C	C					C	C					
General Service, 20,000 sqft or less	P	P	P	P	P		P						
General Service, more than 20,000 sqft	S	P	P	P	C	P	P						
Financial Institution	P	P	P	P		P							
Funeral Home	C	C											
Office, above ground floor only				P	P								
Office, 20,000 sqft or less	P	P	P	P	P	P	P						
Office, more than 20,000 sqft	P	P	P	P		P	P						
Office Complex/Business Park						P							
<i>Eating and Drinking</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Bar/Tavern	P	P	P	P	P								
Brewery/Winery/Distillery Tasting Room	P	P	P	P	P								
Food Truck Court	C	C	C	C	C	C							
Micro-Brewery/Winery/Distillery		P	P	P	P								
Restaurant	P	P	P	P	P								
<i>Vehicle Related</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Auto Sales/Rental and Service		C	C				P						
Carwash		C	C	C			P						
Major Automotive Repair		C	C	C			P						
Minor Automotive Repair		P	P	P			P						
Vehicle Fuel Sales		C	C	C			P						
<i>Agricultural</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Community Garden								P	P				
Crop Production								P	P				
Animal Husbandry								P	P				
Indoor Agriculture							P	P	P				
Nursery Retail	P	P	P					P	P				
Nursery Wholesale								P	P				
<i>Industrial</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Artisan Manufacturing	P	P	P	P	P								
Brewery/Winery/Distillery							P	C	C				
Composting Facility							C	C	C				
Co-Warehouse							P						



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Distribution Facility							C						
Equipment Rental, Sales, and Service	P	P	P				P						
Extractive Industry							C	C					
Heavy Industry							C						P
Home Improvement Center/ Lumberyard	P	P	P				P						
Landfill												C	
Light Industry							C						
Recycling Facility											C	C	
Salvage Yard							C					P	
Self-Service Storage Facility			C				P						
Solid Waste Facility							C					C	
Storage Yard							C						
Warehouse							P						
<i>Utility and Transportation</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Antenna	C	C	C	C	C	C	C	C	C	C	C	C	
Airport/ Heliport											C		
Helistop		C	C	C		C					C		
Loading Areas and Parking Areas, as a Principal Use													P
Railroad Use											C		
Sanitary Sewer or Water Supply Lines													C
Solar Farm								C	C				
Telecommunications Tower	C	C	C	C	C	C	C	C	C	C	C	C	
Wastewater Treatment Ponds and Facilities													P
Waterborne Transportation Uses													P
Wind Farm								C	C				
<i>Accessory</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Accessory Retail	P	P	P	P	P	P	C						
Accessory Structure	P	P	P	P	P	P	P	P	P	P	P	P	
Artisan Workshop								P	P				
Drive Through	C	C	C	C									
Donation Drop Box	C	C	C	C			C						
Electric Vehicle Charging Station	P	P	P	P	P	P	P				P		
Outdoor Activity/ Operation/Storage							C						
Outdoor Dining	P	P	P	P	P								
Outdoor Display/ Sale of Merchandise	P	P	P	P	P								
Solar Energy Collection System, canopy	P	P	P	P	P	P	P	P	P	P	P	P	
Solar Energy Collection System, ground mounted	C	C	C	C	C	C	C	C	C	C	C	C	

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Solar Energy Collection System, roof mounted	P	P	P	P	P	P	P	P	P	P	P	P	
<i>Temporary</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Construction Related	T	T	T	T	T	T	T	T	T	T	T	T	
Construction Trailers as Temporary Offices	P	P	P	P	P	P	P	P	P	P	P	P	
Dumpsters for Trash and Garbage Required for Construction Sites	P	P	P	P	P	P	P	P	P	P	P	P	
Farmers Market	T	T	T	T	T			T	T				
Food Truck	T	T	T	T	T	T		T	T				
Garage and Yard Sales	P	P	P	P				P	P				
Model Homes, Model Dwelling Units, and Pre-Construction Sales Offices	P	P	P	P	P	P	P	P	P	P	P	P	
Public Interest and Special Events	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	
Temporary Roadside Stands for the Sale of Agricultural Products	P	P	P	P	P			P	P				
Temporary Concrete Batch Plants, Asphalt Reprocessing Plants and Temporary Stone Crushers	T	T	T	T	T	T	T	T	T	T	T	T	
(*) Separate license required as specified in the Municipal Code.													

### 15-3-05. B-SM - St. Martins Road Historic Business District Specific Standards

#### A. Canopies and Awnings.

- Building canopies, awnings, or similar weather protection devices are encouraged on the first floor of all buildings.
- If provided, the device shall project a minimum of three (3) feet and a maximum of five (5) feet from the façade to which it is affixed.

#### B. Building Frontage. The primary façade of all nonresidential and mixed-use development shall meet the standards of one (1) of the frontage types detailed in subsection one through four below. The use of the resulting front yards or porches for outdoor dining or other activity generating uses that support the subject lot's principal use is encouraged.

- Projecting Porch.** The primary façade of the building shall be sufficiently set back from the property line to accommodate the projecting porch within the front yard setback. The resulting front yard may or may not be defined by a fence or hedge to spatially maintain the edge of the street. The projecting porch shall be open on three (3) sides and have a roof form that shall be separate from the principal structure. A projecting porch may encroach into a required front yard setback to a maximum extent of ten (10) feet. The following minimum standards shall apply to projecting porches.
  - Width.** Ten (10) feet
  - Depth.** Eight (8) feet
  - Height.** Eight (8) feet
- Storefront.** The primary façade of the building shall adjoin the required minimum front setback. Accordion-style windows and doors or other operable windows are encouraged. The following standards shall apply to shopfronts.

- a. **Window Area.** Sixteen (16) square feet
  - b. **Window Width.** Three (3) feet
  - c. **Window Height.** Four (4) feet
  - d. **Sill Height.** Three (3) feet
- C. **Entrance Orientation.** Main entrances to buildings shall be oriented toward the primary street adjoining the subject property. Secondary entrances are encouraged along secondary streets for corner lots, or along building frontages not adjoining a street for interior lots.
- D. **Parking Location.** Off-street parking spaces and lots shall be located to the rear or interior side of the principal building.

## Article 4. Use-Specific Standards

15-4-01. Residential Use-Specific Standards .....	2
15-4-02. Institutional Use-Specific Standards .....	5
15-4-03. Place of Assembly Use-Specific Standards.....	5
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15-4-10. Agricultural Use-Specific Standards .....	10
15-4-11. Industrial Use-Specific Standards .....	10
15-4-12. Utility and Transportation Use-Specific Standards.....	12
15-4-13. Accessory Use-Specific Standards .....	18
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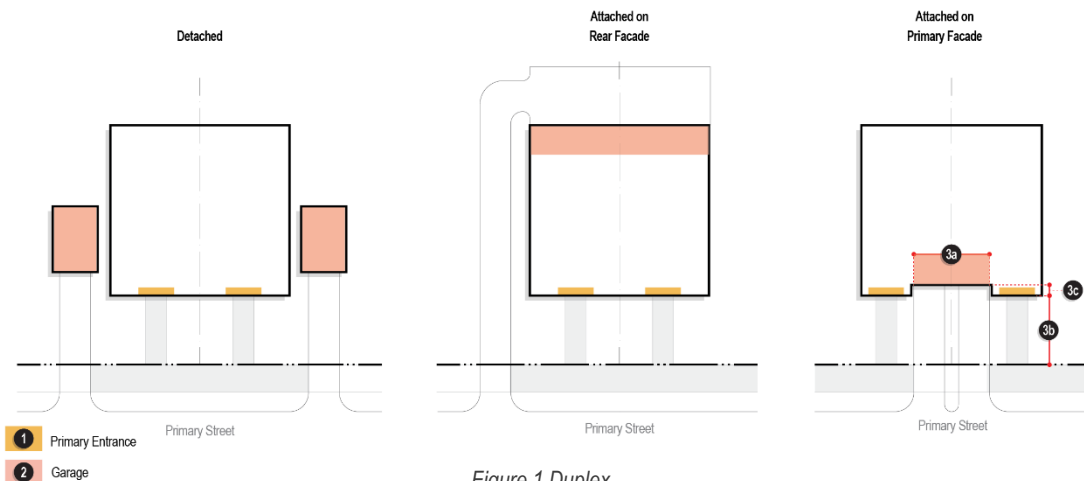
## 15-4-01. Residential Use-Specific Standards

### A. Community Living.

1. No community living arrangement with a capacity of 16 persons or more shall be established within two thousand five hundred (2,500) feet of any other such facility with a capacity of 16 persons or more. This separation requirement does not apply to community living arrangements (all capacities) in the R-MF Multiple-Family Residence District.
2. Foster homes housing four (4) or fewer children and licensed under § 48.62 of the Wisconsin Statutes., shall not be subject to these provisions.

### B. Duplex.

1. Duplexes primary entrances shall be oriented toward the designated front lot line.
2. A minimum of one (1) of the parking spaces, as specified in Section 15-5-01(B) of this UDO, shall be provided in an attached or detached garage.
3. Attached garages are encouraged to be located on rear façades. If attached garages are located on the primary façade they shall:
  - a. Not exceed forty-five (45) percent of the façade's total width,
  - b. Be setback a minimum of twenty-five (25) feet from the property line, and
  - c. Be recessed from the primary front façade (excluding porches) of the duplex a minimum of five (5) feet.
4. Exterior building cladding materials shall be time- and weather- tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, precast panels with inlaid or stamped brick texture.





**C. Townhome.**

1. Townhomes shall be oriented with their primary entrances either:
  - a. Toward the designated front lot line. The primary entrance of end unit townhomes on corner lots may be oriented toward the designated front or exterior side lot line.
  - b. Toward an internal courtyard space. The primary entrance of end unit townhomes closest to the designated front lot line shall be oriented toward the designated front lot line.
2. Individual townhome units should be articulated through the exterior design of the townhome cluster. This can be accomplished through dormers, porches, vertical design elements, varying roof forms, or other architectural devices.
3. The maximum length of a townhome cluster shall be two hundred (200) lineal feet.

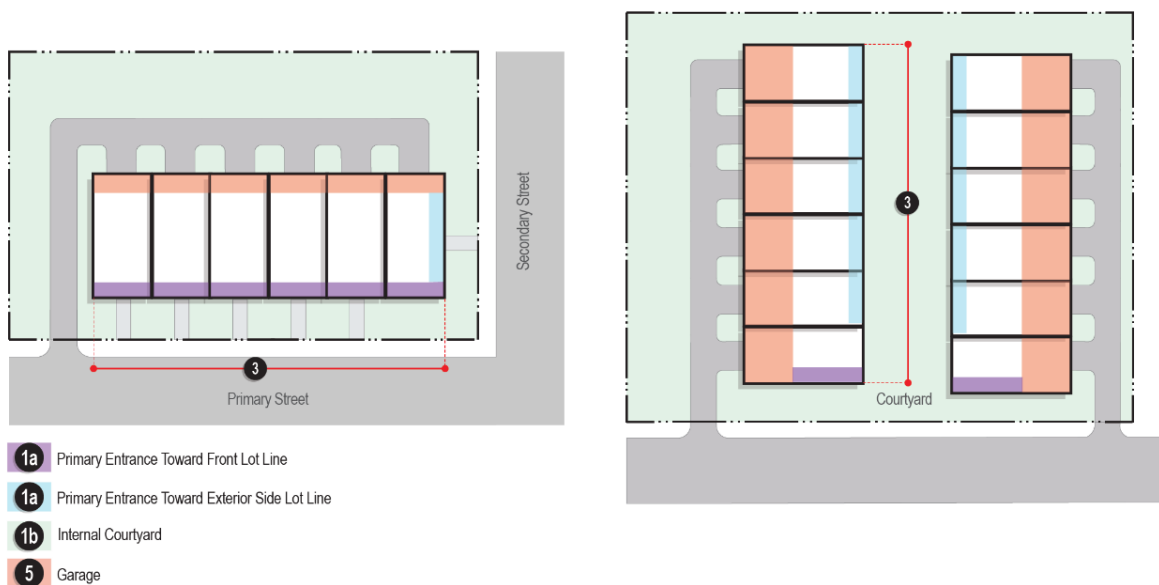


Figure 2 Townhome

4. The siting of the townhome units in a cluster shall be staggered in order to define street edges, entry points, and public gathering spaces.
5. A minimum of one (1) of the parking spaces, as detailed in Section 15-5-01(B) of this UDO shall be provided in an attached or detached garage.
6. Exterior building cladding materials shall be time- and weather-tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, precast panels with inlaid or stamped brick texture.

**D. Multifamily Building.**

1. The building's primary façade and principal entrance shall be oriented toward a public street.
2. A maximum of one (1) curb cut allowing vehicular access to the site shall be permitted per street frontage unless otherwise approved by the Zoning Administrator.
3. All off-street parking, as specified in Section 15-5-01(B) of this UDO, shall be located in the rear and/or interior side of the primary building. Off-street parking located in the interior side yard setback shall be set back a minimum of one (1) foot from the front elevation of the primary building.
4. ADA compliant pedestrian walkways shall be provided to all building entries and parking areas and shall connect to the sidewalk at the street frontage.
5. Service areas, dumpsters, utilities and the required nonvegetative screening of these features shall not be visible from rights-of-way.
6. Multifamily uses shall operate in accordance with all other applicable federal, state, and local laws and, if additional permits are required, such permits were obtained prior to beginning operation.
7. All multifamily buildings shall meet the design standards of Section 11-5-10.

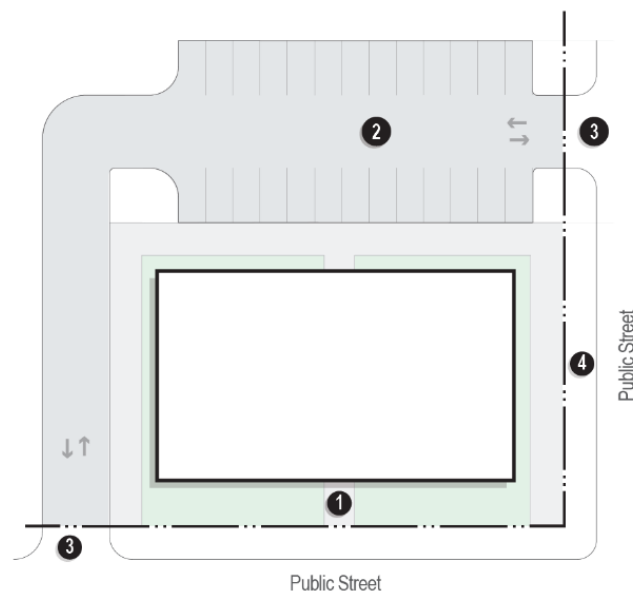


Figure 3 Multifamily Building

**E. Multifamily Complex.**

**1. Primary Façade.**

- a. The primary entrance and front façade of buildings within a multifamily complex shall be oriented towards the following, listed in priority order:
  - I. Perimeter streets,
  - II. Primary internal streets,
  - III. Parks or other common open space,
  - IV. Secondary internal streets, or
  - V. Parking areas only if approved by the Zoning Administrator.
2. Parking shall be integrated into the overall site design to minimize visual impact, reduce the loss of trees, and be visually concealed from public rights-of-way.
3. ADA compliant pedestrian walkways shall be provided to all building entries and parking areas and shall connect to the sidewalk at the street frontage.

## 15-4-02. Institutional Use-Specific Standards

**A. Cemetery.**

1. The minimum lot size for a cemetery shall be three (3) acres.
2. Adequate space shall be provided within the site for the parking and maneuvering of funeral corteges.
3. All interment shall be set back at least fifty (50) feet from any adjoining lot line.
4. All structures shall be set back at least fifty (50) feet from any boundary line of the cemetery property plus two (2) feet for each one (1) foot of structure height over 25 feet to the maximum height permitted by the district in which it is located.
5. All requirements of the Wisconsin State Statutes regarding the interment of human dead shall be met.

## 15-4-03. Place of Assembly Use-Specific Standards

RESERVE

## 15-4-04. Recreation Use-Specific Standards

**A. Campgrounds.**

1. All campgrounds shall have direct access to an arterial street, however no direct access to an individual site shall be permitted from a public street.
2. All campgrounds shall have a minimum site area of thirty (30) contiguous acres.
3. All trailer and vehicle parking spaces are to be paved with asphaltic concrete, brick, pavers, or other pavements approved by the City Engineer.
4. No more than fifteen (15) percent of a travel trailer park site shall be used for campground purposes.
5. The following accessory uses may be allowed.

- a. Recreational facilities.
  - b. Laundry buildings.
  - c. One (1) service retail store not to exceed 2,000 square feet in total floor area.
  - d. A manager's office and storage buildings, sanitary facilities, and fences, constructed in accordance with all the provisions of this Ordinance and all other applicable City of Franklin regulations.
  - e. No accessory buildings or structures shall be used for human occupancy, except as explicitly approved.
6. A maximum density of 15 campsites per acre shall be allowed.
  7. One hundred (100) square feet of recreation area shall be provided per campsite.
  8. All public utilities shall be placed underground.
  9. Campground areas of any travel trailer park shall provide a minimum of 500 square for each tent site. A ten foot separation shall be maintained between tents.
  10. Every campground there shall be provided at least one (1) sanitary garbage pickup area on the site.
  11. All campgrounds shall comply with all State and local regulations.

#### **15-4-05. Lodging Use-Specific Standards**

##### **A. Lodging House.**

1. The property must be developed, maintained, and operated so that the principal building, accessory buildings, yard, drive, and street frontage complement the appearance and character of its adjacent neighborhood and do not detract from abutting properties.
2. Cooking facilities shall not be permitted in any of the guest rooms.
3. The Zoning Administrator may require a lodging house to be screened from abutting residential properties by the erection and maintenance of a bufferyard per Article 5.
4. The principal use is for lodging with accessory uses such as catering or events venue requiring temporary use permit.

##### **B. Short-Term Rental.**

1. A maximum of two (2) adult guests per bedroom shall be allowed.
2. The duration of guest stay shall be a minimum of three (3) days and a maximum of thirty (30) days.
3. The residential dwelling in which short term rental operates shall be the primary residence of the property owner.
4. Short-term rentals shall be subject to the hotel tax provisions established in Chapter 138-25 of the City of Franklin Code of Ordinances.
5. A Tourist Rooming House License from the City of Franklin Health Department is required to operate.

## **15-4-06. Retail Use-Specific Standards**

### **A. Adult Establishment.**

1. Adult establishments shall locate at least one-thousand (1,000) feet from any parcel in a residential district or with an existing use classified in the following categories.
  - a. Residential.
  - b. Institutional.
  - c. Place of Assembly.
  - d. Lodging.
  - e. Eating and drinking.
2. Adult establishments shall locate at least one thousand (1,000) feet from another adult establishment.
3. A bufferyard shall be provided along all property lines shared with an existing use categorized in subsection (A)(1) or when adjoining a residential district.
4. The hours of operation shall be limited to between 11:30 am and 1:00 am, except for cleaning and maintenance activities necessary for the property's operation, which may occur after the hours specified in this subsection.
5. No amplified sound equipment audible outside the principal building shall be allowed.
6. Adult uses shall comply with all federal, state, county, and local laws, rules, and regulations, as amended.

## **15-4-07. Service Use-Specific Standards**

### **A. Animal Boarding Facility/Kennel and/or Veterinary Services.**

1. Buildings shall be located no closer than seventy-five (75) feet from any adjacent residential property.
2. Enclosed exercise areas shall be at least one-hundred fifty (150) feet from any residential property. All exercise areas shall be enclosed by a fence and adjacent to the principal building.
3. All litter and waste shall be contained and controlled on site by having appropriate flushing drains and other physical elements to properly dispose of cleaning waste from the boarding area. Solid waste shall be removed from outdoor areas after each use of the area.
4. All activities, except animal exercise areas, shall be conducted within an enclosed building designed with noise resistant materials and which allows for adequate ventilation.
5. Drainage from outdoor areas shall be directed to gravel, grassed, or other planted areas in a manner that prevents direct discharge to storm drain inlets and surface waters.
6. Solid waste will be removed from the outdoor area after each use of the area.
7. All outdoor areas shall be screened with a solid opaque fence or wall at least six (6) feet in height. Slatted chain link fences shall not meet this requirement.
8. Use of outdoor exercise areas between the hours of 10:00 pm and 7:00 am is prohibited.



## **15-4-08. Eating and Drinking Use-Specific Standards**

### **A. Food Truck Court.**

1. The maximum number of food trucks allowed on site shall depend on the size of the lot and site's ability to provide required electrical access and parking. Site plans shall be provided to the City for review before permitting.
2. A minimum of ten (10) feet of clearance shall be provided between food truck stalls for electrical service access.
3. Food truck stalls shall be clearly defined and separated from all patron parking with an enclosure. Any use of fencing or planters to separate the food truck park from parking shall provide visibility into the site and shall not exceed four (4) feet in height.
4. Food truck courts are encouraged to create an inviting and attractive aesthetic environment and shall include seating and shade elements.
5. A minimum of (2) permanent restrooms that meet ADA standards shall be made accessible to patrons within two hundred (200) feet of the food truck court during hours of operation.
6. Electrical service shall be provided to each food truck.
7. A minimum of one (1) trash receptacle and one (1) recycling receptacle shall be provided per food truck. The food truck park shall also provide a commercial dumpster outside of the designated patron area for waste disposal. The dumpster shall be screened in accordance with Article 5.
8. All food trucks shall hold a current Mobile Retail Food License.

## **15-4-09. Vehicle-Related Use-Specific Standards**

### **A. Auto Sales/Rental and Service.**

1. All outdoor display areas for sales, rental, and service shall be improved with all-weather surfaces.
2. Parking lots used for the outdoor display of motor vehicles for sale and/or rent shall be exempt from the landscape spacing requirements for the parking area perimeter zone, as detailed in Article 5, and instead may cluster required landscape elements to preserve views to motor vehicles offered for sale and/or rent.
3. No vehicles shall be parked within the public right-of-way.
4. Repair bays shall not front adjacent public rights-of-way or face a parcel with a residential use or in a residential district.
5. No more than one (1) elevated display shall be used, raising the vehicle no more than three (3) feet off the ground.
6. Accessory uses and structures, such as car wash facilities and their incidental functions (vacuums and air compressors) shall be set back at least fifty (50) feet from public rights-of-way or a residential use or district.
7. No existing buildings shall be occupied or re-used for vehicle sales, rental and service unless all requirements of this UDO are met. The use shall operate in accordance with all other applicable federal, state, and local laws. If additional permits are required, such permits shall be obtained prior to the operation's approval.
8. Drainage from outdoor storage and/or activity areas shall be directed to gravel, grassed, or other planted areas in a manner that prevents direct discharge to storm drain inlets and surface waters.
9. Measures for containment of potentially contaminated runoff from vehicle-related activities shall be incorporated into the site plan and drainage plan to ensure that contaminated runoff does not reach storm drains or surface waters.

10. The City Engineer shall review plans to ensure sufficient measures, including grading and where necessary oil/water separation or equivalent structures, have been incorporated into the site plan.

**B. Carwash.**

1. Hours of operation shall be restricted to between 7am and 10pm.
2. All car wash facilities and accessory equipment such as vacuums, dryers, and accessory buildings and structures shall be set back a minimum of two hundred (200) feet from any parcel with an existing residential use or in a residential district. Such facilities and equipment shall be enclosed within a building, except for self-service vacuum units.
3. If self-service vacuum facilities are provided, a minimum of one (1) parking space for each vehicle capable of being serviced at any one time at such vacuum facility shall be provided. Such parking spaces for accessory vacuum facilities shall not interfere with circulation or entrance or exit drives.
4. Accessory equipment such as vacuum facilities shall be set back a minimum of twenty (20) feet from all property lines.
5. All full-service or conveyor-based carwash facilities shall be equipped with a water recycling system that shall recycle a minimum of fifty (50) percent of the water being used by the facility
6. Drainage from outdoor storage and/or activity areas shall be directed to gravel, grassed, or other planted areas in a manner that prevents direct discharge to storm drain inlets and surface waters.
7. Measures for containment of potentially contaminated runoff from vehicle-related activities shall be incorporated into the site plan and drainage plan to ensure that contaminated runoff does not reach storm drains or surface waters.
8. The City Engineer shall review plans to ensure sufficient measures, including grading and where necessary oil/water separation or equivalent structures, have been incorporated into the site plan to comply with Section (13).

**C. Major Automotive Repair.**

1. A bufferyard, as detailed in Article 5, shall be required along lot lines adjacent to any parcel in a residential, commercial or mixed-use district.
2. All vehicle repair activities shall be within a completely enclosed building.
3. All storage of vehicles awaiting needed parts shall be within the building or in an enclosed or screened-in yard.
4. All damaged or non-operable parts shall be stored indoors until removed from the premises.
5. All vehicle parts shall be stored within a completely enclosed building.
6. Service bay entrances shall not front a public right-of-way unless specifically approved.
7. The maximum allowable number of tow trucks which can be parked at the site shall be determined by the Plan Commission as a condition of approval of the Conditional Use Permit.
8. Drainage from major automotive repair areas shall be directed to gravel, grassed, or other planted areas in a manner that prevents direct discharge to storm drain inlets and surface waters.
9. Measures for containment of potentially contaminated runoff from vehicle-related activities shall be incorporated into the site plan and drainage plan to ensure that contaminated runoff does not reach storm drains or surface waters.
10. The City Engineer shall review plans to ensure sufficient measures, including grading and where necessary oil/water separation or equivalent structures, have been incorporated into the site plan.

**D. Vehicle Fuel Sales.**

1. All fuel sales stations shall have direct access to an arterial or collector street.
2. Any fuel pumps, underground fuel storage tanks, and islands, shall be at least fifty (50) feet from any street or abutting lot line.
3. All fuel pumps shall be set back a minimum of twenty-five (25) feet from the street right-of-way and side or rear lot lines.
4. All fuel pump canopies shall be located a minimum of twenty (20) feet from the street right-of-way and side or rear lot lines.
5. All fuel pumps and fuel pump canopies shall be located a minimum of fifty (50) feet from any residential district boundary line.
6. Fuel pump canopies shall have a maximum height of twenty-five (25) feet.
7. Fuel pump canopy columns shall be clad in masonry, stucco, fiber cement, or stone veneer systems with a minimum thickness of three (3) inches, for a minimum of four (4) feet from the base of the column.
8. Fuel pump canopies shall be lit with only fully recessed lighting.
9. A bufferyard, as detailed in Article 5, shall be required along lot lines adjacent to any parcel in a residential, commercial or mixed-use district.
10. No signs shall be permitted on fuel pump canopy roofs or fascia.
11. Drainage from vehicle fuel sales areas shall be directed to gravel, grassed, or other planted areas in a manner that prevents direct discharge to storm drain inlets and surface waters.
12. Measures for containment of potentially contaminated runoff from vehicle-related activities shall be incorporated into the site plan and drainage plan to ensure that contaminated runoff does not reach storm drains or surface waters.
13. The City Engineer shall review plans to ensure sufficient measures, including grading and where necessary oil/water separation or equivalent structures, have been incorporated into the site plan.

#### **15-4-10. Agricultural Use-Specific Standards**

**A. Nursery, Retail.**

1. All retail nurseries shall have an enclosed building. Outdoor sales of merchandise are permitted as an accessory use to said building.

#### **15-4-11. Industrial Use-Specific Standards**

**A. Artisan Manufacturing.**

1. Gross floor area shall not exceed five thousand (5,000) square feet.
2. Outdoor storage shall be prohibited.
3. Outdoor operations or activities may be approved with a temporary use permit.
4. Artisan manufacturing shall not create or cause any perceptible noise, odor, smoke, electrical interference, or vibrations that constitute a public or private nuisance to neighboring properties.

5. Retail sales of goods manufactured on-site are allowed. Retail sales areas shall be located on the ground floor and shall be directly adjacent to storefront windows.
6. Manufacturing areas are encouraged to be visible from retail areas.
7. A maximum of one (1) residential unit shall be permitted within the same unit/leasable area as the artisan manufacturing use but shall be limited to twenty-five (25) percent of the total area of the building.

**B. Landfill.**

**1. Performance Criteria and Standards.**

- a. All City of Franklin or County roads to be used to service the site shall be constructed to meet the City of Franklin, Milwaukee County, and Wisconsin Department of Transportation standards appropriate for the weight of the trucks using the facility prior to the operation of the facility.
  - b. A bond written by a licensed surety company, a certified check, letter of credit, or other financial guarantee in an amount sufficient to cover the costs associated with the repair of the affected road(s) to standard upon closure or if the road deteriorates due to the traffic to the facility shall be provided.
  - c. An additional three (3) feet of final cover shall be required in addition to the amount required in the Wisconsin Administrative Code, and the facility shall be landscaped in approved ground cover of prairie plantings as determined appropriate by the City of Franklin.
  - d. The disposal operation shall be conditioned on approval by those state agencies having authority for such approval, and the use shall meet all applicable federal, Milwaukee County, and City of Franklin requirements.
2. The City of Franklin shall enter into negotiation and arbitration procedures as set forth in § 289.33 of the Wisconsin Statutes, as amended for the approval of a solid waste disposal facility or expansion thereof.

**C. Self-Service Storage Facility.**

1. Outdoor storage, with the exception of recreational vehicles, boats, and other recreational equipment as regulated in subsection 2 below, shall be prohibited.
2. Outdoor storage of recreational vehicles, boats, and other recreational equipment shall be allowed if screened with a solid wall or opaque fence constructed from materials approved by the Zoning Administrator and not less than six (6) feet or more than eight (8) feet in height in areas visible from an existing or proposed arterial roadway or from a property in any district other than the LI District.
3. The storing of hazardous or toxic materials is prohibited.
4. No storage space shall be used for residential occupancy, business sales or operation, the storage of commercial or industrial inventory or raw materials, or the operation of machinery.

**D. Co-Warehouse.**

1. Outdoor storage, with the exception of recreational vehicles, boats, and other recreational equipment as regulated in subsection 2 below, shall be prohibited.
2. Outdoor storage of recreational vehicles, boats, and other recreational equipment shall be allowed if screened with a solid wall or opaque fence constructed from materials approved by the Zoning Administrator and not less than six (6) feet or more than eight (8) feet in height in areas visible from an existing or proposed arterial roadway or from a property in any district other than the LI District.
3. The storing of hazardous or toxic materials is prohibited.

4. No unit shall be used for residential occupancy or on-site sales.

## 15-4-12. Utility and Transportation Use-Specific Standards

### A. Airport/Heliports.

1. The site shall be at least fifteen (15) contiguous acres in area.
2. The site shall be sufficient in size to meet the standards for the type of facility proposed of the Federal Aviation Administration and the Department of Transportation in accordance with their published rules and regulations.
3. Any proposed landing area shall be situated so that any structures, high voltage power lines, towers, chimneys, and natural obstructions within the approach zones, shall comply with regulations for height restrictions in airport approach zones of the Federal Aviation Administration, Wisconsin Division of Aeronautics, or other airport authority qualified to establish zoning regulations.
4. No planned approach areas shall be permitted over parcels with existing residential uses or planned residential uses, according to the City of Franklin's Comprehensive Plan.
5. Landing and take-off areas shall be at least one hundred fifty (150) feet from any lot boundary and at least five hundred (500) feet from any dwelling unit or residential district.
6. Hangers, repair facilities, or other airport/heliport buildings shall be at least one hundred (100) feet from any street right-of-way line and least one hundred fifty (150) feet from any lot boundary
7. All repair of airplanes and mechanical equipment shall take place inside enclosed hangars.
8. Residential uses shall not be located within the approach path unless measures to achieve a noise level reduction of 25 dBA (outdoor to indoor) are incorporated into the design and construction of the residential structures.
9. Heliports shall meet all applicable Federal, state and local regulations.

### B. Helistops. Helistops shall meet the following requirements:

1. The site shall be sufficient in size and the site shall otherwise be adequate to meet the rules and regulations established by the Federal Aviation Administration and the Department of Transportation.
2. Landing and take-off areas shall be located a minimum of one-hundred fifty (150) feet from any parcel boundary and a minimum of five hundred (500) feet from any residential parcel boundary.
3. Landing areas shall be situated so that any structures, high voltage power lines, towers, chimneys, and natural obstructions within the approach zones, shall comply with regulations for height restrictions in airport approach zones of the Federal Aviation Administration, Wisconsin Division of Aeronautics, or other airport authority qualified by law to establish hazard zoning regulations.
4. No planned approach areas shall be permitted over parcels with existing residential uses or planned residential uses, according to the City of Franklin's Comprehensive Plan.
5. Heliports shall meet all applicable Federal, state and local regulations.

### C. Solar Farm.

1. Properties on which a public utility owns or leases the land shall be exempt from the standards for solar farms.
2. A certified professional engineer shall certify that the foundation and design on the solar panels are within accepted professional standards, given local soil and climate conditions.

3. Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground.
4. Systems, equipment, and structures shall not exceed thirty feet (30) in height when ground mounted.
5. Ground mounted solar energy collection systems as part of a solar farm shall have a minimum setback for all equipment, excluding fences, of:
  - a. Front and Exterior Side Yards: one hundred (100) feet,
  - b. Rear and Interior Yards: fifty (50) feet from nonresidential property lines and one hundred (100) feet from residential property lines.
6. Systems equipment and structures shall be fully enclosed and secured by a fence or wall with a height of eight (8) feet. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.
  - a. **Warnings.**
    - i. Warning signs shall be provided at the entrance to the facility and along the perimeter of the solar farm in locations determined necessary by the Zoning Administrator.
    - ii. The signs shall be made with letters and numbers at least three (3) inches in height and shall include the 911 address and an emergency phone number of the operator which shall be answered twenty-four (24) hours a day by a live operator. A nonemergency phone number for the operator shall also be displayed. These phone numbers shall remain active with all calls being voice recorded for verification purposes and with comments and complaints logged and reported to the City monthly. The recorded calls shall be maintained for at least twelve (12) months.

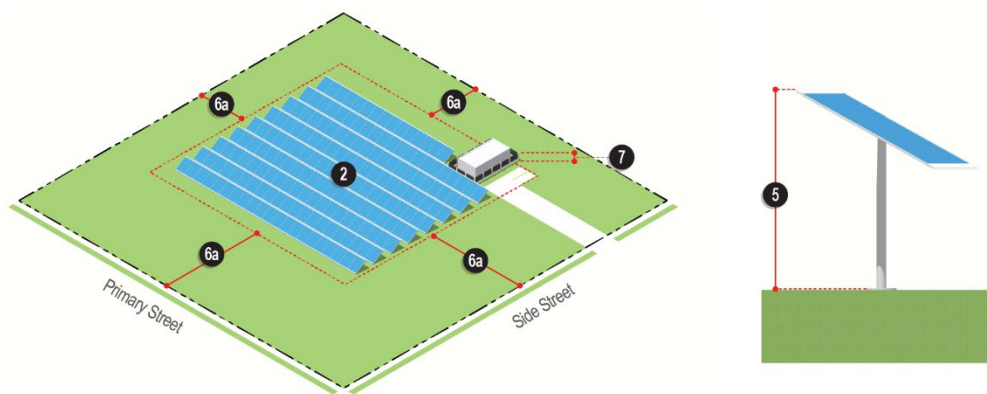


Figure 4 Solar Farm

7. **Outdoor Storage.** Only the outdoor storage of materials, vehicles, and equipment that directly support the operation and maintenance of the solar farm shall be allowed except for outdoor storage that is expressly allowed in the zoning district specified elsewhere in this title.
8. **Materials Handling, Storage, and Disposal.**
  - a. All solid wastes related to the construction, operation, and maintenance of the solar farm shall be removed from the site promptly and disposed of in accordance with all federal, state, and local laws.

- b. A list of hazardous fluids that may be used on site shall be provided. All hazardous materials related to the construction, operation, and maintenance of the solar farm shall be handled, stored, transported, and disposed of in accordance with all applicable local, state and federal laws.
- 9. **Decommissioning Plan.** Prior to receiving approval, the applicant shall submit a decommissioning plan to ensure that the solar farm project is properly decommissioned, which shall include:
  - a. Provisions describing the triggering events for decommissioning the solar farm project. Any nonfunctioning solar panel/array of the project shall be decommissioned within thirty (30) days unless the operator has shown to the Zoning Administrator that it is diligently repairing such solar panel/array or component.
  - b. Procedures for the removal of structures, debris, and cabling, including those below the soil surface,
  - c. Provisions for the restoration of the natural soil and vegetation,
  - d. An estimate of the decommissioning costs certified by a professional engineer, to be updated every three (3) years or as determined necessary by the Zoning Administrator. The Zoning Administrator may request an independent third-party verification of the decommissioning costs at any time. The costs for this verification shall be reimbursed by the applicant and/or operator.
  - e. Financial assurance, secured by the owner or operator, for the purpose of performing the decommissioning, in an amount equal to the professional engineer's certified estimate of the decommissioning cost.
- 10. A provision that the terms of the decommissioning plan shall be binding upon the owner or operator and any of his successors, assigns, or heirs.

**D. Wind Farm.**

- 1. Public utilities shall be exempt from the standards for wind farms.
- 2. No wind farm shall be erected on any lot less than four (4) acres in size.
- 3. **Design and Installation.**
  - a. **Safety Certification.**
    - i. Wind farm systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (UL), Det Norske Veritas (DNV), Germanischer Lloyd Wind Energic (GL), or an equivalent third party prior to plan approval.
    - ii. Following plan approval, a professional engineer shall certify, as part of the building permit application, that the foundation and tower design of the wind farm system is within accepted professional standards, given local soil and climate conditions.
  - b. **Controls and Brakes.** All wind farm systems shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
  - c. **Electrical Components.** All electrical components of the wind farm systems shall conform to applicable local, state, and national codes, and relevant national and international standards (e.g., ANSI and international electrical commission). Utility lines connecting the towers, substations, etc., shall be placed underground where practical.
  - d. **Turbine Consistency.** To the extent feasible, the project shall consist of turbines of similar design and size, including tower height. Further, all turbines shall rotate in the same direction.

e. **Warnings.**

- i. A reasonable visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- ii. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of fifteen (15) feet from the ground.
- iii. Warning signs shall be provided at the entrance to the facility and along the perimeter of the wind farm in locations determined necessary by the Zoning Administrator.
- iv. The signs shall be made with letters and numbers at least three (3) inches in height and shall include the 911 address and an emergency phone number of the operator which shall be answered twenty-four (24) hours a day by a live operator. A nonemergency phone number for the operator shall also be displayed. These phone numbers shall remain active with all calls being voice recorded for verification purposes and with comments and complaints logged and reported to the Zoning Administrator monthly. The recorded calls shall be maintained for at least twelve (12) months.

f. **Climb Prevention.** All wind farm towers must be unclimbable by design or protected by anti-climbing devices such as:

- i. Fences with locking portals at least six (6) feet high, or
- ii. Anti-climbing devices twelve (12) feet vertically from the base of the wind farm tower.

g. **Setbacks.** Wind farm towers and appurtenant structures shall meet the following minimum setbacks.

- i. Wind farm towers shall be six (6) times the height of the wind farm tower or at least three thousand, two hundred fifty (3,250) feet, whichever is greater, from any principal structure or use on the subject or neighboring property.
- ii. Wind farm towers shall be one and one-tenth (1.10) times the wind farm tower height from public roads, third party transmission lines, and communication towers.
- iii. Wind farm towers shall be one thousand six hundred forty (1,640) feet from adjacent property lines, as measured from the center of the wind farm tower foundation.
- iv. No part of a wind farm tower or foundation shall encroach on a public or private sewage disposal (septic) system.



- v. Above ground transmission facilities and poles shall be set back one-hundred fifty (150) feet from any portion any principal structure or use on the subject or neighboring property.

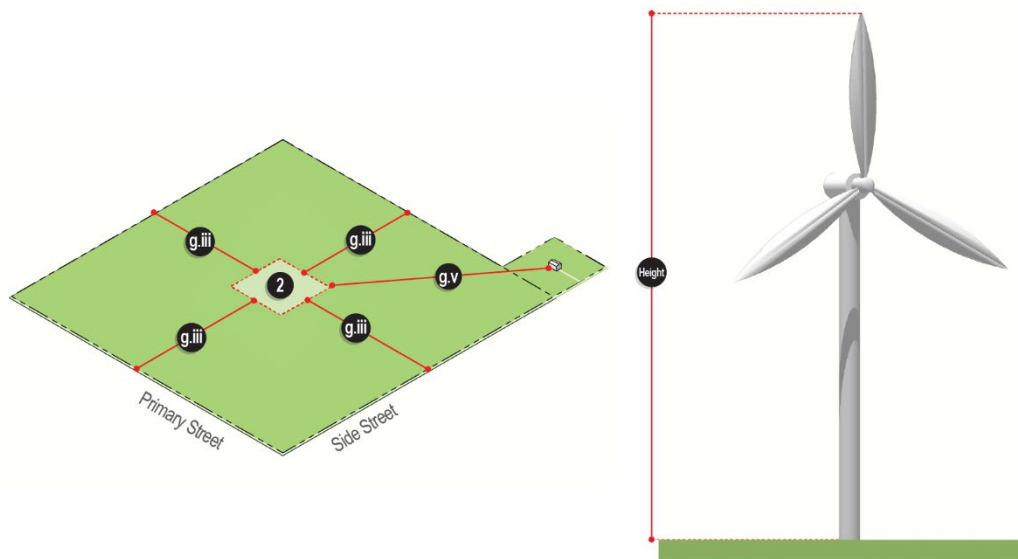


Figure 5 Wind Farm

- h. **Use of Public Roads.** An applicant, owner, or operator proposing to use any City or County Road for the purpose of transporting and installation of wind farm or substation parts and/or equipment for construction, operation, or maintenance of the wind farm or substations, shall:
    - i. Identify all such public roads, and
    - ii. Obtain applicable weight and size permits from relevant government agencies prior to construction.
    - iii. To the extent an applicant, owner, or operator must obtain a weight or size permit from the City, County, or State, the applicant shall provide:
      - a) Financial assurance, in a reasonable amount agreed to by the relevant parties, for the purpose of repairing any damage to public roads caused by constructing, operating, or maintaining the wind farm prior to the issuance of building permits.
      - b) A signed copy of any agreements pertaining to the use of public roads prior to the issuance of building permits.
  - i. **Outdoor Storage.** Only the outdoor storage of materials, vehicles, and equipment that directly support the operation and maintenance of the wind farm shall be allowed except for outdoor storage that is expressly allowed in the zoning district specified elsewhere in this title.
4. **Operation.**
- a. **Maintenance.**
    - i. The owner or operator of the wind farm must submit, upon request a summary of the operation and maintenance reports to the county. In addition to the annual summary mentioned in this subsection, the owner or operator must furnish such operation and maintenance reports as the City reasonably requests.
    - ii. Any replacement of equipment that is not a like-kind replacement using the same equipment in plan as approved shall require that an amendment to the Conditional Use.

b. **Materials Handling, Storage, and Disposal.**

- i. All solid wastes related to the construction, operation, and maintenance of the wind farm shall be removed from the site promptly and disposed of in accordance with all federal, state, and local laws.
- ii. A list of hazardous fluids that may be used on site shall be provided. All hazardous materials related to the construction, operation, and maintenance of the wind farm shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.

c. **Decommissioning Plan.** Prior to receiving approval, the applicant shall submit a decommissioning plan to ensure that the wind farm project is properly decommissioned, which shall include:

- i. Provisions describing the triggering events for decommissioning the wind farm project. Any nonfunctioning wind turbine of the project shall be decommissioned within thirty (30) days unless the operator has shown to the Zoning Administrator that it is diligently repairing such wind turbine or component.
- ii. Procedures for the removal of structures, debris, and cabling, including those below the soil surface,
- iii. Provisions for the restoration of the natural soil and vegetation,
- iv. An estimate of the decommissioning costs certified by a professional engineer, to be updated every three (3) years or as determined necessary by the Zoning Administrator. The Zoning Administrator may request an independent third-party verification of the decommissioning costs at any time. The costs for this verification shall be reimbursed by the applicant and/or operator.
- v. Financial assurance, secured by the owner or operator, for the purpose of performing the decommissioning, in an amount equal to the professional engineer's certified estimate of the decommissioning cost.
- vi. A provision that the terms of the decommissioning plan shall be binding upon the owner or operator and any of his successors, assigns, or heirs.

## 15-4-13. Accessory Use-Specific Standards

### A. Accessory Dwelling, Detached / Attached.

1. One (1) detached, attached, or internal accessory dwelling unit shall be allowed per lot.
2. No lot may have both a detached garage and a detached accessory dwelling unit. On any lot with a detached garage, a detached accessory dwelling unit may be located above the detached garage.
3. A conditional use permit may be required for both detached and attached accessory dwelling units, as outlined in Article 3.
4. The detached / attached accessory dwelling shall be located to the interior side or rear of the principal dwelling.
5. The maximum size of a detached accessory dwelling shall be twenty-five (25) percent of the gross floor area of the principal dwelling or one thousand two-hundred (1,200) square feet, whichever is more.
6. The maximum height of a standalone detached accessory dwelling shall be seventeen (17) feet or the height of the principal dwelling, whichever is less.
7. The maximum, combined height of a detached accessory dwelling located above a detached garage and the detached garage shall be twenty-seven (27) feet or the height of the principal dwelling, whichever is less.
8. Detached accessory dwellings shall be setback a minimum of five (5) feet from the rear and interior side lot lines.
9. Attached accessory dwellings shall be located fully within the buildable area of the lot.
10. The principal dwelling and detached / attached accessory dwelling shall be served by a common driveway.
11. The detached / attached accessory dwelling shall have similar architectural features including roof pitch; window type, size, and placement, and exterior building cladding materials and similar exterior colors as the principal dwelling.
12. The principal dwelling or detached / attached accessory dwelling shall be the primary residence of the owner of the property.

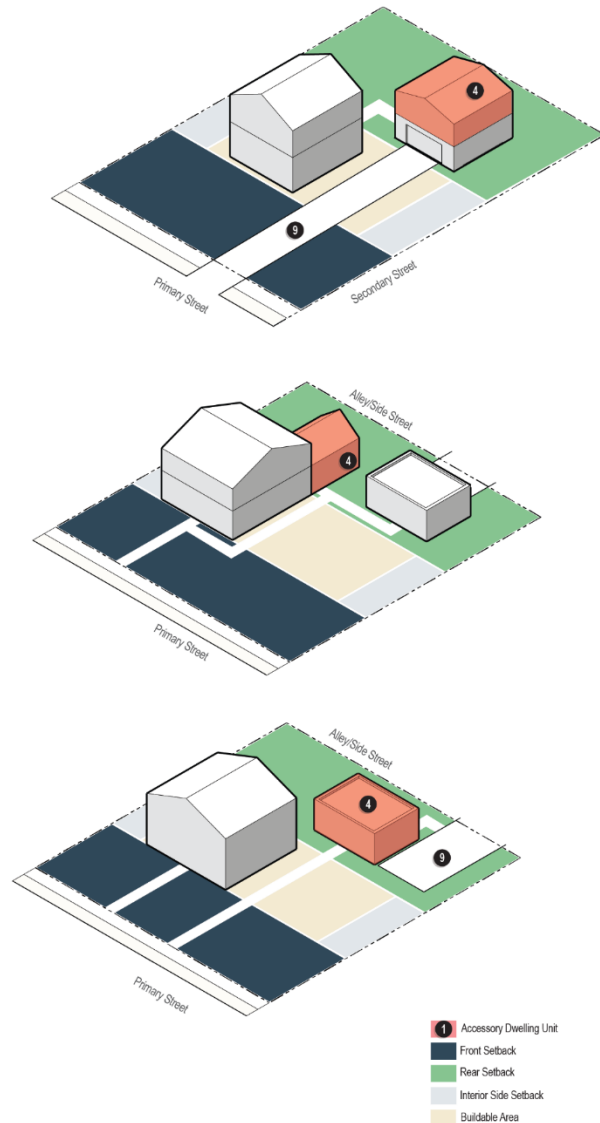


Figure 6 Accessory Dwelling Detached / Attached

**B. Accessory Dwelling, Internal.**

1. One (1) detached, attached, or internal accessory dwelling unit shall be allowed per lot.
2. The maximum size of the internal accessory dwelling shall be one-thousand two-hundred (1,200) square feet or twenty-five (25) percent of the gross floor area of the principal dwelling, whichever is more.
3. The principal dwelling and internal accessory dwelling shall be served by a common driveway.
4. The principal dwelling or internal accessory dwelling shall be the primary residence of the owner of the property.

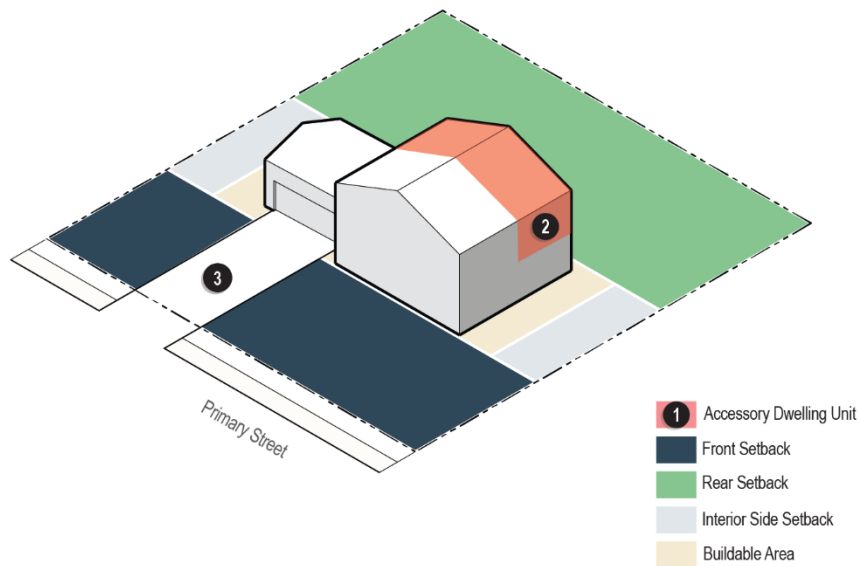


Figure 7 Accessory Dwelling, Internal

**C. Accessory Retail.**

1. The total area devoted to retail activity shall not exceed twenty-five (25) percent of the total area of the building in which the accessory retail activity shall be located.
2. Restroom facilities, if provided, shall be directly accessible from the accessory retail/restaurant sales area.
3. Accessory retail sales areas shall be physically separated from other activity areas by a wall.

**D. Accessory Structures.**

1. No accessory building shall be constructed on a site without a principal building and a principal use.
2. Accessory structures shall have a maximum height of seventeen (17) feet, or the height of the principal building, whichever is less.
3. No accessory structure shall be constructed within or on an easement.
4. **Location.** An accessory structure shall be located as follows.
  - a. Completely within the required rear yard setback and five (5) feet from rear yard lot lines.
  - b. Completely within the buildable area of the lot and to the interior side or rear of the principal building.

- c. At least ten (10) feet from the principal building unless constructed with a one (1) hour fire rating, in which case the accessory structure shall be set back at least six (6) feet from the principal building.
- d. Wetland setbacks and buffers as specified in Article 7 may further limit the location of accessory structures.

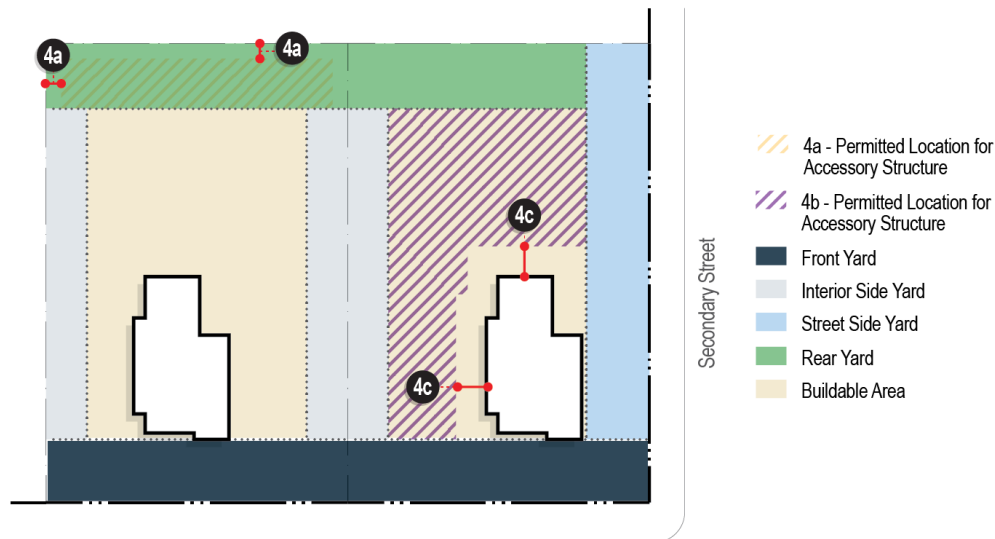


Figure 8 Accessory Structures

**5. Maximum Area.**

- a. Accessory structures shall not exceed one thousand two hundred (1,200) square feet in area.
- b. Accessory structures may exceed one-thousand two-hundred (1,200) square feet on parcels in the RC - Conservation Residence or R-SE - Suburban/Estate Residence District use subject to the following regulations.
  - i. The minimum lot area shall be three (3) acres.
  - ii. The maximum accessory structure size shall be five hundred (500) square feet per acre. No accessory structure shall exceed five thousand (5,000) square feet.
  - iii. No accessory structure over twelve hundred (1,200) square feet shall exceed forty (40) feet in height.
  - iv. An accessory structure over twelve hundred (1,200) square feet shall not be located closer to a side or rear lot line than a distance equal to its height.
  - v. An accessory structure over twelve hundred (1,200) square feet shall not be used for commercial or residential use.

**E. Artisan Workshop.**

- 1. The artisan workshop shall be wholly within the principal building and any accessory building.
- 2. The principal building shall be the primary residence of the property owner.
- 3. No alterations shall be made to the principal building or accessory building that changes its residential character or appearance or otherwise gives evidence of the artisan workshop.
- 4. The sale of goods or materials on site shall be prohibited.
- 5. No persons, other than the residents of the dwelling unit, shall be employed on site.

6. Mechanical or electrical equipment supporting the artisan workshop shall be self-contained within the structure and normally used for office, domestic, or household purposes.
7. The outdoor display or storage of goods, materials, merchandise, or equipment related to the artisan workshop shall be prohibited.
8. The artisan workshop shall not require the delivery or shipment of goods, materials, merchandise, or equipment beyond what is typical for a residential use.
9. The artisan workshop shall not create or cause any perceptible noise, odor, smoke, electrical interference, or vibrations that constitute a public or private nuisance to neighboring properties.
10. The artisan workshop shall not discharge any material which is radioactive, poisonous, or detrimental to either wastewater or storm water systems.

**F. Drive Through.**

1. Drive throughs shall be permitted a maximum of four (4) total menu boards with a combined maximum area of one hundred (100) square feet.
  - a. Each menu board or pre-order board shall not exceed sixty (60) square feet in area and ten (10) feet in height. Menu boards and pre-order boards may utilize electrically activated changeable copy message centers for one hundred (100) percent of the permitted menu board or pre-order board area and shall follow all regulations of Section 15-6-07(F)
2. Any speaker or intercom associated with a drive through shall not be audible beyond the boundaries of the property.
3. Drive through canopies shall maintain a uniform and consistent roofline with the building to which the drive-through is associated.
4. Stacking spaces and lanes for drive through stations shall not impede on- and off-street traffic movement, shall not cross off-street parking areas or drive aisles and shall not impede pedestrian access to a public building entrance.
5. Drive through lanes shall be separated from off-street parking areas. Individual lanes shall be striped, marked, or otherwise delineated.
6. Drive through facilities shall be provided with a bypass lane with a minimum width of ten (10) feet unless an alternative means of exit is approved.
7. Stacking lanes shall have a minimum depth of twenty (20) feet per stacking space and the following minimum lane widths:
  - a. One (1) lane: twelve (12) feet,
  - b. Two (2) or more lanes: ten (10) feet per lane.
8. Drive through facilities shall be required to provide a minimum number of stacking spaces as detailed in Table 15-4-13(F).

**Table 15-4-13(F): Drive Through Stacking Requirements**

Use	Minimum Stack	Measure From
Automated Teller Machine	3 per machine	teller machine
Bank Teller Lane	2 per lane	teller or window
Restaurant	6 per order box	order box (1)
Carwash Stall, Automatic	5 per stall	stall entrance
Carwash Stall, Manual	3 per stall	stall entrance
Oil Change Shop	3 per service bay	service bay entrance
Pharmacy	4 per lane	machine or window

**Notes:**

(1) 4 of the required stacking spaces are to be located between the order-box and pick-up window, including the stacking space at the order box.

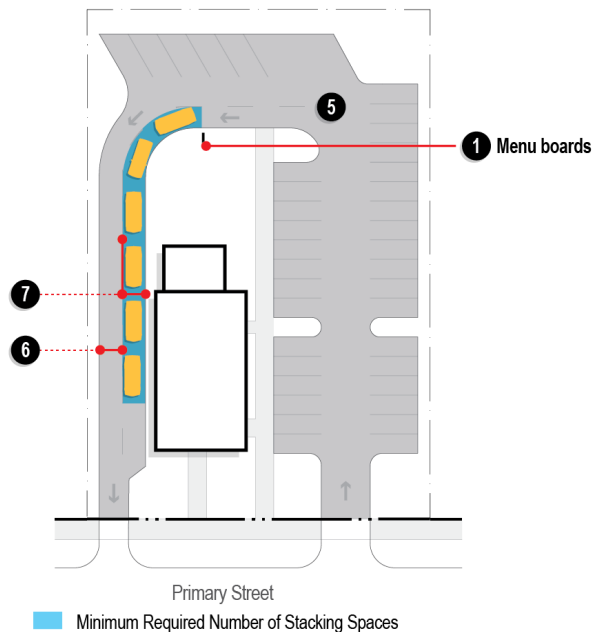


Figure 9 Drive Through

**G. Donation Drop Box.**

1. Donation drop boxes shall be on properties that contain a legally existing and operating use.
2. No more than two (2) donation drop boxes shall be permitted on a lot.
3. Each donation drop box shall not exceed seven (7) feet in height and twenty-five (25) square feet in ground area.
4. Donation drop boxes shall only be located in side or rear yard setbacks.
5. Donation drop boxes shall be located on an asphalt or concrete paved surface.
6. Donation drop boxes shall not locate in a driveway or drive aisle and shall not reduce the width of paved clear space for the passage of pedestrians to less than five (5) feet. Boxes shall not locate in such a way as to disrupt the flow of vehicular or pedestrian traffic.

7. Donation drop boxes shall not be located nearer than forty (40) feet from an adjoining lot in a residential district.
8. Donation drop boxes shall be located to the side or rear of the primary façade of the building.
9. A notice must be permanently affixed to each donation drop box in a highly visible location prohibiting the placement of items outside of the box. The name and twenty-four (24) hour telephone number of the owner/operator must be permanently affixed to each donation drop box.

#### H. **Electric Vehicle Charging Stations.**

##### 1. **Equipment.**

- a. Electric Vehicle Charging stations that are accessory to all mixed-use, multifamily, and nonresidential uses shall be a level 2 charging capacity.
- b. Electric vehicle charging station equipment shall be protected by a wheel stop, curb, or bollards.
- c. In parking lot applications, all connections of the charging station to electrical utility equipment shall be underground.
- d. All electric vehicle charging station equipment shall comply with the National Fire Protection Association/National Electrical Code and be approved by the Underwriters Laboratory.
- e. All equipment should be made of low-maintenance, durable materials and shall be vandal-proof to the extent possible.
- f. All equipment shall provide a cord management system that minimizes tripping hazards for pedestrians. Charging cords may not cross sidewalks, walkways, or driveways.

##### 2. **Design Considerations.**

- a. Electric vehicle charging station equipment shall be located in a manner that will not obstruct pedestrian walkways. A minimum of three (3) feet of clear area shall be maintained.
- b. Electric vehicle charging stations shall be located to optimize ease of use for all potential users.
- c. Electric vehicle charging station shall provide a safe and clearly delineated area for maneuvering around the vehicle for connecting to the equipment.
- d. A sign indicating that the electric vehicle parking is for use while charging only shall be provided.
- e. All charging stations shall be illuminated. Lighting shall comply with the limitations in Article 5.

##### 3. **Electrical Equipment Siting and Screening.**

- a. Electric vehicle charging stations shall be located to minimize the distance to electrical supply equipment.
- b. When locating the electrical supply equipment consider blind spots and visibility obstructions for drivers and pedestrians.
- c. To the extent practical, electrical supply equipment shall be screened by walls, fences, landscaping, or a combination thereof to be effective year-round.

4. **Accessibility.** A minimum of one (1) accessible charging station is required with any installation of electric vehicle charging stations. The accessible charging station shall provide equipment, reach, clear area, route, and other applicable building blocks to comply with the current Wisconsin Building code and federal accessibility recommendations.



**5. Maintenance.**

- a. The property owner on which electric vehicle charging stations are located is responsible for ensuring that the equipment is intact and will not pose a hazard to any visitors to the property. This shall include ensuring that cords are hung to prevent tripping hazards.
- b. All electric vehicle charging station equipment shall be maintained to working condition. Equipment that is no longer functional must be decommissioned within sixty (60) days.

**I. Home-Based Business.**

1. The home-based business shall be conducted wholly within the principal building and any accessory building.
2. The home-based business shall only employ individuals that reside on-site.
3. The home-based business shall encompass no more than twenty-five (25) percent of the floor area of the dwelling unit shall.
4. The home based business shall not alter the outside appearance of the building, accessory structure, or premises that changes in a way that changes its residential character or appearance .
5. The outdoor display, storage, sale of goods, materials, merchandise, or equipment related to the home-based business shall be prohibited.
6. No mechanical equipment shall be used except such that is normally used for purely domestic or household purposes, and shall be contained within the principal or accessory building or structure.
7. No commodity or good produced off-site shall be sold on the premises, displayed on the exterior or interior of the premises or warehoused on the premises for sale elsewhere.
8. No vehicular or pedestrian traffic shall be generated by such home-based business in greater volume than would normally be expected from the principal use.
9. No noise, emissions, radiation, vibration, heat, glare, smoke, dust, fumes, odors, or electrical interference created which is detectable to the normal senses outside the dwelling unit in excess of that normally associated with a residential household use shall be allowed.
10. The home-based business shall not generate refuse exceeding the amount allowable for regular residential pick-up shall be generated by any home-based business.
11. The home-based business shall not generate or store toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other restricted materials on the site except those which are ordinarily used for household.
12. Nuisance Causing Activities. No home-based business shall cause or create any nuisance, cause or create any substantial or undue adverse impact on any adjacent property or the character of the area, or threaten the public health, safety, or general welfare, or be noxious, offensive, or hazardous.
13. Materials Which Decompose by Detonation Prohibited. No materials which decompose by detonation shall be allowed in conjunction with a home-based business.
14. No home-based business shall be permitted which generates wastewater or water use in excess of the quantity typically required for a residential dwelling unit.

**J. Outdoor Activity/Operation/Storage, Accessory.**

**1. Standards Applicable to Accessory Outdoor Activities, Operations, and Storage.**

- a. Any property with accessory outdoor activity/operation/storage shall have a minimum lot size of five (5) acres.
- b. Outdoor activity/operation/storage shall be located to the rear or interior side of the principal building on the lot.
- c. Outdoor activity/operation/storage shall be prohibited in front or street side yards.
- d. Outdoor activity/operation/storage shall be screened from the right-of-way of an existing or proposed arterial or collector roadway or a property zoned R-C, R-SE, R-SR, R-MF, R-V, B-N, B-MU, B-V Districts with:
  - i. A solid wall constructed from materials, not including metal, identical to those used on the exterior of the principal building, unless otherwise approved by the Planning Commission, and not less than six (6) feet and not more than eight (8) feet in height shall be erected to screen the portions of permanent outdoor activity and operations areas visible from an existing or proposed arterial or collector roadway or a property zoned in the R-C, R-SE, R-SR, R-MF, R-V, B-N, or B-SM Districts.
  - ii. A bufferyard per Article 5, not less than five (5) feet wide shall be located in front of the wall.

**2. Standards Applicable to Accessory Outdoor Storage.** The height of any item stored in an accessory outdoor storage area shall not exceed the height of the required screening wall.

**3. Standards Applicable to Accessory Outdoor Activities and Operations.**

- a. Outdoor activities and operations shall be conducted between the hours of 7:00 am and 9:00 pm.
- b. Outdoor activities and operations shall be setback a minimum of fifty (50) feet from all property lines when adjacent properties are zoned B-G and B-R Districts.
- c. Outdoor activities and operations shall be setback a minimum of one hundred (100) feet from all property lines when adjacent properties in the R-C, R-SE, R-SR, R-MF, R-V, B-N, B-MU, and B-SM Districts.

**K. Outdoor Dining.**

1. The outdoor dining area shall be located on an approved hard paved surface or a deck or other feature appurtenant to the principal building as approved by the Zoning Administrator.
2. Outdoor dining areas may utilize a maximum of twenty (20) percent of the parking spaces required for the operation of the principal use or two thousand (2,000) square feet, whichever is less.
3. Outdoor dining areas shall not block a pedestrian walkway or public sidewalk in a manner which reduces the width of that walkway or sidewalk to less than five (5) feet.
4. A fence, landscape hedge, or wall with a height of four (4) feet shall be utilized to segregate the outdoor dining area.
5. Use of outdoor dining areas shall be limited to the posted operational hours of the associated eating and drinking use.
6. Review by the City Engineer and other City staff shall be required in addition to the review requirements of Section 15-09-03.

**L. Outdoor Display/Sale of Merchandise.**

1. Only those goods and materials associated with the existing on-site use may be displayed or sold.
2. Permanent outdoor display or sales areas shall not be located within any required yard setback or parking area.
3. Permanent outdoor display or sales areas shall be surfaced with an approved hard surface material.

4. Permanent outdoor display or sales areas shall not exceed ten (10) percent of the gross floor area of the primary building on the property unless approved as a Conditional Use.
5. Outdoor display/sale of merchandise shall be subject to site plan review as specified in Article 9.

**M. Solar Energy Collection System, Canopy.**

1. The height of canopy solar energy collection systems shall not exceed the height of the principal building that the parking area serves.
2. The minimum height of solar energy collection systems shall allow clearance for emergency and service vehicles.

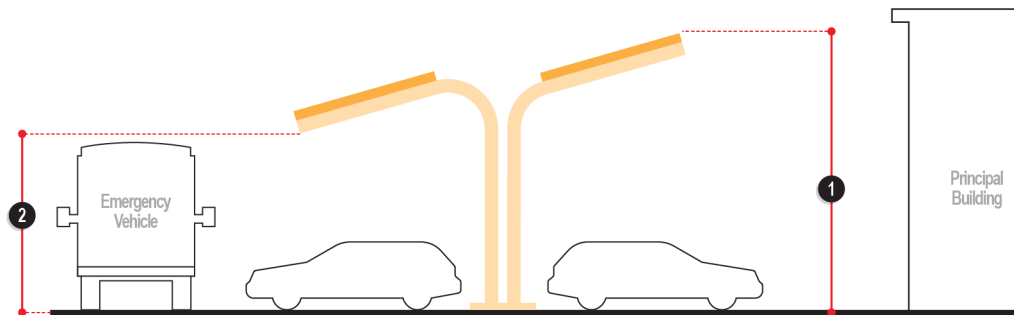


Figure 10 Solar Energy Collection System, Canopy

**N. Solar Energy Collection System, Ground-Mounted.**

1. Ground mounted solar energy collection systems shall be permitted in the rear yard only.
2. The maximum height of ground mounted solar energy collection systems shall be five (5) feet in height, measured from the grade at the base of the pole to the highest edge of the system.
3. Minimum clearance between the lowest point of the system and the surface on which the system is mounted is twelve (12) inches.
4. All parts of the freestanding system shall be set back ten (10) feet from the side and rear lot lines and shall not be located in a public utility easement.
5. No part of the freestanding system shall be visible from any public right of way.

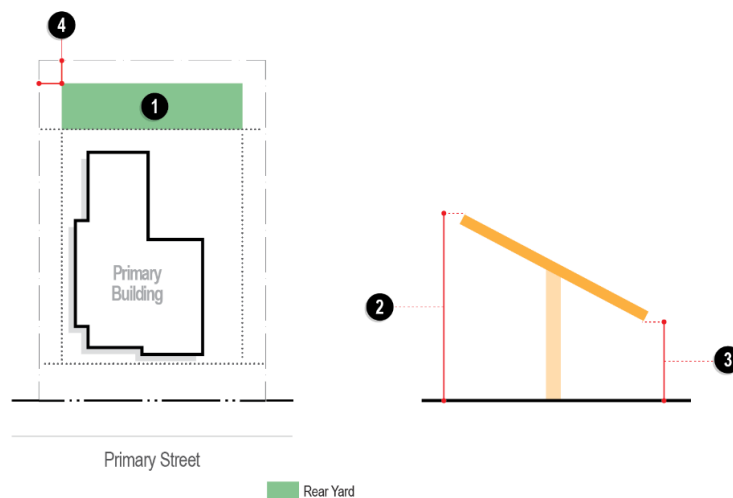


Figure 11 Solar Energy Collection System, Ground-Mounted

**O. Solar Energy Collection System, Roof Mounted.**

1. Roof mounted solar energy collection systems may be located on any roof face of principal or accessory buildings. Systems should be flush mounted when possible.
2. Systems on residential structures shall not extend beyond twelve (12) inches parallel to the roof surface of a pitched roof or flat roof.
3. Systems on nonresidential structures shall not extend beyond thirty-six (36) inches parallel to the roof surface of a pitched roof or flat roof.
4. Systems on all structures shall not extend above the highest peak of a pitched roof. Height is measured from the roof surface on which the system is mounted to the highest edge of the system.
5. All materials used for racking, mounts, mounting clamps, and flashings shall be of a color consistent with the color of the roof surface to minimize visibility.

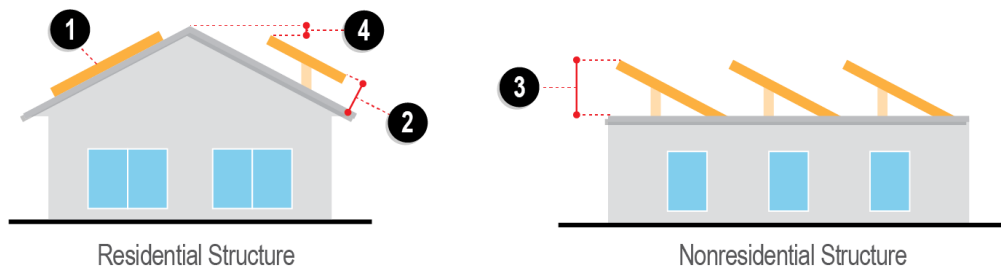


Figure 12 Solar Energy Collection System, Roof-Mounted

**P. Telecommunication Towers.** Wireless telecommunications towers and antennas may be installed, erected and maintained, either as a principal or accessory use or structure, pursuant to the provisions of this section. Telecommunications towers and antennas shall not be regulated or permitted as essential services, public utilities, or private utilities.

1. **Purpose.** The purpose of this Section is to strike a balance between the Federal interest concerning the construction, modification and placement of telecommunications towers and antennas for use in providing personal wireless services, and the legitimate interest of the City of Franklin in regulating local zoning. The goals of this Section are to:
  - a. Protect residential areas and land uses from potential adverse impacts of towers and antennas;
  - b. Minimize the total number of towers throughout the community;
  - c. Encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
  - d. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;
  - e. Consider the public health and safety of communication towers, and avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

2. In furtherance of these goals, the City of Franklin shall give due consideration to the Comprehensive Master Plan, Zoning Map, and existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.
3. **Applicability.**
  - a. **New Towers and Antennas.** All new towers or antennas in the City of Franklin shall be subject to these regulations.
  - b. **Amateur Radio Station Operators/Receive Only Antennas.** This Ordinance shall not govern any tower, or the installation of any antenna, that is owned and operated by a Federally-licensed amateur radio station operator or is used exclusively for receive only antennas.
  - c. **Pre-existing Towers or Antennas.** Pre-existing towers and pre-existing antennas shall not be required to meet the requirements of this Section.
4. **Permit Required.** No tower or antenna shall be installed unless the appropriate permit is first obtained by the owner or the owner's agent. The following levels of permits are required based on the scope and type of installation or modification:
  - a. **New.** A Conditional Use Permit shall be required for the installation of any new mobile service support structure;
  - b. **Substantial Modification.** Any substantial modification to an existing tower or antenna, as defined in § 66.0404 of the Wisconsin Statutes, will require an amendment to the originally approved Conditional Use Amendment;
  - c. **Non-Substantial Modifications (Increase in Height, Width, or Equipment Compound).** Any increase in the height or width of the support structure, or expansion of the equipment compound, that does not meet the criteria for a substantial modification will require a Site Plan Amendment;
  - d. **Minor Modifications (No Increase in Height, Width, or Equipment Compound).** Modifications that do not increase the height or width of the support structure or expand the equipment compound will require only building permits;
  - e. For definitions of terms such as mobile service support structure, substantial modification, equipment compound, and mobile service facility, refer to § 66.0404 of the Wisconsin Statutes.
5. **Application Requirements.** For each level of application (Conditional Use Permit, Substantial Modification, Non-Substantial Modification, or Minor Modification), the following specific information shall be included as part of the application submittal:
  - a. A scaled site plan clearly indicating the location, type and height of the proposed tower and appurtenant equipment, any proposed and existing structures, adjacent land uses and structures, adjacent roadways, on-site parking and driveways, tower and equipment setbacks from property lines, and other information deemed by the Planning and Zoning Administrator to be necessary to assess compliance with this Section;
  - b. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties and unplatted residentially zoned properties;
  - c. The separation distance from all other towers, antennas or sites approved for towers, whether within or outside the City of Franklin, that are within one mile of the proposed site, including specific information about the location, height, and design of each tower (the one-mile radius is an application information requirement only and shall not limit any consideration under Section 15-4-13(P)(10)(a)(iii).
  - d. Landscape plan showing specific plant materials;

- e. Method of fencing or other security design, installation or equipment, including location, materials and finished color and, if applicable, vegetative screening;
  - f. Description of compliance with Section 15-4-13(P)(6); and
  - g. A needs analysis clearly demonstrating why the proposed location is necessary for the operation of applicant's communication system.
6. **General Requirements.** In addition to compliance with all applicable regulations of this Section, the following standards shall apply for the installation of any tower or antenna:
- a. **Building Codes; Safety Standards.** To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable State or local building codes and the applicable standards for towers that are published by the Electronic Industries Association which are in effect at the time of issuance of the building permit for the subject tower. If, upon inspection, the Building Inspector concludes that a tower fails to comply with such codes and standards and/or constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards and/or makes same safe. Failure to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
  - b. **State or Federal Requirements.** All towers and antennas shall meet or exceed current standards and regulations of the FAA, FCC, and any other agency of the State or Federal government with the authority to regulate towers and antennas which are in effect at the time of issuance of the building permit for the subject tower. If such standards and regulations are changed, then the owner of a tower and antenna governed by this Ordinance shall bring such tower and antenna into compliance with such revised standards and regulations within such time as is mandated by the controlling State or Federal agency. If no compliance time is mandated by such other agency, but delegated locally and such revised standards and regulations are necessary to prevent danger to persons or property, the owner shall bring such tower and antenna into compliance within 30 days of the effective date of such revised standards and regulations. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
  - c. **Collocation.** A proposed tower shall be structurally and electrically designed to accommodate the applicant's antenna and comparable antennas for additional users. Towers shall be designed to allow for future rearrangement of antennas and to accept antennas mounted at varying heights. All special use permits granted under this section shall require the permittee to allow collocation for such number of additional users as the permitted tower will support under existing technology and shall not make access to the tower and tower site for the additional users economically unfeasible. If additional user(s) demonstrate (through an arbitrator or other pertinent means, with the cost to be shared by the holder of the permit and the proposed additional use) that the holder of a tower permit has made access to such tower and tower site economically unfeasible, then the special use permit shall be null and void.
  - d. **Height.** No tower or other structure supporting an antenna shall exceed 200 feet in height, subject to Section 15-4-13(P)(10)(a)(ii) shall be installed and maintained in accord with applicable State or local building codes, and in compliance with current standards of the FAA, FCC and any other agency of the State or Federal government with the authority to regulate antennas. No antenna and no antenna support structure, including any antenna or other device attached thereto, shall extend more than 20 feet above the highest point of the structure to which the antenna or antenna support structure is attached.
  - e. **Setbacks.** A tower shall be located pursuant to the zoning district setbacks applicable to the tower site, subject to Subsections (P)(6)(f) and (P)(10)(a)(i) below. Guy wires and appurtenant equipment and buildings shall comply with requirements of the underlying zoning district in which the tower is located.

- f. **Separation Between Land Uses.** Tower separation shall be measured from the nearest point of the base of the tower to the nearest point of the lot line of the adjoining off-site use and/or designated area as specified herein.

Table 15-4-13 (P)(5)(f): Land Use Separation Requirements	
Land Use/Designated Area	Separation Distance
<i>Single family or two-family homes, Including modular homes or mobile homes used for living purposes; vacant land zoned for residential use which has been platted or has unexpired preliminary subdivision plat approval</i>	Height of tower
<i>Unplatted vacant land zoned for residential use and land designated by the Comprehensive Master Plan for future residential use</i>	Height of tower
<i>Multi-family dwellings</i>	100% of height of tower
<i>Land zoned for business and manufacturing use, or non-residential use</i>	No closer than 100% tower height from the building setback line upon any adjoining property, except where such adjoining property is undeveloped or is developed without habitable structures within 100% of the tower height from the building setback line on the tower site property; then, the building setback line of the tower site property, provided that the Common Council finds that such closer distance will not impede the orderly development of the applicable adjoining property.
<i>Public street right-of-way</i>	Zoning district regulations or setbacks of tower site or 50% of tower height from public right-of-way, whichever is greater.

- g. **Signs.** No advertising material or signage other than warning or equipment information shall be allowed on any antenna or tower. This prohibition shall include the attachment to an antenna or tower of any flag, decorative sign, streamers, pennants, ribbons, spinners or waving, fluttering or revolving devices, but not including weather devices.
- h. **Lighting.** Towers shall not be artificially illuminated unless required by the FAA or any other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
- i. **Fencing.** A tower shall be enclosed by security fencing not less than six feet in height and secured or otherwise secured by such design or security structure or equipment installation approved by the Common Council, so that it is not accessible by the general public. Fence or other security structure or equipment design, materials and colors shall reflect the character of the surrounding area.
- j. **Landscaping.** A buffer of plant materials to effectively screen the tower compound from public view and from adjacent properties shall be provided. The minimum buffer shall consist of a landscaped strip at least five feet in width outside the perimeter of the tower compound. Equipment cabinets or structures shall be screened from view by an evergreen hedge or other suitable vegetation, except where the use of non-vegetative screening would better reflect and complement the architectural character of the surrounding neighborhood. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived. Existing mature tree growth and natural land forms shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.
- k. **Appurtenant Equipment and Buildings.** Antennas mounted on alternative tower structures or rooftops: The equipment cabinet or structure used in association with an antenna may be located on a roof provided that such



equipment or structure is placed to be screened from public view as unobtrusively as possible. Equipment storage buildings or cabinets shall comply with all applicable building and Unified Development Code requirements.

- I. **Antennas mounted on utility poles, light poles or towers:** The equipment cabinet or structure used in association with an antenna shall be sited in accordance with the development standards of the underlying zoning district. Any ground located equipment cabinet or structure shall be designed either for expansion or attachment to like equipment facilities required by later collocation users.

## 7. Permitted Uses.

- a. **Cable Microcell Network.** The installation of a cable microcell network may be permitted through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.
- b. **Additional Collocated Antennas.** Collocation of an additional antenna on an existing tower supporting an antenna, both previously permitted under this Section; provided: the collocated antenna array or equipment is similar in size and function to that installed by the holder of the special use permission for the tower, does not significantly alter the appearance or structural integrity of the tower approved and permitted under this Section, is fully in compliance with all conditions contained in the original conditional use permit, and site plan approval is obtained for such additional collocated antenna prior to installation.
- c. **Antennas Installed Upon Alternative Tower Structures.** Antennas installed upon alternative tower structures and any antenna support structure; provided: Site plan approval is obtained prior to installation, which approval shall include a finding of consent to such installation by the owner of the alternative tower structure, and such structure is located within those zoning districts specified under this UDO.
- d. **Monopole Tower In Replacement Of A Water Tower Structure.** A monopole tower not exceeding 180 feet in height, without regard to antennas, to be installed in replacement of an alternative tower structure which pre-existed the adoption of the Wireless Telecommunications Towers and Antennas Ordinance on July 14, 1998, to wit: a water tower exceeding 180 feet in height, located in an A-1 Agricultural District, shall be a permitted use, provided: the pre-existing water tower is removed pursuant to all laws, codes and ordinances prior to May 1, 2010; the monopole tower is installed in the immediate vicinity of the pre-existing water tower, and in which event, the setback from buildings on adjoining property shall not apply where the applicant owns the monopole tower site property and the subject adjoining property and the adjoining subject property is vacant, with any future building development of the adjoining property to not occur closer than the distance which is equal to 100% of monopole tower height; and Site Plan approval for the monopole tower is obtained, following the consideration by the Plan Commission of the purpose of the Wireless Telecommunications Towers and Antennas Ordinance, its other applicable provisions, and all other laws, codes and ordinances.

8. **Removal of Abandoned Antennas and Towers.** An antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 90 days of receipt of notice from the City of Franklin notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said 90 days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. The tower owner shall always remain liable for the removal of the tower and all antennas located thereon and no act or omission of the City shall be construed to release or waive such liability unless expressly waived or released in writing in the sole discretion of the City. Any special use permit or site plan approval granted shall include a requirement that the permittee post a performance bond or letter of credit approved by the City of Franklin Attorney, in an amount required by the Plan Commission as reasonably necessary so that the City Franklin remains secure that the tower or antenna will be removed without cost to the City. "Removal" of a tower or an antenna under this subsection means the removal of the entirety of the installation appurtenant to and serving the tower or antenna, including footings.



9. **Non-conforming Uses.**

- a. **Not Expansion of Non-conforming Use.** Towers that are constructed, and antennas that are installed, in accordance with the provisions of this Section shall not be deemed to constitute the expansion of a non-conforming use or structure, when located upon property supporting such non-conforming use or structure.
- b. **Pre-existing Towers.** Pre-existing towers shall be allowed to continue their usage as they presently exist. Routine maintenance shall be permitted on such pre-existing towers. New construction on a pre-existing tower shall comply with the requirements of this Section.

10. **Additional Special Use Permit Requirements.**

a. **Wireless Telecommunications Towers and Antennas.**

- i. **Separation Between Towers.** Separation distances between towers shall be applicable for a proposed tower and any pre-existing towers. The separation distance shall be measured by a straight line between the nearest point of the base of an existing tower and the nearest point of the base of a proposed tower.

Table 15-4-13 (P)(10)(a): Tower Separation Requirements		
New Tower Type	Existing Tower Type	
	Monopole 75 Feet in Height or Greater	Monopole Less Than 75 Feet in Height
<i>Lattice</i>	1,500 ft	750 ft
<i>Guyed</i>	1,500 ft	750 ft
<i>Monopole 75 feet in Height or Greater</i>	1,500 ft	750 ft
<i>Monopole Less Than 75 Feet in Height</i>	750 ft	750 ft

- ii. **Tower Height.** The following criteria shall apply in determining the maximum height of a tower:
  - a) For a single user, up to 200 feet.
  - b) For two users, up to 200 feet.
  - c) For three or more users, up to 200 feet.
- iii. **Availability of Suitable Existing Towers.** Other Structures or Alternative Technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Common Council that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. Evidence submitted to the Common Council to determine that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:
  - a) No existing towers or structures are located within the geographic area which meet the applicant's engineering requirements.
  - b) Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
  - c) Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
  - d) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

- e) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
  - f) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
  - g) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
- b. **Variances.** The provisions of Section 15-4-13(P)(6)(d),(e),and (f), and 15-4-13(P)(10)(a)(i) and (ii) shall be available to the variance regulations set forth under Section 15-9-08, provided the purposes set forth under Section 15-4-13(P)(1).

#### 15-4-14. Temporary Use-Specific Standards

- A. A Temporary Use Permit is required for all temporary uses that are not specifically exempt from this requirement. Such temporary uses shall comply with the standards and conditions outlined in this Section. A Temporary Use is a short-term activity, not a permanent use of the property, but compatible with the existing use and neighboring properties and surrounding districts.
- B. **Duration of Temporary Uses.** All temporary uses shall be limited to a maximum of 180 days per calendar year, unless otherwise specified in the conditions of approval for a specific use.
- C. **Food Truck.**
  - 1. The location of a food truck on landscape areas, in required setbacks, an ADA parking stall, or a pedestrian path is prohibited.
  - 2. Food trucks shall obtain written permission from the property owner(s) and shall submit such documentation as part of the temporary use approval process specified in Article 9. Food trucks are not allowed to operate in the public right-of-way.
  - 3. A food truck, including all vending activity, tables, chairs, and trash receptacles may occupy no more than four (4) parking stalls or six hundred and fifty (650) square feet of parking area, whichever is less.
  - 4. Tables and chairs shall be permitted and located on improved or paved surfaces and shall not locate in parking stalls, landscape areas, or drive aisles, aside from the four (4) parking stalls designated for vending.
  - 5. A minimum of one (1) trash receptacle and one (1) recycling receptacle shall be provided per food truck.
  - 6. Required tables, chairs, and trash and recycling receptacles shall not be retained on-site overnight.
  - 7. Drive aisles, sidewalks, access to trash enclosures, and similar areas may not be blocked by any vending activity.
  - 8. Food trucks shall be located a minimum of five hundred (500) feet from any brick-and-mortar restaurant as measured from the property line.
  - 9. Food trucks shall hold a current Mobile Retail Food License.
- D. **Seasonal Sales.**
  - 1. Seasonal sales shall be permitted for a period not to exceed ninety (90) days per calendar year, unless otherwise approved.

2. Seasonal sales areas shall not block pedestrian walkways in a manner which reduces the width of that walkway to less than five (5) feet.
3. All tents, canopies, or other temporary structures shall require review and approval by the Building Inspector.

**E. Temporary Concrete Batch Plants or Asphalt or Asphalt Reprocessing Plants (including materials processing and handling) and Temporary Stone Crushers.**

1. A Temporary Use Permit for these uses may only be granted by the Plan Commission.
2. Routing Plan Required. The contractor shall submit a routing plan for trucks to and from the proposed plant to the Zoning Administrator and City Engineer for their review and recommendations as a condition prior to approval.
3. Financial Assurance Required for Potential Damage to Roads. The contractor shall provide a financial assurance in the amount requested by the City Engineer to pay for correcting any damage done to City or County roads during the course of said facility's operation and for the planned restoration of the site.
4. Access. Such facilities shall only be allowed access via arterial or collector roads or highways. Access via dedicated existing local residential roads and/or collector roads serving residential areas shall be prohibited.
5. Restoration Plan. A restoration plan shall be provided the City for review and approval of the City Engineer.
6. When Allowed. Such facilities shall be erected only in conjunction with a City, County, or state/federal highway or road improvements.
7. Maximum Period of Use. The allowable period of such use shall be for the period of such roadway or highway work with a maximum of an eight-month period.
8. General Location. Such facilities shall be located not less than 1,000 feet from any occupied building, with the exception of an associated accessory construction trailer/office which may be located on the same site.
9. Outside Sales Prohibited. No outside sales of batch plant materials shall be permitted. The sale of crushed stone shall not be permitted.
10. Site Plan of Operation and Facilities Required. Such facilities will be shown on a site plan and be contained within a maximum five acre area.
11. Location of Stone Crushers. Stone crushers shall be located not less than 1,000 feet from any building used for residential purposes.
12. Prevention of Dust, Fumes, Vapors, Mists, or Gas Nuisances. The prevention of any dust, fumes, vapors, mists, or gas nuisances due to operations shall be maintained at all times in accordance with established City, County, State, and federal air pollution standards

**F. Special events (limited to six events per year, not exceeding 14 days each).** Special Events as defined in Municipal Chapter 121 are exempted of a Temporary Use permit provided the operator obtains a license as specified in the Municipal Code. In addition, food service associated with a temporary outdoor use may be subject to the review and approval of the Health Department.

**G. Temporary Uses Not Requiring a Permit.** The following temporary uses are exempt from the requirement of a Temporary Use Permit as specified in Section 15-3-04, provided they comply with applicable zoning district regulations and all other relevant City requirements.

1. Agricultural uses, such as roadside stands for the sale of raw agricultural products grown on-site.
2. Seasonal sales for holidays, including Christmas tree sales (limited to 90 days per calendar year).

3. Construction trailers and other temporary facilities associated with ongoing construction projects on-site.
4. Mobile homes or modular homes used as temporary offices during remodeling (with a one-year permit).
5. Dumpsters for construction sites (minimum 10-yard capacity, must be maintained on-site).
6. Garage and yard sales (limited to one sale every six months, lasting no more than three days).
7. Model homes, model dwelling units, and pre-construction sales offices (with specific restrictions).
8. Temporary roadside stands for the sale of agricultural products.

Article 5. General Development Standards

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## 15-5-01. Off-Street Parking and Loading

A. **Applicability.** The off-street parking and loading provisions of this Article shall apply as follows.

1. **No Off-Street Parking Required.** The off-street parking maximums in Table 15-5-01(B) establish maximum quantities of off-street parking that may be provided for each use on a lot. The off-street parking maximums do not constitute a parking requirement. Applicants may provide off street parking less than the maximum established for the applicable use.
2. **Existing Uses Established Prior to the Effective Date of This Ordinance.** This article shall not require the reduction or addition of any parking or loading spaces for uses existing as of the effective date of this UDO.

B. **Off-Street Parking Limited.**

1. **Maximum Requirements.** To minimize the creation of impervious surface, no off-street parking area shall be designed or used to provide a greater number of off-street parking spaces than the limit established in Table 15-5-01(B).
2. **Parking Increases Allowed.** The Zoning Administrator may allow an increase in the number of off-street parking spaces allowed of up to thirty (30) percent of the spaces provided above the maximum when the following provisions are met.
  - a. The additional spaces over the maximum are surfaced with a permeable paving system or one hundred (100) percent of the first half (1/2) inch of runoff from the additional parking area is treated with green infrastructure.
  - b. Additional parking area landscaping equivalent to an area fifteen (15) percent greater the minimum square feet of parking area landscaping specified in Article 5 is provided.
  - c. The parking lot perimeter landscape zone required in Article 5 is at least ten (10) feet in width.
  - d. No more than fifty (50) percent of the parking spaces over the maximum parking allowed shall be located in the front yard.
3. **Calculations.** The following rules shall apply when calculating the specified maximum quantity of parking spaces.
  - a. **Area Measurements.** Parking calculations shall be based upon the definition of Gross Floor Area as defined in this UDO.
  - b. **Fractions.** When measurements of the maximum quantity of off-street parking spaces result in a fractional number, the resulting number shall be rounded up to the next higher whole number.
  - c. **Combined Uses on the Same Parcel.** When a combination of the uses in 15-5-01(B) are located on the same parcel, the maximum quantity of off-street parking allowed shall be the largest quantity allowed for any of the individual uses.
  - d. **Uses Not Listed.** Off-street parking spaces for uses not listed in 15-5-01(B) shall be provided for a use deemed similar, as determined by the Plan Commission.

**Table 15-5-01(B): Maximum Parking Requirements**

Use	Maximum Parking
Residential Uses	
Single-Family	n/a
Duplex	
Townhouse	
Multifamily Building	
Multifamily Complex	
Multifamily, above ground floor only	
Community Living, 1-15 Persons	
Community Living, 16 + Persons	
Senior Housing, Assisted Living	
Senior Housing, Nursing Care	
Senior Housing, Total Life Care	
Institutional	
Educational Facility	As determined by the Plan Commission
Governmental Uses	
Health Care Facility	0.5 / bed for in-patient facilities; 0.5 / examining or operating room for out-patient facilities
Cemetery	As determined by the Plan Commission
Place of Assembly	
Indoor Commercial Place of Assembly, 20,000 sqft or less	1 / 3 Individuals at Maximum Occupancy
Indoor Commercial Place of Assembly, more than 20,000 sqft	
Outdoor Commercial Place of Assembly	
Noncommercial Place of Assembly, 20,000 sqft or less	
Noncommercial Place of Assembly, more than 20,000 sq ft	
Recreation, Amusement, and Lodging	
Campground	1 / camp site
Lodging House	1 / lodging unit
Hotel	
Recreation Area	
Short Term Rental	
Retail Uses	
Adult Establishment	1 / 250 sq ft
Retail, up to 50,000 sqft	
Retail, More Than 50,000 sqft	
Multitenant Shopping Center	1 / 200 sq ft
Wholesale Establishment	1 / 250 sq ft
Service	
Animal Boarding Facility/Kennel and/or Veterinary Service	1 / 300 sq ft
General Service, 50,000 sqft or less	
General Service, more than 50,000 sqft	
Financial Institution	

**Table 15-5-01(B): Maximum Parking Requirements**

Use	Maximum Parking
Funeral Home	
Office, above ground floor only	
Office, 50,000 sqft or less	
Office, more than 50,000 sqft	
Office Complex/Business Park	
Eating and Drinking Uses	
Bar/Tavern	1 / 150 sq ft
Brewery/Winery/Distillery	
Brewery/Winery/Distillery Tasting Room	
Food Truck Court	
Micro Brewery/Winery/Distillery	
Restaurant	
Vehicle Related Uses	
Carwash	1 / stall
Vehicle Fuel Sales	1 / 250 sq ft
Auto Sales/Rental and Service	1 / 500 sq ft
Major Automotive Repair	3 / Service Bay
Minor Automotive Repair	
Agricultural	
Community Garden	0.25 per garden plot or as determined by Plan Commission
Crop Production	1 or as determined by Plan Commission
Animal Husbandry	
Indoor Agriculture	1 / 500 sqft
Nursery Retail	
Nursery Wholesale	
Industrial Uses	
Artisan Manufacturing	1 / 1,000 sq ft
Brewery/Winery/Distillery	
Composting/ Recycling Facility	
Distribution Facility	
Equipment Rental, Sales, and Service	
Extractive Industry	
Heavy Industry	
Home Improvement Center/ Lumberyard	
Landfill	As determined by the Plan Commission
Solid Waste Facility	
Light Industry	1 / 1,000 sq ft
Self-Service Storage Facility	
Storage Yard	
Warehouse	



**Table 15-5-01(B): Maximum Parking Requirements**

Use	Maximum Parking
Utility and Transportation	
Airport/ Heliport	As determined by the Plan Commission
Helistop	
Loading Areas, Parking Areas, and Landing Strips As a Principal Use	
Railroad Use	
Sanitary Sewer or Water Supply Lines	
Solar Farm	
Telecommunications Tower	
Wastewater Treatment Ponds and Facilities	
Waterborne Transportation Uses	
Wind Farm	
Accessory Uses	
Accessory Dwelling, Detached / Attached	1 / dwelling
Accessory Dwelling, Internal	
Accessory Retail	1 / 250 sq ft
Accessory Structure	n/a
Artisan Workshop	
Drive Through	
Donation Drop Box	
Outdoor Activity/Operation/Storage	
Outdoor Dining	
Outdoor Display/Sale of Merchandise	
Home Based Business	
Solar Energy Collection System, canopy	
Solar Energy Collection System, ground mounted	
Solar Energy Collection System, roof mounted	
Temporary Uses	
Construction Related	As required through Temporary Use Permit process
Farmers Market	
Food Truck Court	
Seasonal Sales	

C. **Off-Street Parking Design, Location, and Size.** In all districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended, or increased, off-street parking stalls for all vehicles in accordance with the regulations of this section.

1. **Access and Cross-Access.**

- a. **Access.** Adequate access to a public street shall be provided for each off-street parking lot. Each required off-street parking space shall open directly onto an aisle meeting the requirements specified in Table 15-5-01(C).
- b. **Cross Access.** To facilitate vehicular access between adjoining developments and to minimize off-street parking area access points along streets and alleys, all development other than single-family residential development located on a lot fronting on a collector or arterial roadway shall comply with the following standards:
  - I. Internal vehicular circulation systems shall be designed to allow for vehicular cross-access between the development's off-street parking areas and off-street parking areas in an adjoining non-single-family development, or to the boundary of an adjoining vacant parcel.
  - II. Required vehicular cross access between adjoining off-street parking areas shall be provided through the use of a single two-way maneuvering lane or two one-way maneuvering lanes that comply with the requirements of Table 15-5-01(C) are sufficiently wide to accommodate traffic by automobiles, service vehicles, loading vehicles, and emergency vehicles.
  - III. Vehicular cross access between off-street parking areas on adjoining lots shall cross the lot line at right angles or as close to right angles as possible to provide site access.
  - IV. The Zoning Administrator or their designee may waive or modify the requirement for vehicular cross access on determining that such cross access is impractical or undesirable because it would require crossing a significant physical barrier or environmentally sensitive area, would create unsafe conditions, or if the Zoning Administrator determines there exists an inability to connect to the adjacent property due to a site constraint.
  - V. Easements allowing cross access to and from properties served by a vehicular cross-access, along with agreements defining maintenance responsibilities of property owners, shall be recorded with the Milwaukee County Register of Deeds before issuance of a building permit for the development.
  - VI. **Zoning Administrator Waiver.** The Zoning Administrator or their designee may waive the cross access requirement in any instance in which site conditions, including lot configuration, topography, or size, would prohibit the connection's establishment when the waiver does not obviate state or county requirements.

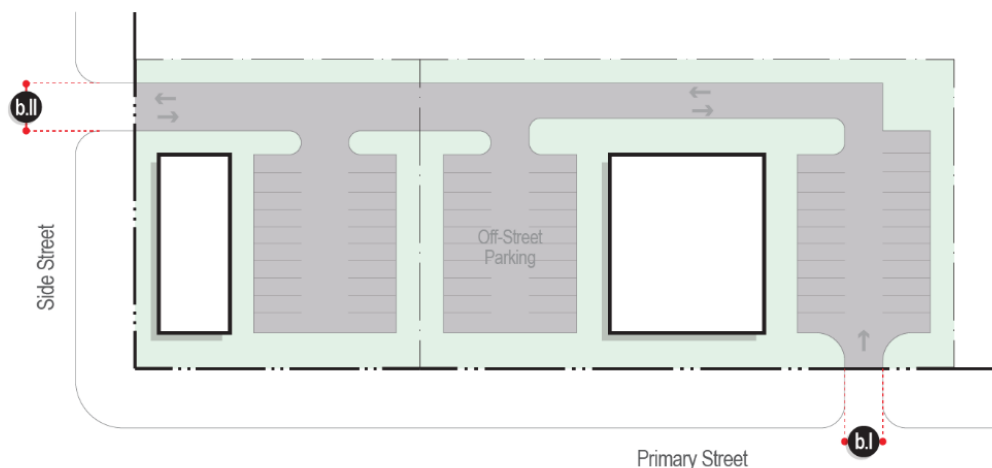


Figure 1 Access and Cross-Access

2. **Standards for Parking Spaces, Aisles, and Parking Bays.** Minimum parking space and aisle dimensions shall be in accordance with the standards specified in Table 15-5-01(C).

Table 15-5-01(C): Parking Stall and Aisle Dimensional Requirements						
Parking Angle (Degrees)	(SW)	(SD)	(W1)	(W2)	Depth of Interlocking Spaces	(O)
	Space Width	Space Depth	Aisle Width (1-Way)	Aisle Width (2-Way)		Overhang
0	10'	22'	12'	18'	n/a	n/a
45	10'	17'	12'	18'	28.25'	1.5'
60	10'	18'	16'	18'	32'	1.5'
90	10'	18'	24'	24'	36'	n/a

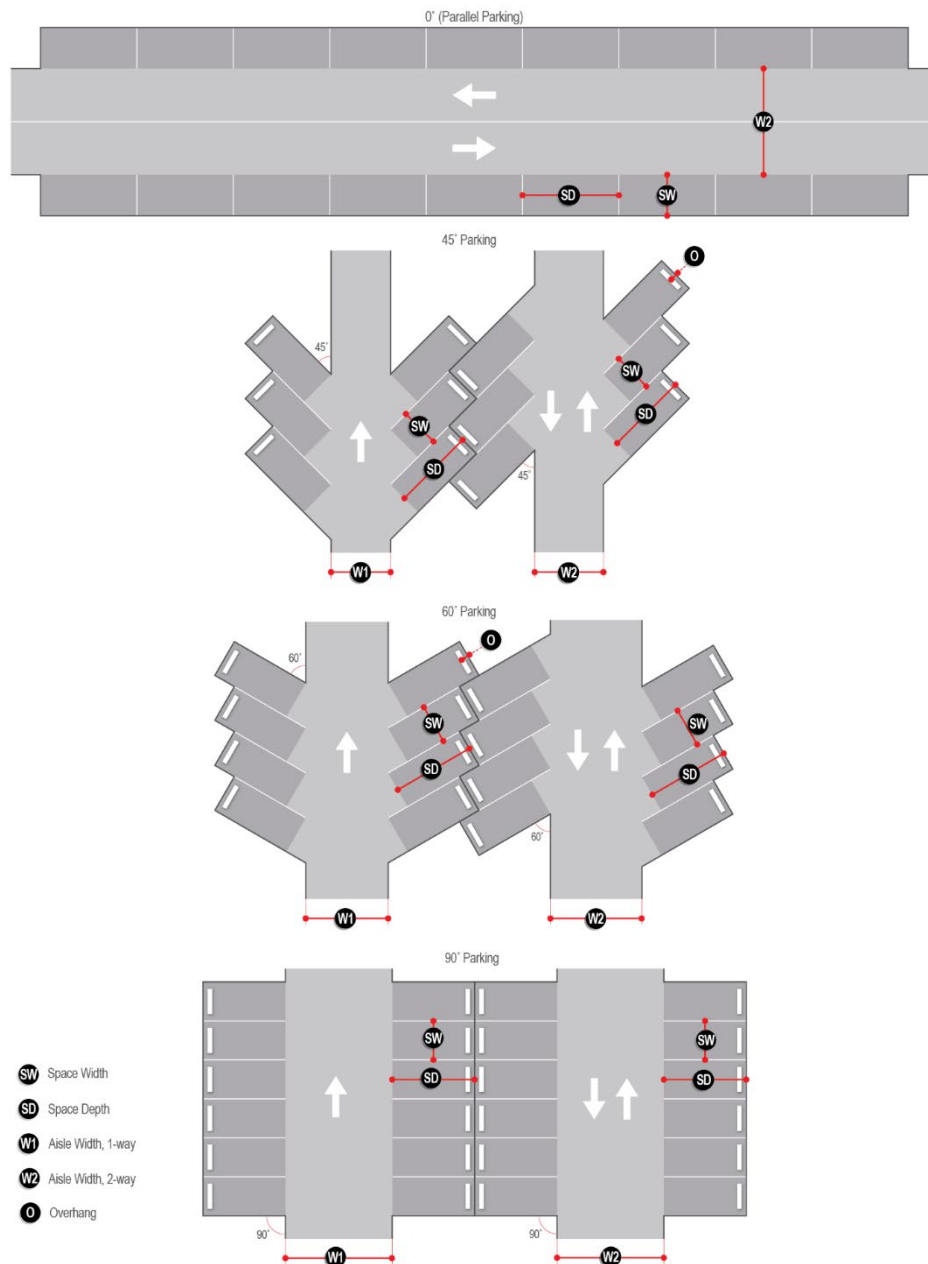


Figure 2 Standards For Parking Spaces, Aisles, and Parking Bays

3. **Location on Lot.** Any off-street parking provided shall be located on the same lot as the use being served, or within the limits of a common parking lot serving one or more buildings.
4. **Setback Required.** Off-street parking spaces and aisles shall be set back from front, street side, interior side, and rear property lines as follows.
  - a. **In Residential Districts.** Off-street parking shall be set back at least five (5) feet from lot lines.
  - b. **In Nonresidential and R-MF Districts.** Off-street parking shall be set back at least ten (10) feet from lot lines, except when a larger setback is explicitly required by this section.
5. **Minimum Distance of Truck Parking from Any Residential Zoning District.** No designated truck parking shall be allowed within one hundred fifty (150) feet of any residential district.
6. **Permanent Off-Street Parking Area Surfacing.** All permanent open, off-street loading and parking spaces shall be improved with a dust-free, all-weather paving system and stormwater management measures as approved by the City Engineer.
7. **Temporary and Event Off-Street Parking Area Surfacing.** All off-street parking serving a temporary use or event may be surfaced with grass or gravel subject to the approval of a temporary use permit as specified in Article 9.
8. **Edging and Stormwater Management.**
  - a. **Approved Edging and Stormwater Management Required.** Concrete curb and gutter, wheel stops, or an equivalent barrier sufficient to prevent cars from driving into or on any landscaped area shall be installed at the perimeter of all new off-street parking areas, and around all interior landscape areas. A barrier of a minimum of 4" in height generally shall be provided except where required to allow for stormwater inflows as part of an approved stormwater management plan. Curb and gutter shall not be required for additions to existing parking areas where curb and gutter is not present, is not installed on the adjacent street right-of-way, or is not anticipated to be constructed on the street right-of-way in a future street.
  - b. **Minimum Distance of Required Concrete Curbing from Property Lines.** Perimeter edging for off-street parking areas shall be installed a minimum of ten (10) feet from a property line as measured from the back of curb to prevent the parked vehicles from extending over any lot lines.
9. **Off-Street Parking Stalls.** Off-street parking stalls shall be marked by painted lines or other approved material and shall be maintained to be legible at all times.
10. **Parking of Trucks and Equipment.** The parking of trucks or other vehicular equipment of a commercial or industrial nature shall be allowed subject to the following regulations.
  - a. Agricultural equipment shall be allowed in the R-C - Conservation Residence, R-SE - Suburban/Estate Residence, A - Agricultural, or A-P - Agricultural Prime District.
  - b. The parking of any passenger automobiles, panel trucks, vans, or pick-up trucks, each individually exceeding eight thousand (8,000) pounds manufactured Gross Vehicle Weight in a residential district, P Park and Open Space, or I - Institutional District, and Floodplain Overlay District shall require a Temporary Use Permit as specified in Article 3.
  - c. Any vehicle over eight thousand (8,000) pounds rated Gross Vehicle Weight may be parked in districts not previously mentioned in the normal course of business in conjunction with a commercial or industrial use of the subject property. Any overnight parking shall be allowed only with a Conditional Use.

## 11. Pedestrian Circulation Standards.

- a. Off-street parking areas serving multifamily, mixed-use, and nonresidential development and consisting of twenty (20) or more off-street parking spaces shall incorporate on-site circulation systems exclusively for the use of pedestrians and other non-motorists to navigate the site. Pedestrian circulation systems are encouraged in off-street parking areas with fewer than twenty (20) spaces but are not required.
- b. The on-site pedestrian circulation system shall comply with all ADA standards.
- c. The on-site pedestrian circulation system shall be marked, shall connect all buildings on the site to one another, and shall provide connections to required parking spaces.
- d. The on-site pedestrian circulation system must connect building entrances to adjacent public rights-of-way when public sidewalks are either existing or planned. The on-site pedestrian circulation system shall form a direct route between the building entrance and adjacent public right-of-way that does not require significant out-of-direction travel unless approved as follows.
  - i. For pedestrian circulations system with a significant out-of-direction travel, the applicant must submit sufficient evidence of the special conditions to support such alternative design. Special conditions may include, but not limited to, presence of natural resources, steep slopes, street grades, landscape features and building orientation or similar.
- e. The on-site pedestrian circulation system shall provide at least one (1) connection to all adjacent properties along a shared street frontage. Connections must provide access to existing walkways on adjacent properties, or to the likely future location of walkways on those properties. The Zoning Administrator may waive this requirement upon determining that no walkway exists, a future walkway is unlikely to exist, or such connection would create a safety hazard.

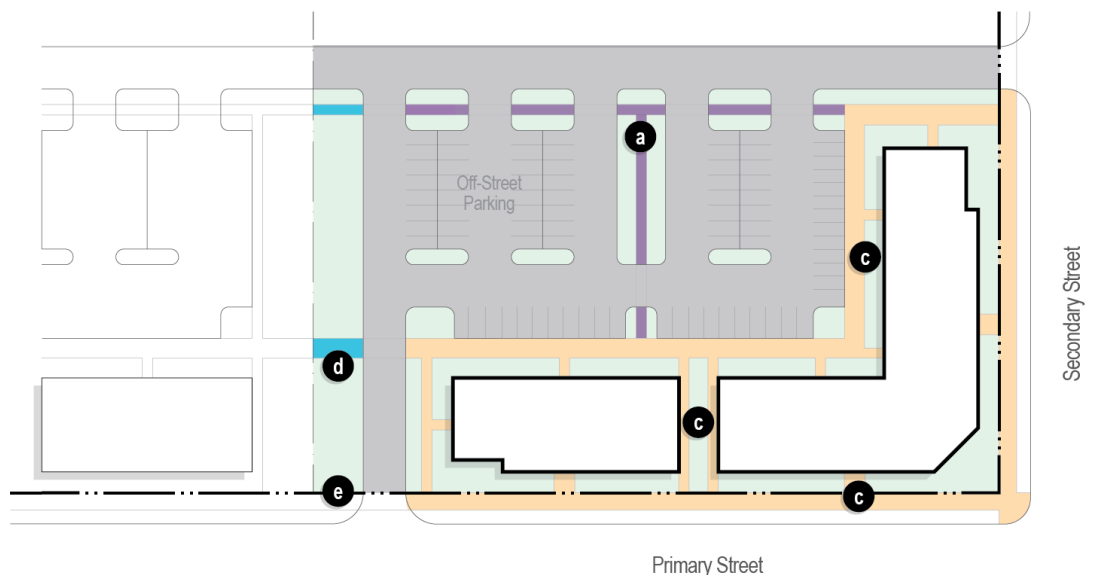


Figure 3 Pedestrian Circulation Standards

**D. Snow Storage Requirements For Off-Street Parking and Loading Areas.**

1. **Snow Storage Prohibited in Required Off-Street Parking, Drive, and Loading Areas.** The storage of snow for more than forty-eight (48) hours is hereby prohibited in provided off-street parking, driveway, and loading areas.
2. **On-Site Snow Storage Standards for Parking and Loading Areas.** If an off-site snow repository is not used, adequate on-site snow storage shall be provided using the following standards:
  - a. A minimum site area representing ten (10) percent of the total required off-street parking or loading area, inclusive of access drives, shall be provided as the snow storage area.
  - b. The required snow storage area may be paved or unpaved. In either case, provision for adequate drainage of the snow storage area shall be provided to accommodate snowmelt, and no snowmelt shall drain onto abutting properties.
3. **Use of Setbacks, Yards, Bufferyards, and Stormwater Management Facilities for Snow Storage.** Required setbacks, yards, and bufferyards may be used to accommodate the required snow storage area. However, landscaped areas specified in Section 15-5-06 shall not be used as snow storage areas. Stormwater management facilities shall not be used as snow storage areas unless specifically approved by the City Engineer as part of a stormwater management plan per Chapter 224 of the Municipal Code.
4. **Use of Stream and Surface Water Buffers as Snow Storage Areas.** Snow storage areas designated pursuant to site plan or conditional use review are not to be located within stream buffers unless the applicant can demonstrate that there is no reasonable alternative location for snow storage on the same property, and that the snow storage area will be sited, planted or managed in a manner that reduces the potential for erosion and contaminated runoff entering the associated stream as a result of snow melt.

**E. Off-Street Bicycle Parking.**

1. **Location.**
  - a. Required bicycle parking shall be provided on the same lot as the use it is intended to serve.
  - b. Bicycle parking spaces shall be adequately lit and located such that they are highly visible from the street and/or building entrance(s) from points where bicyclists approach the site.
  - c. The location of bicycle parking shall not conflict with pedestrian and/or vehicle circulation.
  - d. Bicycle parking shall be sited within fifty (50) feet of a building's main entrance. If provided indoors, bicycle parking shall be located within a common area designated for secure bicycle storage.
  - e. Bicycle parking adjacent to a pedestrian walkway shall be sited to ensure that a minimum five (5) foot walkway clearance is maintained.
2. **Design Criteria.** All bicycle parking facilities shall be designed in accordance with standards established by the National Association of City Transportation Officials.
3. **Dimensional Standards.**
  - a. Each bicycle parking space shall be a minimum of six (6) feet in length.
  - b. Bicycle racks shall be located at least three (3) feet in all directions from any obstruction, including but not limited to other bicycle racks, walls, doors, posts, columns, or landscaping.
  - c. A minimum vertical clearance of seven (7) feet shall be maintained above all bicycle parking facilities.

4. **Off-Street Bicycle Parking Required.**

- a. Bicycle parking as specified in this subsection shall be required for all multifamily residential, mixed-use, and nonresidential development. Vehicle-related uses as defined in this UDO shall be exempt from the requirement.
- b. The number of required bicycle parking spaces shall be equal to five (5) percent of the off-street vehicle parking spaces provided, up to ten (10) required bicycle parking spaces.
- c. When the required amount of bicycle parking is less than two (2) spaces, the use shall provide a minimum of two (2) spaces in a bicycle parking area.
- d. Off-street bicycle parking spaces provided on vertical racks mounted on a building wall shall not count toward the minimum quantity required.

F. **Electric Vehicle Charging Stations.**

1. All parking lots may utilize the Electric Vehicle Charging Station incentive.
2. For any applicant providing ten (10) or more electric vehicle charging stations on-site, twenty (20) percent of the applicable permit fee required per the City of Franklin fee schedule may be waived by the Zoning Administrator.
3. Electric vehicle charging stations shall comply with the use-specific standards for electric vehicle charging stations in Section 15-4-13(H).

G. **Off-Street Loading.**

1. **Purpose.** The purpose of this Section is to prevent congestion of public rights-of-way and private lots to promote the safety and general welfare of the public by establishing minimum requirements for the provision of loading facilities on various sites.
2. **Location.** All required loading spaces shall be located on the same lot as the use served. No permitted loading space shall be located within forty (40) feet of the nearest point of intersection of any two streets. No loading space shall be located in a required side yard abutting a parcel in a residential zoning district, a parcel with an existing residential use, or in a required front yard.
3. **Access.** Each required off-street loading space shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. Loading spaces on lots located adjacent to public ways shall be so situated as to enable the vehicles to back into the loading dock from areas other than public ways unless as otherwise approved by the Plan Commission. The blocking of loading spaces by other loading spaces, permanent or moveable structures of any type, including trash receptacles or compactors, shall be prohibited.
4. **Surfacing.** All open, off-street loading and parking spaces shall be improved with asphalt, concrete, or a permeable paving system approved by the City Engineer, and with stormwater management facilities as approved by the City Engineer.
5. **Repair and Service.** No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any residential or nonresidential zoning districts.
6. **Maneuvering Space Required to Service Outdoor Loading Areas.** Adequate off-street truck maneuvering area shall be provided on-site and shall not interfere with internal site circulation, ingress or egress to the site, access to or use of required off-street parking areas and pedestrian circulation areas. Maneuvering areas shall not be provided within any public street right-of-way or other public lands except as may be allowed by the Plan Commission for properties in the B-P - Business Park and LI - Limited Industrial Districts where permanently dead-ended streets and cul-de-sacs may serve as off-street truck maneuvering. The Plan Commission shall consider the number of proposed loading docks, the proposed use and frequency of loading and unloading and the number of businesses located on the dead-end street or cul-de-sac and determine that the adjacent businesses will not be adversely impacted or affected.

7. **Interference With Fire Exit or Emergency Access Prohibited.** Off-street loading facilities shall be designed so as not to interfere with any fire exits or emergency access facilities to either a building or site.
8. **Required Loading Spaces.** The number of loading spaces provided shall be determined by the developer and shall provide for adequate space for standing, turning, loading, and unloading services in a manner that does not interfere with vehicle or bicycle parking, drive aisles, pedestrian walkways, or landscaped areas.

## 15-5-02. Driveways

- A. **Driveways on Controlled Access Arterials and Highways Prohibited.** No direct private access shall be permitted to the existing or proposed rights-of-way of expressways or to any controlled access arterial street without permission of the highway agency with access control jurisdiction.
- B. **Right Angles Required.** Driveways shall cross the lot line at right angles or as close to right angles as possible to provide site access.
- C. **Arterial Street and Highway Access and Street Intersections.** No new direct public or private access shall be permitted to an arterial street or highway within one-hundred and fifteen (115) feet of the intersection of the right-of-way lines of another arterial street or highway unless approved by the Plan Commission.
- D. **Single-Family and Duplex Driveway Standards.** A single slab or ribbon driveway from the property line to legal, on-site parking shall be provided and shall be in conformance with the following criteria.
  1. **Limit of One.** One (1) single slab or ribbon driveway and one (1) curb cut shall be permitted per seventy-five (75) feet of lot frontage.
  2. **Single-Slab Driveway Design Standards.**
    - a. Single-slab driveways shall not exceed twenty-four (24) feet in width at the property line.

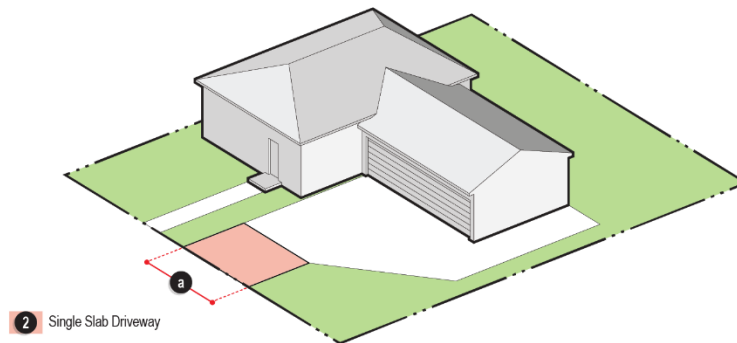


Figure 4 Single-Slab Driveway Design Standards

- b. **Surfacing.**
  - I. Single-slab driveways shall be surfaced with an all-weather, dustless concrete material which may include decorative concrete, patterned concrete, exposed aggregate concrete, concrete pavers, permeable paver blocks, or similar materials approved by the City Engineer.
  - II. Single-slab driveways surfaced with asphalt and constructed prior to the adoption date of this UDO shall be allowed to continue or be reconstructed in kind.



- III. Driveways longer than fifty (50) feet may be surfaced with asphalt.
- IV. Driveways on lots in the R-C - Conservation Residence District and R-SE Suburban/Estate Residence District may be surfaced with asphalt.

3. **Garage Access Drive.** A garage access drive is permitted and shall meet the standards below.
  - a. **Width.** The maximum width of a garage access drive shall be the width of the garage, as measured from the garage door(s) plus an additional three (3) feet on either side of the garage door(s).
  - b. **Length.** The maximum length of a garage access drive shall be twenty (20) feet from the garage doors.
  - c. **Taper.** The garage access drive shall taper, within ten (10) feet, back to the maximum driveway width.
  - d. **Surfacing.** Garage access drives shall adhere to the surfacing requirements for single-slab driveways in Section 15-5-02(D)(2).

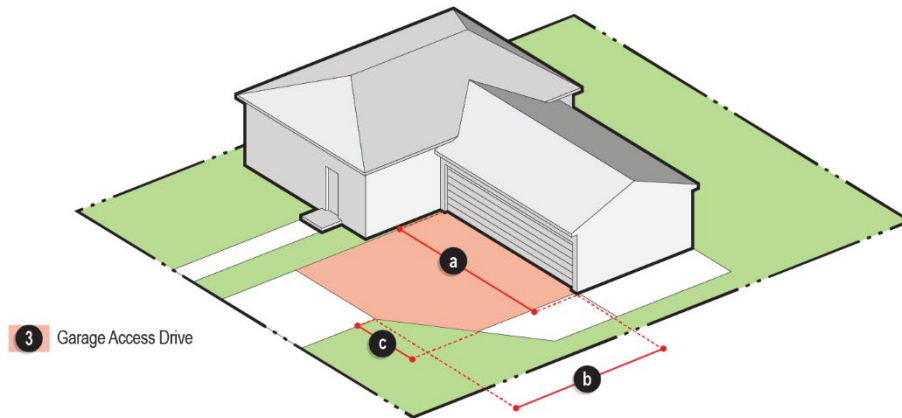


Figure 5 Garage Access Drive

4. **Parking Pad.**
  - a. **Limit of One.** A garage access drive may be extended to include one (1) parking pad. The total number of parking stalls, including the parking pad, shall not exceed the maximum limit of two (2) parking stalls per dwelling unit.
  - b. **Configuration.**
    - I. A parking pad shall be a minimum of nine (9) feet and a maximum of ten (10) feet in width.
    - II. The portion of the parking pad adjacent to the garage access drive shall have a maximum length of twenty (20) feet, as measured from the front façade line of the garage. A minimum seven (7) foot taper shall be included in the twenty (20) foot maximum.
    - III. The portion of the parking pad adjacent to the garage shall have a maximum length equal to the depth of the garage, as measured from the front façade line of the garage.
  - c. **Location.** The parking pad shall be set back a minimum of five (5) feet from any side property line.
  - d. **Screening.** A fully opaque fence with a minimum height of six (6) feet shall be constructed in the side yard abutting the parking pad.

- e. **Surfacing.** A parking pad may be surfaced with asphalt, concrete, grass, gravel, or a permeable paving system. The first half (1/2) inch of runoff over the entire surface shall be treated with green infrastructure if the parking pad is surfaced with asphalt or concrete.

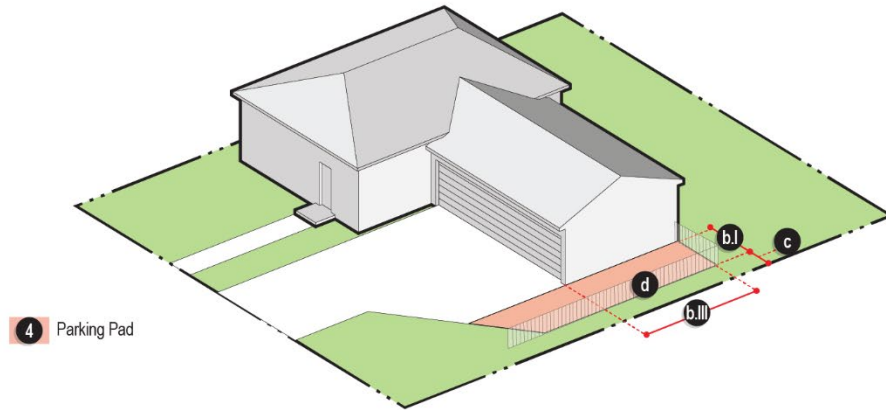


Figure 6 Parking Pad

#### E. Townhouse, Multifamily, and Nonresidential Driveway Standards.

##### 1. Location.

- a. Where an off-street parking area of a corner lot abuts an alley or a corner side street, access to the off-street parking area shall be obtained from a driveway off the alley or corner side street.
- b. No lot other shall have multiple driveways for purposes of vehicular ingress and egress without a minimum three hundred (300) foot separation between such curb cuts along a street, unless otherwise approved by the City Engineer.

##### 2. Townhouse Driveway Design Standards.

- a. One-way driveways for townhouse uses shall be a minimum of ten (10) feet wide and a maximum of twenty (20) feet wide at the property line.

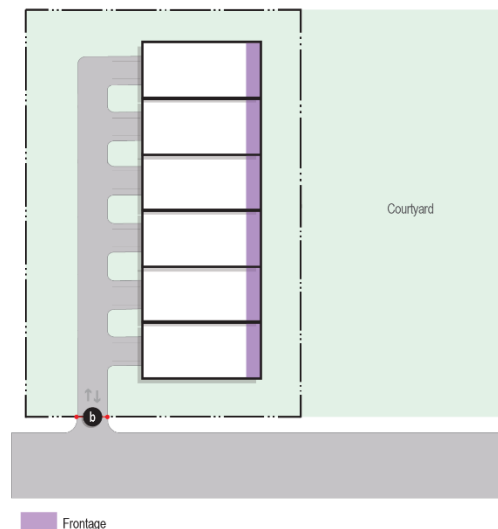
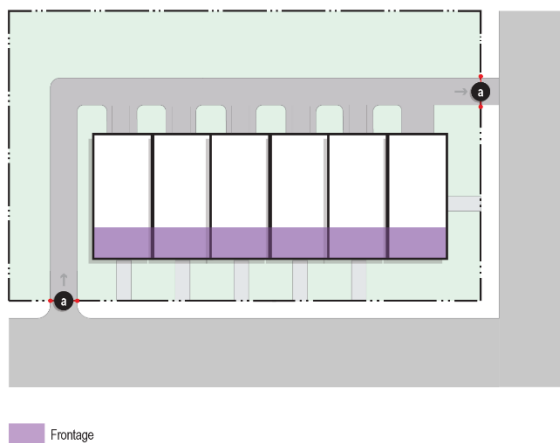


Figure 7 Townhouse Driveway Design Standards

- b. Two-way driveways for townhouse uses shall be a minimum of twenty-four (24) feet and a maximum of thirty-six (36) feet in width at the property line.
- c. Driveways for townhouse uses shall comply with the surfacing standards for single-slab driveways as specified in Section 15-5-02(D)(2).

### 3. Multifamily and Nonresidential Driveway Standards

- a. One-way driveways for multifamily and nonresidential uses shall be a minimum of twelve (12) feet wide and a maximum of twenty-four (24) feet wide at the property line.
- b. Two-way driveways for multifamily and nonresidential uses shall be a minimum of twenty (20) feet wide and a maximum of thirty-six (36) feet wide at the property line.
- c. Driveways for multifamily uses shall comply with the surfacing requirements for single-slab driveways in Section 15-5-02(D)(2) above. Asphalt shall be prohibited for driveways serving lots with a nonresidential use.
- d. Islands between the vehicle lanes in opposing directions shall be provided at driveway openings with a minimum width of twelve (12) feet and located five (5) feet from all lot lines.

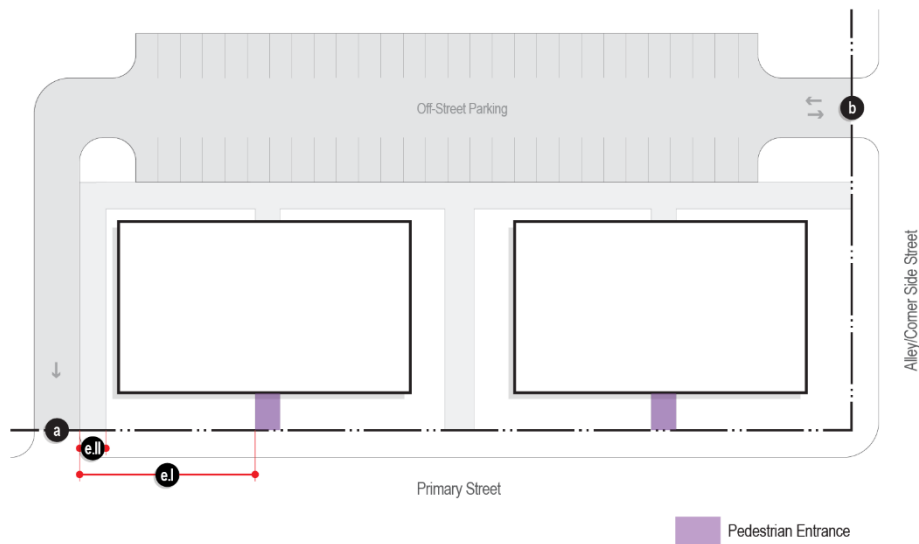


Figure 8 Multifamily and Nonresidential Driveway Standards

#### e. Setbacks Required.

- I. **Pedestrian Entrance.** Driveways for all retail, service, eating and drinking, vehicle-related, and industrial uses shall be at least two hundred (200) feet from any pedestrian entrance to any institutional or place of assembly use.
- II. **Property Line.** No driveway shall be located closer than ten (10) feet to any front, street side, side, or rear property line except as follows.
  - i. Where a shared driveway between neighboring lots or parcels is provided to serve as access to a State or County Highway for the purposes of highway safety as approved by either the Wisconsin Department of Transportation or Milwaukee County Highway Department, any minimum driveway setback as required by this Section may be waived, provided that such waiver of setback is for the shared driveway

that is constructed over or abutting property lines of lots or parcels that benefit from the shared driveway.

- ii. Approved access points to public streets or cross access between neighboring properties as required in Section 15-5-01(C)(1) may be allowed to cross the required setbacks at or as close to right angles as possible to provide site access.
- f. **Edge Barrier Required.** A concrete curb and gutter, or an equivalent barrier of a minimum of four (4) inches in height, shall be installed along the length of all new driveways serving multifamily, mixed-use, or nonresidential development.
  - I. The edge barrier may be interrupted where necessary to provide for stormwater outflows.
  - II. This provision may be waived by the Plan Commission for additions to existing structures located in areas without a predominance of curb and gutter when curb and gutter is not installed on the adjacent street right-of-way or is not anticipated to be constructed on the street right-of-way in a future street reconstruction in a reasonable period of time.

### 15-5-03. Required Landscaping

- A. **Landscaping Required.** Landscaping is required in the form of on-lot landscaping, street bufferyards, peripheral bufferyards, and in off-street parking areas and in areas where vegetative mitigation (see Section 15-4.0103 of this Ordinance) is required. The area and/or length of each, as required herein, must be measured in order to determine the amount of landscaping required.
- B. **Exemptions and Modifications.** All developments shall meet the provisions of this Division except as specifically exempted below:
  - 1. Residential Development on Existing Lots of Record in the A - Agricultural, A-P - Prime Agricultural, and Residential Districts.
  - 2. Additions to Existing Buildings where the Total Floor Area is not Increased More than Ten (10) Percent. Additions to existing buildings where the total floor area is not increased more than ten (10) percent of the existing total floor area.
  - 3. Additions to Buildings Which Increase Overall Building Area from Ten (10) to Fifty (50) Percent. Additions to buildings which increase their overall building area from ten (10) to fifty (50) percent shall conform to the landscaping standards set forth in this Division reduced by up to thirty (30) percent.
  - 4. Floodplain and Wetland Areas. Areas located within the FW - Floodway and FF - Floodfringe Districts are exempt from the landscaping requirements set forth in this Section except where mitigation or restoration is required by this UDO.
- C. **Bufferyards to Ameliorate Nuisances Between Certain Adjacent Zoning Districts.** A bufferyard is a combination of a setback and a visual buffer or barrier and is a yard or area together with the planting and/or landscape structure required thereon. The amount of land, the type of planting, and the amount of planting specified for each bufferyard requirement of this UDO are designed to ameliorate nuisances between certain adjacent zoning districts. Bufferyards are also designed to ensure a desired character along public streets and roads.
- D. **Bufferyards Required to Separate Different Zoning Districts.** Bufferyards shall be required to separate different zoning districts from each other. Bufferyards function to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs, and unsightly buildings or parking areas, or to provide spacing to reduce adverse impacts of noise, odor, or danger from fires or explosions.
- E. **Integration with Stormwater Management.** Vegetated features designed and installed to provide stormwater infiltration or treatment, including but not limited to bioretention areas or rain gardens, vegetated swales, or deep-rooted plantings with amended soils, may be incorporated into landscaped areas and bufferyards required under this Section. The plant selection

requirements of this Section may be varied in order to accommodate planting plans specific to a vegetated stormwater infiltration or treatment area, provided the overall landscaping and/or screening plan installed is equivalent or greater to the amount required under this Division.

#### 15-5-04. Minimum Landscape Standards.

- A. **Standard Plant Units.** This Section defines the standard plant unit and its definitions of this Section. The following Table 15-5-04(A) specifies the plant unit requirements. Tree requirements shall refer to the diameter measured six (6) inches above root flare. For purposes of this Section, bioretention plantings shall be equivalent to small flowering shrubs or native grasses/forbs at a rate of 9 SF of plantings per large deciduous shrub, small flowering shrub, or native grass/forb.

Table 15-5-0302(A): Standard Plant Units					
Planting Type	Planting size		Land Use Type		
	Minimum Diameter/Size	Minimum Height	Multi-Family	Retail, Service, Institutional, Place of Assembly, Vehicle-Related, and Similar	Industrial
Canopy/Shade Tree	3" diameter at 6" above root flare	--	1.5/ dwelling unit	1/5 parking spaces	1/10 parking spaces
Evergreen Tree OR	--	6'	1/dwelling unit	1/5 parking spaces	1/10 parking spaces
Ornamental Tree	3" diameter at 6" above root flare	--			
Evergreen Shrub OR	18" wide	--	1/dwelling unit	1/5 parking spaces	1/10 parking spaces
Large Deciduous Shrub	--	3'			
Small Flowering Shrubs OR	--	18"	3/dwelling unit	1/5 parking spaces	1/10 parking spaces
Native Grasses/Forbs OR	1 gallon pot	--			
Bioretention Plantings	3" - 4" pot (or as specified by Landscape Architect)		Per storm water management plan; Max Spacing 18" on center; 9 SF = one 18" small flowering shrub or 1 gallon pot of native grasses/forbs		

- B. **Definition and Conditions.** The following definitions and conditions shall apply to the application of Table 15-5.0302.

1. **Trees.**
  - a. Canopy/Shade trees are deciduous trees providing over-hanging canopy at maturity.
  - b. Evergreen Trees refers to coniferous trees, tamarack trees, and upright-growing arborvitae; bush-type arborvitae may be used as an Evergreen Shrub.
  - c. Ornamental Trees are flowering and/or fruit bearing trees, normally growing to full growth shorter than a shade tree.
2. The number of plantings required per parking space shall be rounded to the next highest range. For example, fifty-two (52) spaces in a commercial development shall require eleven (11) shade trees, not ten (10).
3. The minimum number of plantings shall be five (5) per property for each type.

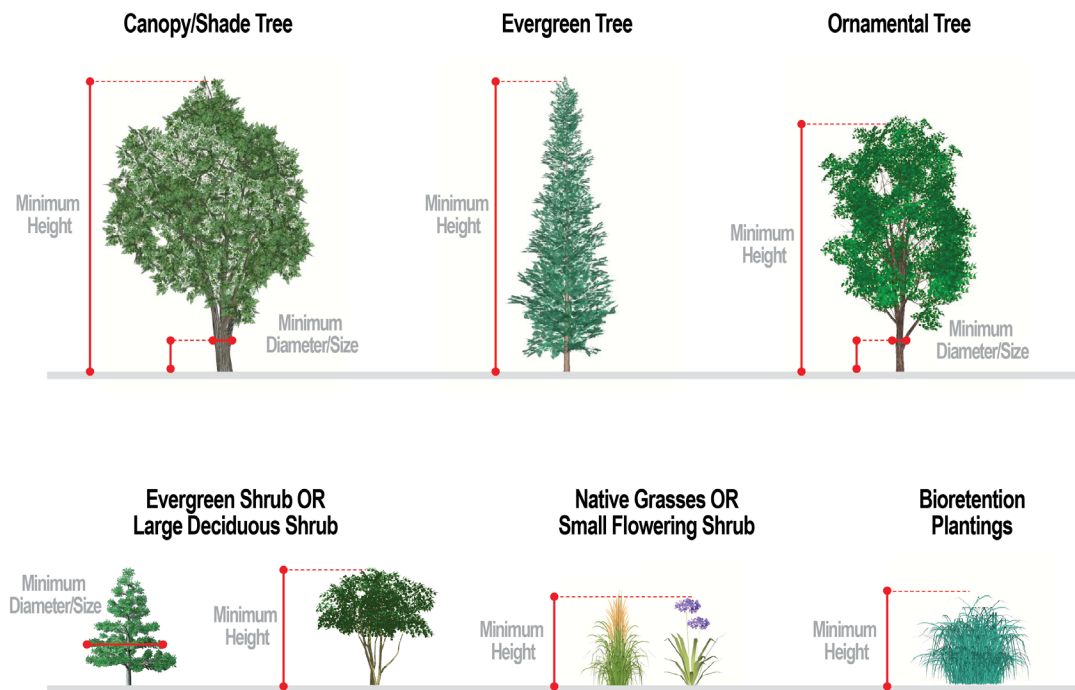


Figure 9 Standard Plant Units

4. The minimum amount of landscaping shall be twenty (20) canopy/shade trees per acre, twenty (20) evergreen trees per acre, ten (10) ornamental trees per acre, and thirty (30) small shrubs per acre. Each acre shall be divisible, rounded to the next number of plantings (i.e., 1.68 acres = 34 shade trees).
  5. In the event ornamental trees and/or shrubs are not appropriate for a development, then those types may be replaced by the following schedule:
    - a. One (1) canopy/shade tree for every one (1) required ornamental tree.
    - b. One (1) canopy/shade tree or evergreen tree for every two (2) required large deciduous or evergreen shrubs.
  6. In the event evergreen trees are not appropriate for a non-multi-family development, then each required evergreen tree may be replaced by a canopy/shade tree.
  7. Tree requirements are stated in terms of the required diameter measured six (6) inches above root flare.
- C. **Bufferyard.** When development abuts or is across a street from a residential zoning district or existing residential use, or an existing, less intensive use as determined by the Zoning Administrator the following bufferyard requirements shall apply:
1. Additional planting density shall be required; for the site as a whole, the minimum density of plantings required in Table 15-5.0302 shall be increased by twenty (20) percent.
  2. Emphasis shall be on placing the increased amount of plantings within the bufferyard, except where preservation of existing plant material does not allow additional plantings, or where a combination of fencing and landscaping is provided to accommodate vegetated stormwater management areas.
  3. A combination of evergreen trees (which may include arborvitae), other deciduous vegetation, and fencing are recommended within the buffer yard. The minimum planting height of evergreens and fencing at installation shall be six (6) feet.

4. On-site pedestrian circulation systems provided on-site, whether required in Section 15-5-05 or not, may traverse a bufferyard required in this subsection subject to Zoning Administrator approval.
- D. **Credit for Preserved Existing Plant Materials.** The preservation of healthy, existing plant materials is strongly encouraged. Where plant materials and trees are to be preserved on the site, the following shall apply:
1. In a non-bufferyard landscape area, preservation of existing canopy/shade trees, evergreen trees, and ornamental trees over six (6) feet in height with a minimum diameter of three inches (3") measured six inches (6") above root flare shall replace one (1) equivalent type of required planting.
  2. In a bufferyard landscape area, existing canopy/shade trees, evergreen trees, and ornamental trees over six (6) feet in height shall replace one-half (1/2) an equivalent type of required planting.
  3. In either a non-buffer or bufferyard, existing large deciduous or evergreen shrubs over five (5) feet in height shall replace one (1) required large shrub planting.
  4. Plantings to be preserved including exact location, size, and type shall be shown on the submitted landscape plan and in any required maintenance and replacement schedules. The City Forester may be consulted to determine the likelihood of survival of canopy/shade, evergreen, and ornamental trees through construction, and may specify required measures for construction-phase protection as a condition of approval of the landscape plan.
- E. **Alternative Minimum Landscape Surface Ratio.** Use of the Alternative Minimum Landscape Surface Ratio shall require a minimum diameter measured six (6) inches above root flare of three (3) inches for canopy/shade trees and two (2) inches for ornamental trees, and a minimum height of six (6) feet for evergreen trees, along with an increase by twenty (20) percent of the minimum quantity of plantings required by Table 15-5-04(A) If a bufferyard is present, then the required quantity of plantings increases to thirty (30) percent.
- F. **Ground Cover.** All areas not covered by buildings or paving shall be covered with landscaping. The specific type(s) of groundcover to be used shall be shown on the landscape plan.
1. Open areas not covered by formal landscape plantings shall be planted with deep-rooted plantings (which may include native short-stature grasses or forbs), low growing ground cover, or other living landscape materials, except where existing natural vegetation of the site makes such plantings impossible.
  2. The use of conventional sod or turf grass as ground cover should be limited to those areas planned for active or passive recreation use, or other areas where substantial use of the area is anticipated.
  3. The use of low-growing ground cover on slopes to provide stabilization and where appropriate, pollinator habitat, is encouraged.
  4. The use of salt-tolerant species is recommended in all parking lot landscaped islands and perimeter areas.
  5. Low-growing ground cover such as Barren Strawberry (*Waldesteinia*) is preferred to grass. The use of stone, wood chips, artificial or plastic mulches, or other non-living material to cover more than twenty-five (25) percent of any parking lot landscaped island shall be prohibited.
- G. **Placement.** Generally, placement of all types of plantings shall be dispersed across the entire site at discretion of developer, with the following minimum guidelines:
1. Species of plantings best suited for high traffic areas shall be placed in the highest vehicular and pedestrian traffic areas.
  2. Native species of canopy/shade trees should be placed away from the highest vehicular and traffic areas.
  3. Plantings shall be located so as not to obscure vehicle sight lines.
  4. Plantings shall be located so future growth is not over a sidewalk or parking/ drive area.



5. Plantings shall be located to soften tall and long building walls.
6. Plantings within buffer yards, in combination with any fencing provided, shall provide visual opacity within two (2) years of planting.
7. Any fruit, nut, or seed-bearing trees shall be located away from parking/drive areas and pedestrian walkways.
8. Canopy/shade trees and evergreen trees shall be separated from one another to ensure the health and longevity of the trees. In no instance shall canopy/shade or evergreen trees be located closer than five (5) feet from one another.

**G. Landscape Plan Contents.**

1. Landscape Plans shall be prepared by a professional Landscape Architect or Landscape Designer. Each Landscape Plan shall include:
  - a. Preparer's name and date of preparation.
  - b. A base site plan that matches the site plan submitted for approval, showing planting locations and existing plantings to be preserved, and the Landscape Surface Ratio percentage.
  - c. A planting schedule of common names, botanical names, and planting sizes and quantities of all planting materials and ground cover.
  - d. Calculations showing how the plan meets or exceeds the minimum quantity of plant materials required, including calculations of preserved plant materials, landscape area plantings, and bufferyard plantings.
  - e. A diagram or plan showing the integration of drainage patterns and stormwater management measures with landscape areas.
2. Landscape Plans shall be submitted with the initial application subject to the following procedures.
  - a. An applicant must at a minimum file a preliminary landscape plan generally depicting the landscaping for the site at the time of initial application filing.
  - b. Landscape Plans must be approved by the Zoning Administrator and, where integrated with a Stormwater Management Plan, the City Engineer.

## 15-5-05. General Landscaping Requirements

- A. **Physical Containment of Landscaped Areas.** All landscaped areas located within or adjacent to a parking area, or adjacent to a public street or sidewalk, shall be designed to contain landscape materials and to prevent vehicular encroachment through the use of concrete curbing, headers of a minimum four (4) inches in height, or wheel stops.
- A. **Artificial Landscape Materials.** Artificial trees, shrubs, turf, or plants shall not be permitted as landscaping.
- B. **Groundcover.** The use of landscape fabrics or mulches under all areas landscaped with non-living materials, except as required per an approved stormwater management plan, is recommended to prevent weed growth.
- C. **Irrigation.** Appropriate on-site, outdoor water supply (e.g., underground or drip irrigation, hose bibs, etc.) that provides complete coverage to all new living landscaped areas sufficient to provide for plant establishment and ongoing maintenance is required. Watering systems shall be designed to water landscaped areas efficiently and avoid irrigation of adjacent parking areas and access drives, sidewalks, buildings, and public streets. If hose bibs are used, they must be located within one hundred (100) feet of any landscaped area. Temporary or permanent irrigation of bioretention areas or other vegetative stormwater management areas shall be implemented per an approved Stormwater Management Plan, or as specified by a Landscape Architect or landscape designer on the approved landscape plan.



- D. **Location.** New vegetation shall be selected, planted, and maintained so that at maturity it will not interfere with utility lines, snow storage areas, vehicular parking, pedestrian circulation, traffic sight visibility at driveways and street intersections, and will not cause damage or upheaval of sidewalks and pavement.
- E. **Installation.**
1. **Timing of Installation.** Landscaping and irrigation shall be installed in accordance with the approved landscape plan prior to issuance of a Zoning Compliance Permit or commencement of operations. The City will have the right to refuse approval of any project not meeting the provisions of this Section.
  2. **Surety to Include the Cost of Ground Cover.** The cost of vegetative ground cover shall be reflected in the financial surety held in accordance with this Division.
  3. **Return of Financial Surety.** When it is determined that the landscaping and watering systems have been installed in accordance with the approved plans, the City shall return the surety to the applicant.
- F. **Maintenance.**
1. **Responsibility for Maintenance.**
    - a. Maintenance of all landscaping shall be the responsibility of the owner, lessee, heirs, assigns, agents, homeowners' association, or other liable entity of the property and shall consist of regular watering, pruning, mowing, fertilizing, removal and replacement of irrigation systems, and architectural features.
    - b. The owner or liable entity in control of any private premises shall at all times maintain the premises free of litter and weeds.
    - c. Landscape maintenance shall be coordinated, where applicable, with maintenance provisions in an approved Stormwater Management Plan.
  2. **Landscape Phasing.** Future building pads within a phased development shall be maintained in a dust-free condition vegetated with groundcover.
- G. **Preservation of Existing Trees During Grading.** During grading operations, those existing trees to be preserved and retained as a part of the subdivision, certified survey map, or condominium approval shall be protected through the following measures:
1. All trees to be retained shall be identified on site by flagging tape. Trees selected for transplanting shall be flagged with a separate distinguishing color.
  2. Construction limit fencing shall be erected at the perimeter drip line of all trees to be retained and all protected areas as identified in a Natural Resource Protection Plan. Tree protection devices shall be installed where required over tree roots, branches and/or tree trunks, as identified in the Natural Resource Protection Plan.
  3. Fences and tree protection devices installed shall be maintained and all construction materials, supplies and equipment shall be kept outside of the protected areas throughout construction.
- H. **Plant Replacement.** Any plant materials included in an approved landscaping plan that do not survive a plant establishment period of two (2) years after installation shall be replaced with plant material(s) of the same or like species of equal size within the next planting season, but in any event, within six (6) months of the plant's demise. Said replacement shall be made by the property owner or, in the case of landscape plant materials located within a landscape easement under the control of a homeowners' association, the homeowners' association shall be responsible for said replacement.
- I. **Plant Material Species Mixture.**
1. All landscape plant materials selected shall be adequately mixed so that no singular species exceeds forty (40) percent of the total planting requirements. Where four (4) or more canopy/shade trees are to be installed, at least two (2)

species of canopy/shade tree must be installed that include one or more species suitable to the region, such as but not limited to Sugar Maple, Red Maple, Red Oak, Tilia Americana and improved cultivars, or Hybrid Elm.

2. For every ten (10) trees a minimum of three (3) different species are recommended.
3. Trees shall be selected from a tree species list as recommended by the City Forester.

J. **Invasive Species Prohibited.** Plant species listed in WI Ch. NR 40 invasive species plant list shall not be used in any landscape areas.

## 15-5-06. Minimum Landscaping Standards for Off-Street Parking Areas and Lots

A. **Minimum Landscaping Requirements for Residential, Mixed-Use, and Nonresidential Off-Street Parking Areas and Lots.** Each residential, mixed-use, and nonresidential off-street parking lot shall contain landscaping within the parking lots, along the perimeter of parking lots, and along adjoining entrance drives and circulation drives.

1. A minimum of ten (10) percent of the interior area of the parking lot shall be landscaped, with a minimum total interior planting area of three hundred (300) square feet.
2. The minimum dimension of any planting area shall be nine (9) feet by eighteen (18) feet, with a minimum planting depth of three (3) feet.
3. A minimum of two (2) cubic feet of soil volume per one (1) square foot of projected tree canopy at maturity shall be provided per canopy/shade or ornamental tree planted in an interior parking lot island.
4. In general, larger, contiguous planting areas are preferred over smaller planting areas in order to promote healthy plant growth.

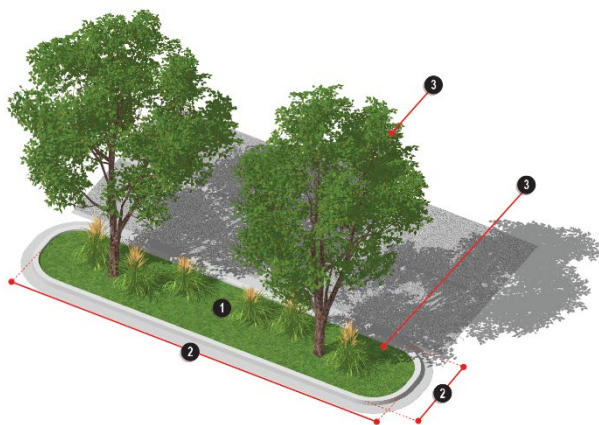


Figure 10 Minimum Landscaping Requirements for Residential, Mixed-Use, and Nonresidential Off-Street Parking Areas and Lots

B. **Existing Vegetation May Count Toward the Provision of Minimum Off-Street Parking Landscape Requirements.**

Existing trees that can, in the opinion of the City Forester, be preserved in a healthy condition after construction, shall count toward the minimum off street parking landscape requirements. The City Forester shall find that conditions during and after construction:

1. Shall not cut off the tree from a reasonable supply of water,
2. Shall incorporate sufficient soil volume (i.e. 2 cubic feet of soil per 1 square foot of projected canopy area at maturity) and protected from compaction, with the area under the canopy remaining undisturbed; and

3. Plantings that are preserved within parking lot islands shall be located within islands with a minimum of three hundred (300) square feet in area.
- C. **Barriers Required to Contain Landscape Areas.** The barrier around landscape areas may incorporate wheel-stops, provided the area of vehicle overhang does not exceed two (2) feet and does not damage or interfere with the landscaping. Where vehicle overhangs abut required landscape areas, a minimum five (5) foot wide planting area is required for a single vehicle overhang, and an eight (8) foot wide planter for a double vehicle overhang is required. Vehicle overhang into the public right-of-way is not permitted.
- D. **Uses Not Permitted in Required Landscaped Areas.** Parking (except where vehicle overhang is permitted), buildings, and display of equipment or vehicles are not permitted in required landscaped areas. Required landscaped areas shall not be used for snow storage.
- E. **Required Landscape Materials Not to Constitute a Driving Hazard.** To ensure that landscape materials do not constitute a driving hazard, trees used to landscape parking islands shall have a clear trunk height of six (6) feet; mature shrubs, groundcover, or other landscaping material shall not exceed three (3) feet in height. The landscaped area within these planters may be used to satisfy, to the extent provided, the landscaping requirements.

## 15-5-07. Screening

- A. **Grease Traps, Trash, and Recycling Receptacles.** The following regulations shall apply to all nonresidential, mixed use, and multifamily development.
  1. **Visibility From Public Right-of-Way Prohibited.** Grease traps, trash, and recycling receptacles shall be located to be completely concealed from visibility from any public right-of-way. The Zoning Administrator may provide an exemption from these requirements when the Zoning Administrator determines that the site's conditions require the exemption.
  2. **Screening Required.**
    - a. Grease traps, trash, and recycling receptacles shall be screened on three (3) sides with a solid, opaque material with a minimum height of six (6) feet and a maximum height of eight (8) feet.
    - b. Materials used for screening shall complement the exterior building cladding materials of the primary building.
    - c. Materials and elevations for enclosures that are attached to buildings shall be designed to be integrated into the primary building.
    - d. If enclosures are to be attached to buildings, they shall comply with applicable fire and building codes.
    - e. Shrubs, native grasses, or other vegetation shall be installed along the exterior of the enclosure, except for the enclosure openings, to provide a softening effect.
    - f. Enclosure openings shall be gated with an opaque material.
    - g. Enclosure openings shall be kept closed at all times except for when the receptacle is being accessed.
    - h. Property owners shall be responsible for ensuring that grease traps, trash, and recycling receptacles be placed in the enclosure at all times other than when it is being accessed.
    - i. Access drives shall be constructed of materials and to a thickness which accommodates truck loading. Year-round access to the enclosure area for service trucks shall be maintained by the property owner or tenant.
    - j. Enclosures shall be of an adequate size to accommodate expected containers. The enclosure shall be designed to be expandable to accommodate future additional containers.
    - k. All enclosures shall be curbed, graded and drained in a manner that prevents the discharge of contaminated runoff to surface waters or storm drainage facilities.

- I. Enclosure structures shall be designed to protect the walls from damage by containers. Such protection may be provided by the use of barrier curbing, reinforced masonry walls, or other similar means.
- m. Grease traps, trash, and recycling receptacle enclosures shall not occupy areas used for required parking spaces.

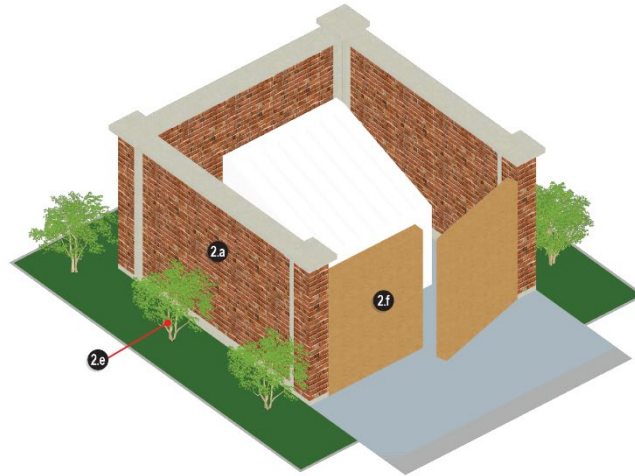


Figure 11 Grease Traps, Trash, and Recycling Receptacles

- B. **Ground/Wall Mounted Mechanical Units.** The following regulations shall apply to all ground/wall-mounted mechanical units, including but not limited to generators, air-conditioning condensers, heat pumps, ventilation units, computer cooling equipment, etc., and any related utility structures and equipment. Tanks and / or silos accessory to a brewery, winery, and/or distillery or microbrewery, microwinery, or microdistillery are exempt from these requirements.
  - 1. Locating mechanical units within the primary building is strongly encouraged to minimize exterior visual impacts. Ground-mounted mechanical units are prohibited within the front yard, regardless of whether screening is provided.
  - 2. Ground/wall mounted mechanical units that are visible from any public right-of-way or adjacent residential property shall be screened from public view.

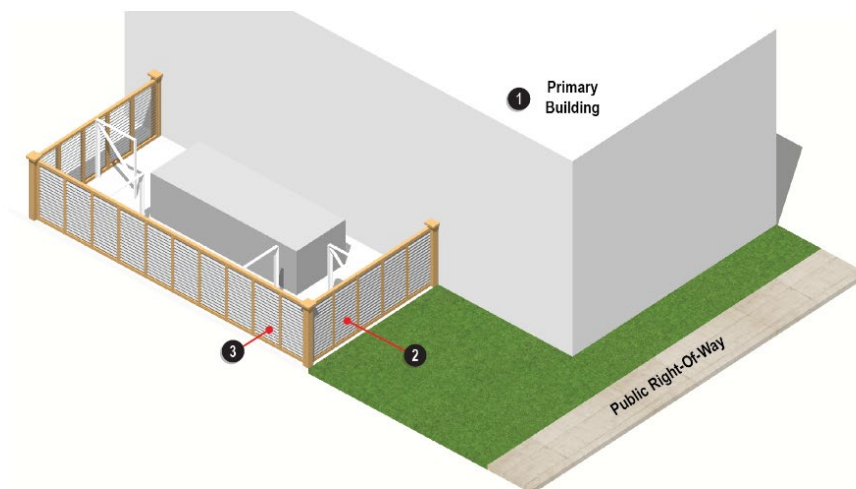


Figure 12 Ground/Wall Mounted Mechanical Units

3. Materials used for screening shall be designed and established so that the area or element being screened is no more than twenty (20) percent visible through the screen. Evergreen hedges or non-transparent walls such as stone masonry shall be allowed.
  4. Chain-link fence or slats in chain-link fence shall not be used to meet this requirement.
- C. **Roof Mounted Mechanical Units.** The following regulations shall apply to all roof mounted mechanical units, including but not limited to air-conditioning condensers, heat pumps, ventilation units, computer cooling equipment, etc., and any related utility structures and equipment which service multifamily, non-residential, or mixed-use developments.
1. Locating mechanical units within the primary building is strongly encouraged to minimize exterior visual impacts.
  2. Roof mounted mechanical units that are visible from the closest right-of-way line or adjacent residential property, as well as from adjacent commercial and mixed-use districts (B-N, B-G, B-R, B-MU, and B-SM), shall be completely screened from public view from those locations.
  3. Materials used for screening shall be architecturally integrated with the building and shall be continuous and permanent.
  4. Screening shall be required when new equipment is installed and shall be provided around both new and existing roof mounted mechanical units in order to provide visual continuity. Normal maintenance of roof mounted mechanical unit shall not mandate the screening requirements.
  5. Additional screening may be required due to topographic differences in the adjoining properties.

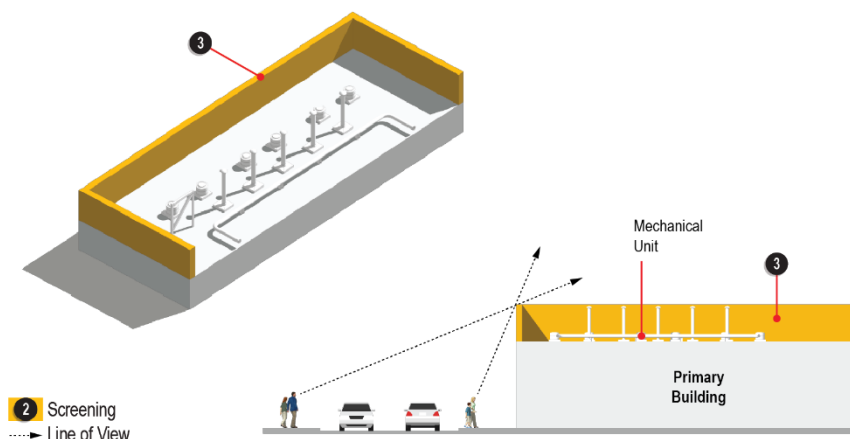


Figure 13 Roof-Mounted Mechanical Units

- D. **Off-Street Loading Areas.** Off-Street loading areas that are visible from any property in a residential district shall be completely screened from view with a bufferyard as specified in Section 15-5-04(C).

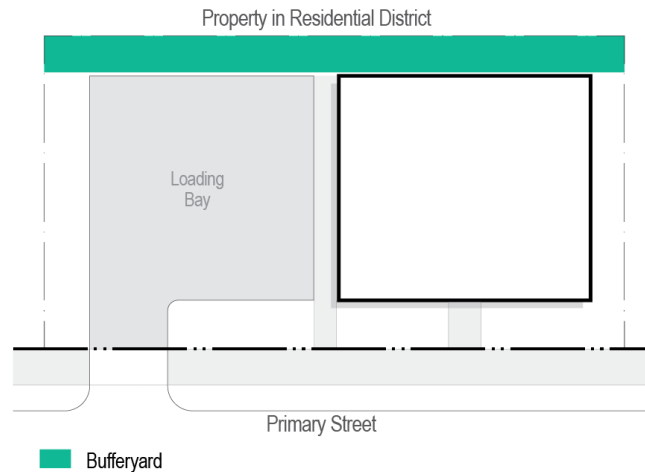


Figure 14 Off-Street Loading Area

## 15-5-08. Fencing

### A. General Provisions.

1. **Maintenance Required.** All fences shall be maintained in good repair and in structurally sound condition. All fences shall be constructed and maintained in a good aesthetic condition and of such materials and colors so as not to adversely affect the value, visual character, and visual appeal of adjoining property or property in the immediate neighborhood. All fences shall be constructed and maintained straight, plumb, and of an even height along its length, except for such deviations as required by grade.
2. **Building Permit Required.** No fence shall be constructed in the City without first obtaining a Building Permit.
3. **Material Storage Prohibited.** No materials shall be stored between a fence located adjacent to a lot line and the lot line. No materials shall be stored against the fence on its interior side.
4. **Snow Fencing Allowed.** Snow fencing will only be allowed between November 15<sup>th</sup> and April 15<sup>th</sup> of each year. No Building Permits for the installation of said snow fencing shall be required.
5. **Utilities.** An applicant seeking to construct a fence shall call Diggers Hotline or similar service to obtain information on the location of underground utilities located on-site.
6. **Finished Side Facing Adjacent Property.** Fencing shall be constructed with the finished or decorative side facing the adjacent or abutting property or street.

- B. **Height.** Fence height shall be the vertical distance measured from the mean elevation of the natural lot grade along the fence to the highest point on the fence, excluding fence posts and supports.

### C. Fence Posts and Supports.

1. The posts and supports for fences may exceed the allowed fence height by six (6) inches.
2. A maximum of twenty (20) percent of the fence length may be comprised of fence posts.

- D. **Location.** All fences allowed in this Section shall be located:

1. Wholly within property lines; no part of the fence, post hole, or fence material may encroach or cross a property line
2. A minimum of one (1) foot from any property line abutting a right-of-way,
3. A minimum of one (1) foot from any City easements unless otherwise approved by Common Council
4. Outside of a vision clearance area as detailed in Section 15-5-12,
5. In a manner which does not block access to underground utility access structures or fire hydrants, and

**E. Material Standards.**

1. **Materials Permitted.** Permitted fence materials shall be only those materials which are designed and intended for use in fence installations and shall be limited to:
  - a. Masonry
  - b. Vegetation (including but not limited to “green wall” systems),
  - c. Wood, chemically treated or naturally resistant to decay,
  - d. Wood Composites,
  - e. Aluminum,
  - f. Vinyl/PVC,
  - g. Wrought Iron,
  - h. Trellises composed of materials allowed in this subsection, and
  - i. As approved by the Zoning Administrator or their designee.
2. **Chain Link Fences.** Chain link fences shall be allowed in the interior side or rear yard on a lot with any single-family or duplex use.
3. **Masonry Fences.** Masonry fences shall be prohibited in the Floodplain Overlay District. The Zoning Administrator may forward applications for masonry fences to the City Engineer for further review on sites outside the Floodplain Districts on which drainage and flooding concerns are present. Adverse impact of drainage and flooding shall constitute the ground for denial of the application.

**F. Fences on Lots with Single-Family and Duplex Uses.** Fences on lots with single-family and duplex uses shall meet the requirements established below. Barbed wire, razor wire, agricultural fencing, or unconventional materials such as plywood or tarps or others as determined by the Zoning Administrator shall be prohibited on lots with single-family and duplex uses. All fences shall be erected so that the posts and all other supporting members face inward toward the owner’s property.

1. **Fences in Front and/or Street Side Yards.**
  - a. **Height.** Fences in front and/or street side yards shall not exceed four (4) feet in height except fences in street side yards which may have a maximum height of six (6) feet if located at least five (5) feet from the property line.
  - b. **Materials.** Fences in front yards and/or street side yards shall be of non-sight barrier construction and have a maximum opacity of fifty (50) percent except for fences in street side yards, which may be one hundred (100) percent opaque if located a minimum of seven (7) feet from the street side lot line.



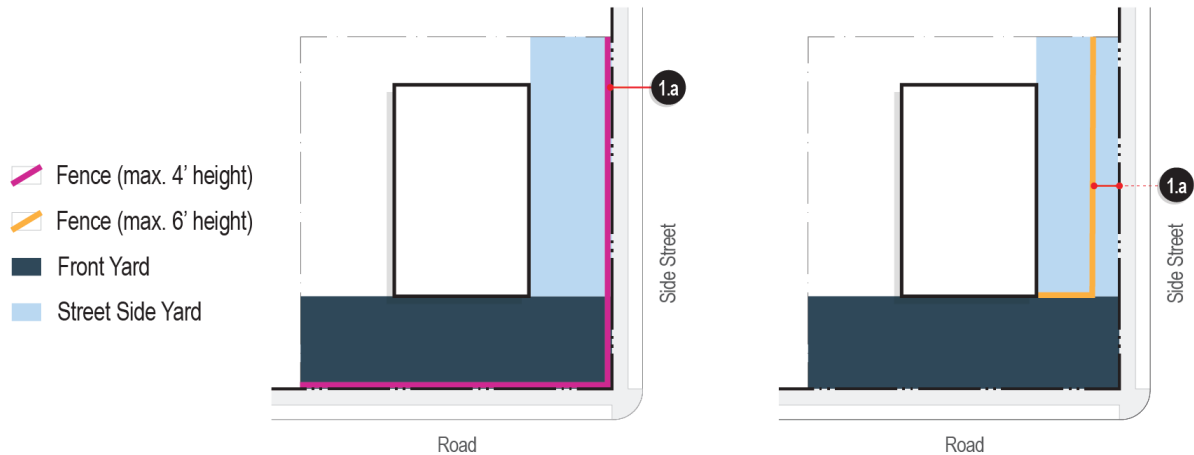


Figure 15 Fences on Lots with Single-Family and Duplex Uses in Front and/or Street Side Yards

## 2. Fences in Interior Side and Rear Yards.

- Height.** The maximum height of a fence in interior side yards and rear yards shall be six (6) feet. A height of up to eight (8) feet shall be allowed for fences in rear yards abutting an arterial road.
- Materials.** Fence materials utilized in interior side yards and rear yards shall complement fence materials utilized in other yards. Fences in interior side and rear yards may be one hundred (100) percent opaque.

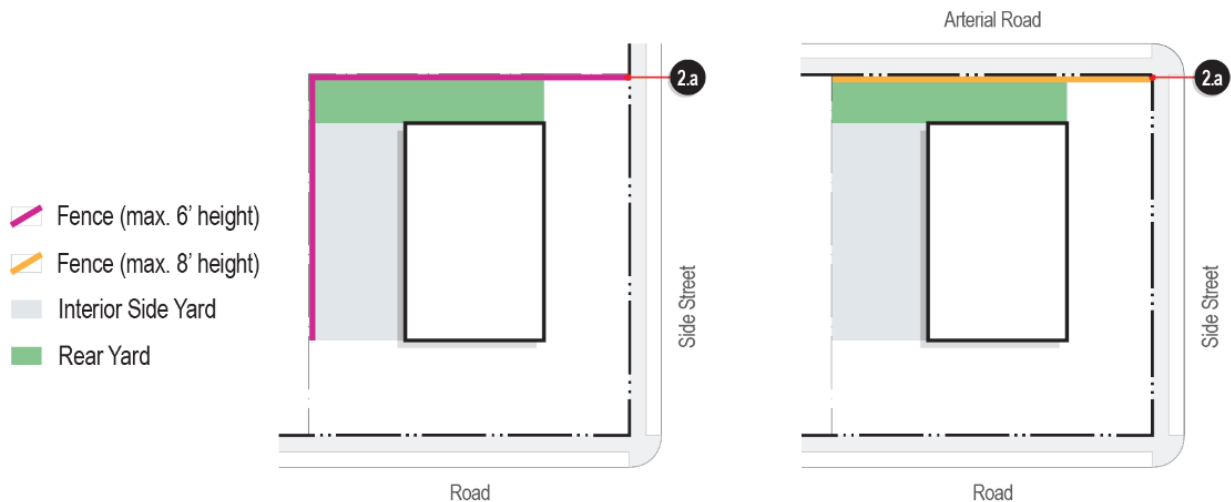


Figure 16 Fences on Lots with Single-Family and Duplex Uses in Interior Side and Rear Yards

## G. Fences on Lots with Townhome, Multifamily, Mixed-Use, and Nonresidential Uses.

- Height.** The maximum height of fences on a lot with townhome, multifamily, mixed-use, and nonresidential uses shall not exceed six (6) feet.
  - Rear Lots Abutting An Arterial Road.** A height of up to eight (8) feet shall be allowed for fences in rear yards abutting an arterial road.



- b. **Plan Commission Exception.** The Plan Commission may approve a height above six (6) feet for a fence located in any lot where the proposed increase provides a functional or aesthetic benefit for the proposed use.
- 2. **Location.** Fences on lots with townhome, multifamily, mixed-use, and nonresidential uses shall be located in rear and interior side yards only, with the exception of fences on lots in the LI - Limited Industrial District which may be located in street side, interior side, and rear yards only. Fences located in the street side yard in the LI - Limited Industrial District shall be buffered from the sidewalk by a landscaped area as specified in Section 15-5-04(C).
- 3. **Barbed Wire.** In the LI - Limited Industrial District, barbed wire may be utilized in interior side and rear yard fences and shall be limited to a maximum height of one (1) foot, and a maximum of three (3) strands of wire. The barbed wire shall not be included in the determination of fence height.

## 15-5-09. Retaining Walls

- A. **Applicability.** The standards of this Section shall apply to retaining walls constructed in any zoning district.
- B. **Location.**
  - 1. **General Location Standards.** All retaining walls shall be located as follows:
    - a. **Setbacks and Location.**
      - I. Retaining walls shall be wholly within property lines; no part of the retaining wall or material may encroach or cross a lot line.
      - II. The setback from any lot line for retaining walls shall be at least five (5) feet;
      - III. The setback and location standards specified in subsection II above shall be exempted for retaining walls maintained by a homeowners association that span multiple lots so long as the retaining wall features are documented in an approved subdivision agreement.
    - b. **General Location Standards.** Retaining walls shall be a minimum of:
      - I. Five (5) feet from any property line abutting a right-of-way,
      - II. One (1) foot from any City easements unless otherwise approved by Common Council
      - III. In a manner which does not block access to underground utility access structures or fire hydrants, and
      - IV. A minimum horizontal distance of four (4) feet is required between walls installed in a tiered installation. The area between the tiers shall be graded with no more slope than needed to facilitate shedding of surface waters and must be landscaped with natural material and be properly maintained.
- C. **Design.**
  - 1. Retaining walls shall not exceed four (4) feet in height above the natural lot grade at the wall's location, unless a greater height is approved by the City Engineer.
  - 2. Retaining walls shall not exceed the height of the grade that is supported.
  - 3. The exterior of all retaining walls shall be natural materials, decorative wall blocks, textured concrete, or other similar materials as approved by the Zoning Administrator. The use of standard concrete block or untreated landscape ties are prohibited.
  - 4. Plans for any wall more than three (3) feet in height above the natural lot grade shall be stamped and signed by a professional engineer and submitted to the City Engineer for approval.

5. A safety guard rail or fence is recommended along any portion of a retaining wall exceeding three (3) feet in height.

**D. Maintenance and Installation.**

1. The long-term durability and maintenance of retaining walls shall be the sole responsibility of the property owner.
2. Retaining walls shall not interfere with the surface water drainage pattern and shall not be constructed in drainage swales.

## 15-5-10. General Townhouse, Multifamily, Mixed-Use, and Nonresidential Design Standards

- A. **Applicability.** The standards of this section shall apply to all townhome, multifamily, mixed-use, and nonresidential development.
- B. **Exterior Building Cladding Materials.** Allowable exterior building cladding materials shall be as detailed in Table 15-5-10(B) below. Glazing shall not be included in the façade material calculations. When part of a common development, buildings shall utilize materials that are consistent with or complement surrounding development.

Table 15-5-10(B): Exterior Building Cladding Materials						
District	Building Façade Elevation	Masonry (1)	Lap Siding, Stucco (2)	EIFS, Concrete	Architectural Metal Siding (3)	Vinyl Siding, Unfinished Concrete Block
<i>R-M - Multi-Unit Residential, Commercial and Mixed-Use, I - Institutional, and B-P - Business Park Districts</i>	<i>Front, Street Side</i>	Min. 50%	Max. 50%	Max. 15%	Max. 15%	Not permitted
	<i>Interior Side</i>	Min. 25%	Max. 75%	Max. 25%	Max. 25%	Not permitted
	<i>Rear</i>	Any % allowed	Any % allowed	Max. 25%	Max. 25%	Max. 25%
<i>LI - Limited Industrial District</i>	<i>Front, Street Side</i>	Min. 30%	Max 60%	Max. 30%	Max. 30%	Not permitted
	<i>Interior Side</i>	Any % allowed	Max. 80%	Max 40%	Max 40%	Not permitted
	<i>Rear</i>	Any % allowed	Any % allowed	Max. 40%	Max. 40%	Max. 40%
<b>Notes</b>						
(1) Masonry shall include brick, stacked stone, stone, stone masonry units, and architectural concrete masonry units.						
(2) Lap siding shall include cementitious fiber board.						
(3) Architectural metal siding shall not be corrugated.						

- C. **Façade Articulation.** Articulation involves the horizontal and vertical variation of the façade so that walls are subdivided into bays or sections that are vertically proportioned. The following provisions for façade articulation shall apply to any building elevations facing a public right of way or property in a residential district.
  1. The frontage of the building shall be divided into architecturally distinct sections or bays with each section taller than it is wide.
  2. Sections or bays shall be visually established by architectural features such as columns, ribs, pilasters, piers, recesses, projections, windows, awnings, arcades, or an equivalent element that visually subdivides the wall with a roof or cap features that provides a rational terminus and integrates with the overall design of the façade.
  3. The required dividing elements shall have a minimum width of one (1) foot and minimum projection to width ratio of 1:4.



Figure 17 Façade Articulation

D. **Roofline Modulation.** The width of any continuous flat roofline should not extend more than one-hundred (100) feet without modulation. Modulation shall consist of either one or a combination of the following treatments:

1. For flat roofs or facades with a horizontal eave, fascia, or parapet, the minimum vertical dimension of roofline modulation is the greater of two feet or ten (10) percent of the wall height.
2. For gable, hipped, or gambrel roofs a minimum slope of three (3) feet vertical to twelve (12) feet horizontal.

E. **Glazing.**

1. **Transparency Zone.** Glazing that is transparent under all lighting conditions shall extend from a base of contrasting material (not exceeding four (4) feet in height above the adjacent grade) to at least the height of the door head. Table 15-5-10(E) details the minimum required percentage of square footage in the transparency zone that must have a glazing treatment.

Table 15-5-10(E): Transparency Zone Glazing Requirements		
District	Elevation Facing Yard	
	Front	Street Side
B-SM	50%	40%
B-MU	40%	30%
B-N	40%	30%
B-G	30%	20%
B-R	30%	20%
LI	30%	20%
I	30%	20%

2. **Upper Story Glazing.** A minimum of twenty (20) percent of the square footage of upper stories of buildings in the B-SM - St. Martins Road Historic Village Business and B-MU - South 27<sup>th</sup> Street Mixed-Use Districts shall include glazing.
3. **Glazing to be Dispersed.** Required glazing shall not be aggregated into a single, undivided area of glazing treatment. Individual glazing areas shall not span more than fifteen (15) linear feet.
4. **Entrance Orientation.** Main entrances to buildings shall be oriented toward the primary street adjoining the subject property. Secondary entrances are encouraged along secondary streets or along building frontages not adjoining a street.

## 15-5-11. Outdoor Lighting

- A. **Fixture Classification.** All outdoor lighting fixtures, with the exception of wall-mounted accent lighting, shall either have a fixture cutoff classification of “Full Cutoff” or be fully shielded, unless otherwise expressly permitted in this UDO.
- B. **LED Fixtures.** All outdoor lighting utilizing a light-emitting diode (LED) fixture shall meet the following standards:
1. **Color Rendering.** Outdoor LED fixtures shall be rated a minimum Color Rendering Index (CRI) value of seventy (70) or higher.
  2. **Color Temperature.** Outdoor LED fixtures shall have a correlated color temperature between four thousand (4,000) and five thousand (5,000) degrees Kelvin.
- C. **Pole Mounted Outdoor Lighting.**
1. **Pole Placement.** Pole-mounted outdoor lighting shall be located outside of utility easements, designed in coordination with required landscape zones.
  2. **Maximum Lighting Height.** Pole-mounted fixtures shall be mounted at heights as specified in Table 15-5-11(C)(2).

Table 15-5-11(C)(2): Maximum Lighting Height	
District	Maximum Permitted Luminaire Height
A, A-P, R-C, R-SE, R-SR	10
R-M, R-V, B-SM	15
B-N, B-MU	20
All Other Districts	25
<b>Notes</b>	
A post height of 60 feet shall be allowed for outdoor place of assembly uses including ball diamond, playing fields, golf driving ranges, tennis courts and similar outdoor recreational facilities.	

- D. **Wall Mounted Accent Lighting.** Wall mounted accent lighting shall be integrated with the architectural character of the building and shall use low-luminosity lamps, with two thousand (2,000) source lumens or less. The illumination on any vertical surface shall not exceed one-half (0.5) maintained foot candle and shall not spill over roof lines or building edges.
- E. **Outline Lighting, Flickering, and Flashing Prohibited.** Outline lighting shall be prohibited from signs, buildings, and structures. No flickering or flashing lights shall be permitted.
- F. **State Requirements For Street Lighting.** Street lighting shall conform to the standards set forth by the State of Wisconsin for State Trunk Highways, Milwaukee County for County Trunk Highways, and the City for City streets and highways.
- G. **Maximum Light Level at Property Line.**
1. On lots adjacent to lots in a Nonresidential District, all outdoor lighting fixtures shall be designed and located so that the maximum light level at any property line shall not exceed one-half (0.5) maintained foot candles, as measured by the City’s Inspection Services Department.
  2. On lots adjacent to lots in a Residential District, all outdoor lighting fixtures shall be designed and located so that the maximum light level shall be zero (0) maintained foot candles at any property line.
  3. The Zoning Administrator may approve light level in excess of the limits of this section at a front property line for lighting fixtures that meet the City’s specifications for streetlighting as specified in Section 15-5-11(F).

#### H. Light Level Measurement.

1. **Location.** Light level measurements shall be made at the property line of the property upon which the light to be measured is being generated. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the property of the complainant or at any other location on the property of the complainant. Measurements shall be made at finished grade (ground level), with the sensor in the horizontal position and not mounted more than six (6) inches above ground level, and with the light-registering portion of the meter held parallel to the ground and pointing upward.
2. **Light Meter Specifications.** Light levels shall be measured in foot candles with a direct-reading portable light meter. The meter shall have:
  - a. Cosine and color correction,
  - b. An accuracy tolerance of no greater than plus or minus five (5) percent, and

#### 15-5-12. Vision Clearance Areas

- A. No visual obstructions, such as structures, parking, or vegetation, taller than three (3) feet above grade shall be permitted in any district in the triangular area of the lot measured as a set distance from the center of the intersection of a driveway and a street or from the center of the intersection of two (2) or more streets. This area shall be referred to as a clear sight triangle and shall be determined as follows:
  1. In the case of an arterial or collector street intersecting with another arterial or collector street, the clear sight triangle shall be sixty (60) feet from the center of the intersection of the two (2) streets.
  2. In the case of the intersection of any two (2) other street types or between a street and a driveway, the clear sight triangle shall be thirty (30) feet from the center of the intersection of the two (2) streets or between the street and the driveway.

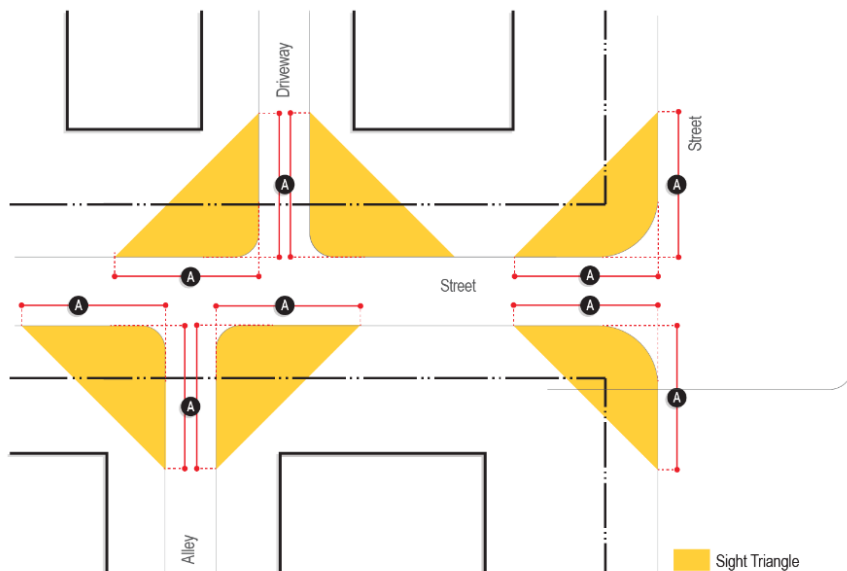


Figure 18 Vision Clearance Areas

#### 15-5-13. Performance Standards

- A. Any use established in the City of Franklin shall be operated in such a manner as to comply with applicable performance standards set forth governing noise, smoke, particulate matter, toxic or noxious matter, odors, fire and explosive hazards, vibration, radiation or glare or heat; and no use already established on the effective date of this

chapter shall be so altered or modified as to conflict with, or further conflict with, applicable performance standards. Failure to comply with such applicable performance standards shall constitute a nuisance.

1. **Noise.** No activity or use shall be conducted in a manner that generates a level of noise greater than that allowed by the Franklin Municipal Code.
2. **Vibration.** No activity or use shall be conducted in a manner that generates earthborn vibration that can be detected at any point off the lot on which the use is located.
3. **Dust and Air Pollution.** Dust and air pollution carried by the wind from sources such as storage areas, yards, parking areas, equipment, and the like, within lot boundaries, shall be kept to a minimum by appropriate landscaping, screening, paving, wetting, or other acceptable means.
4. **Hazardous, Radioactive, and Toxic Materials.** No activity or use shall produce hazardous, radioactive, or toxic material without prior notice to the City. Notice shall be given to the Community Development Director at least thirty (30) days before the operation commences. The transport, handling, storage, discharge, clean up, and disposal of all hazardous, radioactive, or toxic materials, including waste, shall comply with applicable Federal, State, County, and local regulations.
5. **Odor.** No activity or use shall be conducted in a manner that generates odors of such intensity and character as to be harmful to the health, welfare, or comfort of the public. Any such use shall be stopped or modified to remove the odor.
6. **Fire and Explosion Hazards.** Materials that present potential fire and explosion hazards shall be transported, stored, and used only in conformance with all applicable Federal, State, County, and local regulations.

#### B. Sound Study.

1. **Applicability.** Concurrent with the approval of a conditional use permit for a development or use proposed to include outdoor activities or operations, a sound study and noise mitigation and management plan shall be approved by the City.
2. **Requirements.** A sound study and noise mitigation and management plan prepared by a professional acoustical consultant or engineer shall meet the following requirements.
  - a. **Comparative Analysis of Existing Noise Environment.** A comparison of current ambient noise levels at the project site and sites within 250 feet of the project site, to the established noise standards of the local noise ordinance.
  - b. **Project Noise Emissions.** A description of the types and anticipated noise levels of noise emissions from the project during construction and operation (decibel levels, variations).
  - c. **Noise Mitigation Strategies.** A plan to reduce noise and comply with noise standards (barriers, quieter equipment, operating hour limitations).
  - d. **Noise Mitigation and Management Plan.** A document outlining the noise mitigation strategies and management activities that the use shall operate under, and which shall be adopted as the conditions of the approval of the conditional use permit.
3. **Review and Determination.** The City shall review the submitted documentation to assess the potential noise impact of the proposed project and determine if modifications to site design, layout, landscape, or other development or use features are necessary to ensure compliance with the Municipal Code.

## Article 6. Sign Standards

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### 15-6-01. Intent, Purpose, and Applicability

- A. **Purpose and Intent.** The purpose of this Article is to preserve and protect the public health, safety, and welfare by regulating signs of all types. It is intended to:
1. Enhance the physical appearance of the City,
  2. Make Franklin a more enjoyable and pleasing community and create an attractive economic and business climate,
  3. Reduce sign distractions which may increase traffic accidents,
  4. Eliminate hazards caused by unsafe signs,
  5. Relieve pedestrian and traffic congestion, and
  6. Avoid the canceling out effect of adjacent signs.
- B. **Applicability.** Except as otherwise regulated herein, the regulations of this Article shall govern all outdoor signs, advertising structures or devices with respect to location, safety, size, construction, erection, attachment, support, anchorage and maintenance.

### 15-6-02. Limit on Sign Area

- A. **Permanent Sign Area Limit.** Each lot shall be allowed aggregate permanent sign area equal to two (2) square feet of sign area per linear foot of lot frontage.
- B. **Temporary Sign Area Limit.** Each lot shall be allowed aggregate temporary sign area equal to one (1) square foot of sign area per linear foot of lot frontage.

- C. **Premises Having Frontage on More Than One Dedicated Street.** Premises having frontage on more than one (1) dedicated street will be allowed an additional one (1) square foot of aggregate sign area for each lineal foot of the secondary lot frontage; however additional sign area shall only be displayed on the secondary frontage.
- D. **Irregularly Shaped Lots.** Irregularly shaped lots with minimal lot frontage, relative to more typically shaped lots in the district, may petition for additional aggregate sign area through the Master Sign Program process as detailed in Section 15-6-10.

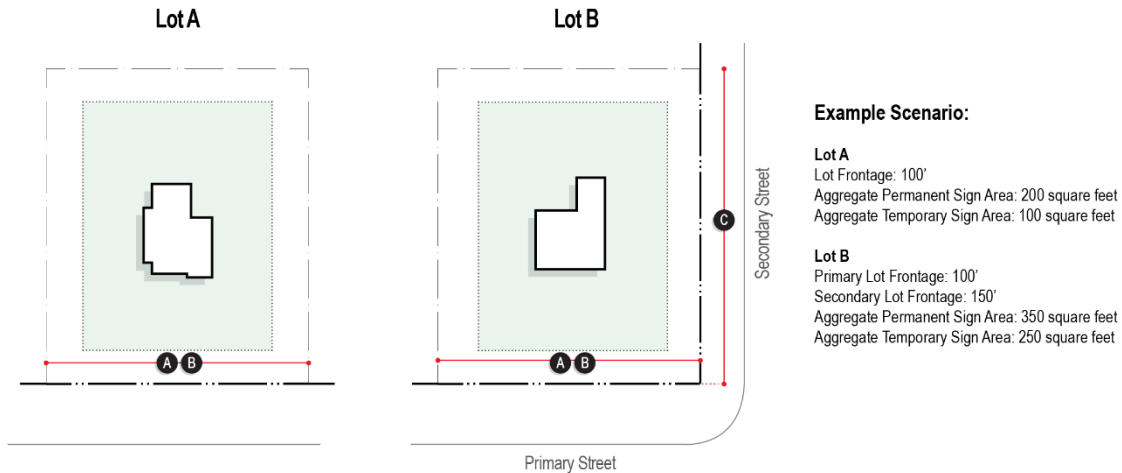


Figure 1 Limit on Sign Area

### 15-6-03. Sign Measurement

- A. **Sign Height.** Sign height shall be measured by the total distance between the highest point on the sign to the average elevation of the ground upon which the sign supports are placed, except when:
1. The sign supports rest upon a berm or other area elevated above the surrounding ground, or
  2. The sign supports rest upon a ditch or other area lower than the surrounding ground.
- B. In the cases detailed in Section 15-6-03 (A)(1) and (2) above, the elevation of the centerline of the adjacent roadway shall be considered as the ground level.

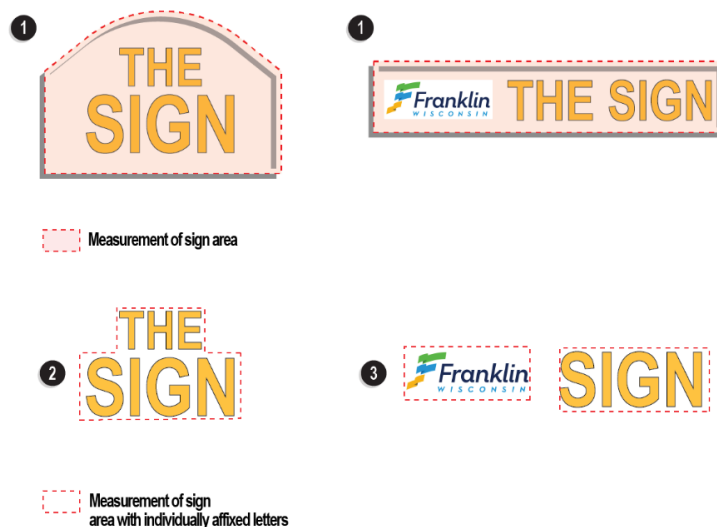


Figure 2 Sign Area



C. **Sign Area.**

1. Unless otherwise defined, sign area is determined by the total area enclosed by a continuous perimeter along the edges of a sign, including any frame or border.
2. The area of a sign composed of individually-affixed letters is determined by the total area of the smallest geometric shape enclosing the copy.
3. A maximum of two (2) geometric shapes may be utilized in sign area calculation.
4. The calculation for a double-faced sign shall be the area of one (1) face only.

**15-6-04. Permitted and Allowed Sign Types by District**

- A. The following key is to be used in the interpretation of Table 15-6-04(B) Permitted and Allowed Sign Types by Residential District and Table 15-6-04(C) Permitted and Allowed Sign Types by Nonresidential and Mixed-Use Districts.
1. **Sign Types Requiring a Permit.** Sign types marked as “●” in the tables shall be permitted subject to all applicable regulations of this Ordinance and only after the issuance of a Sign Permit as detailed in Section 15-9-03(D).
  2. **Sign Types not Requiring a Permit.** Sign types marked as “○” in the tables shall be allowed subject to all applicable regulations of this UDO without the issuance of a Sign Permit.
  3. **Prohibited Sign Types.** A blank space in the table indicates that a sign type is prohibited in the respective district.
  4. **Interpretation of Similar Sign Type.** If a proposed sign is not listed in the table, the Zoning Administrator shall determine if the sign is substantially similar to a sign listed in the table. If it is, the standards applied to the proposed sign shall be the standards applicable to the similar sign. If not, the sign shall be regarded as prohibited.
- B. **Permitted and Allowed Sign Types by Residential District.**

Table 15-6-04(B): Permitted and Allowed Sign Types by Residential District					
Sign Type	District				
	R-C	R-SE	R-SR	R-M	R-V
<i>Permanent Signs</i>					
Wall Sign					
Single-Tenant Monument Sign	●(1)	●(1)	●(1)	●(1)(2)	
Multi-Tenant Monument Sign					
Awning/Canopy Sign					
Projecting Sign					
Window Sign, Permanent					
On-Site Traffic Directional Sign				○(2)	
<i>Temporary Signs</i>					
Wall Mounted Banner Sign					
Ground Mounted Banner Sign					
Window Sign, Temporary					
A-Frame/Sandwich Board Sign					
Post Sign	○	○	○	○	○
Yard Sign	○	○	○	○	○
<i>Notes:</i>					
(1) Sign shall be permitted at entryways or gateways to subdivisions or neighborhoods only.					
(2) Sign shall be permitted for multifamily developments only.					

C. Permitted and Allowed Sign Types by Nonresidential and Mixed-Use District.

Table 15-6-04(C): Permitted and Allowed Sign Types by Nontresidential and Mixed-Use District													
Sign Type	District												
	B-N	B-G	B-R	B-MU	B-SM	B-P	LI	A	A-P	I	P	L	FW
<i>Permanent Signs</i>													
Wall Sign	•	•	•	•	•	•	•	•	•	•	•	•	•
Single-Tenant Monument Sign	•	•	•	•		•	•	•	•	•	•	•	•
Multi-Tenant Monument Sign	•	•	•	•		•	•			•	•	•	•
Awning/Canopy Sign	•	•	•	•	•	•	•	•	•	•	•		•
Projecting Sign	•	•	•	•	•								
Window Sign, Permanent	•	•	•	•	•								•
On-Site Traffic Directional Sign	○	○	○	○	○	○	○	○	○	○	○	○	○
<i>Temporary Signs</i>													
Wall Mounted Banner Sign	•	•	•	•	•	•	•	•	•	•	•	•	•
Ground Mounted Banner Sign	•	•	•	•	•	•	•	•	•	•	•	•	•
Window Sign, Temporary	•	•	•	•	•	•	•			•	•	•	•
A-Frame/Sandwich Board Sign	○	○	○	○	○	○	○			○	○		•
Post Sign								○	○	○	○		
Yard Sign								○	○	○	○		

## 15-6-05. Standards For Permanent Signs

### A. Wall Signs.

1. **Sign Area.** The maximum sign area of wall signs shall be ten (10) percent of the total area of the face of the wall to which the sign is to be affixed.

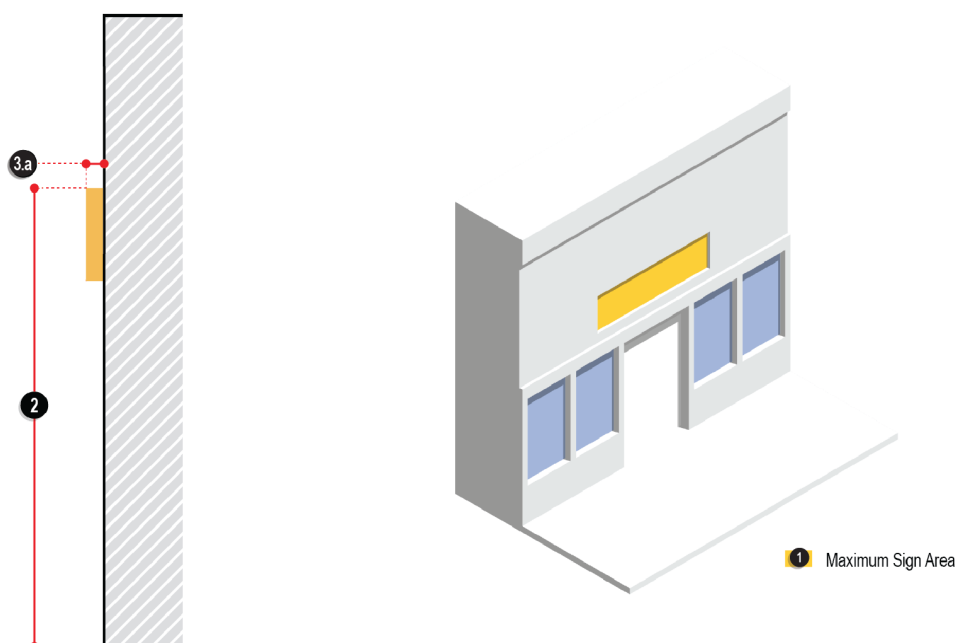


Figure 3 Wall Sign Projection

2. **Sign Height.** No wall sign shall protrude above the sill of a second-story window or windows of the building or structure to which such sign is to be attached.
3. **Projection.**
  - a. No part of any wall sign, except lighting reflectors, shall extend more than twelve (12) inches from the face of the wall to which such sign is attached.
  - b. No wall sign shall be erected or maintained to extend beyond the end of the wall facing a street to which such sign is attached.
4. **Number of Signs.**
  - a. **Primary Wall Signs.**
    - I. Single tenant buildings shall be permitted a total of three (3) primary wall signs; however only one (1) wall sign shall be displayed on any single building façade.
    - II. Multi-tenant buildings shall be permitted one (1) primary wall sign per unit.
  - b. **Secondary Wall Signs.** A maximum of two (2) secondary wall signs may be authorized for buildings with lineal frontage in excess of seventy-five (75) feet by the Zoning Administrator provided such additional signage is:
    - I. In keeping with the overall design and architecture of the building,
    - II. A minimum of twenty (20) feet from the primary wall sign and other secondary wall signs,
    - III. A maximum of fifty (50) percent of the size of the primary wall sign,
    - IV. Less visually prominent on the site than the building's primary wall sign, and
    - V. The total area of all primary and secondary wall signs does not exceed the maximum wall sign area as established in Section 16-6-05(A)(1).

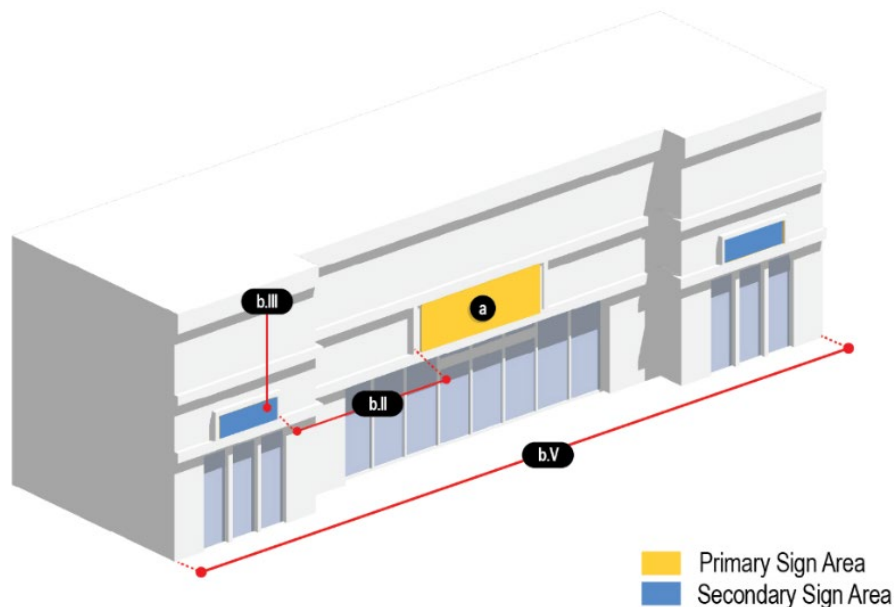


Figure 4 Number of Signs

5. **Sign Copy.**

- a. If the sign copy is individually affixed letters, the Zoning Administrator may approve an increase in sign area up to an additional five (5) percent of the total area of the face of the wall to which the sign is to be affixed.
- b. Box/cabinet wall signs shall be prohibited.

6. **Other Provisions.**

- a. No wall sign shall cover any architectural features (architectural features shall include but not be limited to, pediment, cornice, belt course, pier, windows, pilaster, roof, decorative stone or inlay, kick plate/bulkhead, raised or colored brick pattern, and corbel) of the building to which it is affixed.
- b. No wall sign shall be affixed to HVAC screening, elevator overrun, or other structures protruding from the roof of the principal building, excluding architectural features that are an integral part of the principal building.

B. **Single-Tenant Monument Signs.**

- 1. **Sign Area.** The maximum sign area of a single-tenant monument sign shall be one-hundred-twenty (120) square feet.

- 2. **Sign Height.** The maximum sign height of a single-tenant monument sign shall be fourteen (14) feet.

- 3. **Number of Signs.** A maximum of one (1) single-tenant monument sign shall be permitted per lot frontage except with approval from the Plan Commission.

- 4. **Location.**

- a. A single-tenant monument signs shall not be closer than five-hundred (500) feet to another single-tenant or multi-tenant monument sign, except where necessary to ensure that each business may have one (1) monument sign.
- b. No part of any single-tenant monument sign may be closer than fourteen (14) feet to a lot line.

- 5. **Sign Base.**

- a. The base of a single-tenant monument sign, including all structural components, shall extend horizontally from the sign face a minimum of ten (10) percent and a maximum of twenty-five (25) percent of the width of the sign face.
- b. The base of single-tenant monument signs shall be constructed from masonry, stone, or similar high-quality materials in keeping with the materials and design of the principal building of the lot.

- 6. **Landscape Requirement.**

- a. All single-tenant monument signs shall be required to plant and maintain a landscape area at the base of the sign.
- b. The minimum area of the landscape area shall be equal to half of the square footage of the sign area of the associated sign.
- c. Landscape areas shall be planted with one (1) shrub or native grass per every three (3) square feet of required landscape area.

- 7. **Other Provisions.**

- a. The address of the building(s) to which the single-tenant monument sign is associated shall be displayed on the single-tenant monument sign but shall not count towards maximum sign area.
- b. The color scheme of a single-tenant monument sign must be consistent with the color scheme of the principal building unless an alternate color scheme is required by an approved master sign program.

- c. All signs shall be designed to comply with the applicable provisions of the Wisconsin Commercial Building Code.

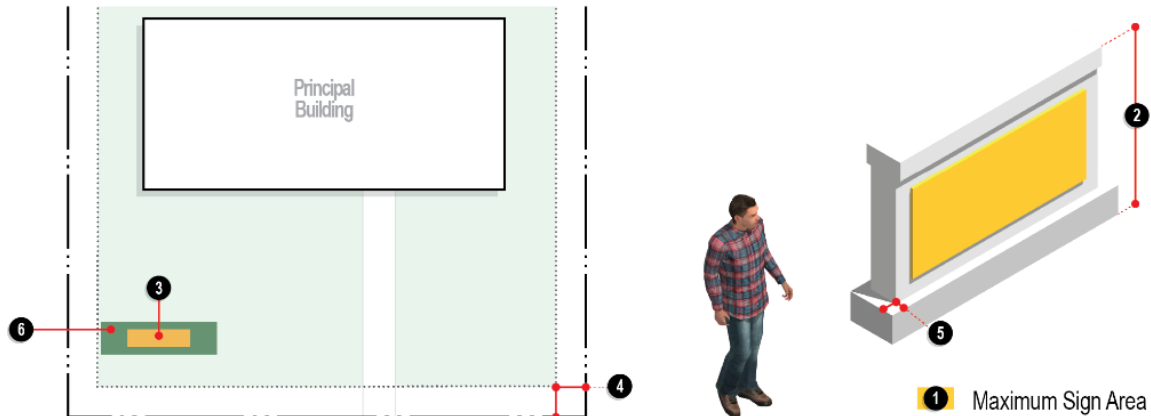


Figure 5 Single-Tenant Monument Signs

### C. Multi-Tenant Monument Signs.

1. **Sign Area.** The maximum sign area of a multi-tenant monument sign shall be one-hundred-twenty (120) square feet.
2. **Sign Height.** The maximum sign height of a multi-tenant monument sign shall be sixteen (16) feet.
3. **Number of Signs.** Number of Signs. A maximum of one (1) single-tenant monument sign shall be permitted per lot frontage except with approval from the Plan Commission.
4. **Location.**
  - a. A multi-tenant monument sign shall not be closer than five hundred (500) feet to another single-tenant or multi-tenant monument sign, where necessary to ensure that each business may have one (1) monument sign.
  - b. No part of any multi-tenant monument sign may be closer than sixteen (16) feet to a lot line.

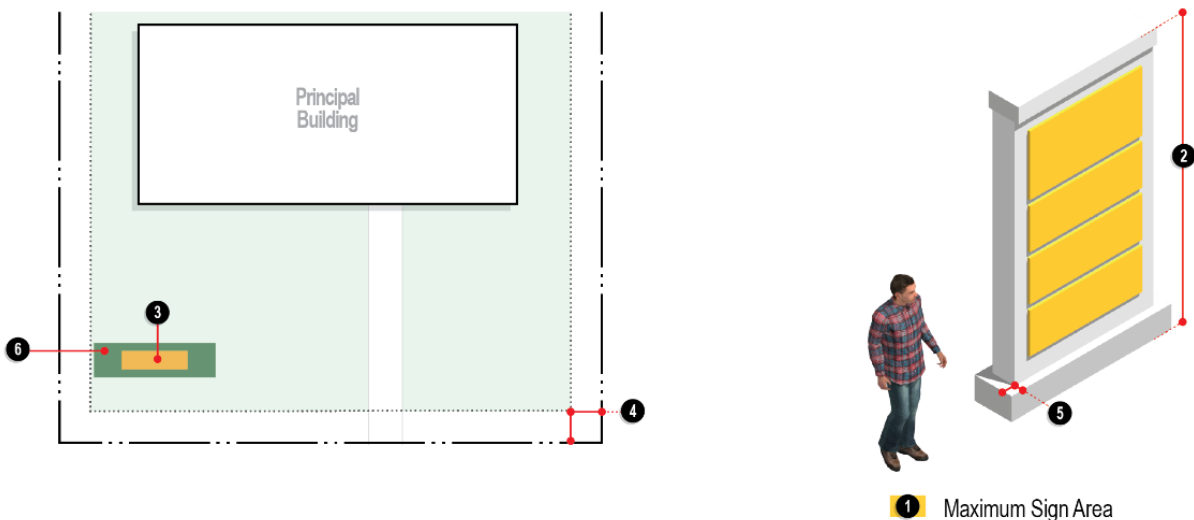


Figure 6 Multi-Tenant Monument Signs

5. **Sign Base.**

- a. The base of a multi-tenant monument sign, including all structural components, shall extend horizontally from the sign face a minimum of ten (10) percent and a maximum of twenty-five (25) percent of the width of the sign face.
- b. The base of multi-tenant monument signs shall be constructed from masonry, stone, or similar high-quality materials in keeping with the materials and design of the principal building of the lot.

6. **Landscape Requirement.**

- a. All multi-tenant monument signs shall be required to plant and maintain a landscape area at the base of the sign.
- b. The minimum area of the landscape area shall be equal to half of the square footage of the sign area of the associated sign.
- c. Landscape areas shall be planted with one (1) shrub or native grass per every three (3) square feet of required landscape area.

7. **Other Provisions.**

- a. The address of the building(s) to which the multi-tenant monument sign is associated shall be displayed on the multi-tenant monument sign but shall not count towards maximum sign area.
- b. The color scheme of a multi-tenant monument sign must be consistent with the color scheme of the principal building unless an alternate color scheme is required by an approved master sign program.

D. **Awning/Canopy Signs.**

1. **Sign Area.**

- a. The maximum sign area of awning/canopy signs shall be forty (40) percent of the face of the awning/canopy upon which the sign shall be printed or affixed.
- b. The area of the awning/canopy sign shall count towards the maximum amount of sign area permitted for wall signs as detailed in Section 16-6-05(A)(1).

- 2. **Other Provisions.** Awning/canopy signs shall only be permitted on awnings/canopies extending above ground floor entrances or windows.

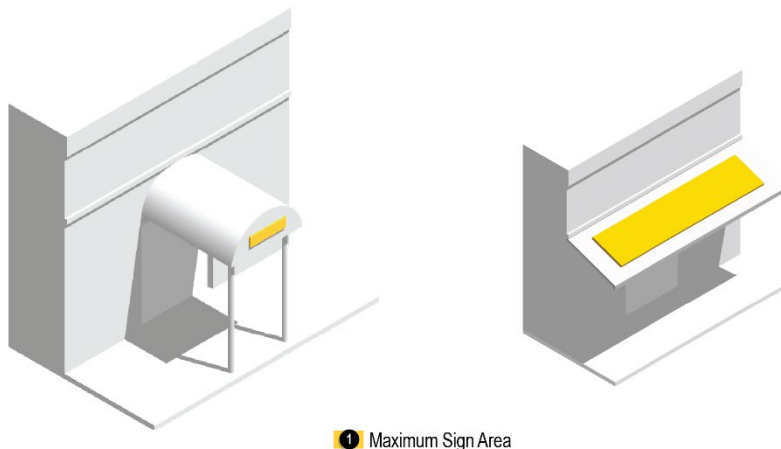


Figure 7 Awning/Canopy Signs

**E. Projecting Signs.**

1. **Sign Area.** The maximum permitted sign area of projecting signs shall be four (4) square feet.
2. **Sign Height.**
  - a. Projecting signs shall not extend above the roofline of the building to which it is attached, or a maximum of twelve (12) feet, whichever is less.
  - b. Projecting signs shall maintain a minimum vertical clearance of ten (10) feet.
3. **Number of Signs.**
  - a. A maximum of one (1) projecting sign shall be permitted per ground floor tenant space.
  - b. A projecting sign shall not be displayed on the same building frontage as an awning/canopy sign.
4. **Projection.**
  - a. Projecting signs shall horizontally project a maximum of four (4) feet from the building to which it is attached.
  - b. Projecting signs erected over marquees shall be set back not less than two (2) feet from the outer edge of such marquee.
  - c. No projecting sign shall at the lowest point be less than ten (10) feet above the established grade immediately below.
5. **Other Provisions.**
  - a. Projecting signs shall not be internally illuminated.
  - b. Projecting signs may encroach upon, extend, or project over a public right-of-way or easement. The property owner may be required to provide a release or hold harmless to the City prior to issuing permits for any such signs.

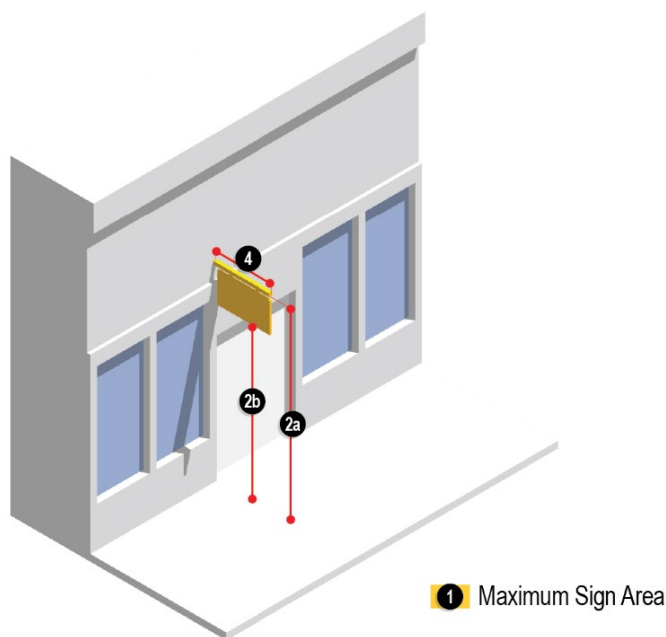


Figure 8 Projecting Signs

**F. Window Signs, Permanent.**

**1. Sign Area.**

- a. The maximum permitted aggregate sign area of a permanent window sign shall be twenty-five (25) percent of the square footage of the individual window on which the sign shall be located.
- b. The aggregate area of the permanent window sign(s) shall count towards the maximum amount of sign area permitted for wall signs as detailed in Section 16-6-05(A)(1).

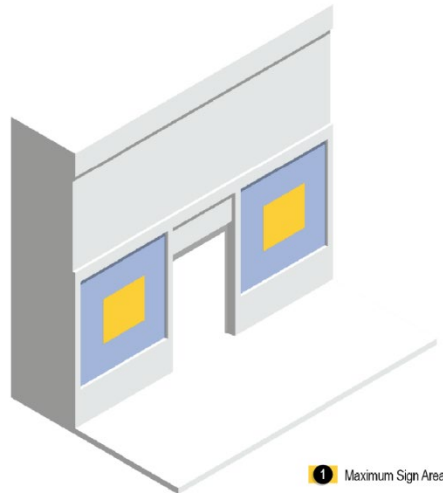


Figure 9 Window Signs, Permanent

**G. On-Site Traffic Directional Signs.**

**1. Sign Area.**

- a. The maximum sign area of an on-site traffic directional sign shall be four (4) square feet.
- b. Permitted on-site traffic directional sign area shall not count towards the maximum allowed aggregate sign area as detailed in Section 15-6-02.

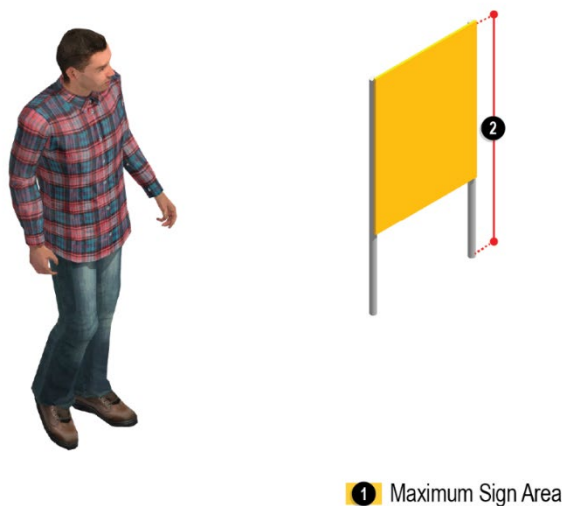


Figure 10 On-Site Traffic Directional Signs



2. **Sign Height.** The maximum height of an on-site traffic directional sign shall be four (4) feet.
3. **Number of Signs.** The permitted number of on-site traffic directional signs shall be determined by the Zoning Administrator or their designee as necessary to assist in the safe movement of vehicular, bicycle, and pedestrian traffic on a property and between properties with vehicular cross access.

## 15-6-06. Standards for Temporary Signs

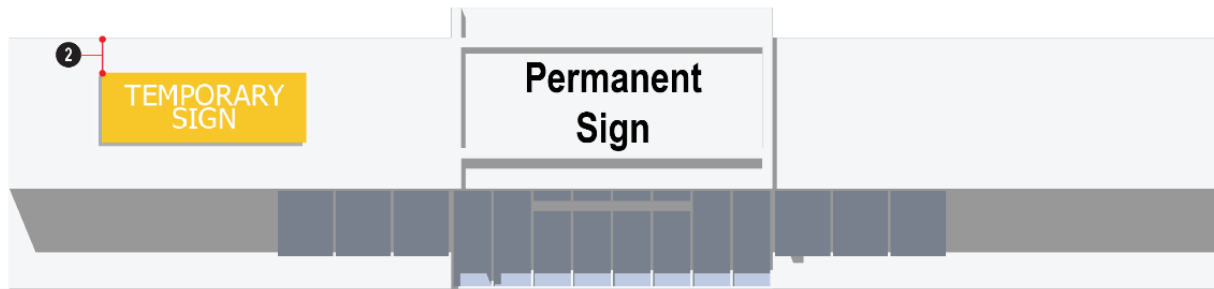
### A. General Standards Temporary Signs.

1. **Temporary Signs Requiring a Permit.**
  - a. **Single-Tenant Building.** A maximum of two (2) permitted temporary signs, as permitted per district in Table 15-6-04(B) and (C), may be displayed concurrently on a lot with a single-tenant building.
  - b. **Multi-Tenant Building.**
    - I. A maximum of one (1) permitted temporary sign, as permitted per district in Table 15-6-04 (B) and (C), may be displayed per unit on a lot with a multi-tenant building concurrently.
    - II. In no instance shall more than two (2) freestanding temporary signs be displayed concurrently.
2. **Display Period.**
  - a. The permitted display period of a permitted temporary shall be a maximum of thirty (30) days.
  - b. A total of three (3) nonconcurrent display periods shall be permitted per single-tenant building or unit of a multi-tenant building per calendar year.
  - c. Display periods shall be separated by a minimum of thirty (30) days.
3. **Temporary Freestanding Signs.** Temporary freestanding signs shall include ground mounted banner, feather, post, and yard signs.
  - a. Temporary freestanding signs shall be securely anchored into the ground or secured in a portable base designed for such function.
  - b. Temporary freestanding signs shall be maintained in good condition and shall not sag, lie on the ground, be torn, or otherwise kept in a disorderly state.

### B. Wall Mounted Banner Sign.

1. **Sign Area.** The maximum area of a wall mounted banner sign shall be five (5) percent of the total area of the face of the wall to which the sign is to be affixed.
2. **Sign Height.** No wall mounted banner sign shall protrude above the highest roofline or the top of the parapet wall or mansard roof.
3. **Location.** Wall mounted banner signs shall be affixed to a building only.

4. **Projection.** Wall mounted banner signs shall be affixed flat against the building to which they are mounted.



1 Maximum Sign Area

Figure 11 Wall Mounted Banner

C. **Ground Mounted Banner Sign.**

1. **Sign Area.** The maximum sign area of a ground mounted banner sign shall be twenty (20) square feet.
2. **Sign Height.** The maximum sign height of a ground mounted banner sign shall be five (5) feet.

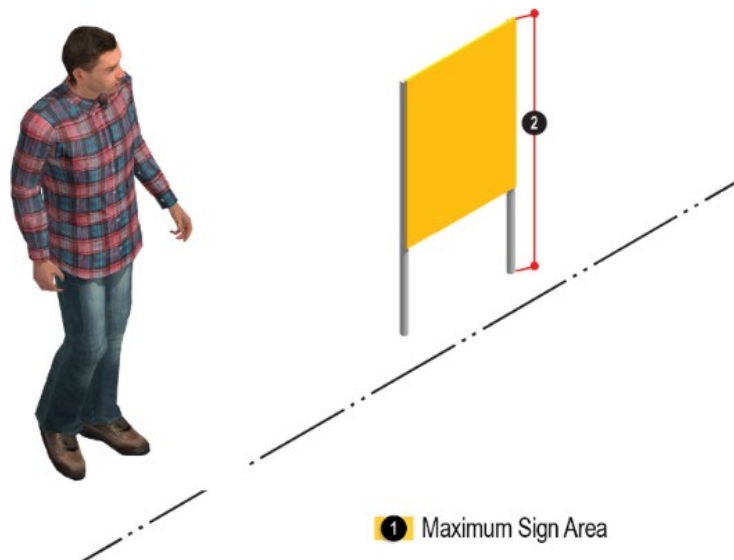
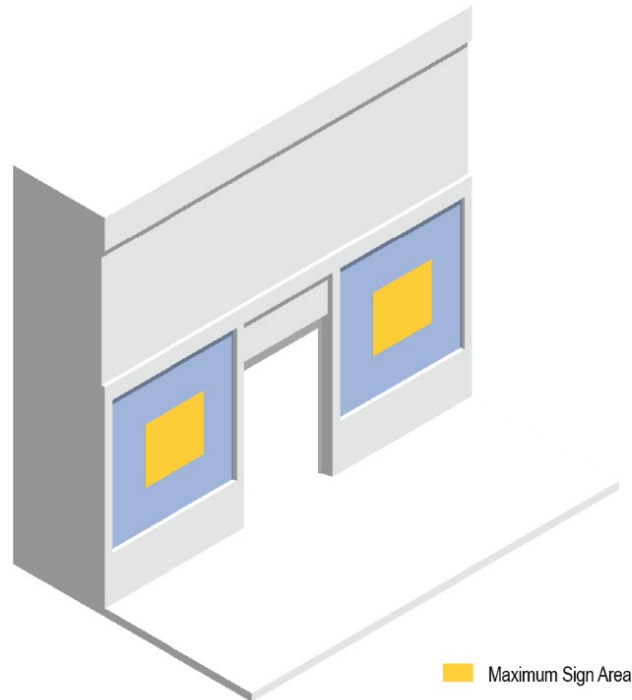


Figure 12 Grounded Mounted Banner Sign

**D. Window Signs, Temporary.**

1. **Sign Area.** The aggregate maximum sign area of a temporary window sign shall be twenty-five (25) percent of the individual window on the sign shall be affixed.

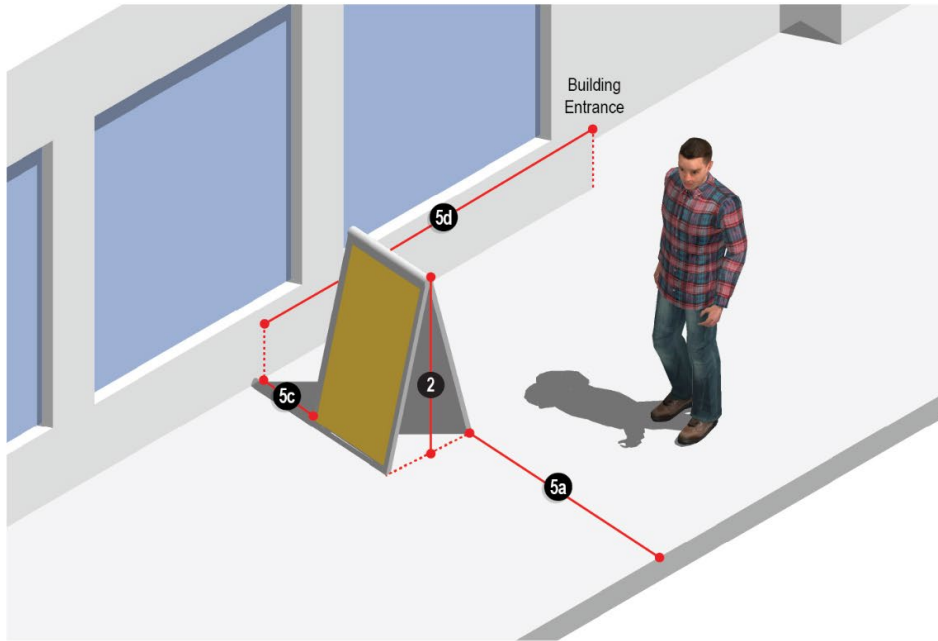


*Figure 13 Window Signs, Temporary*

**E. A-Frame/Sandwich Board Signs.**

1. **Sign Area.** The maximum sign area of an a-frame/sandwich board sign shall be six (6) square feet for each side, and a maximum of two (2) sides.
2. **Sign Height.** The maximum sign height of an a-frame/sandwich board sign shall be four (4) feet.
3. **Number of Signs.** One (1) a-frame/sandwich board sign shall be permitted per single-tenant building or unit of a multi-tenant building.
4. **Sign Separation.** Each a-frame/sandwich board sign shall be separated from another a-frame/sandwich board sign by at least twenty-five (25) feet.
5. **Location.**
  - a. A-frame/sandwich board signs shall be placed in a manner to preserve a continuous sidewalk width of a minimum of five (5) feet.
  - b. No part of any a-frame/sandwich board sign shall block points of ingress or egress.
  - c. A-frame/sandwich board signs shall be placed no more than one (1) foot from the wall of the building or unit of a building to which the sign is associated.
  - d. A-frame/sandwich board signs shall be placed no less than three (3) feet and no more than six (6) feet from the building entrance of the building or unit of a building to which the sign is associated.

6. **Other Provisions.** The display of a-frame/sandwich board signs shall only be permitted during the operating hours of the use to which the sign is associated.

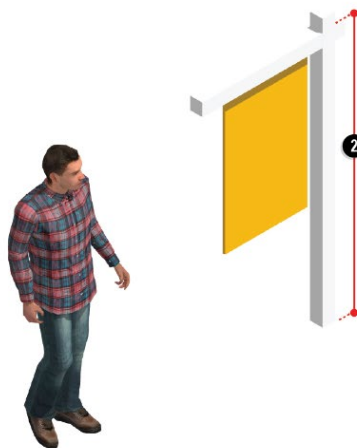


1 Maximum Sign Area

Figure 14 A-Frame Sandwich Board Signs

#### F. Post Signs.

1. **Sign Area.** The maximum sign area of a post sign shall be six (6) square feet.
2. **Sign Height.** The maximum sign height of a post sign shall be six (6) feet.
3. **Number of Signs.** A maximum of one (1) post sign shall be allowed per lot frontage.



1 Maximum Sign Area

Figure 15 Post Signs

**G. Yard Signs.**

1. **Sign Area.** The maximum sign area of a yard sign shall be four (4) square feet.
2. **Sign Height.** The maximum sign height of a yard sign shall be three (3) feet.
3. **Number of Signs.** A maximum of two (2) yard signs may be displayed concurrently with the exception of thirty (30) days before and fifteen (15) days after a local, state, or federal election in which case a maximum of six (6) yard signs may be displayed.
4. **Other Provisions.** Yard signs in residential districts displayed for a period of forty-eight (48) hours or less shall be exempt from the requirements of this Section.



**1** Maximum Sign Area

*Figure 16 Yard Signs*

**15-6-07. General Sign Standards**

- A. **Location of Freestanding Signs.** Free standing signs shall include single-tenant monument signs, multi-tenant monument signs, on-site traffic directional signs, ground mounted banner signs, feather signs, post signs, and yard signs.
  1. Be located a minimum of five (5) feet from all property lines, rights-of-way, and utility easements;
  2. Not block points of ingress or egress;
  3. Not be placed in any sidewalk or pedestrian circulation system, and
  4. Not be located in a clear sight triangle as detailed in Section 15-5-12.
- B. **Illumination.**
  1. **Location and Design of Light Source.** Whenever an external artificial light source is used for a sign, such source shall be located, shielded, and directed so as not to be directly visible from any public right-of-way or residential property. No receptacle or device housing a permitted light source for a sign shall protrude more than twelve (12) inches from the face of the sign or building to which it is attached except if such light source is ground mounted, locked in place, and cannot be redirected.

2. **Level of Illumination.** In no event shall the illumination of any sign, resulting from any internal or external artificial light source, exceed the outdoor lighting standards established in Section 15-5-11. All artificial illumination shall be so designed, located, shielded, and directed as to prevent the casting of glare or direct light upon adjacent property or streets.

C. **Wind Pressure, Allowable Stresses and Materials.**

1. All signs shall be constructed, erected, and maintained to safely withstand a wind pressure of at least thirty (30) pounds per square foot.
2. The allowable stresses in chains, wire ropes, and steel guy rods and their fastenings shall not exceed one-quarter (1/4) of their ultimate strength.
3. All ferrous chains, wire ropes, guy rods and their fastenings and anchor bolts shall be galvanized or be of other approved equivalent protection. All other ferrous parts of signs subject to corrosion shall be protected and maintained free from corrosion by approved corrosion-resistant coating.

D. **Identification.** All signs hereafter erected shall bear the manufacturer's name, and the name trademark or other approval mark or symbol of the person erecting such sign.

E. **Combustible Materials.** All signs shall be constructed of noncombustible materials, provided however, that the letters, decorations, and facings may be made of combustible plastics approved by the Zoning Administrator and Director of Inspection Services.

F. **Electronic Message Boards.** Single-tenant and multi-tenant monument signs may incorporate electronic message boards in accordance with the following:

1. One-third (1/3) of the sign area must be permanent copy.
2. The area of the sign devoted to an electronic message board shall be part of, not in addition to, the maximum sign area allowed.
3. The electronic message format shall conform to the following requirements:
  - a. The message will contain a static message or image only and not have movement, or the appearance of movement, during the static display period.
  - b. The transition to change from one message or image to another shall be instant and not dissolve, fade, scroll, travel, or have similar transitions.
  - c. The message shall not change more frequently than once every ten (10) seconds.
4. Electronic message boards must be equipped with a default mechanism that will stop the messaging or freeze the image in one position when a malfunction in electronic programming occurs.
5. Electronic message boards shall be equipped with a sensor or other device that automatically determines the ambient illumination and is programmed to automatically dim according to light conditions.
6. Illumination of electronic message signs shall not exceed 0.3 foot-candles over the ambient lighting conditions when measured at a distance equal to the square footage of the sign area.
7. Applications shall be reviewed by the Zoning Administrator to determine that the sign placement does not interfere with traffic control devices within three hundred (300) feet of the sign or traffic circulation upon roadways. If deemed necessary by the Zoning Administrator a report from a traffic engineer certifying that the proposed sign does not interfere with the design characteristics of the traffic circulation and traffic control devices may be required.

## 15-6-08. Prohibited Signs and Content

### A. The following signs are specifically prohibited:

1. Billboards;
2. Off-premises signs;
3. Pole/pylon signs;
4. Flashing signs;
5. Roof signs;
6. Marquee signs;
7. Feather signs;
8. Signs attached to a utility pole, a tree, a fence, a standpipe, gutter, drain or fire escape;
9. Signs erected so as to impair access to a roof;
10. Signs located, erected or maintained upon, over or project into any public right-of-way or easement unless otherwise allowing by this Article;
11. Pennants, streamers, and portable signs not specifically permitted or allowed by this Article;
12. Signs, not specifically permitted or allowed by this Article, which move or have moving parts, which movement is caused either by the wind or mechanically;
13. Signs in conflict with traffic signals, vehicular or pedestrian travel, access to fire hydrants and fire lanes and exits, and other signs which reasonably impede or impair the public health, safety and welfare;
14. Signs on vehicles, boats, or trailers parked so as to be visible from a public right-of-way;
15. Attention getting devices;
16. Signs hung across any street or alley;
17. Signs employing exposed neon lights not completely covered by other acceptable sign materials;
18. Signs painted on or otherwise affixed to fences;

### B. Prohibited Content.

1. The following content is prohibited without reference to the viewpoint of the individual speaker:
  - a. Text or graphics of an indecent or immoral nature and harmful to minors,
  - b. Text or graphics that advertise unlawful activity,
  - c. Text or graphics that are obscene, fighting words, defamation, incitement to imminent lawless action, or true threats, or
  - d. Text or graphics that present a clear and present danger due to their potential confusion with traffic control signs or signs that provide public safety information (for example, signs that use the words "Stop," "Yield," "Caution," or "Danger," or comparable words, phrases, symbols, or characters in such a manner as to imply a safety hazard that does not exist).

2. The narrow classifications of content that are prohibited by this subsection are either not protected by the United States or Wisconsin Constitutions or are offered limited protection that is outweighed by the substantial governmental interests in protecting the public safety and welfare. It is the intent of the Common Council that each paragraph of this Subsection be individually severable in the event that a court of competent jurisdiction were to hold one or more of them to be inconsistent with the United States or Wisconsin Constitutions.

### 15-6-09. Safety, Maintenance, and Abandonment

- A. Every sign and all parts thereof, including base, copy, framework, supports, anchors, and wiring systems shall:
  1. Be constructed and maintained in compliance with the applicable codes of the City.
  2. Be kept in proper repair.
  3. When not galvanized or constructed of approved corrosion resistive, noncombustible materials, be painted, when necessary, to prevent corrosion, rust, peeling paint, and excessive fading.
- B. Failure of owners to keep signs maintained in good mechanical and visual repair shall be deemed a violation of this Ordinance and shall be subject to a penalty.
- C. It shall be the duty and responsibility of the owner of every sign to maintain the immediate premises occupied by the sign in a clean condition, free of rubbish. Any landscaping surrounding the sign shall be kept trimmed and in good repair. If the landscaping installed at the time of sign approval dies, said landscaping shall be replaced immediately or as soon as weather permits.
- D. Every existing sign shall be subject to an inspection whenever the Zoning Administrator deems it necessary. In the event an inspection demonstrates that repairs, and/or maintenance is necessary, the sign owner shall be notified and required to complete said repairs and/or maintenance within thirty (30) days of notification. The Zoning Administrator is authorized to grant one (1) thirty (30) day extension, if, upon written request, it is deemed necessary due to extenuating circumstances.
- E. If the Zoning Administrator shall find that any sign is unsafe or unsecure, or is a threat to the public safety, or was, after the adoption of this UDO constructed, erected, or maintained in violation of the provisions of this UDO, they shall give written notice to the sign owner. Such notice shall specify the manner in which the sign is unsafe or in violation of this UDO.
- F. Sign copy shall be removed and in the case of a wall sign, the building façade shall be repaired, by the sign owner when the use which the sign is associated is no longer conducted on the premises. The sign copy shall be removed within thirty (30) days of when the use ceases to operate. If the owner fails to remove the sign copy, the Zoning Administrator or their designee shall give the owner thirty (30) days written notice to remove it. Failure to comply with the notice shall be deemed a violation of this UDO.

### 15-6-10. Master Sign Program

- A. **Intent.** The intent of the master sign program is to provide an alternative procedure under which signs can be designed, constructed, and erected with innovation, imagination, and creative architecture. The objective of the master sign program is to encourage a higher level of design and amenity than is possible to achieve under otherwise applicable sign regulations.
- B. **Applicability.** Any building or development may elect to submit a master sign program . After the approval of a master sign program , no permanent sign shall be erected, placed, or maintained except in conformance with the Master Sign Program .
- C. **Conditions.** The Zoning Administrator may attach conditions, requirements, or standards necessary to assure that the signs covered by the Master Sign Program will not be materially detrimental to persons or property in the vicinity. In making its determination, the Zoning Administrator shall not base any condition on the content of a sign.



D. **Evaluation Criteria.**

1. **Placement.** All signs shall be placed where they are visible and legible. Factors to be considered include the location of a sign relative to traffic movement and access points, site features, other structures, and orientation relative to viewing distances and viewing angles. Wall Signs may be approved on building walls other than the wall of a unit of a multi-tenant building in which some units have little or no visibility from the street.
2. **Quantity.** The number of signs that may be approved within any development shall be sufficient to provide necessary facilitation of internal circulation of vehicular and pedestrian traffic and wayfinding for safety of the occupants of vehicles and pedestrians. Factors to be considered shall be those that impact safety considerations such as the size of the development and the number of development sub-areas.
3. **Area and Height.** All signs shall comply with the sign area and height requirements established for the sign type as established in Section 15-6-05 and Section 15-6-06.

E. **Application.** A master sign program shall be submitted on a form established by the Zoning Administrator. The application shall contain the following information as well as all other information required by the Zoning Administrator to ensure compliance with the master sign program evaluation criteria.

1. Name, address, and telephone number of the applicant.
2. Location of building, structure, or lot to which or upon which the master sign program shall apply.
3. Name of person, firm, corporation, or association developing the master sign program .
4. Written consent of the owner or lessee of the building, structure, or land to which the proposed master sign program is applicable.
5. Scale drawing of all signs included in the master sign program indicating the dimensions, the materials to be used, the type of illumination, if any, and the method of construction and attachment. Said drawings shall be drawn at a scale no smaller than one-eighth (1/8) inch equals one (1) foot and shall be prepared, signed, and sealed by a registered professional engineer when required by the Zoning Administrator.
6. A scaled drawing indicating the location and position of all signs included in the master sign program in relation to nearby buildings or structures. Said drawing shall be at a scale no smaller than one (1) inch equals fifty (50) feet.

F. **Review and Action.** The Plan Commission shall review the master sign program application and approve, approve with conditions, or deny the application based on the evaluation criteria. A written decision including the findings on the evaluation criteria shall be rendered to the applicant.

G. **Appeals.** Any applicant who receives a notice of denial from the Plan Commission may, within thirty (30) days after receipt of such decision, appeal such decision to the Board of Zoning and Building Appeals by filing a written notice of appeal with the Zoning Administrator with an explanation as to why said decision was not warranted according to the applicant.

## Article 7. Natural Resource Protection Standards

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### 15-7-01. Natural Resource Protection Standards Established

- A. **Establishment.** The Natural Resource Protection Standards set forth in this Article, and requirements for preparation and approval of a Natural Resource Protection Plan, are established herein. Guidance documents including but not limited to application forms and checklists are incorporated into this Article 7 by reference.
- B. **Purpose and Intent.**
  1. **Protection of Natural Resource Features.** It is the purpose of this Article to ensure the protection and enhancement of specific Natural Resource Features, as defined in this Ordinance, within the City of Franklin as the City develops. This Article further recognizes that landforms, parcel size and shape, and natural resource features vary from site to site and that development regulations must take into account these variations.
  2. **Natural Resource Protection Plan.** It is the further purpose of this Article to set forth requirements and standards for preparation of a Natural Resource Protection Plan by any applicant for development on a parcel within the City of Franklin containing Natural Resource Features, as defined herein.
  3. **Surface Water Protection Standards.** It is the further purpose of this Article to provide for the protection and improvement of surface waters and wetlands in the City of Franklin. It is the intent of this Article to lead to the protection, establishment and maintenance of natural areas, topography and vegetation along the City's surface waters in order to reduce hazards from flooding, prevent erosion, and maintain the natural functions of surface waters and wetlands. It is the further intent of these standards to limit the extent of land disturbance and creation of new impervious surfaces within or adjacent to surface waters and wetlands, and to minimize, as feasible, the impact of existing culverts, driveways and roads, drainage features, and impervious surfaces thereon.
  4. **Compensation for Impacts.** The City of Franklin recognizes that, under certain circumstances, the orderly development of the City and the provision of essential services may necessitate limited impacts on protected Natural Resource Features as defined in this Ordinance. The intent of this Article is not to provide for or allow compensation under all circumstances, but rather to set specific standards to be applied only under certain circumstances when the extent of or the nature of the Natural Resource Features on a site, when balanced against the benefit of the proposed development to the community, considering practicable alternatives available for the development, render strict application of these standards impractical or counter-productive, to allow for a compensation approach, so that the functions and values of Natural Resource Features in the City will be preserved or enhanced.
- C. **Applicability.** Except as specifically provided in this Subsection, all development in the City of Franklin occurring on a parcel or parcels where Natural Resource Features are present shall comply with the standards set forth in this Article.

1. **Disturbance of Protected Areas Prohibited.** Except where provided in this Article, any area containing Natural Resource Features required to be protected under this Article (hereinafter a "Protected Area") shall remain undisturbed and in a natural state except where impact, modification, or compensation is specifically allowed or approved.
2. **Tree and vegetation cutting, clearing, and removal.**
  - a. The clearing, cutting, or removal of trees or vegetation within a Protected Area as defined in this Article is subject to these natural resource protection standards and to Chapter 240 of the City of Franklin Municipal Code. Application for cutting, clearing, or removal of vegetation and trees in an area of protected features shall require authorization under the procedures in Article 9 to ensure that required protection levels are met.
  - b. **Removal of dead, diseased, or invasive species from a woodland or forest.** Notwithstanding any provision of this Article, the clearing and removal of dead or diseased trees, and the removal of invasive species listed as "prohibited," "prohibited/restricted," or "restricted" by the Wisconsin Department of Natural Resources, pursuant to NR 40, shall be permitted within any woodland or forest area upon issuance of a Zoning Permit from the City of Franklin.
    - i. The City Forester may be consulted in the issuance of any such permits.
    - ii. The City Forester may condition or limit the removal of dead or diseased trees and the removal of invasive species in accordance with best practices for forest and invasive species management.
3. **Construction of Public Streets, Sidewalks, and Trails.** Impacts to Protected Areas from the construction of public streets, sidewalks, or trails shall be permitted subject to the following limitations and conditions:
  - a. The City Forester has inspected the plan and the site, including review of trees or wooded areas to be cut or disturbed, and has made a positive recommendation as to the plan's compatibility with the continued health of forest resources and trees within the City of Franklin.
  - b. Crossings of wetlands, surface waters, or associated buffer areas are designed to minimize the distance and extent of disturbance, with crossings designed as close to a ninety-degree (90°) angle as is practicable for the particular site and segment.
  - c. The City Engineer has inspected the plan and has made a positive recommendation as to the plan's compatibility with City engineering standards for surface water crossings.
  - d. Prior to commencement of construction, all other required governmental permits and approvals related to surface waters and wetlands have been issued, including but not limited to those required by the Wisconsin Department of Natural Resources and United States Army Corps of Engineers.
  - e. Any areas of construction-related disturbance within a Protected Area shall be restored to a perennially vegetated condition immediately following construction.

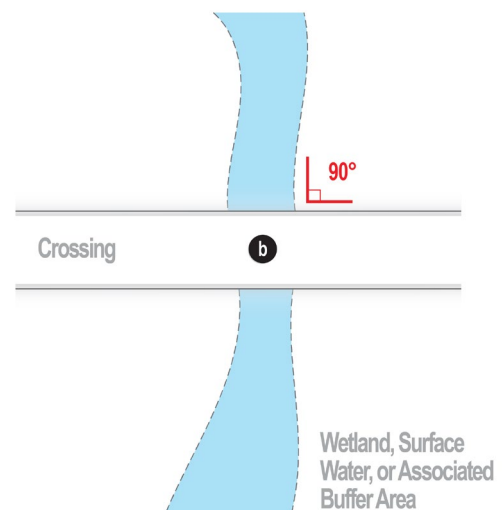


Figure 1 Surface Water Crossings

4. **Single- and two-family residential development on existing lots exempted.** Unless governed by a conservation easement or other deed restriction, the provisions of this Article, including but not limited to the standards of subsection 15-07-01(C)(2) above, shall not apply to the construction of single-family and two-family residential development located on non-divisible existing lots of record within existing platted Subdivisions (with an approved Final Plat), Certified Survey Maps, and Condominiums existing as of August 1, 1998, or for which a Natural Resource Protection Plan was filed on or before August 1, 1998.
5. **Applicability to Floodplain/Floodway Lands.** Floodplains and floodways as defined and regulated in the Floodplain Ordinance for the City of Franklin, Wisconsin shall not constitute a separate category of Natural Resource Features for purposes of determining required compensation under this Article.
6. **Essential Services and Associated Easements Exempted.** The standards in this Article shall not be applicable to essential services and easements associated therewith, as defined in Article 12 of this Ordinance. However, any areas of construction-related disturbance within a Protected Area shall be restored to the restoration standards of Section 15-7-03 of this Article immediately following the construction of the essential service(s).
7. **Exceptions for Accessory Uses and Site Modifications.**
  - a. The modification of approved buildings, sites, or structures, and the addition of new accessory structures, shall not require review for Natural Resource Protection impacts provided all of the following conditions are met:
    - i. The total impervious surface area on the parcel is not increased by more than 50% or 2,500 square feet, whichever is smaller.
    - ii. Any new or modified impervious surface area is located at least one hundred feet (100') at its closest point from the boundary of any Protected Area as defined in the applicable Natural Resource Protection Plan.
  - b. Notwithstanding the provisions of (a), where the Plan Commission or City Engineer (as applicable) determines that the modification or addition is likely to result in impacts to the Protected Area or will be inconsistent with the conditions of the Natural Resource Protection Plan, a new or modified Natural Resource Protection Plan may be required to be prepared. Any such determination may be appealed under the provisions of Section 15-9-14 of this Ordinance.
8. **Enhancement and restoration of protected natural resources features in parks or public property.**
  - a. The enhancement or restoration of natural resource features such as wetlands, woodland, or other features that support the ecology of a site or provide environmental services is subject to these natural resource protection standards and the City of Franklin Municipal Code. Applications to enhance or restore protected features in parks or upon public property shall require authorization under the procedures in Article 9 to ensure that required protection levels are met.
  - b. Notwithstanding any provision of this Article, applications to enhance or restore protected features in parks or upon public property shall be permitted upon issuance of a Zoning Permit from the City of Franklin.
    - i. The City Forester may be consulted in the issuance of any such permits.
  - c. The City Forester or Zoning Administrator may condition or limit the scope of work in accordance with best practices for natural resource management and compliance with City of Franklin Compensation Standards.
- D. **Enforcement.** Any person or entity violating any provision of this Article 7 and any property owner upon whose property there exists or occurs a violation of this Article 7, shall be subject to the penalty and remedy provisions of Section 15-9-14 of this Ordinance. In addition, the provisions of this Article 7 may be enforced by the City by way of all other legal and equitable remedies and the undertaking by the City to cure any violations or complete any plans, work or measures in furtherance thereof, with the costs of such undertaking to be assessed against the property owner and entered upon the tax

roll pursuant to the procedures for a special charge under § 66.0627, Wisconsin Statute. Any violation of this Article 7 is hereby declared to be a public nuisance.

## 15-7-02. Natural Resource Features Determination

A. **Protected Natural Resource Features.** The following natural resources are protected under the provisions of this Article 7.

1. **Woodlands.** Woodlands shall be as defined in Article 12 of this Ordinance and as further set forth under Section B(3)(a) below.
  - a. All trees outside a Protected Woodland of 8" or greater shall be identified specifically on the site plan and Natural Resource Protection Plan.
  - b. All trees of 20" or greater within or outside a Protected Woodland shall be identified specifically on the site plan and Natural Resource Protection Plan.
2. **Surface Waters.** Surface waters shall be as defined in Article 12 of this Ordinance.
3. **Surface Water and Wetland Buffers.**
  - a. Surface water and wetland buffers.
    - i. Surface water and wetland buffers, as defined in Article 12 of this Ordinance and further described in Section 15-7-05, shall be established or maintained as demarcated, vegetated, and minimally disturbed land areas on all surface waters and all federal jurisdiction, nonfederal jurisdiction, and shoreland wetlands as defined herein.
    - ii. Notwithstanding the foregoing, surface water buffers shall not be required to be designated or protected for artificial wetlands as defined under subsections (D)(1) and (D)(2) below.
    - iii. Surface water and wetland buffers shall be established or maintained within the area extending horizontally from the ordinary high water mark of lakes, ponds, and streams, or from the boundary of wetlands as delineated under subsection (5) below at the following minimum widths:

Table 15-7-02(A): Required Surface Water and Wetland Buffer Width	
Zoning District	Minimum Buffer Width
Residential Districts: RC-1, R-1, R-2	50 feet
Residential Districts: R-MF, V-R	30 feet
Non-Residential Districts	30 feet

- iv. Notwithstanding (i) above, sites in the R-MF, V-R, and Non-Residential Districts on which development has been authorized prior to the Effective Date of this Ordinance, where the Plan Commission determines that full compliance with the standards in Table 15-7-02(A) is not feasible or recommended, the following minimum widths of surface water and wetland buffers shall be maintained:

Table 15-7-02(B): Required Surface Water and Wetland Buffer Width, Sites with Pre-Existing Development in the R-MF, V-R, and Non-Residential Districts	
Area of parcel at time of application:	
<1 acre	10 feet
1 acre – 2 acres	20 feet
2 acres – 3 acres	25 feet
More than 3 acres	30 feet

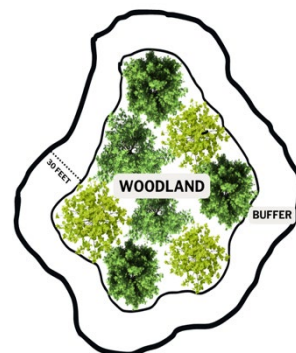
- b. **Land Combination.** In an application for land combination or certified survey map, the proposed total area of all parcels to be combined shall determine the required applicability of the standards in Table 15-7-02(B) above.
  - i. Notwithstanding subsection (a) above, surface water and wetland buffers shall not be applied to the area of land adjacent to any stream segment that is fully and permanently enclosed within a drainage structure, such as a pipe or culvert, as of the Effective Date of this Ordinance.
- 4. **Wetlands.** Wetlands shall be as defined in Article 12 of this Ordinance and further set forth under Section 15-7-02(B)(3)(c).
- 5. **Shoreland Wetlands.** Wetlands and shoreland wetlands as defined in the new Shoreland Wetland Ordinance of the Franklin Municipal Code.
- 6. **Primary and Secondary Environmental Corridors and Isolated Natural Resource Areas Defined by SEWRPC.** Those areas designated by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) as Primary Environmental Corridors, Secondary Environmental Corridors, or Isolated Natural Resource Areas, as defined in Article 12.

**B. Measurement of Natural Resource Features and Protected Area.**

- 1. The area containing one or more Natural Resource Features shall be delineated and its total area calculated in acres and square feet to establish the area and location of the Protected Area. Any Protected Area containing two or more Natural Resource Features shall indicate which resources are present within the Protected Area. A calculation of Natural Resource Protection Land Area shall be completed as set forth in Section 15-9-04(4), Calculation of Area of Natural Resource Protection Land.
- 2. All land area within a proposed development, Certified Survey Map, Subdivision Plat, or Condominium consisting of the natural resource features defined in this Ordinance shall be accurately measured using the following sources, scales, and approaches.
- 3. **Measurement of Specific Natural Resource Features.**

**a. Protected Woodland.**

- i. For purposes of preparing a Natural Resource Protection Plan, a protected woodland shall be defined as an area or stand of trees with a minimum of eight or more individual trees with a DBH of at least six (6) inches, whose combined canopies cover at least fifty percent 50% of the area. A protected woodland area shall be defined using the perimeter of the canopies during full leaf-on.
- ii. Any area meeting this minimum standard must be identified in a Natural Resource Protection Plan.
- iii. In addition, a buffer line must be identified at thirty feet (30') from the perimeter of any defined woodland, as shown in Figure 2. Activity within the 30' buffer or the woodland area shall be subject to the compensation requirements of this Article.
- iv. The determination of woodland areas and any trees of eight (8) inches DBH or greater shall be based on the sources in the order indicated below. If the first source is considered inaccurate or inappropriate, as determined by the Zoning Administrator, the succeeding source shall be used:



*Figure 2 Identification of Protected Woodland and Buffer*

- a) For all protected woodland areas within 100 linear feet of an area to be disturbed on a site, and for all trees (other than diseased, dead, or invasive species) greater than eight inches diameter at breast height lying outside a protected woodland where disturbance is proposed, a field survey of trees compiled by a registered land surveyor based on identification by a landscape architect, forester, arborist, ecologist, or botanist.
  - b) For all areas planned to be left undisturbed on a site during construction and upon completion, which are more than 100 linear feet from an area of disturbance, the boundary of the woodland or forested area.
  - b) One inch equals 400 feet aerial photographs prepared by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) and available from SEWRPC (most recent date only).
- b. **Lakes, Ponds, and Streams.** The ordinary high water mark of lakes and ponds, and the centerline of streams, shall be determined through the use of the definitions of Article 12 of this Ordinance and the sources in the order indicated below. If the first source is considered inaccurate or inappropriate, as determined by the Zoning Administrator, the succeeding source shall be used:
  - i. Topographic survey prepared by and certified by a Wisconsin registered land surveyor at a contour interval of not less than two feet.
  - ii. Large scale one inch equals 100 feet City of Franklin topographic maps.
  - iii. U.S.G.S. 7.5-minute topographic quadrangle maps.
- c. **Wetlands and Shoreland Wetlands.** Wetlands shall be delineated in accordance with Chapter NR 103, Wisconsin Administrative Code; Chapter NR352, Wisconsin Administrative Code; and the 1987 US Army Corps of Engineers Wetland Delineation Manual.
  - i. The area of wetlands, shoreland wetlands, and wetland buffers (in square feet and acres) shall be measured and graphically delineated on the Natural Resource Protection Plan based on a delineation prepared in accordance with the procedures and standards set forth in the City of Franklin Natural Resource Protection Guidance.
  - ii. Wetland and wetland buffer delineation shall be prepared by a consultant certified as a Wisconsin Assured Delineator pursuant to the most recent guidance adopted by the State and future revisions. Submittal of a certification consistent with Wisconsin DNR standards shall be required with the submittal.
  - iii. **Duration of delineation.**
    - a) No delineation shall be valid for any purpose required under this Article after the expiration of five (5) years from the date the delineation was performed.
    - b) While delineations performed within the five (5) years preceding the submission may be submitted for purposes of this Article, a current re-delineation may be required where there exists extrinsic evidence of or cause to reasonably believe that such original delineation is incorrect or that the wetland boundary has changed substantially, considering the size and quality of the wetland and the circumstances of any proposed development impact upon the wetland, since the original delineation.



4. **Surface Water and Wetland Buffers.**

- a. Surface water buffers shall be measured at a consistent horizontal distance following the ordinary high water mark of a lake, pond, or stream, or the perimeter of a delineated wetland as set forth under (c) above.
5. Primary and Secondary Environmental Corridors and Isolated Natural Resource Areas Defined by SEWRPC shall be based on the most current City of Franklin Map thereof, or as determined by SEWRPC pursuant to 15-7-02(A)(6).

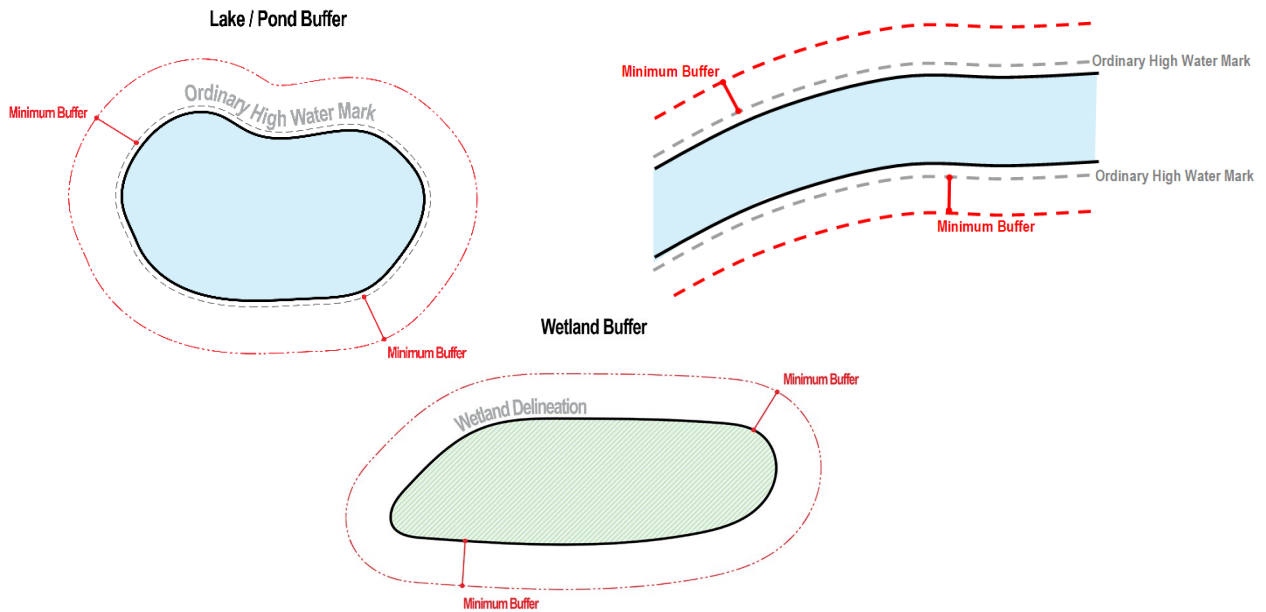


Figure 3 Surface Water and Wetland Buffers

C. **Relationship to Floodplain and Flood Hazard Area Impacts.**

1. Floodplain, floodway, and flood hazard areas regulated under Floodplain Zoning Ordinance for the City of Franklin shall not constitute a separate category of natural resources for purpose of this Article.
2. Any areas located within a Floodplain Zoning District shall require review and approval under the provisions of the Floodplain Ordinance for the City of Franklin.
3. Notwithstanding the foregoing, any impacts to a Natural Resource Feature as defined in this Article shall be subject to the provisions of this Article, regardless of location within a floodplain, floodway, or flood hazard area.

D. **Exemptions.**

1. **Exemption of Artificial Wetlands.** The following artificial wetlands are exempt from the wetland provisions of this Article unless the Wisconsin Department of Natural Resources determines, under the provisions set forth under NR 103.06(4) of the Wisconsin Administrative Code, that the artificial wetland has significant functional values or uses under NR 103.03 (1)(e), (f) or (g) of the Wisconsin Administrative Code:
  - a. Sedimentation and stormwater detention basins and associated conveyance features operated and maintained only for sediment detention and flood storage purposes.
  - b. Active sewage lagoons, cooling ponds, waste disposal pits, fish rearing ponds and landscape ponds.



- c. Actively maintained farm drainage and roadside ditches.
- d. Artificial wetlands within active nonmetallic mining operations.

## 2. Degraded and Non-Federal Jurisdiction Wetlands; Compensation Required

- a. In the event a wetland delineation prepared pursuant to this Article demonstrates conclusively that wetland resources on the site are degraded, as defined under Subsection (e) below, or that wetlands on a site are not subject to jurisdiction by the Wisconsin DNR or United States Army Corps of Engineers (i.e., are non-federal jurisdiction), any such wetland areas shall not be treated as Protected Areas under the provisions of this Article, unless located within a SEWRPC Primary or Secondary Environmental Corridor or Isolated Natural Area as defined under Subsection (A)(6) above.
  - i. Where a degraded or non-federal jurisdiction wetland is located within the boundaries of a SEWRPC Environmental Corridor or Isolated Natural Resource Area, exemption of the wetland shall require a written determination from SEWRPC that loss of the wetland shall not contribute to a loss of protected natural resource functions within the Environmental Corridor or Isolated Natural Resource Area.
  - ii. In the absence of such a determination from SEWRPC, the requirements of this Article related to federal jurisdiction wetlands and wetland buffers shall apply.
- b. No Special Exception approval or other waiver shall be required to permit disturbance or land development within a non-federal jurisdiction or degraded wetland.
- c. Notwithstanding subsection (b), this provision shall not relieve any applicant of the obligation to secure all applicable state and federal wetland permits as apply to any site or development.
- d. Any applicant proposing to impact a non-federal jurisdiction or degraded wetland shall complete on- or off-site compensation at the ratio specified in Table 15-7-03 and as further set forth in the Natural Resource Guidance, by completing any combination of the following site improvements in conjunction with the impact:
  - i. The inclusion of green infrastructure stormwater management features providing capture of the first one inch of runoff over all new or expanded impervious areas on the site; or
  - ii. The establishment of deep-rooted vegetation native to Southeastern Wisconsin in the landscape plan, in an area equal or greater in size to the degraded wetland, with fencing or other barriers to prevent routine mowing or abuse of the plantings; or
  - iii. Supplemental tree planting in excess of the requirements of Article 5 of this Ordinance or any compensation otherwise required by this Article, with a projected tree canopy area at maturity equivalent or greater to the total area of the affected wetland; or
  - iv. Any combination of (i), (ii) and (iii) above equivalent to or greater than 1.5 times the area of the degraded or non-federal jurisdiction wetland; or
  - v. Any combination of these measures or other compensation consistent with the City of Franklin Natural Resource Guidance, as approved by the Plan Commission, with an area equivalent to or greater than 1.5 times the area of the degraded or non-federal jurisdiction wetland.
- e. **Demonstration of Non-Federal Jurisdiction Status.** Demonstration that a wetland is of non-federal jurisdiction status shall require written determination thereof from the Wisconsin Department of Natural Resources or United States Army Corps of Engineers.
- f. **Demonstration of Degraded Condition.** An applicant seeking to demonstrate that a wetland is Degraded shall demonstrate through a site-specific analysis prepared by a qualified wetland delineator that:

- i. Site conditions exhibit impacts to topography, soils, native vegetation or hydrology that have degraded a wetland and are not likely to be reversible.
- ii. The project, including its landscaping plan, does not involve the planned introduction of non-native or invasive wetland plants.
- iii. In the opinion of the City Engineer, removal or filling of the degraded wetland will not result in the creation of adverse drainage or flooding impacts on City streets or adjacent properties.
- iv. Removal or filling of the wetland will not:
  - a) involve any activities in navigable waters with prior history as a stream;
  - b) cause significant adverse impacts to a cold-water community, as defined in s. NR 102.04 (3)(a);
  - c) cause significant obstruction of fish passage to existing spawning areas;
  - d) cause significant adverse impacts to state threatened or endangered resources; and
  - e) cause significant adverse impacts to historical or cultural resources and will comply with s. 44.40, Stats.
- g. Positive finding required; remedy. In the event an applicant fails to demonstrate to the satisfaction of the Plan Commission that the area meets all of the standards for exemption under this Section as a degraded or non-federal jurisdiction wetland, the wetland shall be regulated as a Natural Resource Feature under (B)(5) above.

**E. Surface Water and Wetland Buffer Standards.** Within a Wetland and Stream Buffer, as defined in Article 12 of this Ordinance:

- 1. Unless authorized under Section 15-7-04(F)(8) of this Ordinance, no new or expanded impervious surface or building area shall be established or expanded within a required Wetland or Stream Buffer of a federal jurisdiction wetland or surface water.
- 2. The expansion of pre-existing structures within Wetland and Stream Buffers shall be permitted only in accordance with the approval standards for non-conforming structures in Article 11 of this Ordinance.
- 3. No part of any newly-created residential lot shall be established within a Surface Water and Wetland Buffer after the effective date of this Ordinance.
- 4. Any approvals issued for land disturbance or land development on a site containing a Surface Water or Wetland Buffer, other than for modification of a single-family or two-family dwelling on a non-divisible lot existing as of the effective date of this Ordinance, shall include provisions to demarcate, with sturdy plantings, fencing, or a combination thereof, a boundary line along the edge of the Surface Water and Wetland Buffer on the site. Guidance from the City of Franklin Natural Resource Protection Guidance shall be used to determine the sufficiency of proposed measures.
- 5. All lands within a Surface Water or Wetland Buffer shall be left in an undisturbed, naturally vegetated condition. Supplemental planting and landscaping shall be permitted but may not include turf, sod, or other lawn grass; nor any invasive plant species on the Wisconsin Chapter 40 NR Invasive Species List.
- 6. The clearing of trees that are not dead, diseased, or invasive, and the clearing of any other vegetation other than invasive species on the Wisconsin Chapter 40 NR Invasive Species List, is permitted only upon application to and approval of the Zoning Administrator under Section 15-9-03(A) of this Ordinance.
- 7. All Surface Water or Wetland Buffers established in conjunction with approvals under this Article shall be protected through a deed restriction in a form acceptable to the City Attorney, as further set forth in the City of Franklin Natural Resource Protection Guidance.

8. Except where explicitly permitted to enable a utility or roadway crossing or other structure necessary to an essential service, in no case shall the buffer of a federal jurisdictional wetland or shoreland wetland to be retained on any site be reduced below twenty (20) feet in average width or five (5) feet in width at any single point.

### 15-7-03. Natural Resources Protection and Compensation Plans

- A. **Natural Resource Protection Plan Required.** If any Natural Resource Feature as defined and described in 15-7-02 of this Article is present on the property for which a Site Plan review, Certified Survey Map (except as otherwise provided for by the exclusions as identified in 15-7-02(D), Subdivision Plat, or Condominium is requested, a Natural Resource Protection Plan drawn to the same scale as the Site Plan, Certified Survey Map, Preliminary Plat, or Condominium submission shall be prepared in accordance with the measurement methods and sources outlined in Subsection (B) below. The Natural Resource Protection Plan shall include at a minimum all information set forth in the City of Franklin Natural Resource Protection Guidance, as amended, including:
  1. Existing Conditions Plan;
  2. Proposed Construction Disturbance;
  3. Proposed Final Conditions;
  4. Restoration and Compensation Plan;
  5. Supporting Information;
  6. Maintenance/Monitoring Plan;
  7. Proposed Financial Guarantee; and
  8. Easements or Other Restrictions.
- B. **Calculation of Impact and Required Compensation.**
  1. Table 15-7-03 shall be used to determine the required compensation for each Natural Resource Feature approved to be affected.
  2. Areas where Natural Resource Features coincide shall be clearly noted, measured, and indicated in Section 15-7-02(B).
  3. All areas of proposed temporary (i.e., construction-phase) disturbance and permanent (i.e., post-construction) disturbance of each Natural Resource Feature shall be measured and clearly indicated in Section 15-7-02(B).
  4. The area of each Natural Resource Feature shall be multiplied by its respective natural resource protection standard to determine the amount of compensation required, if any.
  5. Overlapping areas.
    - a. Where the boundary of a Protected Area includes more than one Natural Resource Feature, the highest compensation factor of all of the resources found within the area shall be utilized to determine the required area of compensation.
    - b. In any such case, compensation shall be provided for each of the affected features within the overlapping area so as to achieve a comparable level of resource functions and values. The City of Franklin Natural Resource Protection Guidance and Natural Resource Protection Plan application shall be used to determine approaches that achieve comparable functions and values.

- c. Notwithstanding (a) above, if a Protected Area contains a Surface Water or Wetland Buffer that is not proposed to be disturbed in construction or post-construction phases, the next highest compensation factor may be utilized; compensation for impacts to the buffer shall not be required.

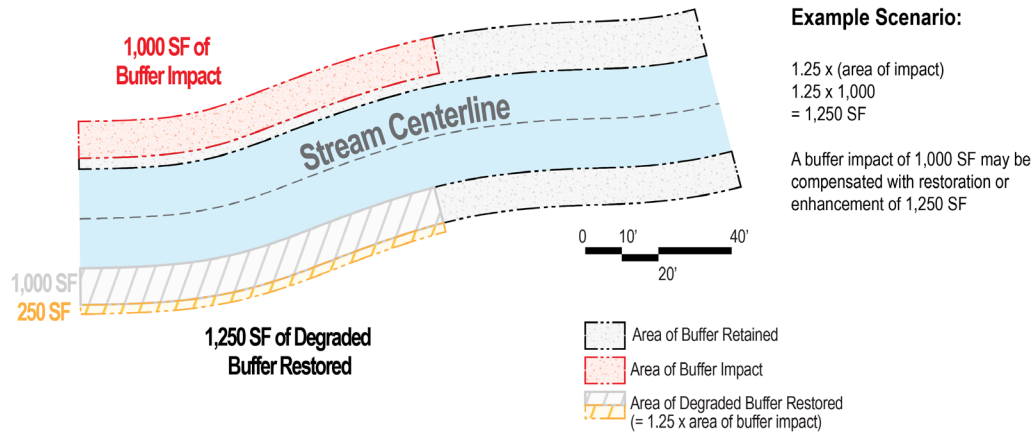


Figure 4 Example of Calculation of Compensation Ratios for Stream Buffer Impacts

**Table 15-7-03: City of Franklin Natural Resources Compensation Ratios**

Impact by Natural Resource type	Unit	Compensation/ Restoration Ratio	Type of Approval Required for Impacts
SEWRPC Primary Environmental Corridor and buffers	SF	1.5	Special Exception
SEWRPC Secondary Environmental Corridor and buffer	SF	1.5	Special Exception
SEWRPC Isolated Natural Resource and buffer	SF	1.5	Special Exception
Surface water or wetland buffers (1) applicable to surface waters, shoreland wetlands, and federal jurisdiction wetlands	SF	1.5; compensation may include restoration or enhancement of a new or degraded buffer, or compensation permitted in 15-7-02(E) and NR Guidance	Special Exception
Surface water or wetland buffers applicable to non-federal jurisdiction or degraded wetlands, or buffers that are poorly vegetated/degraded or with impervious areas present (3)	SF	1.0; compensation may include restoration or enhancement of a new or degraded buffer, or compensation permitted in 15-7-02(E) and NR Guidance	Site Plan or PUD
Woodland	SF	0.75	Site Plan or PUD
Trees >8" outside woodland	Caliper DBH removed	2" caliper per 8" removed	Site Plan or PUD
Degraded wetland and nonfederal jurisdiction wetlands		1.5; compensation may utilize approaches permitted in 15-7-02(E) and Guidance Document	Site Plan or PUD
Federal jurisdiction wetlands and Shoreland Wetlands (1)		Minimum 1.5 utilizing Guidelines for Wetland Compensatory Mitigation in Wisconsin	Special Exception
Overlapping natural resource areas (2)		Highest Compensation Factor of the resources affected by development	Highest Level of Review Applicable to Affected Resource
Surface waters (1)		1.0; requires applicable state or federal permits	Special Exception

**Notes:**

(1) Direct impacts to federal jurisdictional or shoreland wetlands, streams, lakes, and ponds, and their buffers, are allowed only with Natural Resource Special Exception under Section 15-9-09.

(2) Where Natural Resource Features overlap, the highest compensation factor of the resources found within the protection area shall be used. Note that all protected resources present must be compensated for; for example, compensation for impacts to a forested wetland and its buffer must include compensation for the trees removed, wetland area affected, and the buffer area affected.

(3) If Surface Water and Wetland Buffers are present on a site but demonstrated to be poorly vegetated, and impacts are proposed within the buffer, the lowest applicable ratio for impacts will apply. All areas that fall within a surface water or wetland buffer, even where impacts are not proposed, must be fully planted and demarcated in accordance with Section 15-07-05.

(4) If Surface Water and Wetland Buffers are present but undisturbed during construction and post-construction phases, compensation is not required.

(5) Removal of impervious area within an existing surface water or wetland buffer provides a credit of 0.5 per SF of area removed and revegetated in accordance with the City of Franklin Natural Resource Protection Guidance.

(6) Off-site compensation requires approval of a Special Exception.

#### 15-7-04. Standards for Natural Resource Compensation

- A. **Natural Resource Protection Guidance Incorporated by Reference.** The City of Franklin Natural Resource Protection Guidance, as amended, shall guide the design and review of any proposed compensation and restoration for impacts to Protected Natural Resources.
- B. **Surety or Financial Instrument Required.** The Plan Commission shall require a financial surety, as approved by the City Attorney, to ensure the completion and establishment of Natural Resource compensation, boundary demarcation, and any conditions imposed pursuant to this Ordinance.
- C. **Legal Protection Required.** For all compensation for Natural Resource Features, sufficient legal restrictions to ensure ongoing compliance with the approved protection and compensation measures, which may include deed restrictions, conservation easements, or other landowner agreements permanently conserving the associated natural resource features, shall be required in a form acceptable to the City Attorney.
- D. **Demarcation of Protected Resources Required.** All conserved areas or compensation areas required to be established or managed pursuant to the provisions of this Article, whether on or off site, shall be demarcated with a combination of fencing, planting, and signage to prevent mowing, clearing, vehicle trespass, or other damage to or abuse of the area.
- E. **Off Site Compensation of Natural Resource Features**
  1. Off-site compensation may be permitted only through approval of a Special Exception by the Plan Commission, and provided:
    - a. The Plan Commission determines that off-site compensation is a desirable alternative to compensation on-site and will achieve greater overall benefit to the City of Franklin and the Natural Resource Features to be mitigated.
    - b. The off-site compensation shall occur within the City of Franklin on a site where sufficient ownership or control to manage and maintain the compensated features in the manner approved is demonstrated and assured to the satisfaction of the Plan Commission and City Attorney.
  2. All off-site compensation shall require site plan approval under Article 9 for the site where compensation is proposed. The recording of sufficient legal protections to ensure ongoing compliance, which may include deed restrictions or conservation easements, is required to protect the area of the property on which off-site compensation occurs, in a form acceptable to the City Attorney.
  3. Wetland Banking. In the event an applicant has secured credits from a wetland bank within the Pike Root HUC8 Watershed that is approved for business by the Wisconsin DNR, the Plan Commission may at its discretion approve compensation through purchase of wetland bank credits at the ratios required in Table 15-7-03. Any such approval shall require demonstration by the applicant that a legally binding agreement for the purchase of credits has been executed before issuance of the first zoning permit for any construction activity associated with the approval.
- F. **Compensation of Specific Natural Resources.** In its review and approval of a Natural Resource Protection Plan and any compensation measures, the Plan Commission shall be guided by the standards in the City of Franklin Natural Resource Protection Plan Guidance. The following minimum compensation standards shall be met:
  1. Species of trees and plants used in the compensation of woodland and forests shall be subject to review by the City Forester to ensure that species selected for compensation are likely to be successful within the area of the City where

proposed and represent an equal or greater value in promoting the health and integrity of the City's forest resources relative to the resources impacted by the project.

2. Surety required. A surety or other financial instrument sufficient to replace the required plantings shall be retained by the City for a period of two (2) years after planting to ensure establishment and plant growth. The surety may be released after 2 years provided the City Forester has inspected the site and determined that plant establishment has occurred. If the City Forester has determined that remedial planting is required, the surety shall be extended for another 2 years after the date of remedial planting. Existing trees with a caliper of 8 inches or greater diameter at breast height (other than removal of invasive plant species on the Wisconsin Chapter 40 NR Invasive Species List) that are removed shall be replaced one-for-one on the site, in addition to any woodland area compensation required.
3. In the event the City Forester determines that replanting is not advisable on the site, the applicant shall pay the City a fee in lieu per tree based on the City's established fee schedule at the time the first zoning permit associated with the approval is obtained.
4. Cutting of or damage to trees planted as compensation shall constitute a violation of this Article and shall be subject to enforcement under Section 15-9-15.
5. **SEWRPC-Designated Resources.**
  - a. Compensation of impacts to SEWRPC Primary and Secondary Resource Corridors and Isolated Natural Areas shall be based on the nature of the Natural Resource Features in the affected area, as documented in the Natural Resource Protection Plan.
  - b. At the discretion of the Plan Commission, applicants may provide for the permanent protection of an equivalent area of any combination of SEWRPC Primary or Secondary Resource Corridor, or Isolated Natural Area, within the City of Franklin, so long as the total area conserved is of sufficient size to meet the required compensation area pursuant to this Article.
6. **Shoreland Wetlands; Federal Jurisdictional Wetlands.**
  - a. Impacts to shoreland wetlands shall be governed by approvals issued pursuant to Article 9 and shall be contingent upon receipt by the City of permits from the Wisconsin Department of Natural Resources and United States Army Corps of Engineers, as applicable
  - b. Impacts to federal jurisdictional (i.e., Class 1 and Class 2) wetlands shall be contingent upon receipt by the City of permits from the Wisconsin Department of Natural Resources and United States Army Corps of Engineers, as applicable
  - c. Compensation for shoreland wetland and federal jurisdictional wetlands shall occur at the ratio for wetlands in Table 15-07-03 in strict accordance with the most recently-published Guidelines for Wetland Compensatory Mitigation in Wisconsin or equivalent documentation.
7. **Lakes and Ponds.** Direct impacts to Lakes and Ponds shall be contingent upon receipt by the City of copies of permits from the Wisconsin Department of Natural Resources and United States Army Corps of Engineers, as applicable. Direct impacts to lakes and ponds may be compensated at the ratio in Table 15-7-03 only if the impact and compensation is part of an approved Natural Resource Protection Plan and an approved stormwater management plan that meets, at a minimum, all of the following criteria:
  - a. The time of concentration of stormwater flows remains unchanged or is lengthened;
  - b. Stormwater storage capacity is maintained or increased; and
  - c. No flooding or adverse drainage conditions on adjoining properties will be created.



8. **Surface Water and Wetland Buffers; Degraded or Non-Federal Jurisdiction Wetlands.** Impacts to required surface water and wetland buffers shall require compensation at the ratios in Table 15-7-03. Compensation may include any combination of the following:
  - a. Establishment of a new or enhanced surface water or wetland buffer on- or off-site, or consistent with the standards in Section 15-7-05 of this Article and the standards in the City of Franklin Natural Resource Guidance;
  - b. Use of any combination of the compensation options in Section 15-07-02(D)(2)(d) of this Article as further set forth in the City of Franklin Natural Resource Guidance.

### 15-7-05. Surface Water and Wetland Buffers

- A. The Plan Commission may approve construction-phase (i.e., temporary) or post-construction (i.e., permanent) impacts within an existing or proposed Surface Water or Wetland Buffer only upon finding that:
  1. The authorized reduction in the width or area of the buffer is the minimum necessary to allow the proposed use to function efficiently on the project site.
  2. The reduced buffer, and its associated planting plan, will be sufficient to protect the associated surface water or wetland so as to prevent loss of function or flooding.
  3. Sufficient planting, fencing, or other demarcation will be provided during construction to protect the buffer from activities and damage such as mowing, storage, parking, or snow storage.
- B. Impacts within Surface Water or Wetland Buffers shall include without limitation the following:
  1. Construction-phase disturbance, including clearing, grubbing, and disturbance of the surface grade.
  2. The construction of new or expanded structures or impervious surface area
  3. Clearing or mowing, or the establishment of actively maintained vegetation such as turfgrass, planted islands, or landscaped strips.
  4. Permanent or temporary stormwater ponds.
- C. If a Surface Water or Wetland Buffer is established at a width less than required in this Article, the difference in surface area between the required and proposed Wetland or Surface Water Buffer shall be compensated at the required ratio in Table 15-7-03.
- D. **Standards for Surface Water and Wetland Buffer Compensation.** Where compensation for impacts to a buffer is approved, in addition to the standards in the City of Franklin Natural Resource Protection Guidance, the following specific standards shall be met:
  1. The perimeter of any existing Surface Water or Wetland Buffer affected by an approved development, and the perimeter of all new or restored buffers provided as, shall be established or re-established with plantings, fencing, or a combination thereof.
  2. The Plan Commission may approve, as a Special Exception, the restoration or establishment of a new surface water or wetland buffer on an existing developed site within the City of Franklin as compensation for impacts on a Natural Resource Feature under this Article.
- E. The Plan Commission may deviate from the strict numeric requirements of the required buffer width or required compensation ratio where the following conditions apply:
  1. The proposed buffer has a minimum width of five feet (5') at its narrowest point, a minimum average width of twenty (20') feet, and a minimum total area of one hundred fifty square feet (150 SF).



2. In the opinion of the City Engineer, the proposed buffer would provide a material benefit to water quality, flooding, and storm water management.
3. The combination of impervious surface area removed (if any), the amount of impervious surface area draining to the new or restored buffer, the degree of planting provided, and the width and size of the buffer represent, in the opinion of the City Engineer, sufficient benefit to water quality, flood prevention, and stormwater management to offset the development impact.

## Article 8. Subdivision Standards

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### 15-8-01. Intent and Purpose

A. The purpose of this Article is to:

1. Establish reasonable rules and regulations governing the subdivision, development and platting of land, the preparation of plats, the location and extension of streets and highways, the installation of utilities and the provision of necessary public grounds for parks, playgrounds, and public open space,
2. Conserve, protect, and enhance property and property values;
3. To secure the most efficient use of land;
4. Discourage scattered development that is beyond existing public utilities and to facilitate the adequate provision of public improvements;
5. To ensure the provision of sufficient utilities with new development;
6. Limit and control the pollution of the environment that can be caused by inadequate or incomplete development;
7. Provide common grounds of understanding and a sound working relationship between the City and the subdivider;
8. Implement the goals and objectives of the City of Franklin Comprehensive Master Plan; and
9. Prescribe reasonable rules and regulations governing the subdivision and platting of land; the preparation of plats.

## 15-8-02. Lots

- A. **Size, Shape, and Orientation.** The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated as determined by the Plan Commission.
- B. **Lot Lines.** Lot lines shall follow municipal boundary lines rather than cross them.
- C. **Double Frontage Lots.** Double frontage and reverse frontage lots shall be prohibited except where necessary to provide separation of development from through traffic or to overcome specific disadvantages of topography and orientation, as determined by the Plan Commission.
- D. **Access.** Each lot shall front or abut a public street. In the event any parcel does not front on a public street, due to the street's right-of-way width or other site conditions, a dedicated right-of-way providing access to the parcel from a public street, with a minimum width of sixty (60) feet, shall be provided.
- E. **Area and Dimensional Requirements of Lots.** Lot area and width shall conform to the requirements of this UDO for land under the jurisdiction of the City of Franklin.
- F. **Public sanitary sewer and water supply facilities.** Any new lot(s) created under this UDO must be served by public sanitary sewer and water supply facilities if such lot(s) is located in the R-C, R-SE, R-SR, R-MF, R-V and B-SM zoning districts, except:
  - 1. Lot(s) created in the R-C zoning district with a minimum area of five (5) acres; and a maximum of one lot with at least three (3) acres in a minor land division or subdivision. For example, an 18-acre parent parcel may be divided into up to four lots.
  - 2. Lot(s) created by minor land division and served by public sanitary sewer; and for which lot(s) the Common Council has denied the extension of public water after the adoption of this UDO.
- G. **Sites Not Served by Sewer.** Building sites not served by a public sanitary sewage system or other approved system shall be of sufficient area to permit the use of an on-site soil absorption sewage disposal system designed in accordance with Chapters ILHR 83 and 85 of the Wisconsin Administrative Code as amended and Section 190-22 of the City of Franklin Municipal Code.
- H. **Lot Depth to Width.** Lots with a lot depth to width ratio greater than two (2) to one (1) are prohibited, except for the creation of outlots as approved by the Zoning Administrator.
- I. **Corner Lots.** Corner lots shall a minimum depth not less than ninety (90) percent of the minimum required lot width.
- J. **Plats Abutting a Lake or Stream.** All land subject to a subdivision plat shall be fully incorporated into a lot, outlot, or public dedication of land, including but not limited to all land lying between a meander line and the center line of a stream or river, and all land lying between the meander line and the ordinary high water mark of a lake or pond.
- K. **Land Remnants.** All land remnants below the minimum lot size shall be platted as "Outlots" which may be combined with adjacent parcels in the future.
- L. **Large Lots.** Where lots are created of a size larger than the minimum lot size required by the underlying district, the Plan Commission may require that lots be twice the minimum area and width required to allow for the future resubdivision of such lots into sizes compliant with the underlying district.
- M. **Flag Lots Prohibited.** Flag-shaped lots, or lots not meeting the minimum lot width requirements of this Ordinance or where access to a public street right-of-way to such lots is by a narrow strip of land, shall not be permitted.

## 15-8-03. Street Arrangement

- A. **Street Layout to Conform to Official Map and/or Adopted Plans.** In any new subdivision, certified survey map, or condominium the street layout shall generally conform to the arrangement, width, and location indicated on the official map, County jurisdictional highway system plan, County Development Plan, City of Franklin Comprehensive Master Plan or plan component, detailed planning district plan, or detailed neighborhood development plan of the City.

- B. **Street Layout in Areas With No Official Map or Adopted Plans.** In areas for which such plans as enumerated in Paragraph A above have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets.
1. **Arterial Streets.** Arterial streets shall be arranged to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.
  2. **Collector Streets.** Collector streets shall be arranged to provide ready collection of traffic from residential areas and conveyance of this traffic to the arterial street, major street, and highway system and shall be properly related to the mass transportation system, to special traffic generators such as schools, churches, or shopping centers, business parks, and other concentrations of population or employment and to the arterial and/or major streets to which they connect. Where neighborhoods and/or commercial activity/employment centers abut along arterial streets or highways, collector streets shall be planned to align to provide secondary interconnections between abutting neighborhoods or between abutting commercial activity/employment centers.
  3. **Minor Streets.** Minor streets shall be arranged to conform to the topography, to discourage use by through traffic to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.
  4. **Recreational Trails.** Any recreational trail identified in the City of Franklin Comprehensive Outdoor Recreation Plan shall be provided in the subdivision in accordance with the plan.
  5. **Proposed Streets.** Proposed streets shall extend to the boundary lines of the tract being subdivided or developed as a Condominium unless prevented by topography or other physical conditions or unless, by action of the Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision or Condominium or for the advantageous development of the adjacent tracts.
  6. **Arterial Street and Highway Protection.** Whenever a proposed Certified Survey Map or subdivision contains or is adjacent to an arterial street or highway, for adequate protection of residential properties, the limitation of access and separation of through and local traffic shall be provided by reversed frontage, with screen planting contained in a nonaccess reservation along the rear property line, or by the use of frontage streets.
  7. **Stream or Lake Shores.** Stream or lake shores shall have a minimum of sixty (60) feet of public access platted to the low water mark at intervals of not more than one-half (1/2) mile as required by § 236.16(3) of the Wisconsin Statutes.
  8. **Reserve Strips.** Reserve strips, which intentionally prevent access to a public street from an abutting property, shall not be provided on any plat or Condominium to control access to streets or alleys, except where control of such strips is placed with the City under conditions approved by the Plan Commission.
  9. **Alleys.**
    - a. **Commercial, Mixed-Use, and Industrial Districts.** Alleys may be provided in the commercial and mixed-use, B-P Business Park, and LI – Limited Industrial Districts for off-street loading and service access and may be required by the Plan Commission.
    - b. **Residential Districts.** Alleys may be provided in the R-M Multiple-Unit Residence District and R-V – Village Residence Districts but shall not be approved in other residential districts. New dead-end alleys shall not be approved by the Plan Commission.
    - c. **Thoroughfare Connection Prohibited.** Alleys shall not connect to a major thoroughfare, including an arterial or collector street.
    - d. **Private Maintenance Required.** All newly-constructed alleys shall be privately maintained.

- C. **Street Names.** Street names shall not duplicate or be similar to existing street names elsewhere in southern Milwaukee County, and existing street names shall be projected wherever possible. "Court" may be used in a street name only for cul-de-sac streets. The naming of streets shall be coordinated with the City Engineer, Plan Commission, and Common Council.

## 15-8-04. Street Design and Improvements

### A. Cul-de-Sac Streets.

1. **Length.** Cul-de-sac streets designed to have one end permanently closed shall not exceed five-hundred (500) feet in length.
2. **Adequate Turn-Around Required.** Cul-de-sac streets shall terminate in a circular paved area allowing for vehicular turn around and having a minimum radius of:
  - a. Sixty (60) feet the center of the island to the edge of right-of-way; and
  - b. Forty-five (45) feet from the center of the island to the outside curb.
3. **Islands.** Islands in the center of cul-de-sacs with a minimum radius of twenty (20) feet shall be required. Where approved by the City Engineer, cul-de-sac islands may be designed with a vegetated snow storage area or stormwater management area. Curbing may be varied as required to accommodate snow plowing or stormwater inflow per the approved design.

### B. Street Stubs.

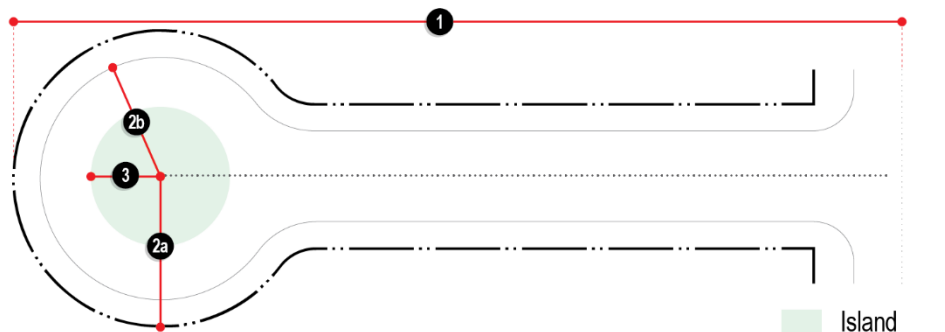


Figure 1 Cul-de-Sac

1. In new developments, the subdivider shall terminate streets as stubs at the outer perimeter boundaries of the development based on the criteria of this section. If the street in question meets at least two (2) of the criteria, then the street must be built to an appropriate collector street standard:
  - a. The street intersects directly with any street designated as an arterial street and provides access to an area with an overall density of ten (10) dwelling units per acre or provides access to more than one hundred fifty (150) dwelling units.
  - b. The street by its general configuration, in relationship to the existing development of the area, serves any collector function.
  - c. The street extends into an undeveloped area in such a manner as to serve any future collector function.
  - d. The street serves as the primary access to a significant nonresidential, institutional, or recreational land as well as an access to a residential area of twenty (20) or more acres.
2. Street stubs shall be clearly demarcated and identified for future street extension by street signage.
3. All street stubs shall terminate with a paved area of adequate width to allow for vehicles to turn-around.
4. All stub streets shall conform to the City's adopted version of the International Fire Code.

C. **Roadway Elevations.** Elevations of roadways passing through floodplain areas shall be designed in the following manner:

1. Freeways and arterial streets and highways shall be designed so they will not be overtopped by the one-hundred-year recurrence interval flood.
2. Collector and local minor land access streets shall be designed so they will not be overtopped by the ten-year recurrence interval flood.

D. **Street Grades.**

1. Street grades shall be established wherever practicable to avoid excessive grading, the indiscriminate removal of ground cover and tree growth, and general leveling of the topography.
2. All changes in street grades shall be connected by vertical curves as approved by the City Engineer. Vertical curves for arterial street shall have a minimum length equivalent in feet of three (3) times the design speed of the street in miles per hour.
3. **Minimum Grade.** The minimum centerline grade of any street or public way shall be three-quarters (0.75) percent unless a flatter grade is approved by the City Engineer.
4. **Maximum Grade.** Unless necessitated by exceptional topography and subject to the approval of the City Engineer, the maximum centerline grade of any street or public way shall not exceed the following:
  - a. **Arterial Streets:** Five (5) percent.
  - b. **Collector Streets:** Six (6) percent.
  - c. **Minor Streets, Alleys, and Frontage Streets:** Six (6) percent.
  - d. **Pedestrian Ways:** Eight (8) percent and meeting all applicable "American with Disabilities Act (ADA) Accessibility Guidelines."

E. **Radii of Curvature.**

1. When a continuous street centerline deflects at any one point by more than ten (10) degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following unless approved by the City Engineer:
  - a. **Arterial Streets and Highways:** Five-hundred (500) feet.
  - b. **Collector Streets:** Three-hundred (300) feet.
  - c. **Minor Streets:** Two-hundred (200) feet.
  - d. **Rural and Suburban Streets:** May be less than two-hundred (200) feet only in areas where natural resource features are to be preserved as determined by the Plan Commission.
2. A tangent at least one-hundred (100) feet in length shall be provided between reverse curves on arterial and collector streets.

F. **Half-Streets.** Where an existing dedicated or platted half-street is adjacent to the tract being subdivided by either a subdivision plat or certified survey map, the other half of the street shall be dedicated by the subdivider. The platting of new half-streets shall not be permitted.

G. **Excessive Street Right-of-Way Length to Serve Subdivision to be Avoided.** The use of excessive street right-of-way length, as determined by the Zoning Administrator and City Engineer, to serve a subdivision shall be prohibited.

H. **Traffic Calming Devices.** The use of traffic calming devices such as landscaping bulb-outs and traffic circles are encouraged as alternatives to conventional traffic control measures.

- I. **Mid-Block Crossings.** In the event that a longer block is approved through a variance than is allowed in Section 15-9-08, the developer shall compensate for the longer block by providing a crosswalk at the middle of the block. The mid-block crossing shall be protected with bulb-outs to ensure pedestrian safety.
- J. **Street Intersections and Connectivity.**
  1. **Right Angles Required.** Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.
  2. **Maximum Number of Streets Converging at Single Intersection.** With the exception of roundabout intersections approved by the City Engineer, the number of streets converging at one conventional intersection shall be two (2).
  3. **Distance Between Intersections Along Arterial Streets and Highways.** The distance between street intersections along an arterial street or highway shall be at least one-thousand two-hundred (1,200) feet.
  4. **Alignment of Minor Streets Required.** Local streets crossing any collector or arterial street shall align with each other. Minor streets that cross a collector or arterial street and whose center lines are less than two-hundred-fifty (250) feet apart, measured along the centerline of the arterial or collector street, shall be prohibited.
  5. **Connectivity Index.** A connectivity index shall be used to determine the adequacy of street layout design. A connectivity index is calculated as the ratio of the number of street links (road sections between intersections) in the subdivision street layout divided by the number of street nodes (intersections and cul-de-sac heads). Streets within a subdivision shall have a minimum connectivity index measurement of one and four-tenths (1.4).

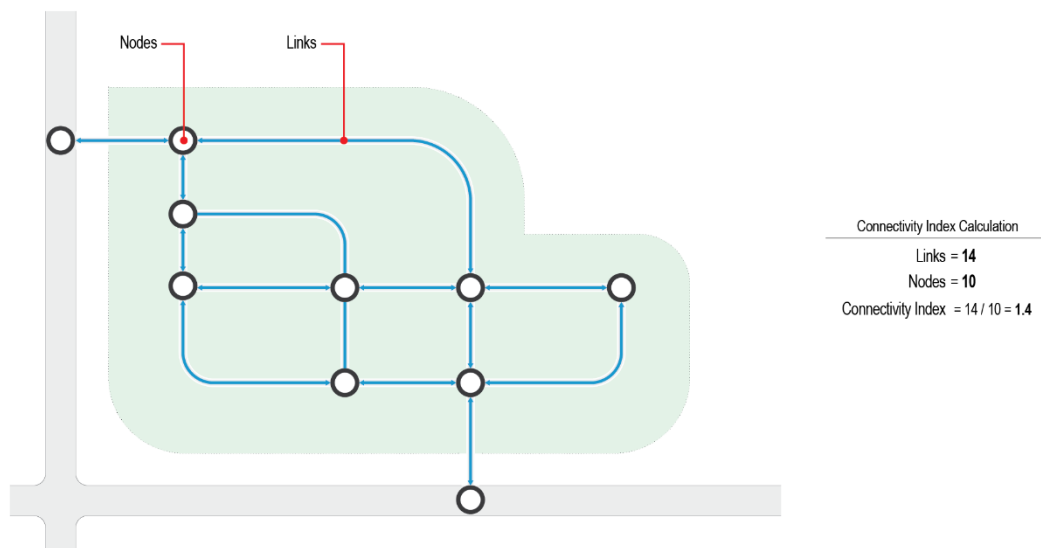


Figure 2 Connectivity Index

- K. **Blocks.** The widths, lengths, and shapes of blocks that are created shall be suited to the planned use of the land, zoning requirements, overall residential density, the need for convenient access, control and safety of street traffic, and the limitations and opportunities of topography. In addition:
1. **Maximum Block Length.** The length of blocks shall be limited as follows unless exceptional topography natural resource features, request of the Plan Commission, or other factors necessitate an alternative design.
    - a. **Residential, Commercial and Mixed-Use Districts.** In residential, commercial, and mixed-use districts, blocks shall not exceed eight-hundred (800) feet in length.
    - b. **All Other Districts.** In all other districts, blocks shall not exceed one-thousand five-hundred (1,500) feet in length.
  2. **Block Width.** The width of blocks shall be wide enough to provide for two (2) tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or laid out for commercial or industrial uses shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.

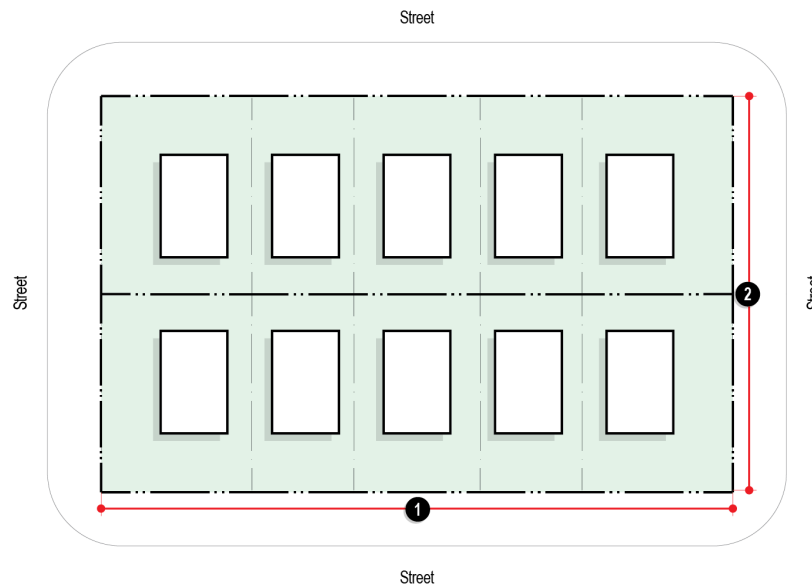


Figure 3 Block Width

3. **Mid-Block Utility Easements Required.** Utility easements for electric power and telephone service shall, where practical, be placed on mid-block easements along rear lot lines, unless the protection of natural resources require placement elsewhere. When natural resources to be protected are present, all utility easements shall be shown on the final plat, certified survey map, or condominium plat prior to approval by the City.
- L. **General Improvement Requirements.**
1. **Payment For Improvements.**
    - a. The improvements prescribed in this UDO are required as a condition of approval of a subdivision.
    - b. The required improvements described in this UDO shall be installed, furnished, and financed at the sole expense of the developer.
    - c. A contract, or "Development Agreement," with the developer as specified under section 15-9-14 of this UDO shall be required, and financial sureties described in section 15-8-08(D) of this Ordinance shall be required.



2. **General Standards.**

- a. The required improvements set forth in this Ordinance shall be installed in accordance with the City Engineer's "City of Franklin Design Standards and Construction Specifications" and the standards in Part 8 Improvements and Construction of the 1998 Unified Development Ordinance. Where the City has no prescribed standards and specifications, the improvements shall be made in accordance with best engineering practices, approved prior to the commencement of construction by the City Engineer.
- b. Any and all improvements or utility services required by this Ordinance, shall be extended to the limits of the parcel or lot upon which a building permit is requested unless exempted by the Plan Commission.
- c. In the event the improvements are required to the end of the parcel or lot, the owner, Subdivider, or Condominium Developer shall be required to post financial sureties with the City pursuant to Part 8 Improvements and Construction of the 1998 Unified Development Ordinance.

3. **Survey Monuments.** The Subdivider shall install survey monuments placed in accordance with the requirements of Chapter 236.15 of the Wisconsin Statutes. Monuments shall be installed at all lot corners no later than upon completion of final utility installation or as may be required by the City Engineer.

4. **Grading and Surfacing of Subdivision Roads.**

- a. **Right-of-Way and Roadbed Grading.** After the installation of temporary block corner monuments and establishment of street grades, the Subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated. The Subdivider shall grade the roadbeds in the street rights-of-way to subgrade.

5. **Surfacing.** Unless superseded by a developer's agreement, the Subdivider shall complete the base and binder courses of street paving prior to issuance of building permits for structures within the subdivision. The completion of the base and binder courses of street paving shall take place after the installation of all required utility and stormwater drainage improvements. The final surface course shall be placed no earlier than at ninety (90) percent completion of the subdivision or when required by law, whichever is earlier.

6. **Curb and Gutter.** In all subdivisions, certified survey maps, and condominiums the subdivider shall construct concrete curbs and gutters except where an alternative street edge is incorporated as part of an approved stormwater management plan. Where possible, provision shall be made at the time of construction for driveway access curb cuts.

7. **Traffic Control and Street Name Signs.** The developer shall pay all costs associated with the City's installation of traffic control and street name signs along all streets proposed to be dedicated to the public. Traffic control and street name signs shall meet the following standards:

- a. **Traffic Control Signs.** The design and placement of traffic control signs shall follow state and local regulations, or the requirements specified in the most current edition of the Wisconsin Manual on Uniform Traffic Control Devices for Streets and Highways published by the Wisconsin Department of Transportation and the Federal Highway Administration.
- b. **Street Name Signs.** The Developer shall install at least two (2) street name signs of a design and color as approved by the City, at each street intersection proposed to be dedicated and one at each "T" intersection. Signs shall be installed to be free of visual obstructions.

8. **Street Trees.**

- a. **Compensation Required.** The Developer shall pay a fee per tree to the City as established in a fee schedule adopted by Common Council. The minimum quantity of street trees required is specified in Part 8 Improvements and Construction of the 1998 Unified Development Ordinance.
- b. **Tree Replacement Fee.** In addition to the fee per street tree, the Developer shall pay a tree replacement fee to the City, an amount of ten (10) percent of the fee for all required trees. The City can use this fee to replace any failed trees.

c. **Waiver.** In the event an applicant or property owner requests specific accommodation or modification pursuant to the City planting of street trees in accordance with this section, the City Forester may in his/her sole discretion vary the planting plan, provided the overall number of required trees is planted within the perimeter of the development and provided the accommodation or modification does not adversely affect safety, aesthetic, drainage, or environmental conditions in the vicinity of the site.

9. **Street Lights.** The developer shall pay all costs associated with the installation of streetlights. Wisconsin Electric Power Company system leased lights shall be installed at all intersections and other critical locations within residential developments as determined by the City Engineer. Other nonresidential locations shall be served by a dedicated lighting system to be owned and maintained by the City unless otherwise superseded by an agreement with the Common Council.

**M. Street Design Requirements.**

1. **Right-of-Way and Paving Widths.** The minimum right-of-way and paving widths of proposed streets shall be as detailed in Table 15-8-04(M)(1).

Table 15-8-04(M)(1): Minimum Paving and Right-of-Way Widths		
Type of Street	Minimum Paving Width (Feet)	Minimum Right-of-Way Widths (Feet)
<i>Freeway or Expressway</i>	As required by WisDOT	
<i>Arterial (Four-Lane Urban)</i>	36 - Dual	130
<i>Arterial (Four-Lane Rural)</i>	24 - Dual	130
<i>Arterial (Two-Lane Urban)</i>	24 - Dual	130
<i>Arterial (Two-Lane Rural)</i>	24 - Dual	130
<i>Collector Street</i>	36	80
<i>Minor Street (Multifamily)</i>	36	66
<i>Minor Street (Typical)</i>	28	60
<i>Minor Street (Low Volume)</i>	28	58
<i>Minor Street (Difficult Terrain)</i>	28	50

2. **Required Design Elements.** Required street design elements shall be as established per street type in Table 15-8-04(M)(2). The dimensions and placement of street design elements required in Table 15-8-04(M)(3) shall comply with the requirements of the City of Franklin Comprehensive Master Plan as adopted. The width of each required street design element in Table 15-8-04(M)(2) shall be as specified in Table 15-8-04(M)(3) below.

- a. A "●" indicates an element that is required on both sides of a given street.
- b. A "■" indicates an element that is optional.
- c. A "▲" indicates an element that is required at the discretion of the City.

**Table 15-8-04(M)(2) Required Street Design Elements**

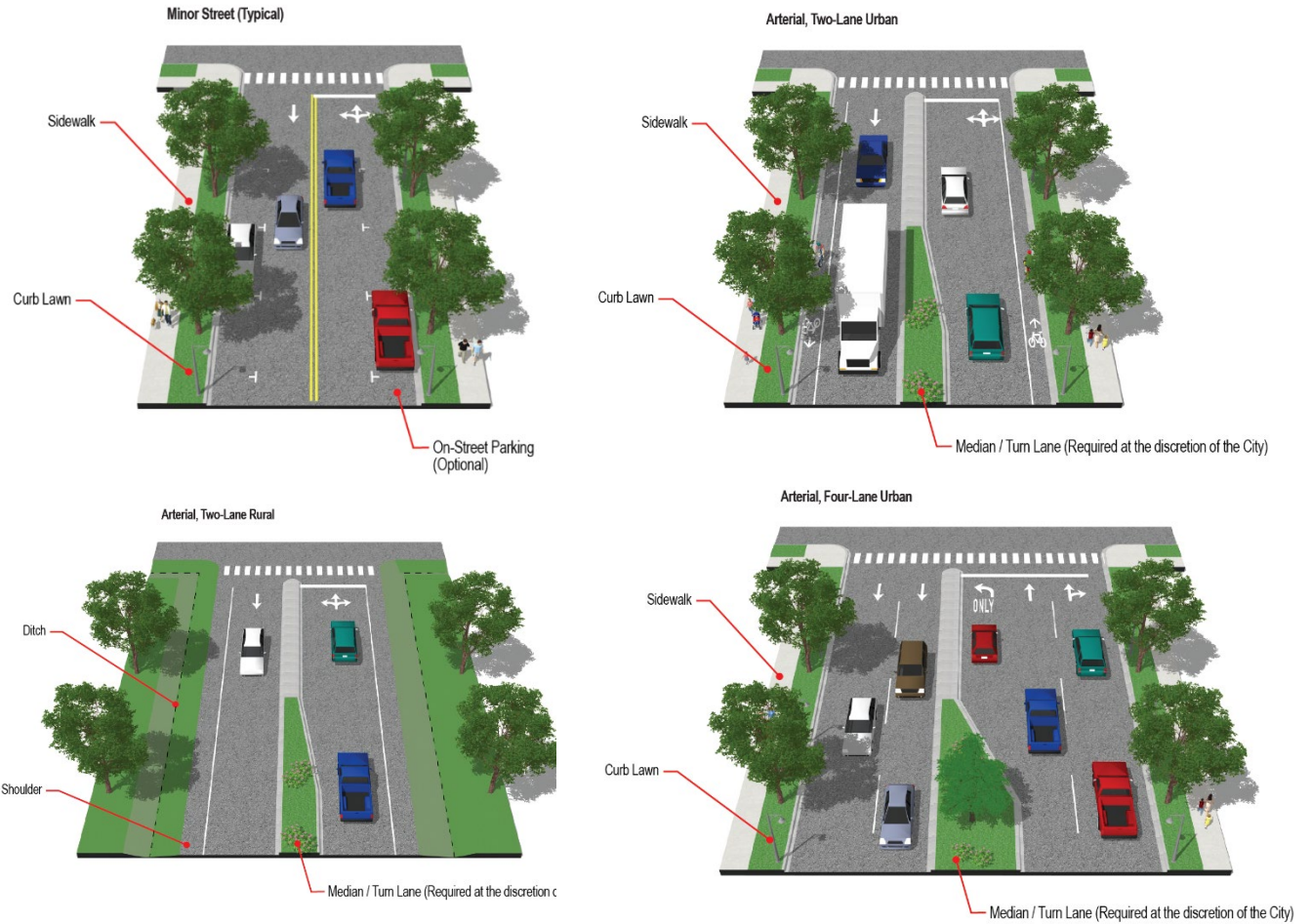
Type of Street	Required Street Design Element						
	Ditch	Sidewalk	Curb Lawn	Outside Shoulder	On-Street Parking	Bicycle Lane	Median/Turn Lane
<i>Freeway or Expressway</i>	As required by the WisDOT						
<i>Arterial (Four-Lane Urban)</i>		•	•				▲
<i>Arterial (Four-Lane Rural)</i>	•			•			▲
<i>Arterial (Two-Lane Urban)</i>		•	•			•	▲
<i>Arterial (Two-Lane Rural)</i>	•			•			▲
<i>Collector Street</i>		•	•		■	•	
<i>Minor Street (Multifamily)</i>		•	•		■	•	
<i>Minor Street (Typical)</i>		•	•		■		
<i>Minor Street (Low-Volume)</i>		•	•				
<i>Minor Street (Difficult Terrain)</i>			•				

3. **Required Design Element Width.** The width of each required street design element in Table 15-8-04(M)(2) shall be as specified in Table 15-8-04(M)(3) below.

**Table 15-8-04(J)(3) Required Street Design Elements Dimensions**

Type of Street	Required Street Design Element Minimum Width (feet)						
	Ditch	Sidewalk (each side)	Curb Lawn	Shoulder	On-Street Parking	Bicycle Lane	Median/Turn Lane
<i>Freeway or Expressway</i>	As required by the WisDOT						
<i>Arterial (Four-Lane Urban)</i>		5	10				26
<i>Arterial (Four-Lane Rural)</i>	16			10			18
<i>Arterial (Two-Lane Urban)</i>		5	17			4	24
<i>Arterial (Two-Lane Rural)</i>	23			6			16
<i>Collector Street</i>		5	16		8	4	
<i>Minor Street (Multifamily)</i>		5	9		8	4	
<i>Minor Street (Typical)</i>		5	10		8		
<i>Minor Street (Low-Volume)</i>		5	10				
<i>Terrain)</i>			15				

Figure 4 Street Design Requirements



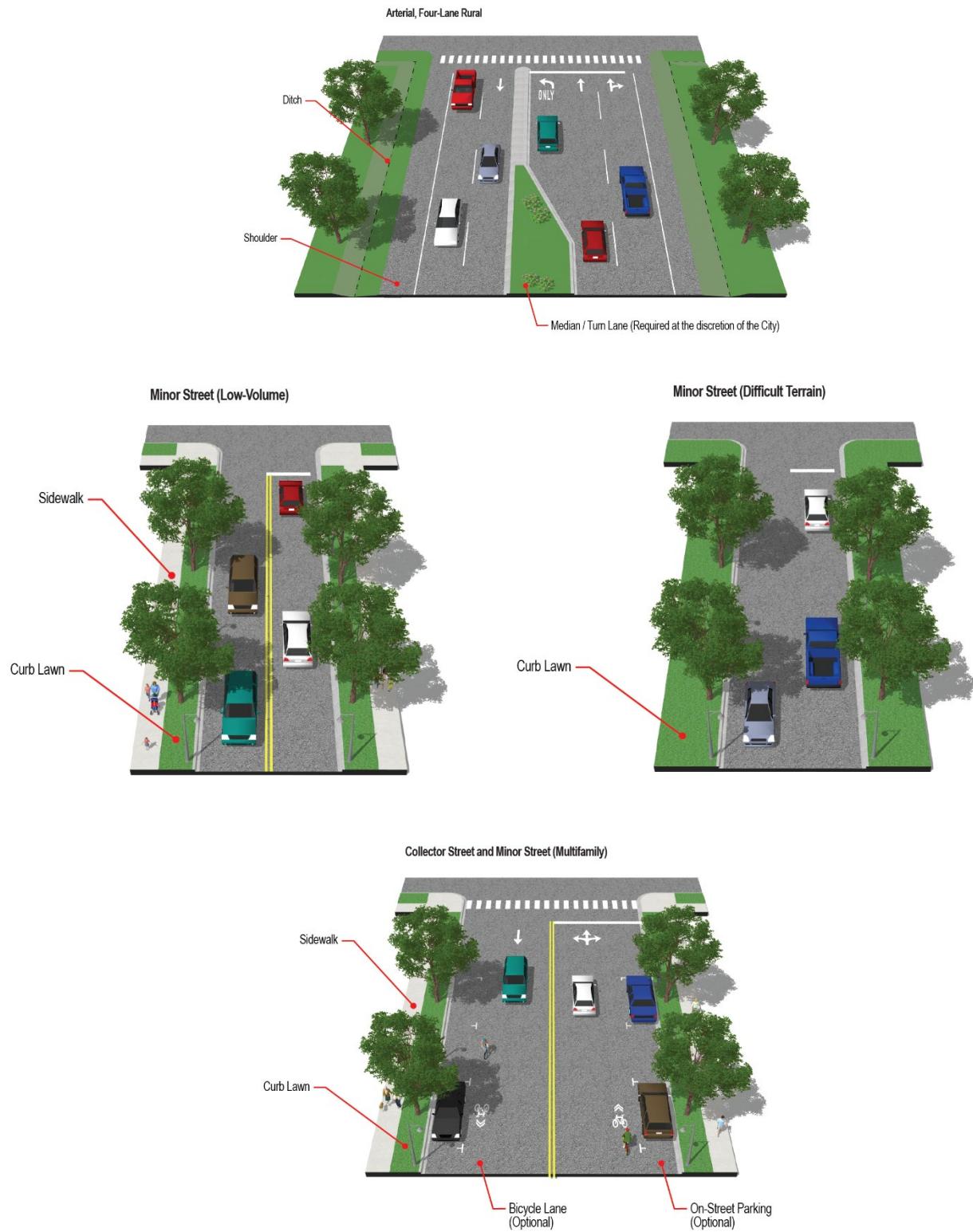


Figure 5 Street Design Requirements Continued



- N. **Rural Street.** When permanent rural street sections have been approved by the Common Council in areas not located within the urban service boundaries of the City of Franklin, the Subdivider shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the City, including the City of Franklin Design Standards and Construction Specifications" and as set forth in Tables 15-8-04(M)(1) and 15-8-04(M)(3) of this Ordinance.

### 15-8-05. Easements

- A. **Natural Resource Features Protection/Mitigation, Conservation, Landscape Buffer yard, and Utility Easements Required.** The Plan Commission shall require natural resource features protection/mitigation, conservation, landscape bufferyard, and/or utility easements of widths deemed adequate for the intended purpose on each side of all rear lot lines and on side lot lines or across lots where necessary or advisable for natural resource feature protection (in accordance with an approved Natural Resources Protection Plan pursuant to Article 7 of this Ordinance), landscape bufferyards (see section 15-5-03 of this Ordinance), electric power and communication lines, wires, conduits, stormwater management systems, storm and sanitary sewers, and gas, water, and other utility lines.
- B. **Site, Subdivision, Certified Survey Map, or Condominium Plat Traversed by Watercourse, Drainageway Channel, or Stream.** Where a site, subdivision, certified survey map, or condominium plat is traversed by a watercourse, drainageway channel, or stream, an adequate drainageway or easement shall be provided as may be required by the City Engineer. The location, width, alignment, and improvement of such drainageway or easement shall be subject to the approval of the Plan Commission, and parallel streets or parkways may be required in connection therewith. Where necessary, stormwater drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. These design details are subject to review and approval by the City Engineer.
- C. **Minimum Width Required for All Utility Easements.** All public utility easements shall be a minimum of twenty (20) feet in width or wider where required by the City Engineer.

### 15-8-06. Water, Sewer, and Stormwater

- A. When public sanitary sewer facilities are available to the subdivision plat, certified survey map or condominium, the Subdivider or Condominium Developer shall construct sanitary sewer facilities in such a manner as to make adequate sanitary sewer service available to each lot within the subdivision or certified survey map or dwelling unit within a condominium. In addition:
1. **Required Installation of Lateral Sewer Lines.** Sewer laterals shall be installed to the front lot line of each lot served.
  2. **Costs Associated with Sanitary Sewers Eight Inches or Less in Diameter.** The developer shall assume the cost of installing all sanitary sewers that are eight inches in diameter or less.
  3. **Costs Associated with Sanitary Sewers Larger than Eight Inch in Diameter.** If larger than eight (8) inch diameter sanitary sewers are required, the costs of such larger sewers shall be prorated in proportion to the ratio which the total sewage of the proposed subdivision, Certified Survey Map, or Condominium is to the total sewage capacity to be served by such larger sewer and the excess cost shall be either borne by the City of Franklin or assessed against the total tributary sewer area.
- B. **Wastewater Holding Tanks.** Where public sanitary sewer facilities are not available in the Commercial and Mixed-Use, Industrial and Agricultural, and Miscellaneous districts only, the Plan Commission or Common Council may require the developer to construct either individual or common wastewater holding facilities sufficiently sized and placed to accommodate the proposed development. The individual or common wastewater holding facilities shall be constructed pursuant to all applicable State, County, and local regulations as amended and in such a manner to make available wastewater holding facilities to the proposed development.

- C. **Stormwater Management Facilities.** The developer shall construct stormwater management facilities adequate to serve the proposed development. These facilities may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, open channels, water retention and detention structures, infiltration/biofiltration basins, and other green infrastructure. All such facilities shall be of adequate size and grade to hydraulically accommodate the design volumes of flow and shall be so designed as to prevent and control soil erosion and sedimentation and to present no hazards to life or property. All stormwater management facilities shall be constructed in accordance with the provisions of the City of Franklin Stormwater Management Ordinance.
1. **Detailed Site-Specific Stormwater Management Plan Required.** A detailed stormwater management plan consistent with the requirements of Part 8 Improvements and Construction of the 1998 Unified Development Ordinance.
    - a. The design criteria, the size, type, grades, and installation of all stormwater management measures shall be in accordance with the plans and standard specifications, including the City of Franklin Design Standards and Construction Specifications.
  2. **Storm Sewers.** The developer shall assume the cost of installing all required storm sewers within the proposed development.
  3. **Cost Responsibility.** The subdivider shall be responsible for all City costs to review the stormwater management plan.
- D. **Water Supply Facilities.**
1. **Adequate Public Water Supply Facilities to be Made Available.** When public water supply and distribution facilities are available to the subdivision plat, certified survey map, or condominium or when it is proposed to establish a private water supply and distribution system to serve two (2) or more lots or dwelling units, the Subdivider or Condominium Developer shall cause such public water supply and distribution facilities to be installed in such a manner as to make adequate water service available to each lot within the Subdivision or Certified Survey Map or to each Condominium dwelling unit. Said water supply facilities shall be made available pursuant to City of Franklin Water Utility extension rules and policies.
  2. **Additional Water Supply Facilities Requirements.** When a public water supply is not available, the Common Council may allow the subdivider of a subdivision or certified survey map or condominium developer to make provision for adequate private water systems as required by the City in accordance with the standards of the State of Wisconsin. In addition:
    - a. **Water Laterals to Street Lot Line.** The installation of water laterals to the front lot line are required.
    - b. **Size, Type, and Installation of Public and Private Water Mains.** The size, type, and installation of all public and private water mains proposed to be constructed shall be in accordance with plans and standard specifications, including the City of Franklin's public water supply comprehensive system plan and the City of Franklin Design Standards and Construction Specifications.
    - c. **Costs of Installing Water Mains, Water Laterals, Water System Appurtenances or Wells.** The Subdivider or Condominium Developer shall assume the cost of installing all water mains, water laterals, water system appurtenances or wells within the proposed subdivision, Certified Survey Map or Condominium except for the added cost of installing public water mains greater than eight inches in diameter pursuant to City of Franklin Water Utility extension policies. The cost of such larger water mains or other water system-related facilities shall be pursuant to City of Franklin Water Utility extension rules and policies.
    - d. **Installation of Water Main.** The Subdivider or Condominium Developer shall install water mains in accordance with this Ordinance and specifications of the City, including the City of Franklin Design Standards and Construction Specifications. For all residential development (except Certified Survey Maps abutting existing public street rights-of-way), all water mains shall be extended to the farthest property line of any property served which shall include the full property frontage along a public street right-of-way.
- E. **Other Utilities.** The Subdivider or Condominium Developer shall cause appropriate utilities such as gas, electrical power, cable television, and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision or Certified Survey Map and to each dwelling unit in a Condominium. No such electrical, cable television, or telephone service shall be located on overhead poles. In addition, plans indicating the proposed location of all gas, electrical power and telephone, and distribution and transmission lines required to service the subdivision, certified survey map, or condominium shall be approved by the City.

## 15-8-07. Soil Erosion, Sediment Control, and Clearing

- A. **Protective and Rehabilitation Measures Required.** The Plan Commission shall require the Subdivider or Condominium Developer to provide or install certain protection and rehabilitation measures to prevent soil erosion and sedimentation in conformance with Part 8 Improvements and Construction of the 1998 Unified Development Ordinance and the City Engineer's "Standards and Specifications for Development."
- B. **Tree Cutting and Shrubbery Clearing Limitations.** Tree cutting and vegetation clearing shall be conducted in strict accordance with the requirements set forth in this Ordinance for the specified zoning district, the limitations set forth in this Ordinance for natural resource features protection, the approved Erosion and Sedimentation Control Plan prepared under Part 8 Improvements and Construction of the 1998 Unified Development Ordinance, and where applicable, the approved "Natural Resource Features Protection Plan" for the property as described in Article 7 of this UDO.
- D. **Maximum Width of Paths and Trails in Wooded and Wetland Areas.** Paths and trails in wooded and wetland areas shall not exceed ten (10) feet in width unless otherwise approved by the Plan Commission and shall be so designed and constructed as to result in the least removal and disruption of trees and shrubs and the minimum impairment of natural beauty. Any easements for such paths and/or trails shall meet those minimum requirements as set forth in Article 7 of this Ordinance.
- E. **Earth Moving.** Earth moving, such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channel clearing, ditching, drain tile laying, dredging, and lagooning, shall be so conducted as to prevent soil erosion and sedimentation and to least disturb the natural fauna, flora, water course, water regimen, and topography (also see Part 8 Improvements and Construction of the 1998 Unified Development Ordinance).
- F. **Review of the Conduct of Cutting, Clearing, and Earth Moving.** Review of the conduct of cutting, clearing, and earth moving may be requested of the County Soil and Water Conservation District, the State District Fish and Game Managers, and the State District Forester by the Zoning Administrator or the Plan Commission as they deem appropriate.

## 15-8-08. Construction

- A. **Commencement.** No construction or installation of improvements shall commence in a proposed Preliminary Plat, Certified Survey Map, or Condominium until said Preliminary Plat, Certified Survey Map, or Condominium has been approved by the Common Council and the City Engineer has given written authorization to commence work and a pre-construction meeting has been held. Inspection fees shall be required as specified in o the fees specified in the City Fee Schedule, which is adopted by the Common Council. All construction standards in Part 8 Improvements and Construction of the 1998 Unified Development Ordinance shall apply.
- B. **Existing Trees and Vegetation.** The Landscape Plan and Natural Resource Protection Plan shall detail all measures to retain and protect existing trees, vegetation, paths and trails, and drainageways. No Subdivision Plan shall be approved unless the Plan Commission has approved a Landscape Plan, Erosion and Sedimentation Control Plan, and/or Natural Resource Protection Plan pursuant to the standards of this Ordinance.
- C. **Review of Plans and Specifications by City Engineer; Authorization and Inspection.**
  - 1. the City Engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this Ordinance and other pertinent City Ordinances and design standards approved by the City Engineer. If the City Engineer rejects the plans and specifications, the City Engineer shall notify the Subdivider or Condominium Developer who shall cause the modification of the plans or specifications or both accordingly. When the plans and specifications are corrected, the City Engineer shall approve the plans and specifications.
  - 2. No work covered by the approved plans and specifications may commence or proceed except in accordance with the standards and requirements of the Municipal Code.
  - 3. **Completion of the Construction of Required Improvements.** The construction of all improvements required by this Ordinance shall be completed within two years from the date of the Common Council approval of the Preliminary Plat, Certified Survey Map, or Condominium.



**D. Financial Sureties Required.**

2. **Form of Financial Sureties.** Financial sureties furnished to the City Attorney by Subdividers or Condominium Developers (as applicable) to ensure performance of obligations and guarantees under the terms of this Ordinance shall only be in a form which the City deems secure, and may include certified checks, irrevocable letters of credit in a form approved by the City Attorney.
  - a. **Determination of Financial Surety Amount.** The amount of financial surety shall be one-hundred ten (110) percent of the City Engineer's estimated full amount of the obligation being ensured (including the costs of inspection), nor for less a period than the work is scheduled to be completed, however, the City shall allow reductions in the amount of the financial surety in proportion to the amounts of the obligations as they are fulfilled.
  - b. **Disputes Over the Amount of Financial Sureties.** In a dispute over the amount of a surety, the estimate prepared by the City Engineer shall be given the greater weight.
3. **Criteria for Determining Subdivider's or Condominium Developer's Delinquency in Meeting Requirements.** The City Engineer shall give notice by registered mail to the Subdivider or Condominium Developer and the Subdivider's or Condominium Developer's surety, of such delinquency, said notice to specify the corrective measures required if the Subdivider or Condominium Developer:
  - a. Fails to perform the work with sufficient workmen and equipment or with sufficient materials to ensure the completion of said work within the specified time; or
  - b. Performs the work unsuitably, as determined by the City Engineer; or
  - c. Neglects or refuses to supply materials or to perform anew such work as shall be rejected as defective and unsuitable; or
  - d. Discontinues the execution of the work; or
  - e. For any other cause whatsoever does not carry on the work in an approved manner.
4. **Guarantee of Improvements.** The Subdivider or Condominium Developer shall guarantee all improvements for a period of one year from the date of the acceptance of improvements by the City. To assure such improvement guarantee, the Subdivider or Condominium Developer shall provide an amount of financial surety (performance bond or letter of credit) not to exceed ten (10) percent of the construction value of said improvements.
5. **Common Council Action.** After said notice, the Common Council shall call upon the performance guarantee to have the work completed in accordance with the terms of the performance guarantee.

## 15-8-09. Cluster Development

- A. Cluster development is allowed in residential subdivisions in the R-C, R-SE, and R-SR Districts to encourage and accommodate in a unified project, creative and imaginative approaches to development that preserve sensitive natural areas.
- B. **Resources to be Conserved.** To qualify for cluster development any land located in a special flood hazard area, as determined by the Federal Emergency Management Agency, shall be placed in a conservation easement.
- C. **Maximum Density per Acre.** The gross density of a cluster development shall not exceed the maximum dwelling units per acre detailed in Table 15-8-09(C).

Table 15-8-09(C): Maximum Density per Acre	
District	Maximum Density
R-C	1.5 dwelling units/acre
R-SE	2.42 dwelling units/acre
R-SR	4.35 dwelling units/acre

- D. **Maximum Dimensional Standards Reduction.** The dimensional standards established in Article 3 may be reduced by thirty (30) percent or by the cumulative total land area to be placed in a conservation easement, whichever is less.
- E. **Density Bonus.** The maximum gross density per acre, per district, may be exceeded by a maximum of thirty (30) percent if a minimum of one (1) of the following sensitive natural areas are placed in a conservation easement. The maximum allowed density bonus shall be as determined by the Common Council and shall be directly tied to the amount of land area placed in a conservation easement.
  - 1. Wetlands,
  - 2. Oak Savanna landscapes,
  - 3. Mature tree stands,
  - 4. Prime farmland,
  - 5. SEWRPC Environmental Corridors and Isolated Natural Resource Areas,
  - 6. Critical habitat, and/or
  - 7. Other as recommended by the Plan Commission and approved by the Common Council.

## 15-8-10. Park and Recreation Land and School Site Dedication

- A. **Park and Recreation Land Dedication.** In order to ensure that sites for public open spaces and parks, playgrounds and other recreational and municipal facilities may be properly located and preserved as the City of Franklin develops, and in order that the cost of providing public park and recreation sites and facilities necessary to serve the additional families brought into the City by Certified Survey Map, Subdivision, Condominium, any residential Planned Development, and residential uses in a mixed-use Planned Development, or multiple-family development may be most equitably apportioned on the basis of the additional need created by the individual Certified Survey Map, Subdivision, Condominium, residential Planned Development, and residential uses in a mixed Planned Development, or multiple-family development, and pursuant to § 236.45(1) and 62.23(7) of the Wisconsin Statutes, the following provisions are established:
- B. **Parks, Playgrounds, and Other Recreational and Municipal Facilities.**
  - 1. **Reservation and/or Dedication of Suitable Sites of Adequate Area for Parks and Playgrounds.** In the design of a Subdivision Plat, Certified Survey Map, Condominium, any residential Planned Development, and residential uses in a or

mixed-use Planned Development, due consideration shall be given to the reservation and/or dedication of suitable sites of adequate area for parks and playgrounds.

- a. If designated on the County development plan or element thereof, City of Franklin Comprehensive Master Plan, plan component, official map, Comprehensive Outdoor Recreation Plan or planning district plan or neighborhood or subarea development plan, such parks shall be made a part of the Certified Survey Map, Subdivision Plat, Condominium, residential Planned Development, or mixed-use Planned Development.
  - b. If not so designated, consideration shall be given in the location of such sites to the preservation of scenic and historic sites, young or mature woodlands, wetlands, lakes and ponds, watercourses, watersheds, drainageways, steep slopes, and ravines.
2. **Selection of Options.** The Plan Commission shall, at the time of reviewing the Certified Survey Map, Preliminary Plat, Condominium, residential Planned Development, mixed-use Planned Development, recommend to the Common Council one of the actions detailed in this Section. The Common Council, at the time of reviewing the development and after reviewing the recommendation of the Plan Commission, shall select one of the following options and incorporate same into any approval granted:
  - a. Dedicate open space lands designated on the County development plan or component thereof, City of Franklin Comprehensive Master Plan or plan component, or City of Franklin Comprehensive Outdoor Recreation Plan; or
  - b. Reserve such open space lands and require a Park, Playground and Other Recreational Facility development fee payment pursuant to the fees specified in the City Fee Schedule, which is adopted by the Common Council. or
  - c. Where no open space lands are directly involved, require a Park, Playground and Other Recreational Facility development fee payment pursuant to the fees specified in the City Fee Schedule, which is adopted by the Common Council.
3. **Exemptions.**
  - a. Subject to the requirements and provisions of City's Fee Schedule, where a lot, parcel or dwelling unit for which dedication or fee in lieu of dedication has once been paid is further divided or additional dwelling units created dedication or payment in lieu of dedication shall be required only for the additional lots, parcels, or dwelling units created.
  - b. No lot or dwelling unit which is fully developed for residential purposes at the time of the creation of the Subdivision, Certified Survey Map, Condominium, residential Planned Development, and residential uses in a mixed-use Planned Development shall be required to pay a Park, Playground and Other Recreational Facility development fee.
  - c. Lots or parcels designated as outlots, as defined by this UDO, shall not be counted as lots or parcels for which a land dedication is required or to provide a fee in lieu of dedication. Lots or parcels designated as outlots may, however, be dedicated or reserved as public sites as long as their intended public use is so designated on the face of the Subdivision Plat, Certified Survey Map, Condominium, any residential Planned Development, and residential uses in a mixed-use Planned Development.
4. **Dedication/Reservation of Site Option.**
  - a. **Determination of the Amount of Land to be Dedicated.** Whenever a proposed playground, park, or other public recreational or open space land designated on the County's development plan or element thereof, City of Franklin Comprehensive Master Plan, Comprehensive Outdoor Recreation Plan, or neighborhood development or subarea plan, or other comprehensive plan component is encompassed, all or in part, within a tract of land to be divided the publicly designated lands shall be made a part of the Certified Survey Map, Preliminary Plat, Condominium, any residential Conditional Use, any residential PDD Planned Development District, and residential uses in a mixed PDD Planned Development District, or multiple-family dwelling development and shall be dedicated to the public by the Developer.

- b. **Dedication of Land.**
    - i. Where land has been required by the Plan Commission to be reserved or when the Developer owns other land that has been determined by the Plan Commission to be acceptable for park open space and recreation purposes, the Developer may be required to dedicate such land.
    - ii. The representative cash value of the land to be dedicated shall be determined by the City on the basis of full and fair market value of the land to be dedicated. If such determination is not made prior to the time required for the payment of fees, such fees shall be paid as required for other development facilities per the City of Franklin fee schedule;
    - iii. The determination as to the feasibility of dedication shall be made by the Plan Commission.
  - c. **Maximum Period of Land Reservation.** Any such proposed lands in excess of the rate established herein shall be reserved for a period not to exceed five (5) years, unless extended by mutual agreement, for purchase by the public agency having jurisdiction at undeveloped land prices. If the lands in excess of the established rate are not acquired within the five-year period as set forth herein, the land will be released from reservation to the property owner. If the parties are unable to agree on an acquisition price for said reserved lands, either party may commence an action for declaratory judgment to determine the fair market value of such property and to compel conveyance accordingly; the filing of such action shall toll the expiration of the five-year time period.
  - d. **Stormwater Detention/Retention Areas or Basins, Wetlands, Shoreland Wetlands, and/or Floodplains Not Qualified for Meeting Land Area Requirements.** Areas used or required for stormwater detention or retention areas or basins, wetlands, shoreland wetlands, and/or floodplains shall not qualify for meeting the land area requirements set forth herein for the dedication of suitable public outdoor recreation lands. If such sites are dedicated for public use, they shall be in addition to suitable land area that meets the land area dedication requirements set forth herein.
5. **Fire Protection, Law Enforcement, Library and Emergency Medical.** In order to ensure that sites for fire protection, law enforcement, library and emergency medical are properly located as the community develops, and to ensure that the cost of providing fire protection, law enforcement, library and emergency medical and park, playground and other recreational facilities, necessary to serve the additional residents brought to the community by subdivision development, residential and mixed-use Planned Developments, may be most equitably apportioned on the basis of the additional need created by such development, and pursuant to § 236.45(1) and § 62.23(7), Wisconsin Statutes, the following provisions are established:
- a. **Reservation of Potential Future Sites.** In the design of the plat, consideration shall be given to the adequate provision of, and correlation with fire protection, law enforcement, library and emergency medical sites and facilities.
  - b. **Reservation Timeframe.** When it is determined by the Plan Commission that a portion of the plat is required by such future fire protection, law enforcement, library and emergency medical sites and facilities, the developer may be required to reserve such area for not more than five (5) years, during which the City shall either acquire the property or release the reservation. If the parties are unable to agree on an acquisition price, either party may commence an action for declaratory judgment to determine the fair market value of such property and to compel conveyance accordingly; the filing of such action shall toll the expiration of the five-year time period.
  - c. **Fire Protection, Law Enforcement, Library and Emergency Medical and Park, Playground and Other Recreational Sites and Facilities Development Fee Obligation.** Within the jurisdiction as set forth in section 15-1-06 of this UDO, the developer shall pay a fee to the City to provide for land and facilities to meet the fire protection, law enforcement, library and emergency medical and park, playground and other recreational needs of the development except as provided in sections 15-8-11(B)(3) and (B)(4)(b)(ii) as they pertain to Park, Playground and Other Recreational Sites and Facilities and section 15-8-11(C)(2)(b).
  - d. The amount of the fee to be paid shall be as established in the City of Franklin fee schedule.
  - e. The fee shall be imposed as a condition of approval of any final plat or certified survey map and development occurring residential Planned Development, and the payment thereof shall be made to the City prior to the issuance of building permits.

- f. When a lot or parcel for which payment has once been made is further divided, payment shall be required only for the additional lot(s) or parcel(s) created.
- g. No payment shall be required on any outlot or lot which supports a residential structure existing prior to the approval of the final plat or certified survey map.

**6. Suitability.**

- a. The location and suitability of all land to be dedicated is subject to review and final acceptance by City of Franklin or the municipality or town in which the lands are located.
- b. Lands unsuitable for residential development or conventional construction methods may be dedicated to fulfill required obligations only upon written approval by the City of Franklin Common Council.

**7. Public Pedestrian Access.**

- a. In addition to those requirements set forth under Part 8 Improvements and Construction of the 1998 Unified Development Ordinance, where a Certified Survey Map, Preliminary Plat, Condominium, any residential special use, any residential PDD Planned Development District, and residential uses in a mixed-use Planned Development District, abuts a public use area such as a park, lake, stream, hunting grounds, or any similar type of public recreational area, the Developer, at the discretion of the City of Franklin shall provide a pedestrian access easement at least twenty (20) feet wide at approved distance intervals connecting such public area with a public street.
- b. If it is deemed to be in the public interest by City of Franklin to reserve additional area for proper development of the public access thoroughfare, the Developer shall reserve for acquisition by the City of Franklin or the municipality in which the land is located, a tract of land adjacent to the thoroughfare which, in the judgment of the City of Franklin, will adequately serve the public interest. Such tract shall be reserved for a period of five (5) years from the date of recordation and if not acquired within that time, it shall be released to the owner.
- c. The dedication of land for public purposes, such as parkways or recreational corridors, parks, playgrounds, open space sites, rights-of-way, or easements, becomes effective at the time of approval and/or recording of Certified Survey Map, Preliminary Plat, Condominium, any residential Planned Development, and residential uses in a mixed-use Planned Development.
- d. On lands reserved for eventual public acquisition, no building or development is permitted during the period of reservation.
  - i. The reservation period shall not be longer than five (5) years unless arranged otherwise with the Subdivider.
  - ii. Land so reserved must be clearly delineated and dimensioned on the Final Plat, Certified Survey Map, Condominium, residential Planned Development, or mixed-use Planned Development.

- C. **Public School Site Dedication.** To properly locate and preserve sites for public schools as the City develops on the basis of the additional need created by the individual certified survey map, subdivision plat, or condominium, the following provisions are established:

**1. Reservation of Potential Future School Sites.**

- a. In designing the certified survey map, subdivision plat, or condominium, consideration shall be given to the adequate provision of, and correlation with, public school sites.
- b. When a certified survey map, subdivision plat, or condominium, is filed with the City for approval, the Zoning Administrator shall notify Franklin Public Schools, Whitnall School District, and Oak Creek-Franklin Joint School District as applicable. When it is determined by the School Board that a portion of the certified Survey Map, subdivision plat, or condominium, is required for such future school sites, or that the Plan Commission determines that a portion of the certified survey map, subdivision plat, or condominium, is so required under the City of Franklin Comprehensive Master Plan, the Subdivider or Condominium Developer may be required to reserve such area for not more than five (5) years,

during which time the school district through the City, shall either acquire the property or release the reservation. If the parties are unable to agree on an acquisition price, either party may commence an action for declaratory judgment to determine the fair market value of such property and to compel conveyance accordingly; the filing of such action shall toll the expiration of the five (5) year time period.

**2. Dedication of Land.**

- a. Where land has been required to be reserved pursuant to subsection (C)(1) above, or when the subdivider or developer owns other land that has been determined by the Plan Commission and school district to be acceptable for school site purposes, the subdivider or condominium developer may be required to dedicate such land.
- b. The representative cash value of the land to be dedicated shall be determined by the City and subdivider or condominium developer on the basis of full and fair market value of the land to be dedicated. If the value of such land cannot be determined satisfactorily by the City and the subdivider or condominium developer (as applicable), an appraisal board consisting of one appraiser selected by the City at its own expense, one selected by the subdivider or condominium developer at his own expense, and a third selected by the other two (2) appraisers at City expense, shall determine the value upon a consensus of a majority of the Plan Commission. If a majority determination is not made by the appraisal board within forty-five (45) days of the date of selection of the third appraiser, the average of the three appraisals shall be the value.
- c. The determination as to the feasibility of dedication shall be made by the Plan Commission.

## Article 9. Administrative Standards and Procedures

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## 15-9-01. General Application Requirements

### A. Authorization.

1. An application for any zoning procedure, except for amendments, may be filed only by the owner or lessee of the property, or by an agent or contract purchaser specifically authorized by the owner to file such application.
2. An application for an amendment may be filed by an owner, lessee, agent or contract purchaser of property located in the City or by Common Council, Plan Commission, or the Zoning Administrator.

### B. Filing.

1. An application for any zoning procedure shall be filed with the Zoning Administrator.
2. The application shall be on forms provided by the City either as printed forms available at City Hall or available online on the City's website.
3. The application shall be filed in such number as the instructions provide.
4. All plans shall be at a scale sufficient to permit a clear and precise understanding of the proposal.
5. The application shall include all information, plans, and data, specified in the application requirements manual.

### C. Completeness.

1. The Zoning Administrator shall determine whether the application is complete.
2. If the application is not complete, the Zoning Administrator shall notify the applicant of any deficiencies and shall take no steps to process the application until the deficiencies are remedied.
3. Once the Zoning Administrator has determined that the application is complete, the application shall be reviewed and acted upon by the Zoning Administrator or scheduled for consideration at the appropriate meeting.

### D. Fees.

1. Every application shall be accompanied by the required filing fee as established and modified, from time to time, by the Common Council.
2. The failure to pay such a fee when due shall be grounds for refusing to process the application and for denying or revoking any permit or approval for the subject property.
3. No fees shall be waived, and no fees shall be refunded except those authorized by the Common Council.
4. The Common Council shall adopt the City Fee Schedule by resolution.

### E. Withdrawal of Application.

An applicant shall have the right to withdraw an application at any time prior to the decision on the application by a City official, commission, or board. Such withdrawal shall be made in a written statement to the City.

### F. Successive Applications.

1. A subsequent application shall not be reviewed or heard within one (1) year of the date of denial unless there is substantial new evidence available or if a significant error in law or of fact affected the prior denial.
2. Such subsequent application shall include a detailed statement of the grounds justifying its consideration.
3. The Zoning Administrator shall make a determination as to whether the subsequent application is substantially the same as the original application.



4. If the Zoning Administrator finds that there are no grounds for consideration of the subsequent application, they shall summarily and without hearing deny the request.

## 15-9-02. Responsibility for Zoning Procedures

- A. **Zoning Administrator.** The City Planning and Zoning Administrator of the City of Franklin is designated as the Zoning Administrator of said City, to be responsible for enforcing this UDO. The Zoning Administrator shall have the power and shall see that the provisions of this Ordinance are properly enforced.
  1. **Duties of the Zoning Administrator.** In the enforcement of this Ordinance the Zoning Administrator shall perform the following duties:
    - a. Issue the necessary Zoning Compliance Permits and other permits as provided for in the provisions of this Ordinance and ensure that the provisions of this Ordinance have been complied with.
    - b. Keep an accurate record of all permits and interpretation, numbered in order of issuance, in a record book for this purpose. The Zoning Administrator shall further record the first-floor elevations of any structure erected or placed in the floodplain districts.
  2. **Authority.** In the enforcement of this Ordinance the Zoning Administrator shall have the power and authority for the following:
    - a. At any reasonable time, and for any proper purpose, to enter upon any public or private premises and make inspection thereof.
    - b. Upon reasonable cause or question as to proper compliance, to revoke any Building or Occupancy Permit and issue cease and desist orders requiring the cessation of any building, moving, alteration, or use which is in violation of the provisions of this Ordinance, such revocation to be in effect until reinstated by the Zoning Administrator or the Board of Zoning and Building Appeals.
    - c. In the name of the City, and with authorization of the Common Council for matters initiated in Circuit Court and without authorization of the Common Council for matters initiated in Municipal Court, commence any legal proceedings necessary to enforce the provisions of this Ordinance or the City of Franklin Building Code including the collection of forfeitures provided for herein.
- B. **City Plan Commission.** There is hereby established a City Plan Commission for the City of Franklin, Wisconsin, in accordance with § 62.23 of the Wisconsin Statutes.
  1. **Duties.** The City Plan Commission shall have the following functions and duties:
    - a. **Make and Recommend a Comprehensive Plan.** To make and recommend a Comprehensive Plan for the physical development of the municipality including any areas outside of its boundaries in accordance with § 62.23 of the Wisconsin Statutes.
    - b. **Make and Recommend an Official Map.** To make and recommend an Official Map to the Common Council in accordance with § 62.23 of the Wisconsin Statutes.
    - c. **Prepare and Recommend a Zoning District Plan and Regulations.** To prepare and recommend a zoning district plan and regulations to the Common Council in accordance with § 62.23 of the Wisconsin Statutes.
    - d. **Prepare and Recommend Land Division Regulations.** To prepare and recommend land division regulations to the Common Council in accordance with § 236.45 of the Wisconsin Statutes.
    - e. **Changes to the Comprehensive Plan.** To make any changes to the Comprehensive Plan they deem necessary or desirable and to recommend any changes or amendments to the Common Council that they deem necessary

or desirable concerning the Official Map and Official Map Ordinance, Zoning and Land Division provisions of the Unified Development Ordinance, and Fire Prevention Ordinances.

- f. **Matters Referred to the City Plan Commission.** To consider and report or recommend on all matters referred to them including, but not limited to, Conditional Use Permits.
- g. **Variances to the Land Division and Platting Provisions of this Ordinance.** The granting of variances to the land division and platting related aspects of this Ordinance shall be the sole charge of the Plan Commission [See State ex rel. Westbrook v. City of New Berlin, 120 Wis.2d 256, 354 N.W.2d 206 (Ct. App. 1984)].
- h. **Hold Public Hearings and Informational Meetings.** To hold public hearings and informational meeting on matters referred to the City Plan Commission.

2. **Membership of the City Plan Commission.**

- a. The City Plan Commission shall consist of the Mayor who shall be its presiding officer, two alderpersons appointed by the Mayor and confirmed by the Common Council who shall serve for one year unless the office becomes vacant, and four citizens, three appointed for three-year terms and one citizen appointed for a one-year term.
- b. **Presiding Officer.** The presiding officer shall be the Mayor.
- c. **Recording Secretary.** The Recording Secretary shall be the City Clerk or other person as designated by the City Clerk.
- d. **Official Oaths.** The official oaths shall be taken by all members in accordance with § 19.01 of the Wisconsin Statutes within 10 days of receiving notice of their appointments.
- e. **Terms.** Terms for the citizen members shall commence in the first week in May, and each term shall be staggered and each term shall be for a three-year period.
- f. **"Statement of Economic Interest" Requirements.** Members shall comply with the City of Franklin's "Statement of Economic Interest" policy requirements.

3. **Organization.**

- a. The City Plan Commission shall organize and adopt rules for its own government in accordance with the provisions of this Ordinance.
- b. **Meetings.** Meetings shall be held monthly (at a minimum) and at the call of the Mayor or a majority of the full Commission and shall be open to the public.
- c. **Standing and Special Committees.** Standing and special committees may be appointed by the Chairman.
- d. **Quorum.** Quorum shall be four members, but all actions shall require approval of a majority of the full Commission except a motion to adjourn.
- e. **Minutes.** Minutes shall be kept showing all actions taken, resolutions, findings, determinations, transactions, and recommendations made; and a copy shall be filed with the City Clerk as a public record.
- f. **Administrative Procedures and Regulations.** The Commission shall keep Administrative Procedures and Regulations to govern the Commission not included herein.
- g. **Remote meeting attendance permitted.** Plan Commission meetings attendance by way of telephone and/or electronic audio and/or video communication, is permitted for attendance by applicant representative(s) with regard to application items upon a meeting agenda, and also for City retained consultants with regard to subject matter item(s) upon a meeting agenda, provided that live streaming for those meetings is enabled so the public

would be able to watch and listen, and provided that the Chairperson for the subject meeting was informed of the remote attendance request at least 48 hours in advance of the start of the meeting, and determined that under the circumstances presented, i.e., travel distance, other scheduled work requirement, or the like, permission for remote attendance is appropriate, at least 24 hours in advance of the start of the meeting.

- C. **Board of Zoning and Building Appeals.** There is hereby established a Board of Zoning and Building Appeals in the City of Franklin for the purpose of hearing appeals and applications, and granting variations and exceptions to the provisions of this ordinance.
1. **Powers.** The Board of Zoning and Building Appeals shall have the following powers pertaining to the City of Franklin's zoning regulations and Section 30.03 of The Wisconsin Uniform Building Code:
    - a. **Errors.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator or the Director of Inspection Services; and also where it is alleged there is an error in any order, requirement, decision or determination made by the Fire Official, to hear and decide an appeal of such error pursuant to and upon the standards set forth in Section 15-9-12.
    - b. **Variances.** To hear and grant applications for variances pursuant to the provisions of § 62.23(7)(e) of the Wisconsin Statutes as amended and to hear and grant applications for minor variances pursuant to this section of this Ordinance. Use variances shall not be granted. No variance shall be granted which may vary any term or provision of this UDO as it pertains to any property which is subject to a Conditional Use resolution or a Planned Unit Development or vary any term of such Conditional Use resolution or Planned Unit Development itself, unless the application for such variance is specifically authorized within such Conditional Use resolution or Planned Unit Development ordinance.
    - c. **Interpretations.** To hear and decide applications for interpretation of the zoning regulations, also to hear and decide disputes relative to the boundaries of the zoning districts.
    - d. **Substitutions.** To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the Plan Commission has made a review and recommendation. Whenever the Board of Zoning and Building Appeals permits such a substitution, the use may not thereafter be changed without application.
    - e. **Permits.** The Board of Zoning and Building Appeals may reverse, affirm wholly or partly, modify the requirements appealed from, and may issue or direct the issuance of the permit.
    - f. **Assistance.** The Board of Zoning and Building Appeals may request assistance from other City officers, departments, commissions, and boards.
    - g. **Oaths.** The Chairman of the Board of Zoning and Building Appeals may administer oaths and compel the attendance of witnesses.
  2. **Membership.** The Board of Zoning and Building Appeals shall consist of five members appointed by the Mayor and confirmed by the Common Council. In addition:
    - a. **Terms.** Terms of the Board of Zoning and Building Appeals shall be staggered three-year periods.
    - b. **Chairman.** The chairman of the Board of Zoning and Building Appeals shall be designated by the Mayor.
    - c. **Alternate Member.** Two alternate members of the Board of Zoning and Building Appeals, designated first alternative and second alternative respectfully may be appointed by the Mayor for a term of three years and shall act only when a regular member is absent or refused to vote because of conflict of interest.
    - d. **Zoning Administrator and Building Inspector.** The Zoning Administrator shall attend, and the Building Inspector may attend, all meetings of the Board of Zoning and Building Appeals for the purpose of providing technical assistance when requested by the Board.

- e. **Secretary.** The Zoning Administrator, or Zoning Administrator's assignee, shall be the recording secretary of the Board of Zoning and Building Appeals.
  - f. **Official Oaths.** Official Oaths shall be taken by all members of the Board of Zoning and Building Appeals in accordance with § 19.01 of the Wisconsin Statutes within 10 days of receiving notice of their appointment.
  - g. **Vacancies.** Vacancies of the Board of Zoning and Building Appeals shall be filled for the unexpired term in the same manner as appointments for a full term within one-month of the occurrence of the vacancy.
  - h. **"Statement of Economic Interest" Requirements.** Members shall comply with the City of Franklin's "Statement of Economic Interest" policy requirements.
  - i. **Decisions.** The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass, or to affect any variation in such Ordinance.
3. **Organization.** The Board of Zoning and Building Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this Ordinance.
- a. **Meetings.** Meetings of the Board of Zoning and Building Appeals shall be held at the call of the Chairman and shall be open to the public.
  - b. **Minutes.** Minutes of the proceedings of the Board of Zoning and Building Appeals and a record of all actions shall be kept by the Secretary, showing the vote of each member upon every question, the reasons for the Board's determination, and its findings of facts. These records shall be immediately filed in the office of the Board and shall be a public record.

### 15-9-03. Administrative Procedures

#### A. Zoning Compliance Permit.

- 1. **Purpose and Applicability.** In all zoning districts a zoning compliance permit shall be required for any new use or change of use of a building, structure, or land to a use allowed by-right in the governing zoning district and not involving the construction of new buildings or structures, alteration of existing buildings or structures, or other exterior changes to the City. Any use necessitating construction of a new building or structure, addition, accessory structure or any other similar expansion of the use on the site, such as additional parking spaces, except single-family and duplex development shall comply with Site Plan Review of this Ordinance.
- 2. **Zoning Administrator Review and Action.**
  - a. The Zoning Administrator shall review the zoning compliance permit application to determine whether it conforms to all applicable provisions of this UDO.
  - b. Based upon their review the Zoning Administrator shall:
    - I. Issue the Zoning Compliance Permit,
    - II. Issue the Zoning Compliance Permit with conditions,
    - III. Refer the zoning compliance permit application to the Plan Commission for review and approval, or
    - IV. Deny the Zoning Compliance Permit.
- 3. **Expiration and Lapse of Approval.** A Zoning Compliance Permit shall expire if within six (6) months of the date of issuance of a Zoning Compliance Permit the use has not commenced or that the use has not occupied the structure or

location. Upon the showing of a valid cause by the applicant, the Zoning Administrator may grant an extension of such Zoning Compliance Permit for a period not to exceed six (6) months.

4. **Enforcement.** Failure to comply with this Section relating to Zoning Compliance Permits may be enforced pursuant to this Ordinance, or any other provision of law including, but not limited to, revocation of the Zoning Compliance Permit, injunction, or other civil suit.

## B. Site Plan Review.

1. **Purpose and Applicability.** Site Plan Review is required prior to the issuance of a Certificate of Occupancy to certify compliance with all applicable provisions of this UDO. Site Plan Review shall be required for any development involving construction of a new building, accessory structure, or any other similar expansion such as the construction of additional impervious area or parking spaces. Single-family and duplex residential development shall be exempt from site plan review and shall only require a Zoning Compliance Permit as specified in Section 15-9-03(A) above.
2. **Standards of Review.**
  - a. **Conformity of Use to Zoning District.** The proposed use(s) conform(s) to the uses permitted as a Permitted Use in the zoning district.
  - b. **Dimensional Requirements.** The dimensional arrangement of buildings and structures conform to the required area, yard, setback, and height restrictions of the UDO.
  - c. **Use and Design Provisions.** The proposed use conforms to all use and design provisions and requirements (if any) as found in this Ordinance for the specified uses.
  - d. **Relation to Existing and Proposed Streets and Highways.** There is a proper relationship between the existing and proposed streets and highways within the vicinity of the project to assure the safety and convenience of pedestrian and vehicular traffic. In the case of arterial streets and highways not under the jurisdiction of the City of Franklin, that the applicable highway authority (County, State, or Federal) has been contacted and the needed permits have been obtained and submitted to the City for review.
  - e. **Impact on Surrounding Uses.** The proposed on-site buildings, structures, and entry ways are situated and designed to minimize adverse effects upon owners and occupants of adjacent properties by providing for adequate design of ingress/egress, and interior/exterior traffic flow, stormwater drainage, erosion, grading, lighting, and parking, as specified by this Ordinance or any other codes or laws.
  - f. **Natural Resource Features Protection.** Natural features of the landscape are retained to enhance the development on the site, or where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes or where they assist in preserving the general safety, health, welfare, and appearance of the neighborhood. The requirements set forth in Section 15-7-02 are to be met. Where required, a Natural Resource Protection Plan meeting the requirements set forth in Section 15-7-03 has also been submitted for staff and Plan Commission review and approval.
  - g. **Required Landscaping and Landscape Bufferyards.** Adverse effects of the proposed development and activities upon adjoining residents or owners are minimized by design and installation of landscape bufferyards to provide for appropriate screening, fencing, or landscaping as required in Article 5 of this Ordinance. Where required, a Landscape Plan meeting the requirements set forth in section 15-5-04 has also been submitted for Plan Commission review and approval.
  - h. **Provision of Emergency Vehicle Accessibility.** Land, buildings, and structures are readily accessible to emergency vehicles and persons with physical disabilities.
  - i. **Building Location.** No building shall be permitted to be sited in a manner which would unnecessarily destroy or substantially damage the beauty of the area, particularly insofar as it would adversely affect values incident to

ownership of land in the area; or which would unnecessarily have an adverse effect on the beauty and general enjoyment of existing structures on adjoining properties.

- j. **Location and Design of On-Site Waste Disposal and Loading Facilities.** No on-site waste disposal and/or loading facility shall be permitted to be designed or sited in a manner which would substantially damage the beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in the area; or which would unnecessarily have an adverse effect on the beauty and general enjoyment of the existing structures on adjoining properties.
  - k. **Consistency with the Intent of the Unified Development Ordinance.** The Site Plan is consistent with the intent and purposes of the UDO as established in Article 1 and governing zoning district in Article 2.
  - l. **Consistency with the Intent of the Comprehensive Master Plan.** The Site Plan is consistent with the public goals, objectives, principles, standards, policies, and urban design criteria set forth in the City-adopted Comprehensive Master Plan or component thereof.
  - m. **Plan Commission Reserves the Right to Determine a Site Unsuitable for Planned Use.** The Plan Commission reserves the right to declare land or structures unsuitable for planned use when Plan Commission review occurs during the site plan review process.
3. **Zoning Administrator Review and Action.**
- a. The Zoning Administrator shall review the site plan review application to determine whether it conforms to all applicable provisions of this UDO.
  - b. Based upon their review the Zoning Administrator shall:
    - I. Approve the site plan,
    - II. Approve the site plan with conditions, or
    - III. Deny the site plan.
  - c. **Plan Commission Referral.**
    - I. For any proposed development that results in a change or addition of twenty thousand (20,000) square feet or more of floor area, the Zoning Administrator shall refer to the Plan Commission for review.
    - II. The Plan Commission shall then review and approve the site plan, approve the site plan with conditions, or deny the Site Plan in accordance with the standards of Section 15-9-03(B)(2) above.
4. **Expiration and Lapse of Approval.** Except in the case of an approved Planned Unit Development, no site plan approval shall be valid for a period longer than two (2) years unless a Building Permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion or unless a Zoning Compliance Permit, Conditional Use Permit, or Occupancy Permit is issued and a use commences within that period.
5. **Site Plan Amendments.**
- a. **Determination of Level of Change.** Upon receiving a Site Plan amendment application, the Zoning Administrator shall determine whether the amendment is a minor amendment, or a major amendment based on the criteria detailed in subsections c. and d. below.
  - b. **Process.** Any minor amendment (as set forth herein) to an approved Site Plan may be submitted to the Zoning Administrator for administrative approval.

- c. **Major Amendment.** A major amendment is an amendment which results in one (1) of the following:
  - I. A change of five (5) percent or more of the structures' floor area.
  - II. An increase in the off-street parking located on site.
  - III. A ten (10) percent or greater decrease in the façade area covered by exterior building cladding materials that have a minimum quantity required for façades as specified in Article 5.
  - IV. A ten (10) percent or greater increase in the façade area covered by exterior building cladding materials that have a maximum quantity allowed as specified in Article 5.
- d. **Minor Amendment.** A Minor Site Plan amendment is any change that does not qualify as a major site plan amendment per subsection c. above.
- e. **Approval Process.** A major amendment to an approved Site Plan shall be considered a new site plan. A minor amendment to an approved Site Plan may be approved by the Zoning Administrator.

**C. Temporary Use Permit.**

- 1. **Purpose.** A Temporary Use Permit shall be required prior to the establishment of a temporary use per Article 4 of this UDO to certify compliance with all applicable regulations of this UDO and the applicable sections of the building code as adopted by the City.
- 2. **Temporary Use Permit Review Criteria.** To approve the issuance of a Temporary Use Permit, the Zoning Administrator shall make an affirmative finding that all applicable provisions of this UDO, the applicable building code, and all other City ordinances are met.
- 3. **Zoning Administrator Action.** The application shall be reviewed by the Zoning Administrator to ensure the application conforms to the criteria in Subsection 2 above. Based upon their review, the Zoning Administrator shall:
  - a. Issue the Temporary Use Permit,
  - b. Issue the Temporary Use Permit with conditions,
  - c. Refer to the Plan Commission uses not listed in Article 4, or
  - d. Deny the Temporary Use Permit.

**D. Sign Permit.**

- 1. **Purpose.** A Sign Permit shall be required prior to the display, construction, erection, or alteration of a sign and its structural components on any property. All signs must comply with Article 6, and the applicable sections of the building code as adopted by the City. All electrical installations associated with the erection and installation of a sign must be done in accordance with the adopted Building and Electrical Codes.
- 2. **Exemptions.** Signs exempt from a permit are detailed in Article 6.
- 3. **Sign Permit Review Criteria.** To approve the issuance of a Sign Permit, the Zoning Administrator shall make an affirmative finding that all applicable provisions of this UDO, the applicable building code, and all other City ordinances are met.
- 4. **Zoning Administrator Action.** The application shall be reviewed by the Zoning Administrator to ensure the application conforms to the criteria in Subsection 3 above. Based upon their review, the Zoning Administrator shall:
  - a. Issue the Sign Permit,
  - b. Issue the Sign Permit with conditions, or



c. Deny the Sign Permit.

5. **Expiration and Lapse of Approval.** A Sign Permit shall become void, if work authorized under the permit has not been completed within six (6) months of the date of issuance.

E. **Interpretations.**

1. **Purpose.**

- a. The interpretation authority established by this section is intended to recognize that the provisions of this UDO, though detailed and extensive, cannot, as a practical matter, address every specific situation to which they may have to be applied.
- b. The Zoning Administrator may issue Interpretations of the provisions of this UDO to clarify the standards or requirements as they relate to a particular type of development on a particular property.
- c. The interpretation authority established herein is not intended to add or change the essential content of this UDO but is intended only to allow authoritative application of that content to specific cases.

2. **Request.** The Zoning Administrator may issue an Interpretation at the written request of a petitioner who is proposing to take action requiring the issuance of a permit or certificate. The request for an Interpretation shall set forth the facts and circumstances, a description of the proposed development, and the precise interpretation claimed by the applicant to be correct.

3. **Content of Letter.** The Interpretation does not itself authorize the establishment of a use but provides guidance for any approvals or permits required by this UDO, and the Interpretation shall be advisory in nature and shall not be binding upon the Plan Commission or the Common Council in their functions under this UDO. The Interpretation shall specify the facts, reasons, analysis, and standards upon which the Interpretation is based.

4. **Records.** A record of all Interpretations shall be kept on file in the Zoning Administrator's office.

F. **Certificate of Occupancy.**

1. **Certificate of Occupancy Required.** A Certificate of Occupancy to be issued by the Director of Inspection Services or his/her designee shall be required for any of the following, except buildings incidental to agricultural operations other than residences:

- a. Occupancy and use of a building hereafter erected or enlarged.
- b. Change in use of an existing building.
- c. Any change in the use of a nonconforming use.

2. **No Occupancy, Use, or Change of Use Shall Take Place.** No such occupancy, use, or change of use shall take place until a Certificate of Occupancy has been issued.

3. **Undeveloped Land Within Floodplain Districts.**

- a. No undeveloped land within the floodplain districts shall be occupied, developed, or used; and no structure hereafter erected, altered, substantially improved, or moved shall be occupied until the applicant submits to the Zoning Administrator a certification by a Wisconsin registered professional engineer or land surveyor that the floodplain regulations set forth in this ordinance have been fully complied with. Such certification shall include a clear notation of the first-floor elevation of any structure on the site.
- b. Pending the issuance of such certificate, a temporary Certificate of Occupancy may be issued by the Zoning Administrator for a period of not more than six (6) months during the completion of the construction of the building or of alterations which are required under the terms of any law or ordinance. Such temporary certificate may be



renewed, but it shall not be construed in any way to alter the respective rights, duties, or obligations of the owner or the City relating to the use or occupancy of the land or building, or any other matter covered by this ordinance, and such temporary Certificate of Occupancy shall not be issued except under such restrictions and provisions as will adequately ensure the safety of the occupants.

4. **Application for a Certificate of Occupancy.** Written application for a Certificate of Occupancy for the use of vacant land, or for a change in a nonconforming use, as herein provided, shall be made to the Director of Inspection Services.
5. **Issuance of a Certificate of Occupancy.** If the proposed use is in conformity with the provisions of this ordinance, the certificate of occupancy shall be issued within three working days after the application for the same has been made, only after the occupancy conforms to this Ordinance and other applicable City Codes, and any lack of conformance to this Ordinance or other codes are corrected.
6. **Form of Certificate of Occupancy and Permanent Record.** Each Certificate of Occupancy shall state that the building or proposed use of a building or land complies with all provisions of this Ordinance. A record of all Certificates of Occupancy shall be kept on file in the office of the Director of Inspection Services and a copy shall be forwarded, on request, to any person having proprietary or tenancy interests in the building or land affected.
7. **Certificate of Occupancy Not Required for Gas and Electric Utility Uses Issued a Certificate of Public Convenience and Necessity.** No Certificate of Occupancy shall be required for gas and electric utility uses which have been issued a Certificate of Public Convenience and Necessity pursuant to § 196.491 of the Wisconsin Statutes as amended.

## 15-9-04. Site Intensity and Capacity Calculations.

### A. Site Intensity Calculations.

1. **Recognition of Distinctive Site Features.** This Ordinance recognizes that landforms, parcel size and shape, and natural resource features vary from site to site and that development regulations must take into account these variations. The maximum density or intensity of use allowed in any zoning district is controlled by the various district standards set forth for each of the various zoning districts of this Ordinance.
2. **Applicability.**
  - a. Except as set forth under (2)(b) below, the site intensity and capacity calculations set forth in this Section and the Natural Resource Protection Standards set forth in Article 7 shall apply for each parcel of land to be used or built upon in the City of Franklin including all new Certified Survey Maps, Preliminary Plats, condominiums, multiple-family residential developments, all mixed-use or nonresidential development, and as may be required elsewhere in this Ordinance.
  - b. Natural resource protection shall not be required and the site intensity and capacity calculations set forth in this Section shall not be required for the construction of single-family and duplex residential development located on non-divisible existing lots of record within existing platted Subdivisions (with an approved Final Plat), Certified Survey Maps, and Condominiums existing on August 1, 1998, the effective date of this Ordinance or for which a natural resource protection plan and site intensity capacity calculations were filed at the time of division after August 1, 1998.
3. **Exclusions (When Natural Resource Protection and Site Intensity and Capacity Calculations Are not Required).**
  - a. Notwithstanding any other provision of this Ordinance, Natural Resource Protection and any such related Natural Resource Protection Plan shall not be required and the site intensity and capacity calculations set forth in this Section shall not be required for any accessory use structure or accessory use development or for an addition or modification to an existing principal structure development which does not increase the existing developed structure and impervious surface area upon the parcel by more than 50% or 2,500 square feet, whichever is

smaller, where natural resource feature(s) are not within 100 feet of the area to be disturbed by the new development, upon a parcel supporting an existing principal structure with an existing principal use;

- b. Determination as to whether natural resource features are within 100 feet of the area to be disturbed, the boundaries of which shall be clearly identified within application materials, shall be made by the City Engineer or designee
- c. For any Primary and Secondary Environmental Corridors and Isolated Natural Resource Areas defined by the Southeastern Wisconsin Regional Planning Commission that are located on the site by the City Engineer or designee, but whose nearest boundary lies more than 100 feet of the area to be disturbed, a written plan shall be provided by the applicant detailing the protective measures that will be implemented to prevent adverse impacts. The Plan shall be subject to approval by the Plan Commission and shall be implemented as a condition of application approval.

#### 4. Calculation of Area of Natural Resource Protection Land.

- a. All land area with those natural resource features as described in Section 15-7-02 of this Ordinance shall be measured relative to each natural resource feature present, as set forth in Section 15-7-02, Natural Resources Features Determination.
- b. The total area of Natural Resource Protection Land shall be defined as the net land surface area lying within the boundaries of one or more natural resource features, as set forth in Table 15-9-04(A)(4), Calculation of Natural Resource Protection Land Area. Land surface area where two or more natural resource features overlap shall be counted only once for purposes of determining the area of resource protection land. A map shall be submitted with the Natural Resource Protection Plan pursuant to Article 7 indicating the boundaries of each natural resource feature, the size of each feature, and the total area of the site lying within the boundaries of at least one natural resource feature.
- c. The land surface area of each natural resource feature permitted to be disturbed and where approved, compensated, pursuant to Section 15-7-03 shall be used to determine the extent of compensation required, as set forth in Table 15-7-03, City of Franklin Natural Resources Compensation Ratios.

Table 15-9-04(A)(4): Calculation of Natural Resource Protection Land Area	
Resource/Feature	Total land surface area of each Natural Resource feature (acres or square feet; use throughout)
a. SEWRPC Primary Environmental Corridor	
b. SEWRPC Secondary Environmental Corridor	
c. SEWRPC Isolated Natural Resource	
d. Surface Water or Wetland Buffer	
e. Woodland or Forest	
f. Wetland	
g. Degraded Wetland	
h. Lake or Pond	
i. Gross land surface area of natural resource features	(i) = Sum of (a) through (h) above
j. Net Natural Resource Protection Land - Total area of the site lying within the boundaries of at least one Natural Resource feature (a) through (h)	Determine from map; total surface area lying within at least one Natural Resource Feature

5. **Calculation of Base Site Area.** The base site area shall be calculated as indicated in Table 15-9-04(A)(5) for each parcel of land for which development approval is sought that is not exempted under Section 15-3-03.

**Table 15-9-04(A)(5): Calculation of Base Site Area For Development**

Step	Land Area to Be Determined	Calculation	Area (Square feet or acres; use throughout)
a	Total gross site area (SF or acres; use throughout) determined through a boundary survey of the subject property		
b	Land in dedicated public street rights-of-way, land located within the ultimate road right-of-way of existing roads, rights-of-way of utilities, and dedicated public park or school sites		
c	Land reserved for open space as part of a previously approved development or land division		
d	Land area to be reserved for parks and schools		
e	Net Natural Resource Protection Lands, row (j) from Table 15-3-01		
f	Net Buildable Area for Development = (a) – {sum (b+c+d+e)}		

6. **Calculation of Site Intensity and Capacity for Residential Uses in Residential Zoning Districts.** The maximum number of dwelling units that may be permitted on a parcel of land in a residential zoning district, as defined in Section 15-2-02, shall be determined using the Base Site Area for Development, row (f) of Table 15-9-04(A)(5), as set forth in Table 15-9-04(A)(6) below:

**Table 15-9-04(A)(6): Calculation of Site Capacity For Residential Uses**

Land Area to Be Determined		Area (SF or acres; use throughout)
a. Net Buildable Area for Development, Row (f) from Table 15-9-04(A)(5)		a = row (f), Table 15-9-04(A)(5)
For multi-family units, if proposed:		
b. Number of units proposed:	c. Minimum lot area per unit (from Section 15-3-01)	d = (b) x (c) Minimum land area required:
For single-family units, if proposed:		
e. Number of units proposed:	f. Minimum lot area per unit (from Section 15-3-01)	g = (e) x (f) Minimum land area required:
Total minimum land area required shall not exceed net buildable area for development; check that (h) < (a)		h = (d) + (g) Total minimum land area required:

## 15-9-05. Board/Commission General Review and Action Procedures

- A. **Summary of Board/Commission Review and Approval Procedures.** Table 15-9-06(A) summarizes the Board and Commission Review and Approval procedures and identifies the appropriate boards or commissions that serve as recommending or decision-making bodies.

Table 15-9-06(A): Summary of Board/Commission Review and Approval Procedures				
Petition Review Procedure	Environmental Commission	Plan Commission	Common Council	Board of Zoning and Building Appeals
Conditional Use Permit		R*	D	
Major Conditional Use Permit Amendment		R*	D	
Variance				D*
Natural Resource Special Exception	R	D*		
Map Amendment		R*	D	
Text Amendment		R*	D	
Comprehensive Master Plan Future Land Use Amendment		R	D*	
Appeal				D*
Minor Land Division		R/D	D	
Land Combination		R	D	
Subdivision		R	D	
<b>Key:</b>				
R = Recommending Body				
D = Decision Making Body				
* = Public Hearing Required				

- B. **Notice Requirements.** Table 15-9-06(B) summarizes the required method for each type of required notice. All notices shall be made in compliance with Chapter 985 of the Wisconsin Statutes. Required written notice shall be delivered by regular mail to all owners of properties or portions of properties within five hundred (500) feet of the boundary of the property or properties involved in the application, mailed not less than ten (10) days prior to the hearing.

Table 15-9-06(B): Notice Requirements by Procedure			
Procedure	Published Notice		Written Notice
	Class 1	Class 2	
Conditional Use Permit		•	•
Major Conditional Use Permit Amendment		•	•
Variance	•		•
Natural Resource Special Exception		•	•
Text Amendment		•	
Map Amendment		•	•
Appeal	•		
<b>Key</b>			
• = Required form of notice			
<b>Notes</b>			
(1) Process specified in Article 10 Planned Development Standards and Procedures.			

- C. **Recording of Documents.** Recording of documents as required by the City in instances of subdivision, consolidation, amendment, or Planned Unit Development or otherwise required by state statutes, shall be completed by the Zoning Administrator in a timely manner and at the expense of the applicant. Notice of all fees shall be furnished to the applicant by the Zoning Administrator and paid prior to the recording of documents.

## 15-9-06. Conditional Uses

- A. **General.** It is recognized that there are uses which, because of their unique characteristics, cannot be properly classified in any particular zoning district or districts without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such conditional uses fall into two categories:
1. Uses publicly operated or traditionally affected with a public interest.
  2. Uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.
- B. **Compliance With State Statute.** Applications for a Conditional Use shall be filed with, noticed, considered, and acted upon by the City of Franklin in compliance with Wisconsin State Statute as specified in Subchapter 60.61 (4e) of Wisconsin Statutes as amended.
- C. **Initiation of Conditional Uses.** Any person owning or having an interest in the subject property may file an application to use such land for one or more of the conditional uses provided for in this UDO and in the zoning district in which the land is situated.
- D. **Application for Conditional Uses.** A conditional use application for a conditional use, for the expansion of an existing conditional use or change of use, shall be filed with the Zoning Administrator or designee on an application form prescribed by the Zoning Administrator.
- E. **Notice Required.**
1. At least ten (10) days in advance of the Plan Commission hearing, but not more than thirty (30) days, a Class 2 notice as specified in Chapter 985 of the Wisconsin Statutes specifying the time and place of such hearing shall be published in a newspaper of general circulation in the City of Franklin.
  2. Written notice of the public hearing shall also be delivered by regular mail to all owners of properties or portions of properties within five hundred (500) feet of the boundary property or properties involved in the application, mailed not less than ten (10) days prior to the hearing, with the ownership to be determined by the records on file in the Office of the City Assessor; notice to one of joint or in-common owners being notice of all.
  3. The Common Council shall request a review of each such conditional use in the floodplain districts by the Wisconsin Department of Natural Resources (DNR). Final action on floodplain applications shall not be taken for at least thirty (30) days or until DNR has made its recommendations, whichever comes first. A copy of all decisions relating to conditional uses in the floodplain districts shall be transmitted to DNR within ten (10) days of the effective date of such decision.

F. **Plan Commission Hearing.** Upon receipt in proper form of the application and statement referred to above, the Plan Commission shall hold at least one (1) public hearing. At the close of the public hearing the Plan Commission shall recommend to Common Council to:

1. Approve the Conditional Use Permit,
2. Approve the Conditional Use Permit with conditions, or
3. Deny the Conditional Use Permit.

G. **Common Council Action.** For each application for a conditional use, the Plan Commission shall report to the Common Council its findings and recommendations, including the stipulations of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. The Common Council shall:

1. Approve the Conditional Use Permit,
2. Approve the Conditional Use Permit with conditions, or
3. Deny the Conditional Use Permit.

H. **General Standards for Conditional Uses.** In considering an application for a conditional use permit the Plan Commission and Common Council shall review the responses by the applicant to the standards set forth below.

1. **Ordinance and Comprehensive Master Plan Purposes and Intent.** The proposed use and development will be in harmony with the general and specific purposes for which this UDO was enacted and for which the regulations of the zoning district in question were established and with the general purpose and intent of the City of Franklin Comprehensive Master Plan or element thereof.
2. **No Undue Adverse Impact.** The proposed use and development will not have a substantial or undue adverse or detrimental effect upon or endanger adjacent property, the character of the area, or the public health, safety, morals, comfort, and general welfare and not substantially diminish and impair property values within the community or neighborhood.
3. **Compatibility With Surrounding Development.** The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable zoning district regulations.
4. **Adequate Public Facilities.** The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities including public water supply system and sanitary sewer, police and fire protection, refuse disposal, public parks, libraries, schools, and other public facilities and utilities or the applicant will provide adequately for such facilities.
5. **Adequate Circulation.** The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
6. **No Destruction of Significant Features.** The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance. This criterion shall be deemed to have been

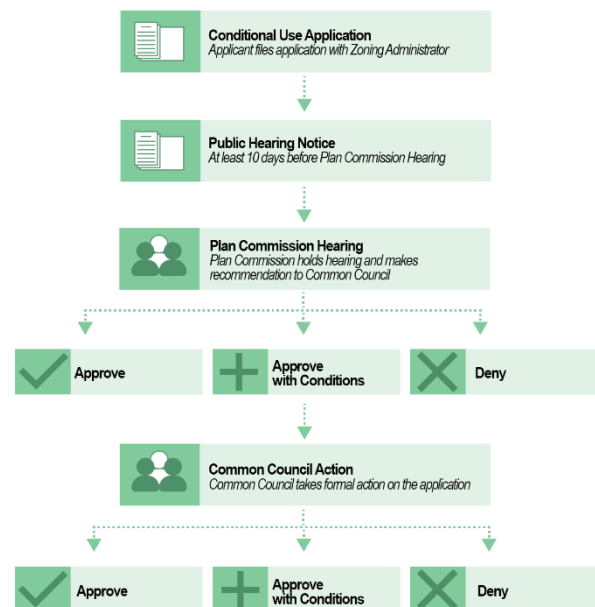


Figure 1 Conditional Uses Procedure

met with respect to natural features upon approval by the Plan Commission of a Natural Resource Protection Plan for the proposed use.

- I. **Effect of Denial of a Conditional Use.** No application for a Conditional Use which has been denied wholly or in part by the Common Council shall be resubmitted for a period of one (1) year from the date of said order of denial.
- J. **Revocation.** In any case where a conditional use has not been established within two (2) years after the date of granting thereof, then without further action by the Plan Commission or the Common Council, the conditional use authorization shall be null and void. The criteria for determining establishment of a conditional use may be set forth by the Common Council in the approving conditional use Resolution.
- K. **Amendments to Approved Conditional Uses.**
  1. **Determination of Level of Change.** Upon receiving a Conditional Use amendment application, the Zoning Administrator shall determine whether the amendment is a minor amendment, or a major amendment based on the criteria detailed in Sections 15-9-07(L)(a) and (b) below.
    - a. **Major Amendment.** A major amendment is any proposed change to an approved Conditional Use that results in one or more of the following:
      - I. Increase in the intensity of the site's use, including:
        - i. A five (5) percent increase in impervious surface or modification to the approved stormwater management plan.
        - ii. Request for hours of operation before 8 am or after 6 pm.
        - iii. Additional noise, glare, odor, or other impacts that are detectable from off-site
    - b. **Minor Amendment.** A minor amendment is any proposed change to an approved Conditional Use that is consistent with the standards and conditions upon which the Conditional Use was approved, which does not alter the concept or intent of the Conditional Use, and which is not considered a major amendment as detailed in 15-9-07(L)(1)(a) above.
    - c. **Approval Process.** A major amendment to an approved Conditional Use shall follow the procedure for a Conditional Use approval set in 15-9-07(L)(1)(a) above. A minor amendment to an approved Conditional Use may be approved by the Zoning Administrator.

## 15-9-07. Variance

- A. **Purpose.** The Variance process is designed to provide a narrowly circumscribed means by which relief may be granted from unforeseen applications of this Ordinance that create practical difficulties or particular hardships. A Variance may be granted for practical difficulties or particular hardships resulting from the strict application of the regulations of this Ordinance.
- B. **Applicants Receiving Variances in Floodplains.** Pursuant to Federal regulations set forth in 44 CFR Part 60.6(5), applicants receiving variances in floodplains shall be notified, in writing, by the Board of Zoning and Building Appeals that increased flood insurance premiums and increased threat to life and property may result from the granting of the variance. The Board shall keep a record of the notification in its files.
- C. **Variance Review Criteria.** In determining whether a Variance should be granted, the Board of Zoning and Building Appeals must consider whether the practical difficulty or unnecessary hardship claimed by the applicant was created by the applicant and take into account the nature of the hardship. No Variance shall be granted unless the Board of Zoning and Building Appeals makes all the following findings:
  1. The application of the ordinance to the particular piece of property would create an unnecessary hardship;



2. Such conditions are peculiar to the particular piece of property involved;
3. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the comprehensive master plan; and
4. The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

**D. Hearing on Application.**

1. Upon receipt of an eligible application for a variance, the Board of Zoning and Building appeals shall hold a public hearing on the application. Notice of the time, place and purpose of such hearing shall be given by publication of a Class 1 Notice, pursuant to Ch. 985 of the Wisconsin Statutes.
2. The time, place and purpose of such hearing shall also be delivered by regular mail to the applicant and to all owners of properties or portions of properties within five-hundred (500) feet of the property or properties described in the application, mailed not less than ten (10) days prior to the hearing, with the ownership to be determined by the records on file in the Office of the City Assessor; notice to one of joint or in-common owners being notice to all.

**E. Board of Zoning and Building Appeals Hearing and Action.** The Board of Zoning and Building Appeals shall review the application for a Variation, hold a public hearing, and after consideration of the recommendation of the Zoning Administrator, recommendation of the Zoning Administrator and public comment received either:

1. Approve the Variation,
2. Approve the Variation with conditions, or
3. Deny the Variation.

**F. Effect of Denial.** No application for a variation shall be filed by the property owner which is identical or substantially similar to the requested variation which has been denied within one (1) year of the date of the denial.

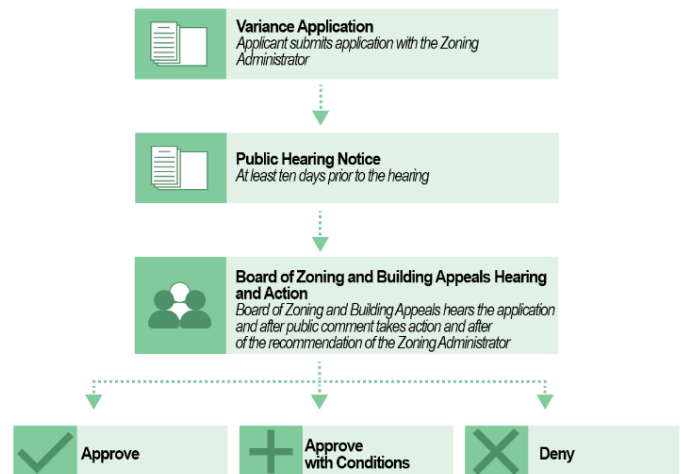


Figure 2 Variance Procedure

## 15-9-08. Natural Resource Special Exception

**A. Natural Resource Protection Plan Review Procedures.**

1. Staff shall make a recommendation to the Environment Commission as to the completeness of a Natural Resource Protection Plan and the sufficiency of proposed restoration and compensation, based on the standards and procedures set forth in Article 7 and the City of Franklin Natural Resource Guidance.
2. The Environment Commission shall make a further recommendation to the Plan Commission following its review of the Natural Resource Protection Plan.
3. The Natural Resource Protection Plan and Compensation/Restoration Plan, if applicable, shall be incorporated into the findings of fact and decision for the project and shall be binding on all future approvals, subject to any amendments approved under the provisions of this Article.



**4. Technical Review.**

- a. Where the Plan Commission determines that there is a material dispute as to the nature, location, extent, or quality of one or more natural resources present, or on the viability or approach to compensation and restoration proposed, the Plan Commission may contract for review of the Natural Resource Protection Plan by a qualified professional. [note: under the City's current provisions for a special exception applicants are charged for these costs; see 15-9-09(B)(2)(e)(iii) below]
- b. The objective of any such review shall be limited to establishing a factual basis for determining whether a Natural Resource Protection Plan and any proposed compensation and restoration meets the objective standards and ratios in this Article and in the City of Franklin Natural Resource Guidance.

**B. Special Exception.**

**1. Applicability.** A Special Exception to the provisions of this Article shall be required for:

- a. Any construction or permanent impacts to SEWRPC Primary or Secondary Environmental Corridors, SEWRPC Isolated Natural Resource Areas, federal jurisdictional wetlands, Shoreland Wetlands, surface waters, and surface water or wetland buffers required under Section 15-7-02(A)(3)(a) for federal jurisdiction wetlands, shoreland wetlands, or surface waters.
- b. Any reduction in the required compensation ratios in Table 15-07-03;
- c. Any modification of the financial surety requirements in Section 15-7-04(B); or
- d. Any appeal of a determination of a Natural Resource Feature pursuant to Section 15-7-02.

**2. Plan Commission Review.** Upon recommendation by Staff and the Environmental Commission, the Plan Commission may grant a Special Exception to the provisions of this Article in accordance with the procedures in this Section.

- a. **Burden of Proof.** The applicant shall have the burden of proof to present evidence sufficient to support the findings required under sub. 2 below.
- b. A minimum of one (1) Class II Public Hearing shall be required. The Class II Public Hearing shall be conducted by the Plan Commission.
- c. **Criteria for Approval.** A Special Exception may be granted only upon a finding by the Plan Commission:
  - i. That the condition(s) giving rise to the request for a Special Exception were not self-imposed by the applicant (this subsection (i) does not apply to an application to improve or enhance a natural resource feature); and
  - ii. Compliance with the strict provisions of this Article will:
    - a) Be unreasonably burdensome to the applicant and that there are no reasonable practicable alternatives; or,
    - b) Unreasonably and negatively impact upon the applicant's use of the property and that there are no reasonable practicable alternatives; and
    - c) The Special Exception, including the specific compensation measures in the Natural Resource Protection Plan and physical modifications to the site to protect other Natural Resources, including any conditions imposed under this Section will:
      - (i) Enhance the overall character of the resulting development in a manner consistent with the planned character of the area and site; and

- (ii) Not effectively undermine the ability to apply or enforce the requirement with respect to other properties; and
  - (iii) Be in harmony with the general purpose and intent of the provisions of this Article; and
  - (iv) Incorporate sufficient monitoring, conditions, and financial sureties to ensure preservation and enhancement of Protected Areas and compensation areas; and
  - (v) Preserve or enhance the quality of the natural resources affected.
- d. **Review Criteria.** In making its recommendation, the Plan Commission shall consider factors such as:
- i. The impact on physical characteristics of the property, including but not limited to, relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks;
  - ii. Any exceptional, extraordinary, or unusual circumstance or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district;
  - iii. The proposed degree of noncompliance with the requirement of this Article to be allowed by the Special Exception;
  - iv. The project's proximity to and character of surrounding property;
  - v. Purpose of the zoning district of the area in which property is located and neighboring area; and
  - vi. Any potential for negative effects upon adjoining property from the Special Exception if authorized.
- e. **Conditions of Special Exception.** Any Special Exception granted under the authority of this Section shall be conditioned upon the applicant first obtaining all other necessary approval(s) from all other applicable governmental agencies and shall also set forth conditions that the Plan Commission deems necessary, including, but not limited to, conditions that:
- i. Prescribe the duration of the Special Exception (i.e., permanent, a specified length of time; or a time period during which the property is owned or occupied by a particular person);
  - ii. Require additional compensation and restoration beyond measured proposed in the Natural Resource Protection Plan, provided such measures are related to and roughly proportional with the degree of impact authorized;
  - iii. Require payment or reimbursement by the applicant to the City of any costs, expenses, professional fees (including the fees of a person recognized with knowledge and experience in natural systems) or legal fees reasonably incurred by the City in reviewing or processing the application for Special Exception. The Plan Commission may also require the posting of a bond or letter of credit to cover the costs of such expenses and fees. An applicant may obtain the review of the under this Subsection pursuant to Section 15-9-10 of this Ordinance.

## 15-9-09. Map Amendments

- A. **Purpose.** The Zoning Map may be amended from time to time by ordinance, in accordance with the state statute. The amendment process is intended to adjust this UDO in response to changed conditions or changes in City policy. Amendments are not intended to relieve particular hardships or confer special privileges or rights upon any person or party.
- B. **Map Amendment Review Criteria.** The following review criteria shall be considered in the review and action on Map Amendment applications.

1. The proposed map amendment is consistent with the City of Franklin Comprehensive Master Plan and other adopted policies of the City.
2. Major land uses, conditions or circumstances have changed since the UDO was adopted or amended.
3. Sites do not exist for the proposed use in existing districts permitting such use.
4. The requested map amendment is compatible with the existing uses, development patterns and zoning of nearby properties.
5. The present development of the area complies with existing ordinances.
6. The existing zoning imposes an unreasonable hardship and a reasonable economic benefit cannot be realized from uses permitted by the existing zoning.
7. The proposed map amendment does not conflict with existing or planned public improvements or will not adversely impact schools, parks or other public facilities.
8. The natural environment or traffic patterns in the vicinity will not be adversely affected in a manner inconsistent with the planned character of the area.
9. The proposed map amendment is not detrimental to the health, safety and welfare of the neighborhood or of the City as a whole.

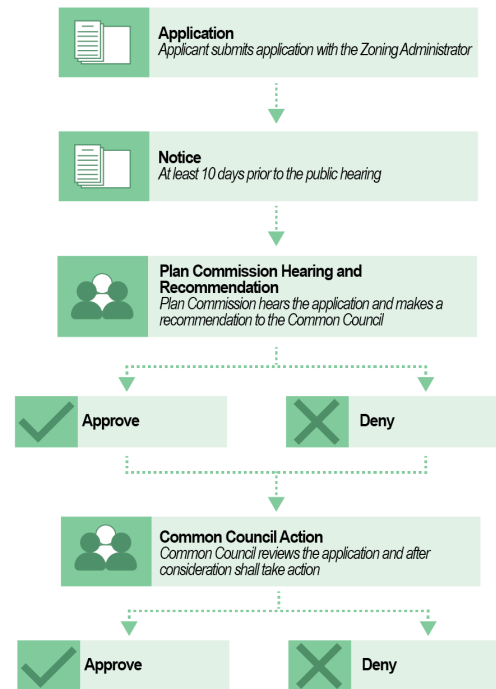


Figure 3 Map Amendment Procedure

**C. Hearing and Notice Required.**

1. The Plan Commission shall hold a public hearing upon each proposed change or amendment giving notice of the time and place of such hearing by publication in the City of a Class 2 notice under Chapter 985 of the Wisconsin Statutes.
2. Written notice of the public hearing shall also be delivered by regular mail to all owners of properties or portions of properties within five hundred (500) feet of the boundary of the property or properties involved in the application, mailed not less than ten (10) days prior to the hearing, with the ownership to be determined by the records on file in the Office of the City Assessor; notice to one of joint or in-common owners being notice to all.
3. At least ten (10) days prior written notice shall be given to the clerk of any municipality within one-thousand (1,000) feet of any land to be affected by the proposed change or amendments. Due notice of all public hearings on petitions for changes to the floodplain districts or amendment to the regulations affecting the floodplain districts shall be transmitted to the Wisconsin Department of Natural Resources (DNR) and the Federal Emergency Management Agency (FEMA).
4. Amendments to the floodplain district boundaries or regulations shall not become effective until approved by the DNR and the FEMA. In the case of floodplain district boundary changes, an official letter of map amendment from the FEMA shall also be required and the provisions set forth in Floodplain Ordinance of the City of Franklin. Only statutorily required notice is to be given for text amendment applications; written and mailed notice to owners of properties is not required for the hearing upon an application for a text amendment.

**D. Plan Commission Hearing and Recommendation.** The Plan Commission shall hold a public hearing and at the close of the public hearing and after consideration of the recommendation of the Zoning Administrator and public comment received, either recommend to the Common Council:

1. Approve of the Map Amendment, or

2. Deny of the Map Amendment.

E. **Common Council Action.** The Common Council shall review the application for the map amendment and after consideration of the recommendation of the Plan Commission, recommendation of the Zoning Administrator, and public comment received either:

1. Approve the Map Amendment, or
2. Deny the Map Amendment.

## 15-9-10. Text Amendments

A. **Purpose.** The regulations imposed and the districts created by this UDO may be amended from time to time by ordinance, in accordance with the state statute. The amendment process is intended to adjust this UDO in response to changed conditions or changes in City policy. Amendments are not intended to relieve particular hardships or confer special privileges or rights upon any person or party.

B. **Text Amendment Review Criteria.** The following review criteria shall be considered in the review and action on Text Amendment applications.

1. The proposed text amendment is consistent with the City of Franklin Comprehensive Master Plan and other adopted policies of the City.
2. The proposed text amendment addresses a particular issue or concern for the City.
3. The proposed text amendment does not impose an unreasonable hardship on existing uses.
4. Major land uses, conditions, or circumstances have changed since the UDO was adopted or amended.
5. The requested amendment is compatible with the existing uses and development patterns of the City.
6. The proposed amendments is not detrimental to the health, safety and welfare of the neighborhood or of the City as a whole.

C. **Hearing and Notice Required.**

1. The Plan Commission shall hold a public hearing upon each proposed change or amendment giving notice of the time and place of such hearing by publication in the City of a Class 2 notice under Chapter 985 of the Wisconsin Statutes.
2. Amendments to the floodplain district boundaries or regulations shall not become effective until approved by the DNR and the FEMA. In the case of floodplain district boundary changes, an official letter of map amendment from the FEMA shall also be required and the provisions set forth in the Floodplain Ordinance of the City of Franklin shall be followed. Only statutorily required notice is to be given for text amendment applications; written and mailed notice to owners of properties is not required for the hearing upon an application for a text amendment.

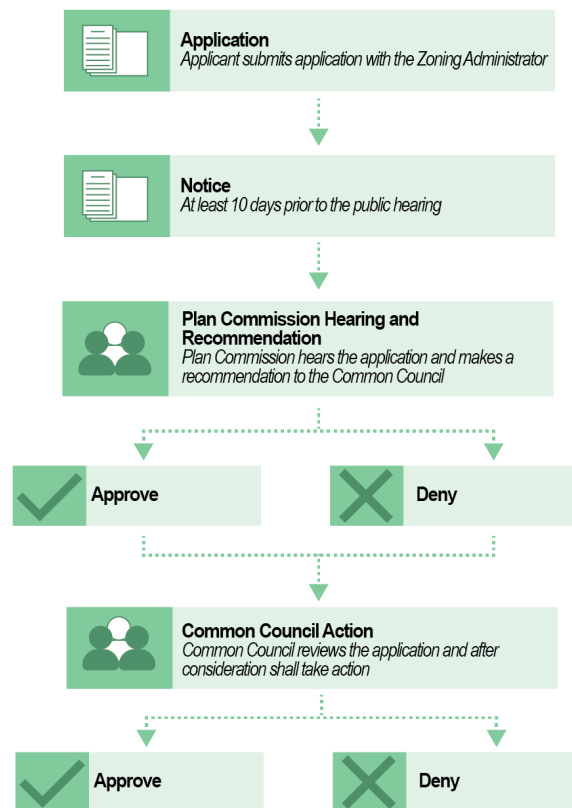


Figure 4 Text Amendments Procedure

- D. **Plan Commission Hearing and Recommendation.** The Plan Commission shall hold a public hearing and at the close of the public hearing and after consideration of the recommendation of the Zoning Administrator and public comment received, either recommend to the Common Council:
  - 1. Approve of the Text Amendment, or
  - 2. Deny the Text Amendment.
- E. **Common Council Action.** The Common Council shall review the application for the text amendment and after consideration of the recommendation of the Plan Commission, recommendation of the Zoning Administrator, and public comment received either:
  - 1. Approve the Text Amendment, or
  - 2. Deny the Text Amendment.

### 15-9-11. Comprehensive Plan Future Land Use Map Amendment

Amendments to the future land use map in the City of Franklin Comprehensive Master Plan shall follow the process established in the Comprehensive Master Plan.

### 15-9-12. Appeal

- A. **Purpose.** An appeal may be taken to the Board of Zoning and Building Appeals for any order, requirement, decision, interpretation or determination of the regulations of this title made by the Zoning Administrator, by any individual aggrieved by the action taken under. The Board of Zoning and Building Appeals shall hear the Appeal, hold a public meeting, and render a decision.
- B. **Initiation.** An Appeal may be taken within thirty (30) days of the action of the Zoning Administrator by filing a notice of Appeal specifying the grounds thereof, who shall forward such Appeal to the Board of Zoning and Building Appeals.
- C. **Board of Zoning and Building Appeals Hearing and Action.** A public hearing shall be conducted by the Board of Zoning and Building Appeals for each Appeal. The Board of Zoning and Building Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination relating to this title, made by the Zoning Administrator subject to the criteria in Section 15-9-06.
- C. **Notice Required.** Notice of the time, place and purpose of such hearing shall be given by publication of a Class 1 Notice, pursuant to Ch. 985, Wis. Stats., said time, place and purpose of such hearing shall also be delivered by regular mail to the applicant and to all owners of properties or portions of properties within five-hundred (500) feet of the boundary of the property or properties described in the application, mailed not less than ten (10) days prior to the hearing, with the ownership to be determined by the records on file in the Office of the City Assessor; notice to one of joint or in-common owners being notice to all.
- D. **Appeal Review Criteria.** An administrative decision shall be reversed or modified only if the Board of Zoning and Building Appeals makes one of the following findings:
  - 1. The decision constituted an erroneous application or interpretation of this UDO.
  - 2. The decision constituted an abuse of the administrative official's discretion to interpret or apply this UDO.
  - 3. The decision was rendered based upon an erroneous material fact.
- E. **Record of Action.** The Board of Zoning and Building Appeals' decision shall be filed and recorded with the City Clerk.

## 15-9-13. Subdivision Procedures

### A. Minor Land Division.

1. **Applicability.** When it is proposed to divide land into at least two (2) but not more than four (4) parcels or building sites, or when it is proposed to create by land division not more than four (4) parcels or building sites within a recorded Subdivision Plat without changing the exterior boundaries of a block, lot, or outlot the Subdivider shall subdivide by use of a certified survey map. The certified survey map shall include all parcels of land in any size.
2. **Filing of a Certified Survey Map.** The Subdivider shall prepare the certified survey map in accordance with this section.
  - a. The Subdivider shall file the certified survey map, Natural Resource Protection Plan if required, Landscape Plan for any landscape bufferyard easement areas as required in Article 5, and the application with the Zoning Administrator, or their designee at least fifteen (15) days prior to the meeting of the Plan Commission at which action is desired. One (1) original copy of the Certified Survey Map shall be submitted.
  - b. The Zoning Administrator shall transmit copies of the map and application along with a cover letter to all approving authorities including extraterritorial plat review agencies if not waived in writing.
  - c. The Zoning Administrator shall transmit the certified survey map, natural resource protection plan, landscape plan, and application.
  - d. The applicant shall be responsible for transmitting copies of the certified survey map to all affected utilities for their respective review and comments.
  - e. The recommendations of all approving authorities shall be transmitted to the Plan Commission.
3. **Plan Commission Review and Action or Recommendation.**
  - a. The Certified Survey Map shall be reviewed by the Plan Commission for conformance with this Ordinance, the Municipal Code of the City of Franklin, and all other ordinances, rules, regulations, adopted regional, County, or City of Franklin Comprehensive Master Plans or adopted plan components.
  - b. For all Minor Land Divisions that do not involve the dedication of land or public improvements, the Plan Commission shall:
    - I. Approve,
    - II. Conditionally approve, or
    - III. Deny of the map
    - IV. Refer the application to the Common Council for action at the Plan Commission's discretion.
  - c. For all Minor Land Divisions that do involve the dedication of land or public improvements, the Plan Commission shall:
    - I. Approve,
    - II. Conditionally approve, or
    - III. Deny the map and shall transmit the map along with its recommendations to the Common Council
4. **Common Council Action.** In cases where a certified survey map has been transmitted by the Plan Commission to the Common Council, the Common Council shall approve, approve conditionally and thereby require resubmission of a

corrected Certified Survey Map, or reject such Certified Survey Map within ninety (90) days from the date of filing of the map unless the time is extended by agreement with the Subdivider.

- a. If the map is approved, the Common Council shall cause the City Clerk to certify on the face of the original map and return the map to the Subdivider.
  - b. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the Subdivider.
5. **Natural Resource Protection Plan Required.** For properties proposed to be divided by certified survey map, and that contain natural resource features as described in Section 15-7-02 of this UDO, a Natural Resource Protection Plan, as described in Section 15-7-03 of the UDO application manual, shall be submitted for review by the Zoning Administrator and Plan Commission.
  6. **Deed Restrictions, Conservation Easements, and Landscape Bufferyard Easements.** For properties proposed to be divided by Certified Survey Map and which contain natural resources required to be preserved or any other easements under the provisions of this Ordinance, the Plan Commission shall require that deed restrictions and/or conservation easements, and any other easements be filed with the Certified Survey Map or submitted for review as a condition of any approval thereof, in the manner and for the purposes as set forth under Section 15-7-04 for final plats.
  7. **Contract Required.** For Certified Survey Maps requiring the installation of public improvements, prior to installation of any required improvements and prior to approval of the Certified Survey Map, the Subdivider shall enter into a written contract (Development Agreement) with the City of Franklin requiring the Subdivider to furnish and construct said improvements at Subdivider's sole cost and in accordance with plans and specifications and usual contract conditions, which shall include provision for inspection of construction by the City of Franklin or its agent.
  8. **Recordation.**
    - a. All improvement requirements, specified by all approving agencies in matters over which they have jurisdiction, shall be met before recording the Certified Survey Map.
    - b. The Subdivider shall record the map with the Milwaukee County Register of Deeds within twelve (12) months after the date of its last approval and within thirty-six (36) months after the date of its first approval.
  9. The Subdivider shall file the Certified Survey Map and its accompanying Natural Resource Protection Plan with the City Clerk for distribution to the Plan Commission, various City departments, and other affected agencies for their files as set forth under Section 15-7-03.

**B. Land Combination.**

1. **Application Transmittal to Plan Commission.** The Zoning Administrator shall receive the application for a Land Combination, and after scheduling a review of the Application for a Land Combination Permit by the Plan Commission, shall refer the application and related data to the Zoning Administrator and City Engineer and other appropriate City departments for their review, study, and recommendations to the Plan Commission.
2. **Plan Commission Review and Recommendation.**
  - a. **Review.** The Plan Commission shall consider the Application for Land Combination Permit relative to City staff recommendations, the lot area and other dimensional requirements of the zoning district(s) within which the parcels are located, the City of Franklin Comprehensive Master Plan and planned land use districts for the parcels, present use of the parcels and proposed use of the parcels, for the purpose to ensure that upon combination, such properties shall comply with the purposes and provisions of this Ordinance.
  - b. **Recommendation.** The Plan Commission shall make a recommendation to the Common Council to:
    - I. Approve



- II. Conditionally approve, or
  - III. Deny the application
3. **Recordation.** If approved, the City Clerk shall record the resolution with the Milwaukee County Register of Deeds.

C. **Subdivisions.**

1. **City Departments Review.** The City Clerk shall within three (3) days transmit a copy of the Sketch Plan Review Applications and Sketch Plan to all affected City Departments, the Zoning Administrator, the City Engineer, or Milwaukee County and affected local utilities for their review and recommendations concerning matters within their jurisdiction.
  - a. The recommendations of the City Departments, Zoning Administrator, City Engineer and Milwaukee County and of affected local utilities shall be transmitted to the Plan Commission within twenty (20) days from the date the Sketch Plan Review Applications Sketch Plan are filed.
  - b. The Sketch Plan Review Applications and Sketch Plan shall then be reviewed by the Zoning Administrator, City Engineer, and all other affected City Departments for general conformance with this Ordinance and all other ordinances, rules, regulations, adopted regional or county development, City of Franklin Comprehensive Master Plan or adopted components thereof which affect it.
2. **Preliminary Plat Review.** Before submitting a Final Plat for approval, the Subdivider shall prepare a Preliminary Plat and an application. The Preliminary Plat shall be prepared in accordance with Section 15-9-01 of the UDO application requirements manual, and the Subdivider shall file the Preliminary Plat, Natural Resource Protection Plan if required "Landscape Plan" for any landscape bufferyard easement areas and the application with the Zoning Administrator together with all necessary fees at least twenty five (25) days prior to the meeting of the Plan Commission at which first consideration is desired. Said copies shall be in addition to those copies which may be required or requested by Milwaukee County or other agencies. In addition:
  - a. **Copies of Preliminary Plat, Natural Resource Protection Plan, Landscape Plan, and Application to be Transmitted by Zoning Administrator.** The Zoning Administrator shall, within two (2) normal workdays after filing, transmit copies as required in the UDO application requirements manual.:
3. **Copies of Preliminary Plat to be Transmitted by Zoning Administrator to Affected City Commissions or Departments.** The Zoning Administrator shall transmit a copy of the Preliminary Plat to all affected City Commissions or Departments for their review and recommendations concerning matters within their jurisdiction. The recommendations of City Commissions, Departments, Zoning Administrator, City Engineer, Milwaukee County, State agencies, and affected local utilities shall be transmitted to the Plan Commission within twenty (20) days from the date the plat is filed.
4. **Plan Commission Review and Recommendation.**
  - a. **Plan Commission Review.** The Preliminary Plat including Natural Resource Protection Plan and Landscape Plan as applicable shall then be reviewed by the Plan Commission for conformance with this Ordinance and all other ordinances, rules, regulations, adopted regional or county development plans, City of Franklin Comprehensive Master Plan or adopted components thereof which affect it.
  - b. **Plan Commission Recommendation to Common Council.** The Plan Commission shall within sixty (60) days of the date of the filing of a Preliminary Plat including a Natural Resource Protection Plan and Landscape Plan as applicable with the Zoning Administrator or other Common Council authorized agent, recommend to the Common Council approval, conditional approval, or denial of the Preliminary Plat and shall transmit the Preliminary Plat including Natural Resource Protection Plan and Landscape Plan as applicable and application, along with its recommendation, to the Common Council.



5. **Preliminary Plat Approval.**

- a. **Notification by Objecting Agencies.** The objecting agencies shall, within twenty (20) days of the date of receiving their copies of the Preliminary Plat, notify the Subdivider and all other approving and objecting agencies of any objections.
  - I. **Certification of No Objections Required.** If there are no objections, they shall certify on the face of the copy of the plat and shall return that copy to the Zoning Administrator.
  - II. **Failure of Objecting Agency to Act on Preliminary Plat.** If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objections to the Plat.
- b. **Common Council Action.** The Common Council within ninety (90) days of the date of filing a Preliminary Plat with the Zoning Administrator shall approve, approve conditionally, or deny such plat, unless the time is extended by agreement with the Subdivider.
  - I. **Notification to Subdivider of Common Council Action.** One (1) copy of the plat may thereupon be returned to the Subdivider with the date and action endorsed thereon; and if approved conditionally or denied, a letter setting forth the conditions of approval or the reasons for denial shall accompany the plat.
  - II. **Filing of Preliminary Plat in Common Council's Permanent File.** One (1) copy each of the plat and letter shall be placed in the Common Council's permanent file.
- c. **Failure of Common Council to Act.** Failure of the Common Council to act within ninety (90) days of the date of filing, or within the time extended by agreement with the Subdivider, shall constitute an approval.
- d. **Approval or Conditional Approval of a Preliminary Plat.** Approval or conditional approval of a Preliminary Plat shall not constitute automatic approval of the Final Plat unless the Final Plat is submitted within thirty-six (36) months after the last required approval of the Preliminary Plat or within an extended time frame specified by a conditional approval and the Final Plat conforms substantially to the Preliminary Plat as approved, including any conditions of that approval, and to City of Franklin plans and ordinances adopted as authorized by law.

D. **Final Plat Review.**

- 1. **Designation of Approving Authorities.** The Common Council, the town wherein the plat is located in the case of a plat located within the extraterritorial plat jurisdiction of the City of Franklin, and each adjoining city or village in whose extraterritorial plat approval jurisdiction the subdivision lies pursuant to § 236.10(1)(b) of the Wisconsin Statutes are designated approving authorities.
- 2. **Designation of Objecting Agencies.** The Wisconsin Department of Agriculture, Trade and Consumer Protection; the Wisconsin Department of Workforce Development (DWD); Wisconsin Department of Transportation; and county planning agency as defined by § 236.02(3) of the Wisconsin Statutes shall be hereinafter referred to as objecting agencies.
- 3. **Final Plat and Application Submittal.** The Subdivider shall prepare a Final Plat and an application in accordance with the UDO application requirements manual and shall file the Final Plat and the application as set forth below:
  - a. **Submittal of Final Plat to the Wisconsin Department of Administration.** Before any approvals of the Final Plat are made, the Subdivider or Subdivider's agent shall submit the original Final Plat to the Wisconsin Department of Administration, including
    - I. The Wisconsin Department of Transportation if the subdivision abuts or adjoins a State Trunk Highway or a connecting street; and/or
    - II. The Wisconsin Department of Natural Resources if shorelands are contained within the proposed subdivision.

- b. **Submittal of Final Plat to the Zoning Administrator.** After approval by required State Departments, the Subdivider shall file the Final Plat and an application with the Zoning Administrator, or designees along with the proper fees as established in the City of Franklin fee schedule, and the receipt of the proper filing fees of each of the other approving authorities and objecting agencies.
  - c. **Zoning Administrator Transmittal of Final Plat.** The Zoning Administrator shall transmit with a cover letter and copies of the Final Plat and application as specified in the UDO application requirements manual.
- 4. **Plan Commission Examination.** The Plan Commission shall examine the Final Plat as to its conformance with the approved Preliminary Plat; any conditions of approval of the Preliminary Plat, this Ordinance, and all ordinances, rules, regulations, adopted regional and County development, City of Franklin Comprehensive Master Plan or other local comprehensive plans and adopted plan components which may affect the Final Plat.
- 5. **Partial Platting.**
  - a. **Plat Phasing.** The Final Plat may, if permitted by the Common Council, be platted as a Final Plat in phases with each phase constituting only that portion of the approved Preliminary Plat which the Subdivider proposes to record at that time. It is required that each such phase be platted as a Final Plat and be designated as a phase of the approved Preliminary Plat.
  - b. **Time Extension for Approval of a Final Plat for Portion of Preliminary Plat.** Final Plat for only a portion of the Preliminary Plat shall extend approval for the remaining portion of the Preliminary Plat for six (6) months from the date of such Final Plat approval.
- 6. **Contract Required.** Prior to installation of any required improvements and prior to approval of the Final Plat, the Subdivider shall enter into a written contract (Development Agreement) with the City of Franklin requiring the Subdivider to furnish and construct said improvements at Subdivider's sole cost and in accordance with plans and specifications and usual contract conditions, which shall include provision for inspection of construction by the City of Franklin or its agent. The Subdivider may construct the project in such phases as the Common Council approves, which approval may not be unreasonably withheld. If the Subdivider's project will be constructed in phases, the amount of any surety bond or other security required by the Common Council shall be limited to the phase of the project that is currently being constructed. The Common Council may not require that the Subdivider provide any security for improvements sooner than is reasonably necessary before the commencement of the installation of the improvements.

**E. Final Plat Approval.**

- 1. **Objecting Agencies.** The objecting agencies shall, within twenty (20) days of the date of receiving their copies of the Final Plat, notify the Subdivider and all other approving authorities and objecting agencies of any objections.
  - a. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Plan Commission via the Zoning Administrator.
  - b. If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objections to the plat.
- 2. **Submission.** If the Final Plat is not submitted within six (6) months of the required approval of the Preliminary Plat, the approving authorities may refuse to approve the Final Plat. Extensions may be granted upon mutual agreement of all approving authorities.
- 3. **Plan Commission Recommendation to the Common Council.** The Plan Commission shall, within forty (40) days of the date of filing of the Final Plat with the Zoning Administrator or other Common Council authorized agent, recommend approval, conditional approval, or denial of the plat and shall transmit the Final Plat and application along with its recommendations to the Common Council.

4. **Approval or Rejection of Final Plat.** The Common Council shall within sixty (60) days of the date of filing the original Final Plat with the Zoning Administrator approve or reject such Final Plat unless the time is extended by agreement with the Subdivider.
  - a. If the Final Plat is denied, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the Subdivider and surveyor.
  - b. The Common Council may not inscribe its approval on the Final Plat unless the Department of Agriculture, Trade and Consumer Protection has certified on the face of the Final Plat that the copies were forwarded to the objecting agencies as required herein, the date thereof, and that no objections have been filed within twenty (20) days, or, if filed, have been met.
  - c. Failure of the Common Council to act within sixty (60) days, the time having not been extended and no unsatisfied objections having been filed, the Final Plat shall be deemed approved.
  - d. The Zoning Administrator shall provide the Common Council with his or her conclusions as to whether the final plat conforms substantially to the preliminary plat and with his or her recommendation shall be made a part of the record of the proceeding at which the final plat is being considered and are not required to be submitted in writing.
5. **Recordation.**
  - a. After the Final Plat has been approved by the Common Council and improvements as shall be required by the City to be installed or a contract and sureties ensuring their installation filed, the Zoning Administrator shall cause the certificate inscribed upon the Final Plat attesting to such approval to be duly executed and the plat returned to the Subdivider for recording with the Milwaukee County Register of Deeds.
  - b. The Register of Deeds cannot record the Final Plat unless it is offered within twelve (12) months from date of last approval or thirty (36) months from first approval.

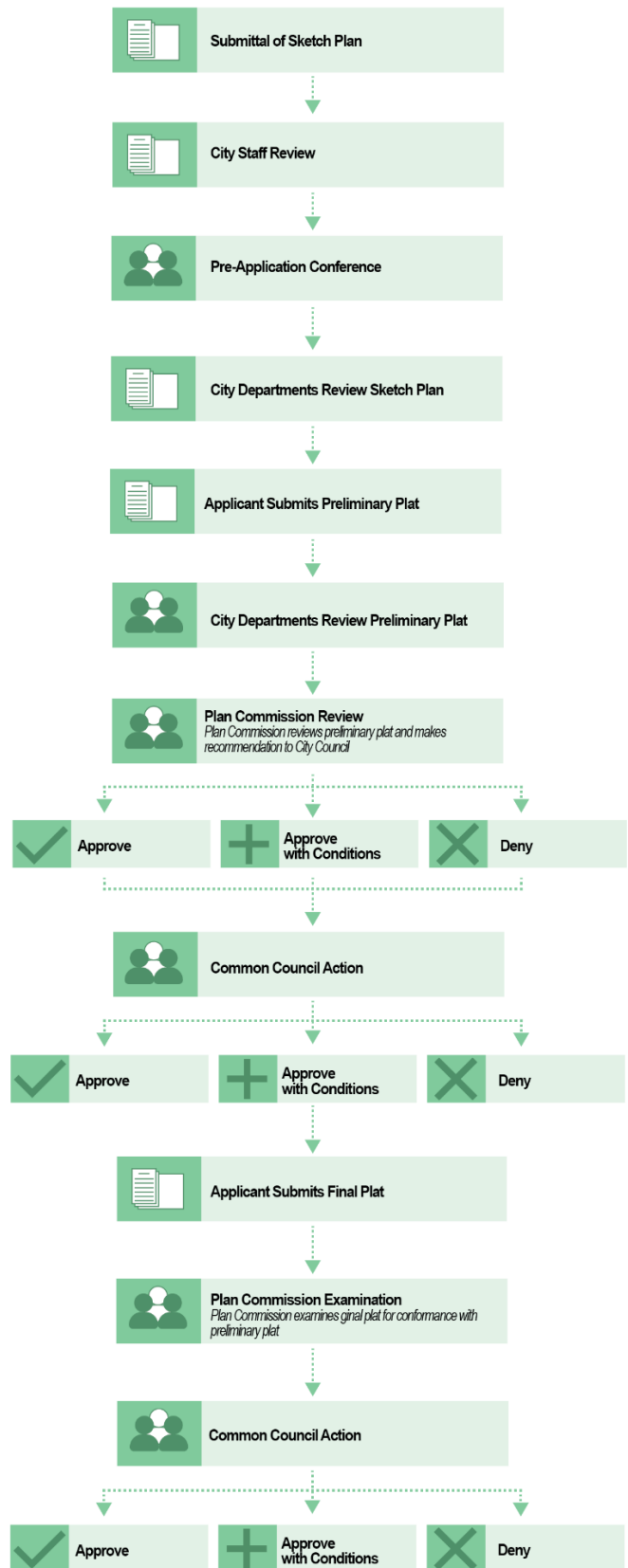


Figure 5 Subdivision Procedures

6. **Copies of the Recorded Final Plat.** The Subdivider shall file the recorded Final Plat with the Zoning Administrator and copies, as necessary, to other affected agencies for their files.
- F. **Plats Within the Extraterritorial Plat Approval Jurisdiction.** When the land to be subdivided lies within one and one-half (1 ½) miles of the corporate limits of a fourth-class city or village or within three (3) miles of the corporate limits of the city, the Subdivider shall proceed as specified in 15-9-14(C) except:
1. **Transmittal Responsibility.** The Zoning Administrator to whom the Certified Survey Map, Subdivision Plat, or Condominium is first submitted shall be responsible for transmitting copies of the Certified Survey Map, Subdivision Plat, or Condominium to designated objecting agencies. The Subdivider or Condominium Developer (as applicable) shall specify in the Subdivider's application to whom the original application was submitted.
  2. **Improvement and Design Requirements.** If the extraterritorial Certified Survey Map, Subdivision Plat, or Condominium contains lands located within a City of Franklin adopted sanitary sewer service area, the Subdivider or Condominium Developer (as applicable) shall comply with all of the improvement requirements of Section 15-8-06 of this Ordinance and with all of the design requirements of Section 15-8-04(M) of this Ordinance.
  3. **Park Dedication and Public Site Fees.** In extraterritorial plat approval jurisdiction areas of the City of Franklin, the subdivider or condominium developer shall not be required to dedicate park and open space land to the City of Franklin or be required to pay a public site fee or other development impact fees to the City of Franklin.
- G. **Replat.** Except as provided in § 70.27(1) of the Wisconsin Statutes, when it is proposed to replat a recorded subdivision, or part thereof, to change the boundaries of a recorded subdivision, or part thereof, the Subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in § 236.40 through 236.44 of the Wisconsin Statutes. The Subdivider, or person wishing to replat, shall then proceed as specified in Section 15-9-14 (C) through (E) of this Ordinance.

## 15-9-14. Violations, Penalties, and Remedies

- A. **Zoning Violations.** Unlawful to Use or Improve Any Structure or Land, or to Use Water or Air in Violation of Any Provisions of This Ordinance. It shall be unlawful to use or improve any structure or land, or to use water or air in violation of any provisions of this Ordinance. In case of violation, the Common Council, the Zoning Administrator, the City Attorney, the Plan Commission may institute appropriate action or proceeding to enjoin a violation of this Ordinance or cause a structure to be vacated or removed.
- B. **Structure, Fill, or Development Placed or Maintained Within Any Floodplain Area in Violation of this Ordinance.** Every structure, fill, or development placed or maintained within any floodplain area in violation of this Ordinance is hereby declared a public nuisance and the creation thereof may be enjoined and maintenance thereof may be abated by action of suit of the State, the County, or the City.
- C. **Actions and Proceedings to Enjoin Violations.** The City of Franklin may institute appropriate action or proceedings to enjoin violations of this Ordinance or the applicable Wisconsin Statutes or Wisconsin Administrative Code.
- D. **Land Division Violations.**
  1. **Unlawful to Violate Ordinance Provisions.** It shall be unlawful to build upon, divide, convey, record or place monuments on any land in violation of this Ordinance or the Wisconsin Statutes; and no person, firm, or corporation shall be issued a Building Permit by the City of Franklin authorizing the building on, or improvement of, any Subdivision, Certified Survey Map, Condominium, or replat within the jurisdiction of this Ordinance not of record as of the effective date of this Ordinance until the provisions and requirements of this Ordinance have been fully met.
  2. **Actions and Proceedings to Enjoin Violations.** The City of Franklin may institute appropriate action or proceedings to enjoin violations of this Ordinance or the applicable Wisconsin Statutes or Wisconsin Administrative Code.

E. **Penalties and Remedies.**

1. **Double Fee.** A double fee shall be charged by the Zoning Administrator if work is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this Ordinance nor from prosecution for violation of this Ordinance.
2. **Remedial Action.** Whenever an order of the Zoning Administrator has not been complied with within thirty (30) days after written notice has been mailed to the owner, resident agent, or occupant of the premises, the Common Council, the Zoning Administrator, the Director of Inspection Services, or the City Attorney may institute appropriate legal action or proceedings to prohibit such owner, agent, or occupant from using such structure, land, or water.
3. **Forfeiture and Imprisonment.** Any person, firm, or corporation who violates or fails to comply with the provisions of this Ordinance shall, upon conviction thereof, in addition to all other remedies set forth under this Ordinance, be subject to the penalty provisions set forth under § 1-19 of the Municipal Code, as amended.
4. **Separate Offense.** Each day a violation exists or continues shall constitute a separate offense.
5. **Injunctive Relief.** In addition to the above-described fines, the Common Council or its agent shall have the power to institute appropriate action for injunctive relief to prevent persons, firms, or corporations from acting in violation of the provision of this Ordinance.
6. **Violations and Concomitant Penalties Relating to Land Division.** Violations and concomitant penalties shall include:
  - a. **Improper Recordation.** Recordation improperly made carries penalties as provided in § 236.30 of the Wisconsin Statutes.
  - b. **Conveyance of Lots in Unrecorded Plats.** Conveyance of lots in unrecorded plats carries penalties as provided for in § 236.31 of the Wisconsin Statutes.
  - c. **Monuments Disturbed or Not Placed.** Monuments disturbed or not placed carries penalties as provided for in § 236.32 of the Wisconsin Statutes.

## Article 10. Planned Development Standards and Procedures

<b>15-10-01. Intent and Purpose</b>	<b>1</b>
<b>15-10-02. General Provisions</b>	<b>1</b>
<b>15-10-03. Planned Development Relation to Base District Standards</b>	<b>2</b>
<b>15-10-04. Modification Standards</b>	<b>2</b>
<b>15-10-05. Standards of Review</b>	<b>3</b>
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<b>15-10-07. Amendments to Planned Developments</b>	<b>5</b>

### 15-10-01. Intent and Purpose

The purpose of the regulations, standards, and criteria contained in this Article is to provide an alternative procedure under which land can be developed or redeveloped with innovation, imagination, and creative architectural design, when sufficiently justified under the provisions of this Article. The objective of the Planned Development standards is to encourage a higher level of design and amenity than is possible to achieve under otherwise applicable zoning regulations. The end result should fulfill the objectives of City plans and policies, including but not limited to the City of Franklin Comprehensive Master Plan, while departing from the strict application of the regulations of this UDO. The planned development standards are intended to permit and encourage such flexibility and to accomplish the following purposes:

- A. To stimulate creative approaches to the commercial, residential, and mixed-use development of land.
- B. To provide for more efficient use of land.
- C. To preserve natural features and provide open space areas and recreation areas in excess of that required under existing zoning regulations.
- D. To develop new approaches to the living environment through variety in type, design and layout of buildings, transportation systems, and public facilities.
- E. To unify buildings and structures through design.
- F. To promote long term planning, pursuant to the City of Franklin Comprehensive Master Plan and other relevant plans and City policies, which will allow harmonious and compatible land uses or combination of uses with surrounding areas.

### 15-10-02. General Provisions

- A. Any development containing uses other than single-family residential uses may be approved as a planned development.
- B. A minimum site area of three (3) acres shall be required to file a planned development application.
- C. Sign standards specified in Article 6 shall not be approved as part of the planned development process.

- D. Each Planned Development should be presented and judged on its own merits. It shall not be sufficient to base justification for approval of a Planned Development solely upon an already existing planned development except to the extent such Planned Development has been approved as part of a development master plan.
- E. The burden of providing evidence and persuasion that any Planned Development is necessary and desirable shall rest with the applicant.

### 15-10-03. Planned Development Relation to Base District Standards

- A. A planned development, if approved, shall constitute an overlay district, and all base district designations shall be maintained.
- B. A planned development, if approved, may incorporate modifications to the base district standards that shall become part of the overlay district. All such modifications shall be referred to as site development allowances.
- C. Notwithstanding any limitations on waivers or modifications of standards contained elsewhere in this UDO, site development allowances may be approved provided the applicant specifically identifies each site development allowance in the planned development application and demonstrates how each site development allowance:
  - 1. Would be compatible with surrounding development;
  - 2. Is necessary for development of the site in accordance with the purposes of this section; and
  - 3. Incorporates a minimum of one (1) of the modification standards detailed in Section 15-10-04.
- D. All approved site development allowances shall be delineated in the ordinance approving the Planned Development and shall be considered the standards of the Planned Development overlay district as it applies to the subject property.

### 15-10-04. Modification Standards

An applicant seeking a site development allowance shall be required to justify each request through the provision of tangible benefits to the City of Franklin by meeting a minimum of one (1) of the modification standards detailed below per requested site development allowance.

- A. **Landscape Conservation and Enhancement.** The Planned Development preserves, restores, or enhances landscape elements, trees, and natural features, such as rivers, streams, ponds, groves, and landforms.
- B. **Sustainable Design.** The Planned Development is designed with demonstrable reductions in energy consumption and/or stormwater management as a result of methods of site design and building location, architectural design of individual buildings, and landscaping design.
- C. **Public Gathering Space.** The Planned Development includes public gathering space open to and available for use by the general public, the amount of which is proportional to the size of buildings or number of dwelling units. The public gathering space is activated through the use of elements or features such as moveable tables and chairs, a fountain or other water feature, a sculpture or other public art feature, benches, seat walls, raised landscape planters, or pedestrian scaled and celebratory or decorative lighting. The public gathering space is integrated into the overall design of the planned development, has a direct functional or visual relationship to the main building(s), and is not of an isolated or leftover character.
- D. **Mix of Uses.** The Planned Development is comprised of a mix of non-residential uses and/or a mix of two (2) or more housing unit types.
- E. **Placemaking.** The Planned Development has a distinctive identity and brand that is carried through design features in a manner that fosters a cohesive visual character for the public areas, incorporated in the design of features including but not limited to sign design, unique streetscape elements, architectural features, the creation of public gathering spaces, the incorporation of natural areas, parks, and trails, and other elements of site design.



- F. **Affordability.** The Planned Development includes at least fifteen (15) percent of the total residential dwellings deed restricted for households that make less than or equal to eighty (80) percent of the area median income as defined by the US Department of Housing and Urban Development.
- G. **Universal Design.** The Planned Development includes buildings and site features designed with accessible features such as level access from the street and/or zero entry thresholds.
- H. **High-Quality Building Materials.** The Planned Development uses time- and weather-tested building materials that are of a higher quality than what is otherwise required by this UDO.
- I. **Traditional Neighborhood Development.** The Planned Development includes design features described as Traditional Neighborhood Development in Wisconsin Statutes § 66.1027 (1)(c), as amended. The document identified as A Model Ordinance for Traditional Neighborhood Development dated April 2001 as published by the University of Wisconsin Extension pursuant to Wisconsin Statutes § 66.1027(2), serves as the guidebook to further define the various aspects and elements of the form of urban design, along with such other sources of guidance the Plan Commission and Common Council chooses to consult.

### 15-10-05. Standards of Review

The following standards for review shall be utilized in the review of a Planned Development application as a whole, including any requested site development allowances and the modification standards proposed to justify those requests. No application for a planned development shall be approved unless the Common Council finds that the application meets all of the following standards:

- A. **Plan and Policy Alignment.** The Planned Development is consistent with the goals, objectives, and policies set forth in the Comprehensive Master Plan and other adopted plans and policy documents of the City.
- B. **Placemaking.** The planned development has a distinctive identity and brand that is carried through the sign designs, unique streetscape features, architecture, public gathering spaces, open spaces, etc.
- C. **Integrated Design with Identifiable Centers and Edges.** The Planned Development shall be laid out and developed as a unit in accordance with an integrated overall design, in which the various land uses included function as a cohesive whole and support one another. The design shall provide identifiable centers, which form focus areas of activity in the development, and edges, which define the outer borders of the development, through the harmonious grouping of buildings, uses, facilities, public gathering spaces, and open space.
- D. **Public Welfare.** The Planned Development is designed, located, and proposed to be operated and maintained so that it will not impair an adequate supply of light and air to adjacent property, will not generate undue off-site impacts such as noise on adjacent properties, and will not substantially increase the danger of fire or otherwise endanger the public health, safety, and welfare.
- E. **Compatibility with Adjacent Land Uses.** The Planned Development includes uses which are generally compatible and consistent with the uses of adjacent parcels. If the uses are not generally compatible, all adverse impacts have been mitigated through screening, landscaping, public open space, and other buffering features that protect uses within the development and surrounding properties.
- F. **Impact on Public Facilities and Resources.** The Planned Development is designed so that adequate utilities, road access, drainage, and other necessary facilities will be provided to serve it.
- G. **Archaeological, Historical or Cultural Impact.** The Planned Development does not substantially adversely impact an archaeological, historical, or cultural resource, included on the local, state, or federal register, located on or off the parcel(s) proposed for development.
- H. **Fiscal Impact.** The Planned Development will generate revenue and require costs in terms of public services in a way that contributes to the long-term fiscal sustainability of the City of Franklin.



- I. **Drives, Parking and Circulation.** The Planned Development makes adequate provision to provide necessary parking. Principal vehicular access is from dedicated public streets, and access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. With respect to vehicular and pedestrian circulation (including walkways, interior drives, and parking), special attention has been given to the location and number of access points to public streets, the width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, adequate provision for service by emergency vehicles, and arrangement of parking areas that are safe, convenient, and do not detract from the design of proposed buildings and structures and the neighboring properties. Access points are limited through the use of cross access connections.

## 15-10-06. Procedures

- A. **Pre-Filing Administrative Review Conference(s).** A prospective applicant, prior to submitting a formal application for a Planned Development, shall meet for a pre-filing conference(s) with staff. The purpose of the conference(s) is to help the applicant understand: City plans and policies; the UDO; site development allowances; the standards by which the application will be evaluated; and the application requirements.
- B. **Pre-Filing Project Introduction (Optional).** After the initial pre-filing conference, the prospective applicant may introduce their project to the Plan Commission and Common Council. The Plan Commission and Common Council may provide non-binding feedback to the applicant based on materials presented. Feedback from the Plan Commission and Common Council is intended to provide the applicant with an initial impression relative to the character, appropriateness, and intensity of the proposed development, prior to the applicant officially filing for a planned development. Any comments and feedback from the Plan Commission and Common Council at this stage is non-binding. The applicant is expected to provide a brief narrative and development concept plan sufficient to communicate the character of the proposed development.
- C. **Application Requirements Waiver Request.** After completing the pre-application conference the applicant may request a waiver of any application requirement which in the applicant's judgment should not apply to the proposed planned development. Such request shall be made in writing prior to the submission of the formal application documents. A final determination regarding the waiver shall be made by the Zoning Administrator and given to the prospective applicant following the decision. An appeal of the determination of the Zoning Administrator may be brought to the Plan Commission for consideration.
- D. **Application for a Planned Development.** Following the pre-application conference, the owner or his agent may file an application with the Zoning Administrator for a Planned Development.
- E. **Referral to Plan Commission.** The application and staff report for a Planned Development shall be referred to the Plan Commission for its review and recommendation, including any additional conditions or restrictions which it may deem necessary or appropriate.
- F. **Hearing and Recommendation by the Plan Commission.** Upon receipt of a completed application, the Zoning Administrator will schedule a public hearing at the Plan Commission. The Plan Commission, before formulating its recommendations to the Common Council, shall hold a public hearing pursuant to the provisions of Section 15-9-02 (B)(8) Following the public hearing, the Plan Commission shall consider the proposed planned development, the staff report, and the public comment and make a recommendation to the Common Council to make one of the following recommendations base:
  1. Recommend approval of the Planned Development,
  2. Recommend approval of the Planned Development with conditions, or
  3. Recommend denial of the Planned Development based on the applicable review standards.
- G. **Action by Common Council.** The Zoning Administrator, on behalf of the Plan Commission, shall transmit a report containing the Plan Commission's recommendation to approve, approve with conditions, or deny the application to Common

Council. Common Council shall consider the staff report, public comment received at the public hearing, and recommendation of the Plan Commission and shall take one of the following actions:

1. Approve the Planned Development,
2. Approve the Planned Development with conditions,
3. Deny the Planned Development,
4. Refer the Planned Development back to the Plan Commission for further review.

## 15-10-07. Amendments to Planned Developments

- A. **Determination.** Upon receiving a Planned Development amendment application, including the information required by the Zoning Administrator, the Zoning Administrator shall determine whether the amendment is a major amendment, or a minor amendment based on the criteria detailed in subsections (B) and (C) below.
- B. **Major Amendment.** A major amendment is any proposed change to an adopted Planned Development that results in one (1) or more of the following changes:
1. Change to list of uses (permitted, conditional or prohibited);
  2. Modification of district boundaries;
  3. Increase in density;
  4. A ten (10) percent increase in impervious surface or modification to the approved stormwater management plan.
  5. Reduction of open space by more than ten (10) percent;
  6. Modification of the proportion of housing types;
  7. Increase in the approved gross floor area by more than three-thousand (3,000) square feet;
  8. Alteration of the alignment of roads, utilities, or drainage;
  9. Modification of any other site feature inconsistent with any standard or condition imposed by the Common Council in approving the Planned Development, as determined by the Zoning Administrator.
- C. **Minor Amendment.** A minor amendment is any proposed change to an approved Planned Development that is consistent with the standards and conditions upon which the Planned Development application was approved and Planned Development adopted, which does not alter the concept or intent of the Planned Development and is not considered a major amendment as detailed in subsection B above.
- D. **Approval Processes.**
1. A major amendment to an adopted Planned Development shall be considered as a new Planned Development.
  2. A minor amendment to an approved Planned Development may be approved by the Zoning Administrator.

## Article 11. Nonconforming Structures, Lots and Uses

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### 15-11-01. Existing Nonconforming Uses

- A. The lawful nonconforming use of a structure, land, or water existing at the time of the adoption or amendment of this UDO may be continued although the use does not conform with the provisions of this UDO provided that:
1. **Portion of the Land or Water in Actual Use May Be Continued.** Only that portion of the land or water in actual use may be so continued and the nonconforming use may not be extended, enlarged, substituted, or moved, except when required to do so by law or order or so as to comply with the provisions of this UDO.
  2. **Substitution of New Equipment.** Substitution of new equipment may be permitted by the Board of Zoning and Building Appeals if such equipment will reduce the incompatibility of the nonconforming use or structure with the neighboring uses.
  3. **Conforming Conditional Uses.** See Division 15-3.1000 for uses existing at the effective date of this UDO, which would be classified as Conditional Uses under the provisions of this UDO.

### 15-11-02. Existing Nonconforming Structures

- A. The lawful nonconforming use of a structure existing at the time of the adoption or amendment of this UDO may be continued although the structure's size or location does not conform with the established building setback line along streets or the yard, height, parking, loading, access, and lot area or lot area per dwelling unit provisions of this UDO provided that:
1. **Total Structural Repairs or Alterations.** Total structural repairs or alterations to a nonconforming structure shall not exceed fifty (50) percent of the municipality's equalized assessed value of the structure unless it is permanently changed to conform to the use provisions of this UDO.

2. **Substitution of New Equipment.** Substitution of new equipment may be permitted by the Board of Zoning and Building Appeals if such equipment will reduce the incompatibility of the nonconforming use or structure with the neighboring uses.
3. **Repairs and Alterations.** Repairs and alterations permitted under the provisions of this Ordinance to nonconforming buildings and structures located in floodplains shall include floodproofing to those portions of the building or structure involved in such repairs or alterations. Certification of floodproofing shall be made to the Zoning Administrator and shall consist of a plan or document certified by a registered professional engineer that the flood-proofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the one-hundred-year recurrence interval flood level for the particular area.

### 15-11-03. Existing Substandard Lots

- A. **Residential Substandard Lots.** A lot located in a residential district which does not contain sufficient area to conform to the dimensional requirements of this UDO, but which lot is at least fifty (50) feet wide and six-thousand (6,000) square feet in area, may be used as a single building site provided that:
  1. The use is permitted in the governing district.
  2. The lot is a lot of record in the Milwaukee County Register of Deeds Office prior to the effective date of this UDO.
  3. The lot has the ability to connect to public sanitary sewer, if less than forty-thousand (40,000) square foot in size.
- B. **Nonresidential District Substandard Lots.** A lot located in a commercial and mixed-use, industrial and agricultural, or miscellaneous district which does not contain sufficient area to conform to the dimensional requirements of this UDO may be used as a building site provided that the lot is a lot of record in the Milwaukee County Register of Deeds Office prior to the effective date of this UDO.
- C. **Setback and Yard Requirements.** Substandard lots granted permits under this UDO shall be required to meet the setback and other yard requirements of this UDO. A Building Permit for the improvement of a lot with lesser dimensions and requisites than those stated in Section A. of this Section shall be issued only after a variance is granted by the Board of Appeals.
- D. **Two (2) or More Substandard Lots with Continuous Frontage Under the Same Ownership.** If two (2) or more substandard lots with continuous frontage have the same ownership as of the effective date of this UDO, the lots involved shall be considered to be an individual parcel for the purpose of this UDO, in accordance with Wisconsin Statute § 236.45.

### 15-11-04. Continuance of Use

- A. **Legal Nonconforming Use.** Any lawfully established use of a building or land that does not conform to the use regulations for the district in which it is located at the time of the adoption of this UDO shall be deemed to be a legal nonconforming use and may be continued, except as otherwise provided herein.
- B. **Continuation of Legal Nonconforming Uses.** Any legal nonconforming buildings or structures may be continued in use provided there is no physical changes other than necessary maintenance and repair, except as otherwise permitted herein.
- C. **Buildings and Uses for which a Zoning Compliance Permit, Conditional Use Permit, or Building Permit Has Been Granted.** Any building or use for which a Zoning Compliance Permit, Conditional Use Permit, or Building Permit has been lawfully granted may be completed in accordance with the approved plans, provided construction is started within ninety (90) days and the exterior of the building or use is completed within six (6) months of the effective date of this UDO. Such building or use shall thereafter be deemed a lawfully established building or use.

### 15-11-05. Discontinuance of Use

- A. **Building, Structure, or Land Occupied by a Nonconforming Use Changed to or Replaced by a Conforming Use.** Whenever any part of a building, structure, or land occupied by a nonconforming use is changed to or replaced by a conforming use, such premises shall not thereafter be used or occupied by another nonconforming use, even though the building may have been originally designed and constructed for the prior nonconforming use.
- B. **Discontinuance of Nonconforming Use.** Whenever a nonconforming use or part thereof has been discontinued for a period of twelve (12) consecutive months, or whenever there is evidence of a clear intent on the part of the owner to abandon a nonconforming use, such use shall not, after being discontinued or abandoned, be re-established, and the use of the premises thereafter shall be in conformity with the regulations of the zoning district in which the use is located.
- C. **Discontinuance of Nonconforming Use Where No Enclosed Building Is Involved.** Where no enclosed building is involved, discontinuance of a nonconforming use for a period of twelve (12) months shall constitute abandonment and shall not thereafter be used in a nonconforming manner.
- D. **Nonconforming Uses to be Discontinued.** A nonconforming use not authorized by the provisions of this UDO at the time of the adoption of this UDO shall be discontinued.

### 15-11-06. Repairs and Alterations

- A. **Normal Maintenance Permitted.** Normal maintenance of a building or other structure containing a nonconforming use is permitted, including necessary nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming use.
- B. **No Structural Alteration.** No structural alteration shall be made in a building or other structure containing a nonconforming use, except in the following situations:
  - 1. When the alteration is required by law.
  - 2. When the alteration will actually result in elimination of the nonconforming use.
  - 3. When a building is in a residential district containing residential nonconforming uses, said building may be altered in any way to improve livability, provided no structural alterations are made which would increase the number of dwelling units or the bulk of the building.
  - 4. When a residential building is non-conforming in terms of insufficient yard setback, the residential building may be expanded only where yard setbacks are conforming and in no situation shall the non-conformance setback be expanded.

### 15-11-07. Damage and Destruction

- A. **Damaged or Destroyed Building, or Other Structure Containing a Nonconforming Use.** If a non-conforming building or other structure, or a building or structure containing a nonconforming use is damaged or destroyed by any means to the extent of fifty (50) or more of its replacement value at that time, the building or other structure can be rebuilt or used thereafter only for a conforming use and in compliance with the provisions of the district in which it is located. In the event the damage or destruction is less than fifty (50) of its replacement value, based upon prevailing costs, the building may then be restored to its original condition and the occupancy or use may be continued.
- B. **Reconstruction of Buildings and Structures Located on Floodplains.** Reconstruction of buildings and structures located within floodplains shall comply fully with the City's Floodplain Zoning Ordinance.

### 15-11-08. Additions and Enlargements

- A. **Nonconforming Building Shall Not Be Extended.** A nonconforming building shall not be extended unless the entire building is thereafter devoted to a conforming use and said extension meets all applicable UDO requirements and is made to conform to all the regulations of the district in which it is located.
- B. **Buildings Partially Occupied by a Nonconforming Use.** No building partially occupied by a nonconforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such nonconforming use.
- C. **Limitations on the Expansion of a Nonconforming Use.** No nonconforming use may be extended in such a way as to occupy any required usable open space, or any land beyond the boundaries of the zoning lot as it existed on the effective date of this UDO, or to displace any conforming use in the same building or on the same parcel of land.
- D. **Building or Structure Nonconforming with Respect to Yard Setbacks or Any Other Element of Bulk.** A building or structure which is nonconforming with respect to yard setbacks, or any other element of bulk shall not be altered or expanded in any manner which would increase the degree or extent of its nonconformity with respect to the bulk regulations for the district in which it is located.
- E. **Additions and Enlargements Located on Floodplains.** Additions and enlargements permitted under the provisions of this Division to building and structures located on floodplains shall include floodproofing to a height two foot above the elevation of the one-hundred-year recurrence interval flood as delineated on large-scale topographic maps prepared by the City or by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) under the Root River Watershed study or as determined through the use of flood profiles and accompanying hydrologic and hydraulic engineering data, to those portions of the building or structure involved in such additions and enlargements. Certification of floodproofing shall be made to the Building Inspector and shall consist of a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the one-hundred-year recurrence interval flood level for the particular area.

### 15-11-09. Changes and Substitutions

- A. **Nonconforming Use Changed to Conforming Use or Substandard Structure Altered to Comply with this UDO.** Once a nonconforming use has been changed to a conforming use or a substandard structure has been altered so as to comply with this UDO, it shall not revert back to a nonconforming use or substandard structure.
- B. **Substitution of More Restrictive Nonconforming Use for Existing Nonconforming Use.** Once the Board of Zoning and Building Appeals has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the prior existing use shall lose its status as a legal nonconforming use and the substituted use shall become subject to all the conditions required by the Board of Zoning and Building Appeals.

### 15-11-10. Exempted Buildings, Structures, and Uses

- A. Whenever a lawfully existing building or other structure otherwise conforms to the use regulations of the district in which it is located, but is nonconforming only in the particular manner hereinafter specified, the building and use thereof shall be exempt from the requirements of this Article:
  - 1. **Dwelling Structure Nonconforming Only as to the Number of Dwelling Units Contained.** In any residential district where a dwelling structure is nonconforming only as to the number of dwelling units it contains, provided no such building shall be altered in any way so as to increase the number of dwelling units therein.
  - 2. **Commercial and Mixed-Use or Industrial and Agricultural District Where the Use is Less Distant from a Residential Zoning District than Specified.** In any commercial and mixed-use or industrial and agricultural district, where the use is less distant from a residential district than that specified in the regulations for the district in which it is located.

3. **Other.** In any district where an established building, structure, or use is nonconforming with respect to the standards prescribed herein for any of the following:
  - a. Yard setbacks - front, street side, interior side, rear;
  - b. Off-street parking and loading;
  - c. Lot area or lot area per dwelling unit;
  - d. Building height;
  - e. Gross floor area; and
  - f. Required landscaping.
4. **Pre-existing Lot Sizes.** Where a lot size was conforming prior to the most recent adoption of this UDO, and subsequent modification to this UDO has revised minimum lot size requirements for a particular district, the lot shall continue to be considered a conforming lot.
5. **Enlargement or Extension of a Nonconforming Use May be Allowed by the Common Council.** The enlargement or extension of a nonconforming use may be allowed by the Common Council, following a public hearing duly noticed and held by the Board of Zoning and Building Appeals, provided that the Board shall determine and set forth in writing:
  - a. Such enlargement or extension is consistent with the public interest.
  - b. Such enlargement or extension will not have an "adverse" effect on property in the surrounding neighborhood on account of visual appearance, increased traffic (pedestrian or vehicular), noise, smoke, odor, or other factors. Further, no such enlargement or extension of a nonconforming use shall be permitted unless all building height, yard, coverage, and off-street parking and loading requirements of this ordinance for the district in which such use is located are adhered to. In the event that a written protest against any enlargement or extension of a nonconforming use, signed and acknowledged by the owners of twenty (20) percent of the property immediately adjoining or across an alley therefrom, or by the owners of twenty (20) percent of the frontage directly across the street therefrom, is filed with the Board of Zoning and Building Appeals, such enlargement or extension shall not be allowed, except by a three-fourths (3/4) vote of the Common Council. No nonconforming use may be enlarged or expanded in floor area or lot area by more than fifty (50) in the aggregate, based upon its size or scope on the effective date of this amendatory ordinance, whether or not such aggregate enlargement or expansion occurs at one time or at successive times.
  - c. Enlargements or extensions permitted under the provisions of this section to building and structures located on floodplains shall include floodproofing to a height two foot above the elevation of the one-hundred-year recurrence interval flood as delineated on large-scale topographic maps prepared by the City or by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) under the Root River Watershed study or as determined through the use of flood profiles and accompanying hydrologic and hydraulic engineering data, to those portions of the building or structure involved in such enlargements or extensions. Certification of floodproofing shall be made to the Building Inspector and shall consist of a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the one-hundred-year recurrence interval flood level for the particular area.



## Article 12. Definitions

**A ZONES.** Areas of potential flooding shown on the City's "Flood Insurance Rate Maps" which would be inundated by the regional flood as defined herein. These numbers may be numbered as A0, A1 to A99, or be unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

**ABANDONMENT.** An action to give up one's rights or interests in property.

**ABUTTING.** Having a common border with or being separated from such common border by an alley or easement, other than publicly dedicated and approved rights-of-way.

**ACCESS.** A means of vehicular or non-vehicular approach or entry to or exit from property, a street, or highway.

**ACCESS, DRYLAND.** A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land which is outside the floodplain, such as a road with its surface above the regional flood elevation and wide enough to accommodate wheeled vehicles.

**ACCESSORY DWELLING.** A small, independent residential dwelling unit located on the same lot as a principal dwelling unit. Internal accessory dwelling units are a partitioned area within the principal dwelling. Attached accessory dwelling units are defined as an accessory structure attached to a principal dwelling unit, while detached accessory dwelling units are defined as accessory structures detached from the principal building.

**ACCESSORY RETAIL.** The use of a structure on the same lot or tract as the principal structure, used for the accessory retail sale of goods or items produced on the premises.

**ACCESSORY STRUCTURE.** A structure which is subordinate to and serves a principal structure or use located on the same lot, is subordinate in area, extent, and purpose to the principal structure or use served, and contributes to the comfort, convenience, or necessity of occupants of the principal structure or use served.

**ACCESSORY USE.** A use which is subordinate to and serves the principal structure or use located on the same lot, is subordinate in area, extent, and purpose to the principal structure or use served, and contributes to the comfort, convenience, or necessity of occupants of the principal structure or use served.

**ADJACENT.** Nearby, but not necessarily touching or abutting.

**ADULT ESTABLISHMENT.** An establishment having a significant portion of its sales or stock in trade one or more of the following; or derives a substantial portion of its interior business or advertising to the sale or rental for any form of consideration from one or more of the following:

Books, magazines, periodicals, printed matter, photographs, films, motion pictures, video cassettes, slides, or other visual representations which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified anatomical activities or areas.

Instruments, devices, or paraphernalia, which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of the user or others.

An establishment may have other principal business purposes that do not involve the offering for sale, rental, or viewing of materials depicting or describing specified sexual activities or anatomical areas and can still be categorized as an adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is offering the sale or rental of some form of consideration the specified materials, which depict or describe specified anatomical activities or specified anatomical areas.

**AGENT, AUTHORIZED.** A person or firm duly authorized by the property owner to submit applications on his, her, their, or its behalf.



**AGRICULTURE.** All of the growing of crops in the open and the raising and feeding of livestock and poultry; including farming, farm buildings, and farm dwellings; truck gardens; flower gardens; apiaries; aviaries; mushroom growing; nurseries; orchards; forestry; dairying; greenhouses; and commercial vegetables. Specific agricultural uses are further defined in § 15-3.0603 of this Ordinance.

**AIRPORT.** Any area of land or water which is used, or intended for use, for the landing and take-off of aircraft; and any appurtenant areas which are used or intended for use as airport buildings or other airport structures or right-of-way, together with all airport buildings and structures located thereon.

**ALLEY.** A public way, not more than thirty (30) feet wide, which affords only a secondary means of access to abutting property.

**ALTERATION, STRUCTURAL.** Any change which would tend to prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams, or girders.

**ANIMAL BOARDING FACILITY/KENNEL.** Any structure, land, or combination thereof used, designed, or arranged for the boarding, breeding or care of animals.

**ANIMAL HUSBANDRY.** The use of land for dairying, animal raising, and pasturage and the necessary accessory uses; provided, however, that such accessory uses shall be secondary to that of normal animal husbandry activities.

**ALTERNATIVE TOWER STRUCTURE.** Clock towers, water towers, buildings, signs, electric transmission and distribution structures, bell steeples, light poles and similar mounting structures that camouflage or conceal the presence of antennas.

**ANTENNA.** Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals, which may include omni-directional (rod), directional (panel) or parabolic (disc) antennas.

**ANTENNA ARRAY.** The grouping of antennas that encompasses both the transmitters and receivers of the telecommunications provider.

**ANTENNA SUPPORT STRUCTURE.** A structure which is attached to an alternative tower structure and which is designed to support an antenna at a height sufficient to permit effective receipt or transmission of wireless communications.

**ANTENNA SUPPORT STRUCTURE HEIGHT.** No antenna support structure, including any antenna or other device attached thereto, shall extend more than 20 feet above the highest point of the structure to which the antenna support structure is attached.

**APPROVING AGENCIES.** The Common Council, Plan Commission, the town wherein the plat is located, and each adjoining city or village in whose extraterritorial plat approval jurisdiction of the subdivision lies and any other governmental agency with applicable approval jurisdiction pursuant to Ch. 236, Stats.

**ARTIFICIAL WETLAND.** See WETLAND, ARTIFICIAL. .

**ARTISAN MANUFACTURING.** Small-scale businesses that produce artisan goods or specialty foods, primarily for direct sales to consumers, such as artisan leather, glass, wood, paper, ceramic, textile and yarn products, specialty foods and baked goods. This land use includes the design, processing, fabrication, assembly, treatment and packaging of products; as well as the incidental storage, sales and distribution of such products.

**ARTISAN WORKSHOP.** A small-scale workshop located as an accessory use that produces artisan goods or special specialty foods, primarily for direct sales to consumers, such as artisan leather, glass, wood, paper, ceramic, textile and yarn products, specialty foods and baked goods. The land use includes the design, process, fabrication, assembly, treatment, and packaging of products as well as the incidental storage but not the sale of products.

**AUTOMOTIVE REPAIR, MAJOR.** Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body frame or fender straightening or repair; and painting of vehicles.

**AUTOMOTIVE REPAIR, MINOR.** Incidental repairs, replacement of parts, and motor service to automobiles but not including any operations specified under Automotive Repair, Major.

**AUTO SALES/RENTAL AND SERVICE.** An open area, other than a street, used for the display or sale of new or used automobiles for sale or rental, and where no minor repair work is done such as the incidental repair of automobiles to be displayed and sold on the premises.

**AWNING.** A roof-like cover which projects from the wall of a building and overhangs the wall or building.

**BAR/TAVERN.** An establishment or part of an establishment open to the general public primarily devoted to the selling or serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages.

**BACKHAUL NETWORK.** The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

**BASEMENT.** A story wholly underground; or a story of a building, the floor line of which is below lot grade and the ceiling of which is not more than one foot above lot grade; the lot grade being the front center of the garage floor elevation set at time of building permit, or the street centerline, whichever is the highest elevation.

**BEDROOM.** Any room other than a living room, dining room, family room, kitchen, bathroom, or utility room, for the purpose of this Ordinance, shall be considered a bedroom. Dens, studies, etc. and similar areas which may be used as bedrooms shall be counted as bedrooms for the purposes of this Ordinance.

**BICYCLE LANE.** A pathway designed specifically to satisfy the physical requirements of bicycling.

**BLOCK.** A tract of land bounded by streets or, in lieu of a street or streets, by public parks, cemeteries, railroad rights-of-way, bulkhead lines or shorelines of waterways or corporate boundary lines of municipalities.

**BOARD OF ZONING AND BUILDING APPEALS.** Reference to "Zoning Board of Appeals" shall refer to the Board of Zoning and Building Appeals of Franklin, Wisconsin.

**BREWERY/WINERY/DISTILLERY.** A production-oriented establishment primarily engaged in brewing fermented malt beverages including beer, ale, malt liquors, and nonalcoholic beer (brewery), manufacturing and bottling wine on the premises (winery), or manufacturing, by distillation, intoxicating spirits on the premises (distillery) primarily for sale and not including the consumption on-premises.

**BREWERY/WINERY/DISTILLERY, TASTING ROOM.** A brewery, microbrewery, winery, or distillery in which customers may sample, purchase and consume wine, beer or spirits on the premises.

**BUFFER, SURFACE WATER OR WETLAND.** An area measured horizontally from the perimeter of a delineated wetland, or the ordinary high water mark of a lake, stream, or river, within which the establishment of native or other suitable perennial vegetation and trees will have the impact of reducing stormwater runoff, sedimentation, and temperature, thereby protecting and improving water quality, flood resilience, and aquatic habitat conditions.

**BUFFERYARD or BUFFER STRIP.** An area of land within the boundaries of a lot or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or using trees, shrubs, fences, and/or berms, designed to limit continuously the view and/or sound from the lot or site to adjacent lots or sites. Bufferyards are typically defined by a delineated easement graphically indicated on the face of the Site Plan, Landscape Plan, Certified Survey Map, Subdivision Plat, or Condominium Plat. Bufferyards may be required between zoning districts and/or land uses to eliminate or minimize conflicts between them as set forth in Division 15-3.0300 of this Ordinance.

**BUILDABLE AREA.** The space remaining on a zoning lot after the minimum yard setback requirements of this Ordinance have been complied with.

**BUILDING FRONTAGE.** Those building elevations that face upon a road or parking area between the building and the road.

**BUILDING HEIGHT.** The vertical distance measured from the mean elevation of the finished lot grade along the building frontage to the highest point of the roof

**BUILDING, ENCLOSED.** A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls, pierced only by windows and normal entrance or exit doors.

**BUILDING, PRINCIPAL.** A non-accessory building in which the principal use of the lot on which it is located is conducted.

**BULK.** Term used to indicate the size, height, area, density, intensity and location of structures. (See Part 3 of this Ordinance.)

**BUSINESS.** An occupation, employment, or enterprise which occupies time, attention, labor, and materials, or wherein merchandise is exhibited or sold, or where services are offered other than home occupations.

**CALIPER.** A standard trunk diameter measurement for trees of up to four (4) inches in Diameter at Breast Height (DBH), as defined in 15-12-04, measured at six (6) inches above the root flare.

**CAMPGROUND.** An area rented to the public for transient occupancy or lodging a camping unit.

**CARWASH.** The use of a site for automated or manual washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

**CEMETERY.** land used or intended to be used for the burial of human or animal remains and dedicated for such purposes, including columbaria, crematoriums, and mausoleums.

**CERTIFIED SURVEY MAP.** A plat or map prepared for a minor land division as defined in Division 15-7.0700 of this Ordinance and prepared and recorded as set forth in § 236.34 of the Wisconsin Statutes (also see definition for "Minor Land Division").

**CHANNEL.** A natural or artificial watercourse of perceptible extent which periodically or continuously contains moving water, or which forms a connecting link between two bodies of water. It has a definite bed and banks which confine the water.

**CHANNEL (as related to "FLOODPLAINS").** Those floodplains normally occupied by a stream of water under average annual high-water flow conditions while confined within generally well-established banks.

**CITY ATTORNEY.** The City Attorney of the City of Franklin, Milwaukee County, Wisconsin.

**CITY CLERK.** The City Clerk of the City of Franklin, Milwaukee County, Wisconsin. For application purposes, the term "City Clerk" may include the City Clerk's designee.

**CITY ENGINEER.** The City of Franklin Engineer.

**CITY FORESTER.** The City of Franklin Forester.

**CLASS 2 NOTICE.** Publication of a public hearing notice under the provisions of Chapter 985 of the Wisconsin Statutes in a newspaper of circulation in the affected areas. Publication is required on two consecutive weeks, the last at least seven days prior to the public hearing.

**CLUSTER DEVELOPMENT.** A development pattern or design technique in which lots or buildings are concentrated in specific areas on a site allowing the remaining land to be used for recreation, open space, and/or the preservation of natural resources.

**COLLOCATION.** The provision of multiple antennas of more than one commercial wireless communication service provider or government entity on a single tower or structure.

**COMBUSTIBLE MATERIALS.** Inflammable and combustible materials shall mean and include oils and oil lights, sweepings from garage floors, barrels, boxes or other containers containing oil or other similar liquids, rags, clothes, paper, shavings, paper or cardboard boxes or cartons, grease, paints, varnish, or other similar substances, any of which are likely to be readily inflammable or combustible.

**COMMISSION, PLAN.** The Franklin City Plan Commission, to be consistent with § 62.23(1) of the Wisconsin Statutes creating a City Plan Commission.

**COMMON COUNCIL.** The Common Council of the City of Franklin, Milwaukee County, Wisconsin.

**COMMUNITY.** A town, municipality, or a group of adjacent towns and/or municipalities having common social, economic, or physical interests.

**COMMUNITY LIVING ARRANGEMENT.** The following facilities licensed, operated or permitted under the authority of Wisconsin State Statutes: child welfare agencies under § 48.60, group foster homes for children under § 48.02(7m), and community-based residential facilities under § 50.01; but does not include day care centers, nursing homes, general hospitals, special hospitals, Chapter 980 Stats. supervised release and crimes against children sex offender uses, prisons, and jails. The establishment of a community living arrangement shall be in conformance with §§ 46.03(22), 59.97(15), 62.23(7)(i), and 62.23(7a) of the Wisconsin State Statutes.

**COMMUNITY GARDEN.** A site where any kind of plant, including flowers, is grown, and several individuals or households cultivate the site. The site may be divided into individual allotments, or gardeners may work together to cultivate the entire property. The land may be publicly or privately owned. The plants are grown for personal use by the gardeners or for donation.

**COMPOSTING FACILITY.** A facility where organic matter that is derived primarily from off-site is to be processed by composting and/or is processed for commercial purposes. Activities of a composting facility may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost.

**COMPREHENSIVE MASTER PLAN.** A document or series of documents prepared by the City Plan Commission and duly adopted by said Commission setting forth policies for the future development or redevelopment of the City of Franklin pursuant to Chapter 62.23 of the Wisconsin Statutes. The master plan shall also include neighborhood and subarea plans, proposals for future land use, open space, streets and transportation, urban redevelopment, and public facilities. Devices for the implementation of these plans, such as zoning, official map, land division and building line provisions, design guidelines, and capital improvement programs shall also be considered a part of the master plan. The master plan can also be termed the "Comprehensive Plan" and/or "Comprehensive Master Plan."

**COMPREHENSIVE PLAN.** (See definition of "COMPREHENSIVE MASTER PLAN")

**CONDITIONAL USE.** A use allowed only through a Conditional Use Permit in accordance with the provisions of this Ordinance.

**CONSTRUCTION.** Any or all work or operations necessary or incidental to the erection, demolition, assembling, installing, or equipping of buildings, or any alterations and operations incidental thereto. The term "construction" shall include land clearing, grading, excavating, and filling and shall also mean the finished product of any such work or operations.

**CONSTRUCTION RELATED USE.** Contractors' office or trailer and equipment shed(s) when accessory to a construction project, provided that no such use will contain any sleeping or cooking accommodations and is strictly limited to a period not to exceed the duration of the active construction phase of the associated project.

**CONSTRUCTION, START OF.** The excavation of or installation of foundation footings or grading other than for the installation of materials for road construction.

**CONTIGUOUS.** In contact with one or more sides.

**CO-WAREHOUSE.** A building or group of buildings that are used for business or personal storage, warehouse and office, where individual owners or tenants control individual units. On-site amenities may include lobbies, meeting rooms, kitchen areas and restrooms.

**CRITICAL ROOT ZONE.** The distance from the trunk that equals one foot for every one inch of a tree's diameter.

**CROP PRODUCTION.** The growing of crops such as vegetables, fruit trees, and grain and the packaging or storage of the products produced on the premises.

**CUL-DE-SAC.** A local street with only one outlet and having an appropriate turn-around for the safe and convenient reversal of traffic movement.

**CURB.** A vertical or sloping edge of a roadway.

**dBA.** The A-weighting scale of sound measurement as expressed in decibels.

DECK. A structure attached to or closely adjacent to any dwelling unit that is:

- Designed and intended for the support of persons;
- Has no permanent or temporary cover or canopy;
- Is constructed on piers and without continuous foundation or footings;
- Is a minimum of eight (8) inches above grade; and
- Is greater than fifty (50) square feet in area.

DEDICATION. The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee simple interest or of a less than fee simple interest, including an easement.

DENSITY, GROSS. The quotient of the total number of dwelling units on a site divided by the base site area of a site.

DEVELOPER. The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such land.

DEVELOPER'S DEPOSIT. A financial deposit to the City by an applicant to pay for administrative and consulting fees incurred by the City in the process and/or reviewing a proposal or application, in addition to the filing fee set forth in the Fee Schedule. The deposit amount and types of applications that require a developer's deposit are set in the Fee Schedule. The disbursement of leftover developer's deposit monies shall occur after a decision has been made on the application by the approving authority. The City may require replenishment of developer's deposit if the monies have been depleted before a decision has been made on the application.

The hourly rate for administrative and consulting fees shall be calculated as follows: (1) for in-house planners, the average of all planning staff wages plus benefits as calculated by the Finance Department, which rate the City may update on a yearly basis; (2) for outside consultants, the then applicable hourly rate as has been set by Common Council Resolution.

DEVELOPMENT. The carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, or the dividing of land into parcels by any person. Any man-made change to improved or unimproved real estate including, but not limited to, construction of or additions or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials.

The following activities or uses shall be taken for the purposes of these regulations to involve "development":

- A reconstruction, alteration of, or material change in the external appearance of a structure on land or water; or
- A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or an increase in the floor area or number of businesses, manufacturing establishments, or offices; or
- Alteration of a shore or bank of a pond, river, stream, lake, or other waterway; or
- Commencement of drilling (except to obtain soil samples), mining, or excavation on a parcel of land; or
- Demolition of a structure; or
- Clearing of land as an adjunct of construction, including clearing or removal of vegetation, any significant disturbance of vegetation, or any soil manipulation; or
- Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

The following operations or uses shall not be taken for the purpose of these regulations to involve "development":

- Work by a highway or road agency or railroad company for the maintenance of a road or railroad track if the work is carried out on land within the boundaries of the right-of-way; or

Work by any utility, and other persons engaged in the distribution or transmission of gas or water, for the purposes of inspecting, repairing, renewing, or constructing on established rights-of-way sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like. (Exclusive of the activities requiring a Conditional Use Permit as per the requirements of this Ordinance); or

The maintenance, renewal, or alteration of any structure, where only the interior or the color of the structure or the decoration of the exterior of the structure is affected; or

The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling; or

A change in the ownership or form of ownership of any parcel or structure; or

Work involving the landscaping of a detached dwelling; or

Work involving the maintenance of existing landscaped areas and existing rights-of-way such as setbacks and other non-natural planting areas; or

Agricultural land uses such as planting, growing, cultivating, and harvesting crops; growing and tending gardens; or harvesting trees planted and grown for commercial purposes.

**DEVELOPMENT AGREEMENT.** An agreement by which the City and the Subdivider agree in reasonable detail as to all of those matters which the provisions of these regulations permit to be covered by the Subdivider's Agreement and which shall not come into effect unless and until an Irrevocable Letter of Credit or other appropriate surety has been issued to the City.

**DIAMETER AT BREAST HEIGHT (DBH).** The diameter of the trunk of a tree of four (4) inches or greater in diameter, measured in inches at a point four and one-half (4.5) feet above ground line.

**DIRECTOR OF INSPECTION SERVICES.** The Director of Inspection Services of the City of Franklin, Milwaukee County, Wisconsin.

**DISTRIBUTION FACILITY.** A facility located within an enclosed building primarily oriented to the storage and shipping of packaged materials or goods for a single business or a single group of businesses.

**DONATION DROP BOX.** Any receptacle used for the purpose of collecting clothing, donated by the public, on an ongoing basis and as part of the regular activity of the operator, which is a charitable organization.

**DRIP LINE.** See CRITICAL ROOT ZONE.

**DRIVE THROUGH.** A commercial establishment designed or intended to enable a customer in a motor vehicle parked on or moving through the premises to transact business.

**DRIVEWAY.** A paved area used for ingress or egress of vehicles allowing access from a street to a lot or site, use, building, or other structure or facility.

**DWELLING.** A building or portion thereof, but not including a house trailer or mobile home, designed or used exclusively for residential occupancy, including single-family dwelling units, duplex dwelling units, and multifamily dwelling units, but not including hotels, motels, or lodging houses.

**DWELLING UNIT.** One (1) or more rooms in a residential structure which are arranged, designed, used, or intended for permanent residence by one household and which includes complete kitchen facilities permanently installed.

**DWELLING, DUPLEX.** A row or structure of up to two (2) attached, single-family dwellings joined to one another at one (1) or more sides by a party wall or walls. Each dwelling has a dedicated exterior entrance.

**DWELLING, MULTIPLE FAMILY, COMPLEX.** A planned residential development with more than two (2) multifamily dwelling buildings on a lot.



**DWELLING, MULTIPLE FAMILY, BUILDING.** A single residential building with multiple dwelling units stacked vertically and horizontally. The building has a common external entrance and units are accessed through internal entrances.

**DWELLING, SINGLE-FAMILY.** A detached building used as one (1) dwelling unit.

**DWELLING, TOWNHOME.** A row or structure of three (3) or more attached, single-family, dwellings joined to one another at one (1) or more sides by a party wall or walls. Each dwelling has a dedicated exterior entrance.

**EASEMENT.** The area of land set aside or over or through which a liberty, privilege, or advantage in land, distinct from ownership of the land, is granted to the public or some particular person or part of the public.

**EASEMENT, CONSERVATION.** A type of Protective Covenant the boundary lines of which are graphically depicted on the face of a Certified Survey Map, Preliminary Plat, Final Plat and/or Condominium Plat used to conserve and preserve a natural resource feature that is protected under the provisions of this Ordinance.

**EDUCATIONAL FACILITY.** Public, private, parochial, charitable, or nonprofit junior college, college, or university, other than trade or business schools, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants, and other incidental facilities for students, teachers, and employees.

**ELECTRIC VEHICLE CHARGING STATION.** The equipment for charging electric-powered vehicles and the space on a site designated for its use.

**ENHANCEMENT, (of Natural Resources):** See NATURAL RESOURCE ENHANCEMENT

**EQUIPMENT RENTAL, SALES, AND SERVICE.** Establishments primarily engaged in the sale or rental of tools, trucks, tractors, construction equipment, agricultural implements, and similar industrial equipment, and the rental of mobile homes. Included in this use type is the incidental storage, maintenance, and servicing of such equipment.

**EROSION.** The detachment and movement of soil, sediment or rock fragments by water, wind, ice, or gravity.

**ESSENTIAL SERVICES.** See SERVICES, ESSENTIAL.

**EXTRACTIVE INDUSTRY.** On-site extraction of surface or subsurface mineral products or natural resources. Typical uses are quarries, borrow pits, sand and gravel operation, mining, and soil mining. Specifically excluded from this use is grading and removal of dirt associated with an approved site plan or subdivision or excavations associated with, and for the improvement of, a bona fide agricultural use.

**EXTRATERRITORIAL PLAT APPROVAL JURISDICTION.** The unincorporated area within one and one-half (1.5) miles of a fourth-class city or a village and within three (3) miles of all other cities. Wherever such statutory extraterritorial powers overlap with those of another city or village, the jurisdiction over the overlapping area shall be divided on a line all points of which are equidistant from the boundaries of each community so that not more than one community exercises extraterritorial powers over any area.

**FAA.** Federal Aviation Administration.

**FARM.** An area which is used for the growing of the usual farm products such as vegetables, fruit trees, and grain, and for the packing or storage of the products produced on the premises; as well as for the raising thereon of the usual farm poultry and farm animals such as horses and cattle, as secondary to crop raising. The term shall not include the commercial feeding of garbage or offal to swine or other animals, the commercial feeding of animals on open lots where no feed is raised on the premises, or the commercial feeding of poultry broilers, or laboratory animals, such as mice, rats, rabbits, etc.

**FARMERS MARKET.** The seasonal selling or offering for sale at retail of home-grown vegetables or produce, occurring in a pre-designated area, where the vendors are generally individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale.

**FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).** The federal agency that administers the National Flood Insurance Program.

**FENCE.** An artificially constructed barrier resting on or partially buried in the ground and rising above ground level, erected for the purpose of providing a boundary or as a means of protection, or to prevent uncontrolled access, or for decorative purposes or to screen from viewers in or on adjoining properties and streets the property or lot upon which the fence is erected. Invisible fences designed to contain household pets within a property shall be excluded from the definition of fences for the purposes of this UDO.

**FINAL PLAT.** The final map, drawing or chart on which the Subdivider's plan of subdivision is presented for approval and which, if approved, will be submitted to the Milwaukee County Register of Deeds.

**FINANCIAL INSTITUTION.** An establishment whose principal use or purpose is the provision of financial services, including, but not limited to, bank facilities for tellers, automated teller machines, credit unions, savings and loan institutions, and currency exchange establishments. This use shall not include establishments whose primary purpose is to accept applications, originate, underwrite, process or service residential or commercial loans secured by mortgage on real property.

**FLAG LOT.** A lot not fronting or abutting a public roadway and where access to the public roadway is limited to a narrow private right-of-way.

**FCC.** Federal Communications Commission.

**FLOOR AREA, GROSS.** The gross floor area of structures shall be the sum of the gross horizontal areas of the floors of such structures measured from the exterior faces of exterior walls or from the centerline of party walls separating two (2) buildings. Gross floor area shall include:

- Basement space if at least half (0.5) of the basement story height is above the adjoining grade;

- Elevator shafts and stairwells at each floor;

- Floor space used for mechanical equipment where the structural headroom exceeds seven and one-half (7.5) feet; except equipment, open or enclosed, located on the roof; i.e., bulkheads, water tanks, and cooling towers;

- Attic floor space where the structural headroom exceeds seven and one-half (7.5) feet;

- Interior balconies and mezzanines;

- Enclosed porches, but not terraces and breezeways;

- Accessory structures.

**FOOD TRUCK.** A motorized vehicle or trailer equipped to cook, prepare, and/or sell food.

**FOOD TRUCK COURT.** A permanently established area designed to accommodate multiple food trucks and offering food and/or beverages for sale to the public as the main use of the property and functioning as a single business.

**FOREST.** An area with largely closed canopy wherein the branches and foliage of trees interlock overhead to provide extensive and nearly continuous shade

**FREEWAY.** A major highway having no intersections at grade and having fully controlled access.

**FRONTAGE.** All the property fronting on one (1) side of a street between the nearest intersecting streets or between a street right-of-way, waterway, or other similar barrier.

**FUNERAL HOME.** An establishment used for undertaking services such as preparing human dead for burial or cremation, display of the deceased and performing human funeral services.

**GARAGE.** An accessory structure or an accessory portion of the principal structure which is intended for and used to store the private passenger vehicles of household or households on the premises, and in which no business, service, or industry connected directly or indirectly with automobile vehicles is carried on; provided that not more than one-half (0.5) of the space may be rented for the private vehicles of persons not resident on the premises, except that all the space in a garage of one or



two car capacity may be so rented. Such a garage shall not be used for more than one (1) commercial vehicle and the load capacity of such vehicle shall not exceed one-half (0.5) ton.

**GENERAL RETAIL.** A facility offering the sale of goods, products, or materials directly to a consumer. This shall include, but not be limited to, establishments that sell appliances, books, clothing, computers, electronics, eyeglasses, floral arrangements, furniture, groceries or specialty foods, hardware, jewelry, leather goods, medical supplies, office supplies, pets, toys, and music sale. The term shall not include restaurants or personal service establishment.

**GENERAL SERVICE.** An establishment primarily engaged in rendering services to individuals and business establishments which services cannot be categorized into one of the other defined service use categories in this Title. The services are typically provided without the retail sale of products or which such product sales are incidental to the service-driven purposes of the establishment, such as a beauty salon, day spa, medical massage establishment, or barber shop.

**GOVERNMENTAL USES.** A facility owned, operated, or occupied by a governmental agency to provide a governmental service to the public.

**GRADE, STREET.** The elevation of the established street in front of the building, measured at the center of such front. Where no street grade has been established, the City Engineer shall establish such street grade or its equivalent for the purpose of this UDO.

**GUTTER.** A shallow channel usually set along a curb or the pavement edge of a road for purposes of catching and carrying off runoff water.

**HEALTH CARE FACILITY.** An establishment where patients are admitted for special study and treatment by two or more licensed physicians practicing medicine together and their professional associates.

**HEIGHT, FENCE.** The vertical distance measured from the mean elevation of the natural lot grade along the fence to the highest point on the fence, excluding fence posts and supports. Fence posts and supports may protrude an additional six (6) inches above the highest point on the fence.

**HELIPORT.** A helistop that also includes all necessary passenger and cargo facilities, helicopter maintenance and overhaul, fueling service, storage, tie-down areas, hangars, and other necessary buildings and open spaces. Heliports include any of the uses of helistops.

**HELISTOP.** An area designated for the landing and taking off of helicopters for the purpose of picking up or discharging passengers or cargo, not including fueling or service facilities.

**HOME BASED BUSINESS.** Any business or commercial activity that is conducted, or proposed to be conducted, from property that is zoned for residential use and is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

**HOME IMPROVEMENT CENTER/LUMBERYARD.** An establishment providing for the sale or rental of building supplies, construction equipment, or home decorating fixtures and accessories. This term includes a lumber yard or a contractors' building supply business and may include outdoor storage or tool and equipment sales or rental. This term does not include an establishment devoted exclusively to the retail sale of paint, wallpaper, or hardware or activities classified under vehicle/equipment sales and services, including vehicle towing services.

**HOSPITAL.** An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care for not less than twenty-four (24) hours in any week of three (3) or more nonrelated individuals suffering from illness, disease, injury, deformity, or other abnormal physical conditions. The term "hospital" as used herein does not apply to institutions operating solely for the treatment of insane persons, drug addicts, liquor addicts, or other types of cases necessitating restraint of patients, and the term "hospital" shall not be used for convalescent, nursing, shelter, or boarding homes.

**HOTEL.** A building containing lodging rooms for rent to transient guests and accessed from a common entrance lobby, and where lodging rooms do not have a doorway opening directly to the outdoors, except for emergencies.

**HOUSEHOLD.** A group of individuals, whether related or not, living together within a single dwelling unit.

**ILLUMINATION, MAXIMUM PERMITTED.** The maximum illumination measured in footcandles six (6) inches above ground level.

**IMPERVIOUS SURFACE.** An area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Examples of impervious surfaces include, but are not limited to; rooftops, sidewalks, driveways, gravel or paved parking lots, and streets.

**IMPROVEMENT.** Any human-made immovable item which becomes part of, is placed upon, or affixed to real estate.

**IMPROVEMENT, PUBLIC.** Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, curb and gutter, sidewalk, pedestrian way, bicycle path, stormwater detention and retention basins, planting strip, or other utility and/or facility for which the City may ultimately assume the responsibility for maintenance and operation.

**INDOOR AGRICULTURE.** A facility used for animal production, aquaculture, chicken egg production, crop production, dairy cattle and milk production, greenhouses as a principal use, other animal production, other poultry production, poultry hatchery, turkey production.

**INDUSTRY, HEAVY.** Manufacturing or other enterprises with significant external effects, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process.

**INDUSTRY, LIGHT.** A use that involves the manufacturing, production, processing, fabrication, assembly, treatment, repair, or packaging of finished products, predominantly from previously prepared or refined materials (or from raw materials that do not need refining). Warehousing, wholesaling, and distribution of the finished products produced at the site is allowed as part of this use.

**INCREASES IN REGIONAL FLOOD ELEVATION.** A calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, determined by comparing existing conditions and proposed conditions and which is directly attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients, and discharge.

**LAKE.** Any body of water two acres or larger in size as measured by the shoreline at its maximum condition rather than the permanent pool condition, if there is any difference.

**LANDFILL.** A lot or part thereof used primarily for the disposal by abandonment, dumping, burial, burning, or other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or nontoxic waste material of any kind.

**LANDSCAPE PLAN.** Shall include the information required in the Franklin Application Requirements Manual.

**LANDSCAPE SURFACE RATIO (LSR).** The ratio derived by dividing the area of landscaped surface by the base site area.

**LANDSCAPING.** Living material, such as grass, groundcover, flowers, shrubs, vines, hedges, and trees; and nonliving durable material such as rocks, pebbles, sand, mulch, wood chips or bark, walls, and fences, but not including paving.

**LATERAL, SEWER.** Pipes installed for conducting sewage from the street to the structure on a lot or parcel.

**LATERAL, WATER.** Pipes installed for conducting water from the street to the lot or parcel.

**LETTER OF MAP AMENDMENT (LOMA).** An official notification from the Federal Emergency Management Agency stating that a Flood Hazard Boundary Map or Flood Insurance Rate Map has been amended. LOMA's are usually issued because a property has been inadvertently mapped as being in the floodplain, but is actually on natural high ground at or above the regional flood elevation (one-hundred-year recurrence interval flood elevation).

**LOADING AREAS AND PARKING AREAS AS A PRINCIPAL USE.** The principal use of a property for off-street parking and loading of motor vehicles as defined in this UDO.

**LOADING SPACE.** An open, hard-surfaced area of land other than a street or a public way, the principal use of which is for the standing, loading, and/or unloading of motor vehicles, tractors, and trailers, to avoid undue interference with public streets and alleys.

**LODGING HOUSE.** A building with not more than five (5) guest rooms where lodging is provided for compensation, pursuant to previous arrangement, but not open on a daily, overnight, or per meal basis to transient guests.

**LOT.** A parcel of land legally described as a distinct portion or piece of land of record.

**LOT AREA.** The area contained within the exterior, or peripheral, boundaries or lot lines of a lot excluding street and land under navigable bodies of water.

**LOT COVERAGE.** The area of a zoning lot occupied by the principal building or buildings, accessory structure(s) and accessory building(s).

**LOT DEPTH.** The mean horizontal distance between the front and rear lot lines of a lot measured within the lot boundaries.

**LOT FRONTAGE.** The front of a lot shall be that boundary of a lot along a public street.

**LOT LINE.** A property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends to the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way line.

**LOT LINE, STREET SIDE:** A side lot line which abuts a street and which is not a front lot line or a rear lot line.

**LOT LINE, FRONT.** The boundary of any lot which is along an existing or dedicated street. Where the lot abuts more than one dedicated street, the shortest of the lot lines that abut a dedicated street shall be the front lot line.

**LOT LINE, INTERIOR SIDE:** A lot line which abuts another lot and which is not a front lot line or rear lot line.

**LOT LINE, REAR.** The lot line or lot lines most nearly parallel to and most remote from the front lot line.

**LOT LINE, SIDE.** A lot line other than a front or rear lot line.

**LOT OF RECORD.** An area of land designated as a lot on a plat of subdivision or certified survey map recorded or registered pursuant to statute.

**LOT WIDTH.** The mean horizontal distance between the side lot lines measured within the lot boundaries, or the minimum distance between the side lot lines within the buildable area of a lot.

**LOT, CORNER.** A lot situated at the junction of and abutting on two (2) or more intersecting streets.

**LOT, DOUBLE FRONTAGE.** A lot, other than a corner lot, with frontage on two parallel or approximately parallel streets, and which is not a corner lot. Double frontage lots shall normally be deemed to have two front yards, two side yards and no rear yard. On a Double Frontage Lot both street lines shall be deemed front lot lines.

**LOT, FLAG.** A lot, typically not meeting minimum frontage requirements and where access to a public street is by a narrow, private access easement, strip of land, or driveway.

**LUMINAIRE.** A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

**MANUFACTURED HOME.** A structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. The term includes, but is not limited to, the definition of "mobile home" as set forth in regulations governing the Mobile Home Safety and Construction Standards Program. [24 C.F.R. 3282.7(a)]. Factory-built homes on permanent foundations are considered buildings, and are governed by the Wisconsin Uniform Dwelling Code.

**MANUFACTURED HOME PARK.** A parcel or contiguous parcels of land divided into two (2) or more manufactured home spaces for rent or lease.

**MANUFACTURING.** The making of anything by any agency or process.

**MATERIALS, TOXIC.** A substance (liquid, solid, or gaseous) which, by reason of a deleterious property, tends to destroy life or impair health.

**MICROBREWERY/MICROWINERY.** A combination retail, wholesale, and/or small-scale artisan manufacturing business that brews, ferments, processes, packages, distributes, and serves either beer or wine for sale on- or off-site. A microbrewery shall produce no more than one-hundred fifty-five thousand (155,000) gallons of beer per year for sale on the premises for either on-premises or off-premises consumption. These facilities may include an ancillary tasting room and retail component in which guests/customers may sample and purchase the product. Off-site distribution of the beverages shall be consistent with state law.

**MICRODISTILLERY.** A small scale artisan manufacturing business that blends, ferments, processes, packages, distributes and serves alcoholic spirits on and off the premises and produces no more than fifteen thousand (15,000) gallons per calendar year on-site. The microdistillery facility may include an ancillary tasting room and retail component in which guests/customers may sample and purchase the product. Off-site distribution of the alcoholic beverages shall be consistent with state law.

**MINOR LAND DIVISION.** Any division of land not defined as a subdivision. Minor land divisions include the division of land by the owner or Subdivider resulting in the creation of two (2) but not more than four (4) parcels or the division of a block, lot or outlot within a recorded Subdivision Plat into not more than four (4) parcels or building sites without changing the exterior boundaries of said block, lot, or outlot. Such minor land divisions shall be made by a Certified Survey Map.

**MIXED-USE.** A building, structure, or site that contains two (2) or more of the following basic land use types: residential, place of assembly, recreation amusement and lodging, retail, service, eating and drinking, or industrial which are vertically integrated, and that are located over each other in whole or in part. Mixed uses may be integrated vertically within a building or structure or horizontally provided that they are physically interrelated by pedestrian areas that are uninterrupted by vehicular traffic. In horizontal integration of mixed uses, the uses may not be separated by roads or parking areas.

**MOBILE HOME.** Any trailer as defined herein used for residential purposes.

**MOBILE/MANUFACTURED HOME PARK.** A parcel or contiguous parcels of land divided into two (2) or more manufactured home spaces for rent or lease.

**MOTEL.** A building containing lodging rooms rented temporarily to transient guests where access to each guest room is provided from the building's exterior.

**MULTITENANT SHOPPING CENTER.** A group of commercial establishments which is planned, developed, owned, and managed as a unit.

**MUNICIPAL CODE.** The Municipal Code of the City of Franklin, Milwaukee County, Wisconsin.

**MUNICIPALITY.** An incorporated village or city or an unincorporated town.

**NATURAL RESOURCE PROTECTION PLAN.** (See Division 15-7.0100 of this Ordinance.)

**NATURAL RESOURCE FEATURES.** Areas of woodlands, surface waters, surface water and wetland buffers, wetlands, shoreland wetlands, SEWRPC primary and secondary environmental corridors, and SEWRPC isolated natural resource areas, as further defined in this Ordinance.

**NATURAL RESOURCE ENHANCEMENT:** Improvement of existing natural resource feature through maintenance and management.

**NATURAL RESOURCE RESTORATION:** Rehabilitation of a degraded or damaged natural resource feature to reestablish its function minimally equivalent to an undamaged or undisturbed feature.

**NONCONFORMING BUILDING.** A building or structure, or portion thereof, lawfully existing at the time of the adoption of this Ordinance, which was designed, erected, or structurally altered for a use that does not conform after the passage of this Ordinance to the use regulations of the district in which it is located.

**NONCONFORMING USE.** Any building, structure, or land lawfully occupied by a use or lawfully established at the time of the adoption of this Ordinance or amendments hereto, which does not conform after the passage of this Ordinance, or amendments hereto, with the use regulations of this Ordinance.

**NURSERY RETAIL.** A place of business where retail and wholesale products and produce are sold to the consumer. These centers, which may include a nursery and/or greenhouses, import most of the items sold, and may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm variety tools and utensils.

**NURSERY WHOLESALE.** The growing, storage, and sale of garden plants, shrubs, trees, or vines for resale, including incidental retail sales conducted from within a building not exceeding twenty (20) percent of the combined wholesale and retail sales volume during any year.

**OBJECTING AGENCIES.** The Wisconsin Department of Agriculture, Trade and Consumer Protection; the Wisconsin Department of Transportation; the Wisconsin Department of Natural Resources; the Wisconsin Department of Industry, Labor, and Human Relations and the county planning agency (as defined by § 236.02(a) of the Wisconsin Statutes).

**OBSTRUCTION.** An obstacle, impediment, or hindrance.

**OBSTRUCTION TO FLOOD FLOW.** Any development which blocks the conveyance of floodwaters such that this development by itself or in connection with any future similar development will cause an increase in regional flood height.

**OFFICE.** Business uses, with little direct contact with customers present at the office, which is engaged in the processing, manipulation or application of business information or professional expertise. This use shall include, but not be limited to, professional offices for nonprofit organizations, accounting, insurance, investment services, computer services, architecture, engineering, legal services and real estate services. See Health Care Facility for medical and dental offices. An office use is not materially involved in fabricating, assembling or warehousing of physical products for the retail or wholesale market, nor is an office engaged in the repair of products or retail services.

**OFFICE COMPLEX/BUSINESS PARK.** A development which contains a number of separate office buildings, accessory and supporting uses, and open space all de-signed, planned, constructed, and maintained on a coordinated basis.

**OFFICIAL MAP.** That document as described by Chapter 62.23(6) of the Wisconsin Statutes, as amended, which shows the location of streets, highways, parkways, parks, playgrounds, railroad rights-of-way, waterways, and public transit facilities in the City of Franklin.

**OPACITY.** The degree of opaqueness, or relative sight screening value, as measured by levels of intensity of bufferyard foliage or other characteristics of the bufferyard including fencing, earthen berms, or walls.

**OPEN SPACE.** Any site, parcel, lot, area, or outlot of land or water essentially unimproved and set aside, dedicated, designated, or reserved for the public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Land that is to be used primarily for resource protection, agriculture, recreational purposes, or otherwise left undisturbed and specifically excluding road rights-of-way and lots. Open space land shall not be occupied by nonrecreational buildings, roads, drives, public rights-of-way, or off-street parking areas for nonrecreational uses. Land located within the yards or lots of residential and/or nonresidential properties is not considered open space unless it is deed restricted for open space protection or natural resource features protection. Where lots are above the minimum sizes required and the excess lot area is deed restricted to open space uses it may be counted as open space.

**OPEN SPACE, PUBLIC.** An open space area conveyed or otherwise dedicated to a municipality, municipal agency, public school district, state or county agency, or other public body for recreational or conservational uses. Any publicly owned open area, including, but not limited to, the following: parks, playgrounds, forest preserves, beaches, waterways, and parkways but not including streets or dedicated public rights-of-way.

**ORDINARY HIGH WATER MARK.** The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic. Where the bank or shore at any particular place is of such character that it is difficult or impossible to ascertain where the point of ordinary high-water mark is, recourse may be had to the opposite bank of a stream or to other places on the shore of a lake or flowage to determine whether a given stage of water is above or below the ordinary high water mark.

**OUTDOOR ACTIVITY/OPERATION/STORAGE.** The subordinate use of a lot for sustained and continuous outdoor use customarily incidental to the primary use of the zoning lot.

**OUTDOOR DINING.** Use of an adjacent, outside area by a food or beverage establishment with a liquor license for on-premises consumption, for the same eating and drinking activities that occur within the establishment including, without limitation, the service and consumption of alcoholic beverages.

**OUTDOOR DISPLAY/SALE OF MERCHANDISE.** The display and/or sale of merchandise or equipment outside of an enclosed building by the occupant of the primary building of the lot.

**OUTLOT.** A parcel of land, other than a lot or block, so designated on the plat, but not required to adhere to the lot area or width standards of the governing district, which can be either redivided into lots or combined in the future with one or more other adjacent outlots or lots in adjacent subdivisions or minor land divisions in the future for the purpose of creating buildable lots. In addition an outlot may also be any parcel of land depicted upon a plat or certified survey map which has been designated outlot as determined necessary by the Common Council to reserve such parcel for a future potential use or as necessary to further the purposes of this Ordinance and such designation as outlot shall mean that the designated parcel is unbuildable. An outlot designation may be removed by the Common Council upon its determination upon a further division that the reasons for the designation no longer exist or that the purposes of this Ordinance are further served by the removal of such designation.

**OWNER.** A person, individual, firm, association, syndicate, partnership, private corporation, public or quasi-public corporation, or combination of these having sufficient proprietary interest to seek development of land. For purposes of successive division of a parcel of land by Certified Survey Maps, "owner" shall include any related person, firm, partnership or corporation, to whom conveyance has been made within two (2) years of application for approval of a Certified Survey Map. "Related" shall mean any natural person related to a transferor by blood or marriage, any person acting in an agency or trust capacity, any partnership in which the transferor is a partner and any corporation in which the transferor is a stockholder, officer or director, or in which related persons are stockholders, officers or directors.

**PARK,** see RECREATION AREA

**PARKING AREA.** An open, hard-surfaced area, other than a street or public way, designed, arranged, and made available for the storage of passenger automobiles and/or commercial vehicles under one and one-half (1 ½) tons capacity, of occupants of the building or buildings for which the parking area is developed and is accessory.

**PARKING SPACE.** A surfaced and permanently maintained area on privately or publicly owned property, either within or outside of a building, of sufficient size to store one (1) automobile.

**PARTICULATE MATTER.** For the purposes of determining air contaminations, particulate matter is any material other than water which is suspended in or discharged into the atmosphere in a finely divided form as a liquid or solid capable of being airborne or gasborne. Dust is solid particulate matter capable of being airborne or gasborne.

**PERMITTED USE.** A use allowed by-right in a particular zoning district.

**PERSON.** Includes any natural person, firm, corporation, or partnership.

**PLACE OF ASSEMBLY, INDOOR COMMERCIAL.** An enclosed building wherein individuals or groups of people gather for an attraction or service used for commercial purposes, such as but not limited to, recreation establishment, theaters, ice rinks, art galleries, live performance theaters, learning centers, clubs or lodges, exhibit halls and experiential retail where merchandise for sale is accessory to the principal use as a gathering place structured around an activity including but not limited to art, live music, or visual displays.

**PLACE OF ASSEMBLY INDOOR NON-COMMERCIAL.** A building wherein individuals or groups of people gather for an attraction or service not used for commercial purposes such as but not limited to, community centers, learning centers, clubs or lodges, exhibit halls, civic organizations, lodges, libraries, museums, municipal buildings, auditoriums, or religious institutions.

**PLACE OF ASSEMBLY OUTDOOR COMMERCIAL.** Premises wherein individuals or groups of people gather outside a building for an attraction or service used for commercial purposes, such as but not limited to, outdoor recreation establishment, miniature golf courses, and ice rinks.



**PLAN COMMISSION.** The City of Franklin Plan Commission created by the Common Council pursuant to § 62.23 of the Wisconsin Statutes.

**PLAN, DEVELOPMENT.** The Milwaukee County Development Plan (including components thereof including park, recreation, open space, and transportation plans) text and all accompanying maps, charts, explanatory material adopted by Milwaukee County pursuant to § 59.97 of the Wisconsin Statutes, and all amendments thereto.

**PLAT.** The map, drawing, or chart on which the Subdivider's land division or Condominium Developer's condominium is presented to the City of Franklin for approval.

**POND.** All bodies of water less than two acres in area as measured by the shoreline at its maximum condition rather than the permanent pool condition, if there is any difference.

**POND, LANDSCAPE.** A decorative, constructed body of water less than two acres in area. Landscape ponds are not designed to manage stormwater, nor are they connected to naturally occurring bodies of water.

**PORCH.** A roofed-over structure projecting out from the wall or walls of a principal structure and commonly open to the weather in part.

**PRE-EXISTING TOWERS/ANTENNAS.** Any tower or antenna for which a building permit, special use permit or other necessary approval has been properly issued prior to the effective date of this Ordinance.

**PRELIMINARY PLAT.** A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration.

**PRINCIPAL USE.** The main use of a lot or buildings as distinguished from a subordinate or accessory use.

**PROHIBITED USE.** A use not permitted as a by-right, special use, or temporary use in the governing district.

**PUBLIC WAY.** Any public road, street, highway, walkway, drainageway, or part thereof.

**RAILROAD USE.** The occupation and use of land, buildings, and structures for purposes directly connected with rail transportation of articles, goods, and passengers, including such facilities as tracks, sidings, signal devices and structures, shops and yards for maintenance and storage of rail machinery, loading platforms, and passenger and freight terminals, but excluding freight terminals and yards, and similar facilities, which are maintained and operated by the owning railroad or by a lessee for the purposes auxiliary to rail transportation, or by a lessee for the purposes auxiliary to rail transportation; provided, however, that the operation of such facilities as a hobby or as part of an amusement business shall not be considered a railroad use.

**RECREATION AREA.** An outdoor recreation site serving a single or several neighborhood(s) and containing open space and natural resources intended for active and passive recreation. Recreational facilities located in such areas can include, but not necessarily limited to, baseball, softball, tennis, basketball, playground or playfield (which may be associated with a middle or high school), picnicking, swimming, bicycle paths, hiking trails, and bird watching areas, etc.

**RECYCLING FACILITY.** An establishment for the processing (separation and/or recovery) or collection of recyclable materials from solid wastes. Recycling of oil or other liquids may also occur.

**REGISTER OF DEEDS.** Milwaukee County Register of Deeds.

**REPLAT.** The process of changing, or the map or plat which changes, the boundaries of a recorded Subdivision Plat, Certified Survey Map, or part thereof. The division of a large block, lot or outlot within a recorded Subdivision Plat or Certified Survey Map without changing the exterior boundaries of said block, lot, or outlot is not a replat.

**RETAINING WALL.** Any wall built or designed to retain or restrain lateral forces of soil or other materials, said materials being similar in height to the height of the wall. Other types of walls that are solely aesthetic or decorative in nature and are not intended to retain soil or other materials in place shall not qualify as a retaining wall.

**RESTAURANT.** An establishment at which food is sold for consumption on the premises to patrons seated within an enclosed building located on the premises and including the serving of alcoholic beverages when served with and incidental to the serving of food.

**RESTORATION** (of natural resources): See NATURAL RESOURCE RESTORATION

**RIVER.** A course of running water, either perennial or intermittent, flowing in a channel. **ROOFLINE.** The top or bottom edge of a roof or building parapet, excluding any cupolas, pylons, chimneys, or other minor projections.

**RUNOFF.** Storm water or precipitation including rain, snow, ice melt or similar water that moves on the land surface via sheet or channelized flow.

**SALVAGE YARD.** A facility or area for storing, keeping, selling, dismantling, shredding, compressing, or salvaging scrap or discarded material or equipment.

**SANITARY SEWER.** A system for the treatment and disposal of sewage in which sewage is conveyed by interceptor to a publicly operated treatment plant and disposed of.

**SEASONAL SALES.** Christmas tree, pumpkins and similar, temporary (typically recurring on an annual basis) sales for a period not to exceed thirty (30) days.

**SELF-SERVICE STORAGE FACILITY.** A building or group of buildings that are used for the storage of personal property or records, where individual owners or tenants control individual storage spaces.

**SENIOR HOUSING.** Housing/accommodations, other than a single-family dwelling, and services designed and staffed to provide housing and services along the continuum of an elderly person's needs, such as assistance for bathing, dressing, medication, meal preparation, or other functions. In addition to housing, this type of facility may also provide convenience services, such as meals, housekeeping, transportation, and community facilities, such as central dining rooms and activity rooms.

**SENIOR HOUSING, ASSISTED LIVING.** A combination of housing and maintenance services provided to residents on-site within the same building and in response to the individual needs of residents. Supportive services such as meals, dietary supervision, housekeeping, transportation to shopping and medical appointments, social and recreational activities, educational activities, and security and response systems on-site within the same building to meet resident needs. These services can also include on-site medication management or intermittent health care services from qualified providers located within the same building. Services are furnished in a way that promotes self-direction and participation in decisions that emphasize independence, individuality, and privacy in a residential surrounding.

**SENIOR HOUSING, NURSING CARE.** A type of Senior Housing facility wherein for compensation, nursing care is provided for persons suffering from illness, which is not sufficient severity to require hospitalization, or persons requiring further institutional care.

**SENIOR HOUSING, TOTAL LIFE CARE.** A type of Senior Housing facility intended for the elderly including both assisted living and nursing care services.

**SERVICES, ESSENTIAL.** Services provided by the public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services, whether installed underground, at the surface, above ground, or overhead, include installations for gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communications; and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, inlets, manholes, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings. Essential Services include governmental emergency notification systems, including, but not limited to, outdoor warning siren systems, whether installed upon or within buildings, or upon outdoor poles or other support structures. Essential services also includes the removal of any obstruction, vegetative or otherwise, within or adjacent to a stream, watercourse, drainageway, channel, ditch, swale or the like, artificial or natural, or within or adjacent to a natural resource feature supporting surface water drainage, which obstruction impedes the natural or intended drainage of such feature or facility, so as to cause or precipitate flooding, provided that such removal is performed by or under the direction of a governmental agency, or upon private property by the owner of the property, after obtaining all necessary governmental permits. In the case of an



emergency which endangers persons or property, including but not limited to storm damage, essential services shall also include the removal of dead or damaged vegetation presenting such danger which is located within a natural resource, provided that such removal is performed by or under the direction of a governmental agency, or upon private property by the owner of the property, after obtaining all necessary governmental permits.

**SETBACK.** The minimum required horizontal distance by which any building or structure shall be separated from a lot line, measured along a straight line and at a right angle to such lot line, and the nearest point of a building or structure.

**SETBACK LINE.** A line parallel to the lot line at a distance from it, regulated by the yard setback requirements of this Ordinance.

**SHORT-TERM RENTAL.** A dwelling unit that serves as the owner or renter's primary residence but is leased or rented for a fee for a maximum of thirty (30) consecutive days, such as vacation rentals or homestays, including without limitation rentals offered via web-based home or room sharing services such as AirBNB, VRBO, and HomeAway.

**SIDEWALK.** A paved path provided for pedestrian use and usually located at the side of a road within a public street right-of-way but physically separated by distance from the road pavement.

**SIGN.** Any object, device, display or structure or part thereof which is used to advertise, identify, display, direct or attract the attention to an object, person, institution, organization, business, project, service, event, or location by any means including words, letters, figures, designs, symbols, fixtures, colors, motion illumination or projected images whether affixed to a building or separate from any building.

**A-FRAME/SANDWHICH BOARD SIGN:** A temporary or movable sign not secured or attached to the ground or surface upon which it is located and constructed in such a manner as to form an "A" or a tentlike shape with each angular face held at an appropriate distance by a supporting member and which may or may not be hinged at the top.

**ATTENTION GETTING DEVICE.** Any pennant, flag, valance, banner, propeller, spinner, streamer, searchlight, balloon and similar device or ornamentation designed for purposes of promotion or advertising or attracting attention.

**AWNING/CANOPY SIGNS.** Shall include any fixed sign, as well as retractable or removable marquee, canopy and awning, respectively, projected over, suspended above or erected upon any public thoroughfare.

**BILLBOARDS.** A single- or double-faced freestanding sign permanently erected on the premises, including changeable copy signs, used for the display of commercial information not associated with the conduct of a business or enterprise located on the same premises of such sign.

**ELECTRONIC MESSAGE BOARDS.** A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means. A time and/or temperature sign shall not be considered an electronic graphics sign.

**FEATHER SIGNS.** A portable sign that is printed on knitted polyester and used for outdoor marketing and advertising purposes.

**FREESTANDING SIGN.** A sign completely or principally self-supported by a post(s) or other support(s) independent of any building or other structure and anchored in or upon the ground.

**INTERNALLY ILLUMINATED SIGNS.** A sign, all or any part of the letter or design of which is made of incandescent, neon or other types of lamps; a sign with painted, flush or raised letter lighted by an electric lamp or lamps attached thereto; a sign having a border of incandescent or fluorescent lamps thereto attached and reflecting light thereon; or a translucent sign, whether lighted by electricity or other illuminant.

**MARQUEE SIGNS.** A sign designed to have changeable copy, either manually or electronically. Marquee signs may be a principal identification sign, a freestanding sign, or a wall sign.

**MONUMENT SIGNS.** A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles.

**OFF-PREMISES SIGNS.** A sign which directs attention to or advertises a use, business, commodity, service or activity not conducted, sold or offered upon the premises where the sign is located. This term also includes those signs commonly known as advertising signs, billboards and poster panels.

**ON-SITE TRAFFIC DIRECTIONAL SIGNS.** Any on-premises sign that includes information assisting in the flow of pedestrian or vehicular traffic such as enter, exit, and one-way.

**PENNANTS/STREAMERS/PORTABLE SIGNS.** sign, with or without a logo, made of flexible materials suspended from one or two corners, used in combination with other such signs to create the impression of a line.

**POLE/PYLON SIGNS.** A freestanding sign that is affixed, attached, or erected on a pole that is not itself an integral part of or attached to a building or structure.

**POST SIGNS.** A sign that consists of one or two posts on either side and is used for municipal or commercial purposes.

**PROJECTING SIGNS.** A sign which projects more than twelve (12) inches (12") from the face of any building or wall which supports said sign. Any sign suspended under a marquee and in a place approximately perpendicular to the wall of the building supporting the marquee shall not be deemed to be a "projecting sign".

**ROOF SIGNS.** A sign erected, constructed or maintained in whole or in part upon or over the roof of a building or structure. Roof signs shall not include those signs maintained upon the lower slope of a mansard roof which do not extend above the uppermost point of the lower slope. Such signs shall be classified as wall signs.

**TEMPORARY SIGNS.** Any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboards, wallboard or other materials, with or without frames, for use for a limited period of time.

**WALL SIGNS.** A sign mounted or attached to and supported by the wall of any part of a building or structure, except the roof, in a plane parallel to that of the supporting wall, consisting of individual or grouped letters and/or symbols. A wall sign may not project more than twelve (12) inches from the plane of the surface to which it is attached.

**WINDOW SIGNS.** Any sign painted on, affixed to or placed against any window or which is placed in a display case for view from the outdoors through a window when such sign is visible from any public right-of-way.

**YARD SIGNS.** A small advertising sign that is placed on a street-facing lawn.

**SITE PLAN.** A site plan shall contain the requirements specified in the applications manual.

**SKETCH PLAN.** A site plan shall contain the requirements specified in applications manual.

**SLOPE.** The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

**SLOPE, STEEP.** Three categories of steep slopes are defined herein for use in this Ordinance. These categories are based upon the relative degree of the steepness of the slope as follows: 10% to 20%, 20% to 30%, and greater than 30%. No land area shall be considered a steep slope unless the steep slope area has at least a ten-foot vertical drop and has a minimum area of five-thousand (5,000) square feet. Steep slopes exclude man-made steep slopes.

**SMOKE.** Small gasborne particles other than water that form a visible plume in air.

**SOLAR ENERGY COLLECTION SYSTEM.** All equipment required to harvest solar energy to generate electricity, including storage devices, power conditioning equipment, transfer equipment, and parts related to the functioning of those items.

**SOLAR ENERGY COLLECTION SYSTEM, CANOPY.** A solar energy collection system consisting of elevated solar panels installed above parking lots, carports and other paved areas.

**SOLAR ENERGY COLLECTION SYSTEM, GROUND-MOUNTED.** A solar energy collection system and associated mounting hardware that is affixed to or placed upon the ground including but not limited to fixed, passive, or active tracking racking systems and located on a site.

**SOLAR ENERGY COLLECTION SYSTEM, ROOF-MOUNTED.** A solar energy collection system that is structurally mounted to the roof of a building or other permitted structure, including limited accessory equipment associated with system which may be ground mounted. It is installed parallel to the roof with a few inches gap.

**SOLAR FARM.** A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal or electrical energy.

**SOLID WASTE FACILITY.** All contiguous land, including structures, appurtenances, and other improvements on the land, used for processing, storing, or disposing of solid waste. The phrase "solid waste facility" includes a publicly or privately owned facility consisting of one or several processing, storage, or disposal operational units such as landfills, surface impoundments, or a combination of units.

**STANDARDS AND SPECIFICATIONS FOR DEVELOPMENT.** The set of standards and specifications which the City uses, and has established as public policy, for the installation of improvements as set forth in this Ordinance. Said "Standards and Specifications for Development" shall be in printed form and shall consist of the City of Franklin Land Development Handbook as amended and any other additional standards, specifications, and design guidelines which the City may use.

**STORAGE YARD.** Any site, or portion thereof, that is used for the storage of any products or materials. vehicles, equipment, junk, or scrap outside the confines of an enclosed building.

**STORY.** That portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above, then the space between the floor and the ceiling above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof.

**STREAM.** A course of running water, either perennial or intermittent, flowing in a channel.

**STREAM CENTERLINE.** The midpoint of a stream or river, measured by dividing the distance between meander lines or established banks.

**STREET.** A public way, other than an alley, which affords a primary means of access to abutting property.

**STREET GRADE.** The elevation of a street in front of a property.

**STREET LINE.** A line separating a lot, piece, or parcel of land from a street.

**STREET, ARTERIAL.** A federal-, state-, or county-marked route normally having four lanes for traffic and some form of median marker. May also be a city-designated "arterial street" in the adopted City of Franklin Comprehensive Master Plan or component thereof, or on the Official Map Parking may be banned. A street used, or intended to be used, primarily for fast or heavy through traffic providing for the expeditious movement of through traffic into, out of, and within the community. Arterial streets shall include freeways and expressways as well as standard arterial streets, highways, and parkways. Arterial streets shall be located to minimize the penetration of such streets through existing and proposed residential areas. Arterial streets shall be designed to convey an average daily traffic (ADT) of three-thousand (3,000) and greater.

**STREET, COLLECTOR.** A street used, or intended to be used, to carry traffic from minor streets to the system of arterial streets including principal entrance streets to residential developments and/or activity/employment centers. Collector streets shall be designed to convey an average daily traffic (ADT) of between five-hundred (500) and three-thousand (3,000).

**STREET, FRONTAGE.** A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.

**STREET, MINOR.** A street used, or intended to be used, primarily for access to abutting properties. Residential minor streets that are designed as either looped or through streets shall be designed so that no section conveys an average daily traffic (ADT) greater than five-hundred (500). Residential minor land access streets that are designed as permanent cul-de-sac streets shall be designed so that no section conveys an average daily traffic (ADT) greater than two-hundred-fifty (250).

**STRUCTURAL ALTERATIONS.** Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, and girders.

**STRUCTURE.** Anything constructed or erected which requires location on the ground, including a fence or free-standing wall. A sign or other advertising medium, detached or projecting, shall be construed to be a structure.

**SUBDIVIDER.** Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor land division (Certified Survey Map) or replat.

**SUBDIVISION.** The division of a lot, parcel, or tract of land by the owners thereof, or their agents, for the purpose of transfer of ownership or building development where the act of division creates five or more parcels or building sites of 1.5 acres each or less in area; or where the act of division creates five or more parcels or building sites of 1.5 acres each or less in area by successive division within a period of five years.

**SUBDIVISION PLAT.** The final map and other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision.

**SUBGRADE.** The natural ground lying beneath the structural portion of a road.

**SURETY BOND.** A bond guaranteeing performance of a contract or obligation through forfeiture of the bond if said contract or obligation is unfulfilled by the Subdivider.

**SURFACE WATER.** All natural and artificial named and unnamed lakes and all naturally flowing streams within the boundaries of the state, but not including cooling lakes, farm ponds, and facilities constructed for the treatment of wastewaters.

**TELECOMMUNICATIONS TOWER.** A structure that acts as an antennae or to which telecommunications equipment is attached.

**TEMPORARY USE.** A use of a structure, trailer or property for a limited period, for a specific purpose that is not the permanent use of the property. Any temporary facility or use shall be removed at the cessation of the occurrence of the property causing the temporary use.

**TOWER.** Any structure that is designed and constructed for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

**TOXIC AND NOXIOUS MATTER.** Any solid, liquid, or gaseous matter, including but not limited to, gases, vapors, dusts, fumes, and mists, containing properties which by chemical means are inherently harmful and likely to destroy life or impair health, or capable of causing injury to the well-being of persons or damage to property.

**TRAIL.** A multi-purpose path typically serving non-motorized transportation uses such as; walking, running, hiking, biking, snowshoeing and cross-country skiing. A trail is often physically separated (sometimes on a separate right-of-way) from motor vehicle traffic by open space or a barrier. See also RECREATION AREA

**TRAILER.** A vehicle without motor power used or adaptable for living, sleeping, hauling, business, or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirting, which does not meet building code requirements, and has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place. The term "trailer" shall include "camp car" and "house car." A permanent foundation shall not change its character unless the entire structure is erected in accordance with prevailing City codes and Ordinances.

**TREE.** Any self-supporting, woody plant together with its root system, growing upon the earth usually with one trunk, or a multi-stemmed trunk system, supporting a definitely formed crown.

**TREE, CANOPY.** A tree whose leaves would occupy the upper level of a forest in a natural ecological situation. These trees are often referred to as shade trees.

**TREE, STREET.** A tree located in a public place, street, special easement, or right-of-way adjoining a street.

**TRUCK PARKING .** Any land used or intended to be used for the storage or parking of trucks, trailers, tractors, and including commercial vehicles, while not loading or unloading, which exceed one and one-half (1 ½) tons in capacity.

USE. The purpose for which land or a building thereon is designed, arranged, or intended, or for which it is occupied or maintained, let or leased.

USE, ACCESSORY. A use or structure subordinate to the principal use of a building or to the principal use of land and which is located on the same lot serving a purpose customarily incidental to the use of the principal building or land use.

USE, CONDITIONAL. A use that requires the approval of a Conditional Use Permit (Article 9) prior to establishment.

USE, NONCONFORMING. A use of a structure or land that was legal when it was established, but no longer conforms to current regulations.

USE, PERMITTED. A use that does not require conditional use permit approval.

USE, PRINCIPAL. The main use of land or buildings as distinguished from a subordinate or accessory use.

UTILITY, PUBLIC. Any person, firm, corporation, or municipal department duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, transportation, or water.

VARIANCE. Limited relief from the requirements of this UDO granted by Board of Zoning and Building Appeals to a particular property with special circumstances where strict application of those requirements will create a practical difficulty or particular hardship prohibiting the use of land in a manner otherwise allowed under this chapter. Such limited relief does not change the underlying zoning of the parcel.

VEHICLE, COMMERCIAL. Any vehicle over six-thousand (6,000) pounds empty weight.

VEHICLE FUEL SALES. Any lot or parcel of land or portion thereof used partly or entirely for storing or dispensing flammable liquids, combustible liquids, liquified flammable gas, or flammable gas into the fuel tanks of motor vehicles.

VETERINARY SERVICES. A lot, building, structure, enclosure, or premises whereon or wherein three or more dogs, cats, or other domestic animals are kept or maintained and is operated by, or the treatment therein is under direct supervision of, a veterinarian licensed to practice by the State of Wisconsin. A facility rendering surgical and medical treatments to animals, having no limitation to overnight accommodations for such animals. Crematory facilities shall not be allowed in an animal hospital.

VIBRATION. Ground transmitted oscillations. The periodic displacement or oscillation of the earth.

WAREHOUSE. A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment.

WASTEWATER TREATMENT PONDS AND FACILITIES. A facility designed for the collection, removal, treatment, and disposal of waterborne sewage generated within a given service area.

WATERBORNE TRANSPORTATION USES. Activities which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for: waterborne transportation including ports or marinas; recreation; electrical generating facilities; or water supply.

WATERCOURSE. A permanent or intermittent stream channel.

WATER SUPPLY LINES. The system of pipes, structures, and facilities through which a water supply is obtained, treated, and sold or distributed for human consumption or household use,

WETLAND. An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

WETLAND, ARTIFICIAL. A human-constructed system with hydrophytic vegetation used for the treatment or storage of water.

WETLAND BUFFER. See definition for Buffer, Surface Water or Wetland.

WETLAND, DEGRADED. A wetland in a condition determined by an Assured Delineator through a site-specific analysis as meeting all of the criteria therefor set forth under Division 15-07.02.D(2)(d) of this Ordinance.

**WETLAND, FEDERAL JURISDICTION.** A wetland determined by an Assured Delineator through a site-specific analysis as subject to jurisdiction of the State of Wisconsin or United States Army Corps of Engineers.

**WETLAND, NON-FEDERAL JURISDICTION.** A wetland determined by an Assured Delineator through a site-specific analysis as not subject to jurisdiction of the State of Wisconsin or United States Army Corps of Engineers.

**WETLAND, SHORELAND.** A wetland designated as a shoreland wetland on the Wisconsin wetland inventory maps prepared by the Department of Natural Resources.

**WIND FARM.** A group of devices, such as a wind charger or wind turbine, which converts wind to a form of usable energy.

**WISCONSIN ADMINISTRATIVE CODE.** The rules of administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system as directed by § 35.93 and Chapter 227 of the Wisconsin Statutes, including subsequent amendments to those rules.

**WOODLAND.** An area or stand of trees with a minimum of eight or more individual trees with a DBH of at least 6 inches, whose combined canopies cover at least 50% of the area. The area is defined using the perimeter of the canopies during full leaf-on. Woodland may include without limitation trees, woodlands, forests, and oak-savanna complexes.

**WHOLESALE ESTABLISHMENT.** An establishment primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

**YARD.** An open space on the same zoning lot with a principal building or group of buildings, which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted in this ordinance, and which extends along a lot line and at right angles thereto to a depth or width specified in the yard regulations for the district in which the zoning lot is located.

**YARD, FRONT.** A yard extending along the full length of the front lot line between the side lot lines.

**YARD, INTERIOR SIDE.** A side yard located immediately adjacent to another zoning lot or to an alley separating such side yard from another zoning lot.

**YARD, REAR.** A yard extending along the full length of the rear lot line between the side lot lines. On a corner lot, the rear yard shall be that yard directly opposite the front yard. Lots with only three (3) lot lines shall have at least one rear yard.

**YARD, SIDE.** A yard extending along a side lot line from the front yard to the rear yard.

**YARD, STREET SIDE.** The area extending between the front yard and the rear yard or rear street yard and situated between the side street lot line and the face of the principal building which is parallel to, or most nearly parallel to, the side street lot line.

**ZONING ADMINISTRATOR.** The Zoning Administrator of the City of Franklin, Milwaukee County, Wisconsin or a designee as may be authorized by the Common Council.

**ZONING BOARD OF APPEALS.** Reference to "Zoning Board of Appeals" shall refer to the Board of Zoning and Building Appeals of Franklin, Wisconsin.

**ZONING COMPLIANCE PERMIT.** The permit required by this Ordinance prior to the commencement of a new use allowed by-right in the governing zoning district, and which do not involve the erection, reconstruction, enlargement, or moving of any building or structure, or the construction of, addition, or alteration of an existing single-family detached or duplex use allowed by-right in the governing zoning district.

**ZONING DISTRICT.** As defined by the City of Franklin Unified Development Ordinance and its accompanying maps as amended.

**ZONING LOT.** A single tract of land located within a single block which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. Therefore, a zoning lot may or may not coincide with a lot of record.

**ZONING MAP.** The map or maps incorporated into this Ordinance as a part hereof, designating and delineating boundaries of zoning districts.