

UNIFIED DEVELOPMENT ORDINANCE TOWN OF FRANKLIN

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SECTION 1 APPLICABILITY AND PURPOSE

1-1 Applicability and Title

1-11 These regulations are adopted under the authority granted by 60.62, 61.35, 62.23, 66.0103, and Chapter. 91, Wisconsin Statutes, and amendments thereto, and, referred to, or cited as the UNIFIED DEVELOPMENT ORDINANCE for the Town of Franklin, Manitowoc County, Wisconsin. Once the Town of Franklin approves this ordinance, 60.62(3) of the Wisconsin Statutes will require review and approval of this ordinance by Manitowoc County. This Ordinance provides a consolidated permit review process for development projects that often involve multiple approvals and permits. The zoning administrator or other designated official serves as the permit review coordinator and has discretion in scheduling hearings. Such hearings to review multiple actions may be combined in order to reduce their number.

1-12 Unless otherwise provided by this Ordinance, after the effective date of this Ordinance, no structure, land or water shall be developed, and no structure or part thereof shall be relocated, erected, moved, reconstructed, enlarged, extended, converted or structurally altered without a Zoning Permit and without full compliance with this Ordinance and all other applicable Town, County and State regulations.

1-13 The Town Board or other owner or owners of property within the town who are affected by a particular regulation, variance or conditional use under this Ordinance may sue to enforce, by injunctive order, compliance with this Ordinance.

1-14 This Unified Development Ordinance shall apply to:

1. The regulation and restriction of lot coverage, size and location of all structures, so as to prevent overcrowding and to provide adequate sunlight, air, sanitation and storm drainage.
2. The size of yards and other open spaces.
3. The density of population.
4. The regulating of non-conforming uses.
5. The location and use of buildings, structures and land for trade, industry, residence or other purposes, provided that there shall be no discrimination against temporary structures.
6. The division of land by Certified Survey Map or Subdivision, per Chapter 236 of the Wisconsin State Statutes.
7. Consistency with the Town of Franklin Comprehensive Plan, or application of a revision to the Land Use Plan to meet consistency.

1-2 Purpose

The purpose of this ordinance is to promote the public health, safety and general welfare of the town through provisions designed to:

1. Encourage an appropriate use of the land.
2. Conserve the value of land and buildings.
3. Prevent the overcrowding of land and the congestion of streets by enforcing regulations that protect the traffic-carrying capacity, safety and efficiency of all existing and future town, county, and state roadways.
4. Provide for adequate light and air.
5. Secure safety from fire, flooding, pollution, contamination, panic, and other dangers.
6. Avoid undue concentration of population.
7. Stabilize and protect existing and potential property values.
8. Encourage compatibility between different land uses and protect the scale and character of existing development from the encroachment of incompatible development.
9. Promote the goals and objectives, consistency of the Land Use Plan, and any other aspects of the Town of Franklin's Comprehensive Plan, and all amendments thereto.
10. Further the wise use, conservation, protection, and proper development of the Town's natural resources.
11. Preserve and protect the beauty and open space of the Town of Franklin.
12. Conserve and protect the agricultural lands in the town.
13. Protect and maintain safe and ample supply of groundwater
14. Provide for the timely consideration of development permit review applications.
15. State the requirements for applying for and receiving (based on ability to meet this ordinance) a development permit.
16. Authorize a consolidated permit review process for land-use decisions.
17. State the manner for the appeal of land-use decisions

SECTION 2 GENERAL PROVISIONS

2-1 Establishment of Zoning Map

The location and boundaries of the districts established shall be as shown on the map entitled the Official Zoning Map of the Town of Franklin, Manitowoc County, Wisconsin. The Official Zoning Map with all notations, dimensions, designations, references and other data shall accompany and is part of this ordinance. Amendments to the Official Zoning Map are described in Section 12 of this ordinance.

2-2 Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the official Zoning Map, the following rules shall apply:

1. Boundaries as indicated as approximately following the center lines of streets, streams, and highways shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Where boundaries do not follow property lines and distances are not specified on the Official Zoning Map, boundaries shall be determined by the use of an engineers scale on the Official Zoning Map.
4. Legal descriptions of property, when available, shall be controlling as to the zoning of any property, or the property proposed to be rezoned in accordance with the terms of the ordinance.

2-3 Application of Regulations

The regulations set by this ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

1. No land, building, or structure shall hereafter be used or occupied, and no building, structure, or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.
2. No part of a yard, open space, or off-street parking space required about or in connection with any building or land use for the purpose of complying with this ordinance shall be included as part of a yard, open space, or off-street parking space similarly required for any other building.
3. No lot area and building setback existing at the effective date of adoption of this ordinance shall be reduced below the minimum requirements set forth herein. Lot area and building setback created after the effective date of adoption of this ordinance shall meet the minimum requirements established by this ordinance.

2-4 County Shoreland-Floodplain Zoning Regulations

In addition to the regulations established herein, no land, water, building or structure shall hereafter be used or occupied and no building, structure, or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with the regulation established in the Manitowoc County Shoreland-Floodplain Zoning Ordinance, Manitowoc County, Wisconsin adopted pursuant to the Wisconsin Statutes.

2-5 Interpretation of Regulations

In their interpretation and application, the provisions of this ordinance shall be considered minimum requirements. Where the provisions of this ordinance impose greater restrictions than any statute, other regulation, ordinance or covenant, the provisions of this ordinance shall prevail. Where the provisions of any statute, other regulation, ordinance or covenant impose greater restrictions than the provisions of this ordinance, the provisions of such statute, other regulation, ordinance or covenant shall prevail.

2-6 Severability of Regulations

It is hereby declared to be the legislative intent that should any provision of this ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance in its entirety or any part thereof other than that so declared to be invalid.

SECTION 3 DEFINITIONS OF TERMS

3-1 Usage

Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the singular number include the plural; a person includes a corporation, partnership, association, or Limited Liability Company and any other legal entity, and the term “shall” is always mandatory. Any words not herein defined shall be construed as defined in the Wisconsin Administrative Code.

3-2 Definitions of Terms

Definitions of terms throughout this ordinance shall be interpreted to have the following meanings:

1. **Accessory Use:** With respect to land uses on a farm, “Accessory Use” means any of the following:
 - a. A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use. This may include, for example:
 - i. A facility used to store or process raw agricultural commodities, all of which are produced on the farm.
 - ii. A facility used to keep livestock on the farm.
 - iii. A facility used to store or process inputs primarily for agricultural uses on the farm.
 - iv. A facility used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm.
 - v. A wind turbine or solar energy facility that collects wind or solar energy on the farm, and uses or transforms it to provide energy primarily for use on the farm.
 - vi. A manure digester, bio-fuel facility, or other facility that produces energy primarily from materials grown or produced on the farm, primarily for use on the farm.
 - vii. A waste storage or processing facility used to store or process animal waste produced solely from livestock kept on the farm.
 - b. An activity or business operation that is an integral part of, or incidental to, an agricultural use.
 - c. A farm residence, including normal residential appurtenances.
 - d. A business, activity, or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:
 - i. It is conducted on the farm by the owner or operator of the farm,
 - ii. It requires no buildings, structures, or improvements other than those described in par. (a) or (c)
 - iii. It employs no more than 4 full-time employees annually
 - iv. It does not impair or limit the current or future agricultural use of the farm or of other protected farmland.
 - e. Roadside stands, further defined in this section and subject to the conditions of paragraph “a” above.
 - f. Any other use that DATCP, by rule, identifies as an accessory use.
 - g. Signage (see 7-3 for regulations)
 - h. Customary home occupation or professional offices, provided such use meets the requirements of paragraph d (i, ii, and iv) and is conducted by the resident only and does not involve any employees.
2. **Agricultural Use:** Any of the following activities conducted for the purpose of producing an income or livelihood:
 - a. Crop or forage production.

- b. Keeping livestock.
 - c. Beekeeping.
 - d. Nursery, sod, or Christmas tree production.
 - e. Floriculture.
 - f. Aquaculture.
 - g. Fur farming.
 - h. Forest management.
 - i. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
 - j. Any other use that DATCP, by rule, identifies as an agricultural use.
3. **Agriculture-related use** means a facility, whether or not located on a farm, that has at least one of the following as a primary and not merely incidental purpose:
 - a. Providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural services directly to farms, including farms in the Exclusive Agricultural Zoning District.
 - b. Storing, processing or handling raw agricultural commodities obtained directly from farms, including farms in the zoning district.
 - c. Slaughtering livestock, including livestock from farms in the Exclusive Agricultural Zoning District.
 - d. Marketing livestock to or from farms, including farms in the Exclusive Agricultural Zoning District.
 - e. Processing agricultural by-products or wastes received directly from farms, including farms in the Exclusive Agricultural Zoning District.
 4. **Alteration:** A change or rearrangement in the structural parts of a structure, an enlargement of a structure, whether by extending on the side or by increasing the height, or the movement of a structure from one location to another.
 5. **Auto Salvage Yard:** A place where more than three disabled and unlicensed motor vehicles are stored in the open for a continuous period of at least six months.
 6. **Base Farm Tract:**
 - a. All land, whether one parcel or two or more contiguous parcels, that is in a Exclusive Agricultural Zoning District and that is part of a single farm as of October 20, 2010, regardless of any subsequent changes in the size of the farm.
 - b. Any other tract that DATCP by rule defines as a base farm tract
 7. **Block:** A parcel of land bounded on at least one (1) side by a street but may be bounded on the other sides by natural or man-made barriers or unplatted land.
 8. **Board of Appeals:** Means a body designated by the legislative body to hear appeals from land-use decisions.
 9. **Building:** Any structure for the shelter, support or enclosure of persons, animals, chattels or property of any kind. When separated by division walls without openings, each portion of such building, so separated shall be deemed a separate building.
 10. **Building Line:** A line shown on a map which shall indicate the distance from the boundaries of a lot within which buildings shall not be erected.
 11. **Certified Survey Map:** A map of a lot split prepared in accordance with s. 236.34.

12. **Common Ownership:** means ownership by the same person or persons, or a legal entity that is wholly owned by the same person or persons. "Common ownership" includes joint tenancy and tenancy in common. Solely for purposes of this definition, a parcel owned by one member of a married couple is deemed to be owned by the married couple.
13. **Contiguous:** means adjacent to or sharing a common boundary. "Contiguous" land includes land that is separated only by a river, stream, section line, public road, private road, railroad, pipeline, transmission line, or transportation or transmission right-of-way. Parcels are not "contiguous" if they meet only at a single point.
14. **Cul-de-Sac:** A short minor street having one (1) end open to motor traffic and the other end terminated by a vehicular turn-around.
15. **DATCP** An abbreviation for the Wisconsin Department of Agriculture, Trade, and Consumer Protection.
16. **Dead-End Street:** A Street having only one (1) outlet for vehicular traffic and no vehicular turn-around.
17. **Driveway:** A private way for vehicle traffic which serves only one (1) parcel or lot.
18. **Conditional Use.** A use, structure, or land which is allowable only after the issuance of a conditional use permit that is recommended by the Plan Commission and approved by the Town Board, based on conditions in this ordinance and the goals and objectives of the Comprehensive Plan.
19. **Convalescent Home, Children's Home, Nursing Home:** A place where regular care is provided to two or more infirmed persons, children, or aged persons who are not members of the family which resides on the premises.
20. **Development:** 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, manufactured homes, mining, dredging, filling, grading, paving, excavation or drilling operations, and deposition of materials.
21. **Dog Kennel:** A place where more than two adult dogs are boarded for a fee on a recurrent basis, or a place where more than five adult dogs are kept for any purpose.
22. **Dwelling Unit:** A room or rooms connected together, constituting a separate, independent housekeeping establishment for one family only, for owner occupancy or for rental, lease, or other occupancy on a weekly or longer basis, physically separated from any other rooms or dwelling units, and containing independent cooking and sleeping facilities.
23. **Dwelling, Single-Family Detached:** A building not containing more than one dwelling unit, entirely separated from structures on adjacent lots. The term "detached dwelling" may include forms of manufactured housing other than manufactured homes.
24. **Dwelling, Two-Family:** One building containing not more than two dwelling units or two buildings, attached at the side, with not more than one dwelling unit per building. The term "two family dwelling" is intended to imply single-family semi-detached buildings and duplexes or any form which conforms to this definition.

25. **Exotic Animals:** Exotic means not indigenous to Wisconsin farming: Exotic does not include “Livestock” as defined by Section 3-2 (42).
26. **Family:** One or more persons occupying a single dwelling unit provided that unless all members are related by blood or marriage, no such family shall contain over five persons, but further provided that domestic servants employed on the premise may be housed on the premises without being counted as family.
27. **Farm:** all land under common ownership that is primarily devoted to agricultural use. For the purpose of this definition, land is deemed to be primarily devoted to agriculture use if the following apply:
1. The land produces at least \$6,000 in annual gross farm revenues to its owner or renter regardless of whether a majority of the land area is in agricultural use: or,
 2. A majority (greater than 50%) of the land is in agricultural use. In determining whether land is in an agricultural use, a zoning authority may consider how the land is classified for property tax purposes. See Chapter TAX 18 Wis. Adm. Code.
28. **Farm Acreage** – means for the purpose of section 5-34, acreage that is part of a farm, except that farm acreage does not include any nonfarm residential acreage.
29. **Farm Consolidation:** The joining together of two or more farm operations or portions thereof, which were in existence before the adoption or amendment of this ordinance, into a fewer number of farms. A farm consolidation may result in splitting the farm residence from the rest of the cropland (via a c.s.m.).
30. **Farmland Preservation Plan** means a plan for the preservation of farmland in a county, including an agricultural preservation plan under subchapter. IV of chapter 91, 2015-16 statutes.
31. **Farm Residence:** means any of the following structures that is located on a farm:
- a. A single-family residence that is the only residential structure on the farm or is occupied by any of the following:
 - i. An owner or operator of the farm.
 - ii. A parent or child of an owner or operator of the farm.
 - iii. An individual who earns more than 50 percent of his or her gross income from the farm.
32. **Farm Operation:** Any activity conducted primarily for the production of one or more agricultural products or commodities for sale and home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator’s support.
33. **Feedlot:** A place where animals are fed, confined, maintained or stabled.
34. **Flag-lot:** A lot created whose shape resembles a “flag pole” from the right-of-way line back to a much larger buildable “flag” area.
35. **Fur Farming:** Raising of fur-bearing animals for commercial purposes, such as mink, chinchilla, Llama, etc, except rabbits, but not including animals of such size or character as to normally be considered big game, e.g. lions, tigers, bears, and the like.

36. **Gross Farm Revenue:** means gross receipts from agricultural use of a farm, excluding rent receipts, less the cost or other basis of livestock or other agricultural items purchased for resale which are sold or otherwise disposed of during the taxable year. "Gross farm revenue" includes receipts accruing to a renter, but does not include rent paid to the land owner.
37. **Height, Building:** A building's vertical measurement, from the mean level of the finished grade in front of the building to the highest point on the roof line of a flat roof or of a roof having a slope of less than 15 degrees from the horizontal, and to a point midway between the peak and the eaves of a roof having a slope of 15 degrees or more.
38. **Hobby Farm.** A parcel of land where an individual or family conducts limited farm operations without the expectation of being a primary source of income.
39. **Home Occupations:** An occupation conducted as an accessory use provided it is clearly incidental and subordinate to the principal use. In all zoning districts, no home occupation shall occupy more than 25 percent of the floor area of a dwelling or be conducted in any accessory building.
40. **Horse Stable:** A place where more than three adult horses are kept on a recurrent basis.
41. **Junk Yard:** Any premises on which there is an accumulation of scrap metal, Tires, paper, rags, glass, lumber or other materials stored or customarily stored for salvage, unless such accumulation shall be housed in a completely enclosed building.
42. **Land Use:** Means the conduct of any activity on land, including, but not limited to, the continuation of any activity, the commencement of which is defined herein as "development."
43. **Livestock:** means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites and farm-raised fish.
44. **Lot:** A parcel of land used or set aside and available for use as the site for one or more buildings accessory thereto, or for any other purpose, in one ownership and not divided by a street nor including any land within the limits of a public or private street right-of-way. The term "record lot" shall mean land designated as a distinct and separate parcel on a legally recorded deed or plat in the Manitowoc County Register of Deeds office.
45. **Lot Area:** The total horizontal area within the lot lines of the lot.
46. **Lot Frontage:** The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots, all sides of a lot adjacent to streets shall be considered frontage.
47. **Lot Line:** The line on the official map that indicated lot boundaries provided any street right-of-way line shall be considered lot lines for the purpose of this ordinance.
48. **Lot Types:**
- a. Corner lot is a lot located at the intersection of two or more streets. A lot abutting a curved street shall be considered a corner lot when the projected tangents of the lot lines along those streets meet at an interior angle of less than 135 degrees.

- b. Interior lot is a lot with only one frontage on a street.
 - c. Through lot is a lot other than a corner lot with frontage on two streets
49. **Lot Size:** The lot area within the established lot lines of the parcel. Usually calculated by acres or square feet.
50. **Lot Size Minimum:** The lot area set by the zoning district as the minimum lot area to be created in conformance with the standards of the zoning district.
51. **Lot Split:** means a division of land other than by a subdivision.
52. **Lot Width:** Width of a lot shall be considered the measurement at the front yard line.
53. **Manufactured Home:** A structure certified and labeled as a manufactured home under 42 USC Section 5401-5426, which, when placed on the site:
- a. Is set on an enclosed continuous foundation in accordance with Sec. 70.043(1), Wis. Stats., and COMM 21, Subchapters III, IV, and V, Wis. Adm. Code, or is set on a comparable enclosed continuous foundation system approved by the Building Inspector, who may require a plan for such foundation to be certified by a registered architect or engineer to ensure proper support for such structure
 - b. Is installed in accordance with the manufacturer's instructions
 - c. Is properly connected to utilities
 - d. Meets other applicable standards of this Chapter
 - i. **Mobile Home:** That which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway, and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; including any additions, attachments, annexes, foundations and appurtenances. In the purpose of this Section, a mobile home shall remain classified as a mobile home regardless of whether its wheels or other rolling devices have been removed or not, and even though assessable value of additions, attachments, annexes, foundations and appurtenances or other added investments to the mobile home equal or exceed fifty percent (50%) of the assessable value of the mobile home. Excluded from this definition are "manufactured homes" as previously defined:

Note: Mobile Homes vs. Modular Homes

"Mobile homes" have been required to follow construction standards, including heating, electrical and plumbing, since 1976 through a Federal Housing and Urban Development (HUD) program. In Wisconsin this is administered under contract by the Division of Safety and Buildings, Wisconsin Department of Commerce.

The current proper and legal term for mobile homes is "manufactured homes". While the manufactured home itself is not covered by the UDC, any site-built addition to that home, such as a basement, crawl space or room addition attached to the home, does have to be constructed to meet the requirements of the UDC if the manufactured home was built after June 1, 1980.

While manufactured homes are constructed to the HUD construction standards, “manufactured dwellings” must meet the UDC standards. Such non-HUD factory built homes are referred to as “manufactured dwellings”. However, double-wide manufactured mobile homes often are similar in appearance to modular homes.

For purposes of identification, a manufactured (mobile) home is identified with a red metal rectangular label affixed to the rear of each full or half unit. This indicates the home has been constructed in accordance with the HUD manufactured home standards. In contrast, a modular home or manufactured dwelling will be identified with a red plastic sticker, called a “Wisconsin Insignia”, imprinted with the outline of the State of Wisconsin. It will usually be affixed to the electrical panel, vanity base cabinet or kitchen cabinet. Inspectors must first identify what they are looking at before applying, the applicable code regulations.

54. **Modular Home:** A structure which is partially pre-assembled at a manufacturing plant and placed together on a lot or parcel as a dwelling unit or units. Also called prefabricated or precut homes. A double-wide structure transported and assembled at the site on a permanent foundation shall be construed as a modular home. For the purpose of this Ordinance, modular homes must meet the requirements of all applicable State and Local Building Codes. A modular home is subject to SPS 320.13 Wis. Adm. Code.
55. **Nonconforming Use:** Any use of land, buildings or structures which does not comply with all of the regulations of this Chapter or of any amendment hereto governing use for the zoning district in which such use is located, and that the nonconforming use existed as of the adoption date of this ordinance, being November 7, 1983.
56. **Nonfarm residence:** Means a single-family residence other than a farm residence.
57. **Non-Metallic Mining:** Operations or activities at a nonmetallic mining site for the extraction from the earth of material consisting principally of naturally occurring, organic or non-organic, nonmetallic, nonrenewable material. Nonmetallic minerals include, but are not limited to stone, gravel, clay peat, talc or topsoil. Nonmetallic mining may involve the use of mining equipment or techniques to remove materials from the in-place non-metallic mineral deposit, including drilling and blasting, as well as associated activities such as topsoil removal, excavation, grading and dredging. Processing the material may include, but are not limited to stockpiling of materials, blending mineral aggregates or nonmetallic minerals with other mineral aggregates or nonmetallic minerals, crushing, screening, scalping, pulverizing, and de-watering.
58. **Nursery:** Any building or lot, or portion thereof, used for the cultivation or growing of plants and including all accessory buildings.
59. **Open space parcel:** means a parcel on which no buildings, other than hunting blinds or small sheds, have been constructed or approved for construction.
60. **Person:** means an individual, corporation, partnership, limited liability company (LLC), trust, estate or other legal entity.
61. **Outlot:** An "outlot" is a parcel of land, other than a lot or block, so designated in a plat.

62. **Parking Space:** An off-street space available for the parking of a motor vehicle and which is exclusive of passageways and driveways, appurtenant thereto and giving access thereto.
63. **Pet(s):** An animal, exotic or not, kept for the purposes of companionship and/or protection. A reasonable number of pets, including chickens, are allowed within all zoning districts in the Town of Franklin. However, dogs must possess proper licensing. Animals considered dangerous to the general public shall not be considered pets. "Dangerous to the general public" is considered any animal who inflicts uncontrollable biting or clawing through aggressive attack behavior resulting in personal injury.
64. **Plat:** A map of a subdivision.
65. **Portable Storage Facility:** Land uses that include shipping containers, semi- trailers, portable on demand storage (PODS), and store and move (SAM) containers that are intended for temporary storage while an individual or business is relocating or renovating. Any temporary storage facility used for over 90 days shall require a town building or land use permit.
66. **Prime farmland** means any of the following:
- An area with a class I or class II land capability classification as identified by the natural Resources Conservation Service of the Federal Department of Agriculture.
 - Land, other than land described in paragraph a, that is identified as prime farmland in the Manitowoc County Farmland Preservation Plan.
67. **Prior non-conforming use:** means a land use that does not comply with the Exclusive Agricultural Zoning District, but which lawfully existed prior to the application of this ordinance.
68. **Professional Office** The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician, beauty parlor or barbershop or other recognized profession. When established in the Rural Residential or any of the Agricultural Districts, a professional office shall be incidental to the residential occupation, not more than 25% of the floor area of only 1 story of a dwelling unit shall be occupied by such office, except that a beauty parlor shall be limited to 2 licensed operators working at any one time, and a barbershop to 2 licensed barbers operating in not to exceed 2 barber chairs at any one time; and provided further that a beauty parlor or barbershop shall not occupy over 500 square feet of floor area, including lavatories and waiting room; and only 1 unlighted name plate, not exceeding 4 square feet in area, containing the name and profession of the occupant of the premises shall be exhibited.
69. **Protected farmland:** means land that is any of the following:
- Located in an Exclusive Agricultural Zoning District certified under ch. 91, Wis. Stats.
 - Covered by an Exclusive Agricultural agreement under ch. 91, Wis. Stats.
 - Covered by an agricultural conservation easement under s. 93.73, Wis. Stats.
 - Otherwise legally protected from nonagricultural development.
70. **Reconstruction:** Repairs or the replacement of structural components of a structure exceeding 50 percent of the replacement cost of the structure.

71. **Rezoning:** An amendment that changes the Zoning Map.
72. **Right-of-Way:** The width between property lines of a street or highway easement.
73. **Roadside Stand:** A structure not permanently fixed to the ground area and that is readily removable in its entirety, covered or uncovered and not wholly enclosed, and used solely for the sale of farm products produced on the premises. No such roadside stand shall be more than 300 square feet in ground area and there shall be not more than one roadside stand on any one premise.
74. **Salvage Yard:** A facility whose primary purpose is the storage, recycling and/or reprocessing of junk or salvage materials, including vehicles, machinery and/or other equipment.
75. **Sanitary Landfill:** A solid waste facility for solid waste disposal as defined in s. 289.01 (35), and s. 289.01 (34), licensed under s. 289.31 Wis. Stat.
76. **Service Station:** Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail and where, in addition, minor repair work may be performed.
77. **Setback:** The minimum horizontal distance from the lot line along the front, back and side lot lines, or any projection thereof, excluding uncovered steps; or when specified between the centerline of the road and the nearest point of the building. Based on the Manitowoc Setback Ordinance (Chapter 10) and a more restrictive Town standard for Town Roads in the EAG, AG and CE zoning categories, building setbacks from the following roads are as follows:
- a. Town Road (Class 1) is 60' from centerline but not less than 25' from right-of-way line in the R-1, C-I, LF and CON zoning categories.
 - b. County or State Roads (Class 2 & 3) and Town Roads in the EAG, AG and CE zoning categories is 100' from centerline but not less than 25' from right-of-way line.
 - c. Class 4 Road (see Chapter 10 for details)
 - d. See Chapter 10 for additional setback requirements relative to a site triangle that applies to lots at intersections.
78. **Sign:** Any structure, part thereof, or device attached or unattached thereto or painted or represented thereon which displays or includes any numeral, letter, word, model, banner, emblem, device, trademark or other representation used as, or in the nature of, an announcement, advertisement, direction or designation of any person or thing in such a manner as to attract attention from the outside of the building.
79. **Sign, On-Site:** A sign relating in its subject matter to the premises on which it is located.
80. **Sign, Number of:** For the purposes of determining number of signs, a sign shall be considered to be a single display surface or device containing elements organized, related, and composed to form a unit. Where subject matter is displayed randomly without any organization of the elements, each element shall be considered to be one sign.

81. Sign, Types:

- a. Detached sign is a sign not attached to or painted on a building but which is affixed to the ground, fence, or wall not part of a building.
- b. Flat sign is a sign attached to or parallel to the face of a building or erected or painted on the outside wall of a building and where support of such sign is provided by the wall. No part of such sign shall extend more than 18” from the building.
- c. Marquee sign is a sign attached to or hung from a marquee projecting from and supported by a building.
- d. Projecting sign is a sign attached to and projecting 18 inches or more from the face of the wall of a building.

82. Structural Alteration: Any change in the bearing walls, columns, beams, girders, or supporting members of a structure; any change or rearrangement in the floor area of a building, any enlargement of a structure whether by extending horizontally or by increasing in height, and/or any movement of a structure from one (1) location or position to another.

83. Structure: Anything constructed or erected with a fixed location on the ground, or attached to something with a fixed location on the ground. Among other things structures include signs, fences, manufactured homes and parking lots.

84. Subdivision: A division of a lot, parcel, or tract of land by the owner thereof or his agent for the purpose of sale or of building development, where:

- a. The act of division creates five (5) or more parcels or building sites of 1.5 acres each or less in area; or
- b. Five (5) or more parcels or building sites of 1.5 acres each or less in area are created by successive divisions within a period of five (5) years.

85. Use: The use of property is the purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained, and shall include any manner of standards of this Chapter.

86. Use, Principal: The main use of land or buildings as distinguished from a subordinate or accessory use. A principal use may be “permitted” or “conditional.”

87. Use, Permitted: A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards, if any, of such districts.

88. Variance: A relaxation of the terms of the ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.

89. Wind Generator: A device, typically tower mounted, whose primary purpose is the generation of energy from a wind-powered source.

90. **Yard:** An open space that is unoccupied and unobstructed from the ground upward provided, however, that fences, walls, poles, posts and other customary yard accessory ornaments and furniture may be permitted in any yard subject to the height limitations and requirements limiting obstruction of visibility.
91. **Yard, Front:** A yard extending across the front of a lot between the side lot lines and extending from the street right-of-way to the nearest principal structure or projection of the principal structure.
92. **Yard, Rear:** A yard extending across the rear of a lot between the side lot lines, and extending from the rear lot line to the nearest principal structure or projection of the principal structure.
93. **Yard, Side:** A yard extending between the nearest building or projection thereto and the side lot line, and extending from the front yard to the rear yard.
94. **Zoning District:** An area or areas within the corporate limits for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.
95. **Zoning Administrator:** A local governmental official or designated agent which administers and enforces the Unified Development Ordinance and land development regulations.

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SECTION 4 NONCONFORMITIES

4-1 Applicability and Intent

It is the intent of this ordinance to permit nonconformities to continue, subject to certain restrictions.

4-2 Nonconforming Uses of Land (or Land with Minor Structures Only)

Where, at the effective date of adoption being November 7, 1983, a use of land exists which would not be permitted or permissible in the district in which it is located, or where such use involves a structure with a replacement value of less than \$5,000, such use may be continued subject to the following restrictions:

1. Such use shall not be enlarged, increased, nor extended to occupy a greater area of the lot than was occupied at the effective date of adoption or amendment of this ordinance.
2. Such use shall not be moved in whole or in part to any other portion of the lot other than that portion occupied by such use at the effective date of adoption of this ordinance.
3. When such use of land is discontinued or abandoned for a period of more than 180 consecutive days for any reason whatever or when such use is replaced by a permitted or permissible use, a nonconforming use shall not thereafter be resumed.
4. No additional structure in connection with such use shall be erected.

4-3 Nonconforming Uses of Structures

Where, at the effective date of adoption being November 7, 1983, the use of an existing structure would not be permitted or permissible in the district in which it is located, and where such use involves a structure with a replacement value exceeding \$5,000, such use may be continued subject to the following restrictions:

1. Such use shall not be enlarged or extended to more than 50 percent of the floor area devoted to such use at the effective date of adoption or amendment of this ordinance.
2. When such use of a structure is discontinued or abandoned for a period of 12 consecutive months for any reason whatever, or when such use is replaced by a permitted or permissible use, the nonconforming use shall thereafter not be resumed.

4-4 Nonconforming Structures

Where at the effective date of adoption being November 7, 1983, a structure exists which could not be erected in the district in which it is located by reason of restriction on height, yards, its location on the lot or other requirements concerning the structure, such structure may continue in existence subject to the following restrictions:

1. Such structure shall not be altered in any manner which would increase the degree of nonconformity of structural conditions, height, or yard setback.

2. Due to violent wind, vandalism, fire, flood, ice, snow, mold, or infestation, the structure may be restored to the size and use that it had immediately before the damage or destruction occurred or to a larger size if necessary for the structure to comply with applicable state or federal requirements.

4-5 Nonconforming Characteristics of Use

If characteristics of use such as lighting, parking or other matters pertaining to the use of land, structures and premises are made nonconforming by the provisions of this ordinance as adopted or amended, no change shall thereafter be made in such characteristics of use which increases the nonconformity; provided, however, that changes may be made which do not increase, or which decrease, such nonconformity.

4-6 Nonconforming Lots of Record

If a single lot or two or more lots or combination of lots and portions of lots with continuous frontage in single ownership are of record at the effective date of adoption being November 7, 1983, or amendment of this ordinance, the lands involved shall be considered to be an individual parcel for the purpose of this ordinance, and such parcel shall be allowed for developmental use even though it does not meet the lot area and lot width requirements for the district in which it is located.

4-7 Repairs and Maintenance

Nothing in this ordinance shall be deemed to prevent normal maintenance or repair of any structure or to prevent restoring to a safe condition any structure declared to be unsafe.

4-8 Changes to a Nonconforming Use or Structure

Anyone wishing to change or enlarge a nonconforming use or structure shall obtain a variance from the Board of Appeals, as provided in Section 11 of this ordinance.

4-9 EAG Exclusive Agricultural District Application

Nonconforming regulations apply in the Exclusive Agricultural District, only if the nonconforming use, structure, or substandard lot existed prior to November 7, 1983.

SECTION 5 SCHEDULE OF DISTRICT REGULATIONS

5-1 Establishment of Districts

For the purpose of this ordinance, the Town of Franklin is hereby divided into the following districts:

1. EAG - Exclusive Agricultural District
2. AG - General Agricultural District
3. C-E - Country Estates District
4. R-1 - Rural Residential District
5. C-I - General Commercial-Industrial District
6. LF - Landfill Overlay District
7. CON - Conservancy District

5-2 Interpretation and Organization

1. Permitted uses and structures listed for any district shall be permitted by right, subject to conditions as specified. Conditional uses and structures listed for any district are permissible only upon approval by the Town Board subject to the conditions as specified and any other conditions as may be imposed by the Town Board as provided in Section 10 of this ordinance.
2. All uses and structures and dimensional requirements shall be subject to Section 6 (Supplementary District Regulations), as applicable.
3. The relationship of the Town of Franklin Land Use Plan categories to existing zoning is generally as follows:

**TABLE 1
LAND USE/ZONING COMPARISON**

Land Use Plan Designation	Existing Zoning	Preferred Zoning
Agriculture	EAG and AG	EAG and AG
Expansion Farming	EAG	EAG
Residential	EAG, AG, C-E, R-1	C-E, R-1
Residential Encouragement	EAG, AG, R-1	R-1
Business	C-I	C-I
Communications/Utilities	EAG, AG	EAG & AG with Conditional Use
Governmental/Institutional	C-I	C-I
Parks	R-1	R-1
Cemeteries	EAG, AG, R-1	EAG, AG
Landfills	LF, R-1, EAG, AG	LF Landfill Overlay
Non-metallic Mining	EAG or AG	EAG & AG with Conditional Use

SECTION 5-3 EAG EXCLUSIVE AGRICULTURAL DISTRICT

5-31 PURPOSE

The intent of this district is to maintain highly productive agricultural lands in food and fiber production by effectively limiting encroachment of non-agricultural development, minimizing land use conflicts among incompatible uses and minimizing public service and facility costs normally associated with non-agricultural development.

The guiding principles of land in the Exclusive Agricultural District are as follows:

1. Consistency with the Town of Franklin Comprehensive Plan
2. If applicable, a license for any new Livestock Facility as required in Chapter 28 of the Manitowoc County Livestock Facility Licensing Ordinance.
3. Requirements of the state runoff law for farms (NR 151, Wis. Adm. Code, ATCP 50)
4. Compliance with standards contained in Chapter 91, Wisconsin Statutes to permit eligible landowner to receive tax credits for farming and includes lands currently cropped or pastured on NRCS soil capability classes 1, 2 and 3 that generally correspond with the Manitowoc County Agricultural Preservation Plan in effect.

5-32 PERMITTED PRINCIPAL USES AND STRUCTURES

Permitted uses in the Exclusive Agricultural District are as follows:

1. Agricultural Uses (as defined in 3-2), except the keeping of bison, deer and elk.
2. Accessory uses (as defined in 3-2) except those as identified specifically in Section 5-33.
3. Undeveloped natural resource and open space areas
4. A transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.
5. Non-Farm residences built prior to January 1, 2014. Such residences may be altered, repaired or rebuilt if destroyed, but are subject to setback, width and other dimensional requirements of the Exclusive Agricultural District.

5-33 CONDITIONAL USES

The following uses may be allowed in this district if reviewed and approved in accordance with standards in this ordinance (see Section 10 for regulations):

1. Agriculture related Uses (as defined in section 3-2)
2. Transportation, communications, pipeline, electric transmission, utility, or drainage uses if all the following apply:
 - a. The use and its location are consistent with the purposes of the district.

- b. The use and its location are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 - c. The use is reasonably designed to minimize conversion of land, at and around the site of the use, from agricultural use or open space use.
 - d. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - e. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
3. Governmental, institutional, religious, or nonprofit community uses if all of the following apply:
 - a. The use and its location are consistent with the purposes of the Exclusive Agricultural Zoning District.
 - b. The use and its location are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 - c. The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
 - d. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - e. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
4. Non-Metallic Mining Extraction, subject to the Manitowoc County Non-Metallic Mining Operations Ordinance (Chapter 21) and Chapter 91:46 (6) of the state statutes, which are as follows:
 - a. The operation complies with subchapter I of ch. 295 and rules promulgated under that subchapter, with applicable provisions of the local ordinance under s. 295.13 or 295.14, and with any applicable requirements of the department of transportation concerning the restoration of nonmetallic mining sites.
 - b. The operation and its location in the Exclusive Agricultural Zoning District are consistent with the purposes of the Exclusive Agricultural Zoning District.
 - c. The operation and its location in the Exclusive Agricultural Zoning District are reasonable and appropriate, considering alternative locations outside the Exclusive Agricultural Zoning District, or are specifically approved under state or federal law.
 - d. The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.

- e. The operation does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - f. The owner must restore the land to agricultural use, consistent with Chapter 21, Manitowoc Non-Metallic Mining Operations Ordinance mitigation requirements.
5. Other conditional uses of the Town of Franklin's Unified Development Ordinance:
- a. Agricultural Research and Development, subject to requirements of s. 91.01(1) or 91.01(3).
 - b. Dog Kennels, provided it meets 91.01(1)(d) of the state statutes.
 - c. Bison farms for the purpose of meat production, subject to requirements in s. 91.01(2)(a)2.
 - d. Commercial Riding Stable boarding 3 or more horses, subject to requirements of s. 91.01(1) or 91.01(3).
 - e. Any separation of farm residence or structure from the larger farm and parcel, provided all of the following apply, subject to conditional use permit standards for nonfarm residences under 5-34.2:
 - I. The separation is for the purpose of farm consolidation
 - II. The residence or structures existed prior to January 1, 2014.
 - III. The separated parcel is no larger than reasonably necessary to accommodate the proposed use.
 - f. The sale and service of machinery used in agricultural production, subject to requirements of s. 91.01(1) or 91.01(3).
 - g. Facilities used for centralized agricultural bulk collection and storage, subject to requirements of s. 91.01(1) or 91.01(3).
 - h. Distribution of agricultural products to wholesale and retail markets, subject to requirements of s. 91.01(1) or 91.01(3).
 - i. The storage and sale of seed, feed, fertilizer and other products essential to agricultural production, subject to requirements of s. 91.01(1) or 91.01(3)..
 - j. Facilities used to provide veterinarian services for livestock, subject to requirements of s. 91.01(1).
 - k. Energy producing facilities in conjunction with a farm operation and utilizing farm products or by-products, subject to requirements of s. 91.01(1) or 91.01(3).
 - l. Mobile and Radio Broadcast Services subject to requirements of s. 91.46(4). Must also comply with Section 7.6 of this Code and Chapter 20 of the Manitowoc County Code.
 - m. Shooting ranges meeting the requirements in s. 91.01(1)(d)

- n. Game farms/shooting preserves qualifying as an accessory use under s. 91.01(1)(b). To meet the definition of agricultural use, the game birds or cervids must be raised on the farm for release for hunting.
- o. Private airport strip qualifying as an accessory use under s.91.01(1).
- p. Oil and gas exploration or production that is licensed by the Department of Natural Resources under Subchapter II of Chapter 295, Wis Stats.

5-34 DIMENSIONAL AND IMPROVEMENT REQUIREMENTS

1. **Minimum Lot Size:** The following conditions apply toward the minimum lot sizes for farm or nonfarm residence:
 - a. For a farm, the owner must have at least 10 acres.
 - b. The creation of a separate parcel or the expansion of an existing parcel for a nonfarm residence or the conversion of a farm residence to a nonfarm residence that was built prior to January 1, 2014, or any other conditional use, shall be a minimum of one (1) acre.
2. **Other dimensional regulations for residential structures:**
 - a. Front yard setback (See Definition section)
 - b. Minimum lot width: 250 feet at the setback line. In the case of a “flag-lot”, the minimum width on a public right-of-way shall be 100 feet, and the minimum lot width past the “pole” of the “flag-lot” must be at least 250 feet wide.
 - c. Side yards: Minimum of 50 feet per side for a residence or barn, and 25 feet for a garage or shed.
 - d. Rear yards: Minimum of 50 feet
 - e. Maximum height : 35 feet
3. **Livestock and other farm related building setbacks, according to the Manitowoc County Livestock Facility Licensing Ordinance (a. through c.):**
 - a. Livestock structures must be located a minimum of 100 feet from the property line or public right-of-way if the livestock facility will have 750 or more, but less than 1,000 animal units, 200 feet from the property line if the livestock facility will have 1,000 or more animal units, and 150 feet from a public road right-of-way if the livestock facility will have 1,000 or more animal units.
 - b. Waste storage structures must be at least 350 feet from any property line or a public road right-of-way.
 - c. A setback requirement for livestock facilities does not prevent the use or expansion of an existing livestock structure that is located within the setback area, provided the facility existed prior to the effective date of this ordinance (November 7, 1983). However, such nonconforming structure cannot be expanded closer to any property line or street setback line.

- d. Maximum height shall be 60 feet. Silos, grain elevators, and antennas shall be exempt from the height regulations.

5-35 RESERVED

5-36 OTHER REGULATIONS

Spreading liquid manure must be properly applied in the right conditions and in proper time intervals, as specified in the Manitowoc County Animal Waste Management Ordinance (Chapter 19). This ordinance is administered through the Manitowoc County Soil and Water Conservation Department.

SECTION 5-4 AG GENERAL AGRICULTURAL

5-41 PURPOSE

To establish and preserve areas for agricultural, low density residential and outdoor recreation uses without permitting an intensity of development which would require the provision of urban facilities and services. Creation of a new parcel for the purpose of building a new residential structure in the AG district, after adoption of this ordinance, will be prohibited. A petitioner who wants to create a new residential parcel will need to rezone the land to residential classification.

5-42 PERMITTED PRINCIPAL USES AND STRUCTURES

1. Agricultural uses, as defined in Section 3-2 except for the keeping of deer and elk.
2. Feedlots shall not be located closer than 1,000 feet to an established residential district. And other agricultural uses which are not conducive to nearby urban development due to odor, noise, health considerations or other intrusions upon adjoining property
3. Single-family dwellings that exist at the adoption date of this ordinance, but no additional creation of lots to build new single family dwellings.
4. Single-family dwellings and accessory buildings to residential dwellings on existing lots. No additional creation of lots to build new single family dwellings.
5. Small businesses for which the payroll basis for all non-owner employees does not exceed 160 total paid hours per week.

5-43 PERMITTED ACCESSORY USES

The following accessory uses are permitted if located on the same lot with the permitted use:

1. Signage (see 7-3 for regulations)
2. Private garages, sheds and barns.
3. Roadside stands for the sale of farm products.

5-44 CONDITIONAL USES

The following uses are permitted on issuance of a Conditional Use permit (Section 10).

1. Small businesses for which the payroll basis for all non-owner employees is more than 160 hours and less than 400 hours per week, except those business uses which are specifically included in this section 5-44.
2. Agriculture related Uses (as defined in section 3-2)
3. Utility uses not requiring authorizations under s. 196.491 (3)
4. Horse Riding stables and equestrian trails for personal use, subject to a minimum of 2.5 acres of land for one horse, and an additional acre and a half for each additional horse.

5. Governmental uses such as fire stations, highway storage garage, sewage treatment plants, schools, parks, airports and landing strips.
6. Churches, schools, and cemeteries.
7. Manufactured homes.
8. Dog Kennels
9. Two family dwellings within existing residential structures only.
10. Mobile and radio broadband services
11. Non-metallic Mining (subject to Chapter 21, Manitowoc Non-Metallic Mining Operations Ordinance)
12. Shooting ranges, public and private.
13. Wedding and Large Assembly Venues
14. Bed & Breakfast establishments
15. Service clubs (ex. Lions, Kiwanis or similar)
16. Child care facilities
17. Flea markets
18. Any similar use to those described above subject to Plan Commission and Town Board approval.

5-45 DIMENSIONAL REQUIREMENTS The following conditions apply toward the minimum lot sizes for a farm operation or residential home site:

1. Five (5) acres minimum acreage for agricultural purposes.
2. Legal conforming minimum lot area for one-family units must be two (2) to five (5) acres for parcels created prior to the adoption date of this ordinance, and five (5) acres or more for parcels created after the adoption date of this ordinance.
3. Minimum lot width: 250 feet minimum lot width at the setback line. In the case of an existing “flag-lot”, the minimum width on a public right-of-way shall be 100 feet, and the minimum lot width past the “pole” of the “flag-lot” must be at least 250 feet wide.
4. Front yard setback (See Definition section)
5. Side Yards: Minimum of 50 feet per side for a residence or barn, and 25 feet for a garage or shed.
6. Rear Yards: Minimum of 50 feet
7. Maximum height for a residential structure: 35 feet.
8. Maximum height for a farm structure: 60 feet.

9. Silos, grain elevators, towers and antennas are exempt from height regulations.

5-46 OFF-STREET PARKING REQUIREMENTS

Two spaces for each residential dwelling unit. See Section 7-4 for other parking regulations.

SECTION 5-5 C-E COUNTRY ESTATES DISTRICT

5-51 PURPOSE

The Country Estates District is intended for large lot single-family rural lots, along with compatible home occupations and low-intensity agricultural uses. This zoning classification would be appropriate for single-family lots, created previous to adoption of this ordinance, but were not part of a subdivision. Parcels created after adoption of this ordinance must be platted as a Certified Survey Mapped lot.

5-52 PERMITTED PRINCIPAL USES AND STRUCTURES

1. Single-family dwellings
2. Small “hobby farm” agricultural operations including a garden, nursery, greenhouse and usual farm buildings, subject to the following restrictions:
 - a. No building in which farm animals are kept shall be closer than 50 feet to any adjoining lot line.
 - b. No storage of manure or odor or dust-producing substance or use shall be permitted within 50 feet of any adjoining lot line.
 - c. No greenhouse heating plant shall be operated within 100 feet of any adjoining lot line.

5-53 PERMITTED ACCESSORY USES

The following accessory uses are permitted if located on the same lot with the permitted use:

1. Customary home occupation or professional offices conducted by the resident only, provided that there be no external evidence of such use except an announcement or professional sign not exceeding 3 square feet in area. Also see definition of Home Occupation in Section 3-2 and associated provisions.

5-54 CONDITIONAL USES

The following uses are permitted on issuance of a Conditional Use permit (Section 10).

1. Utility uses not requiring authorizations under SS 196.491 (3)
2. Horse Riding stables and equestrian trails for personal use, subject to a minimum of 2.5 acres of land for one horse, and an additional acre and a half for each additional horse.
3. Dog Kennels
4. Wedding venues
5. Art galleries
6. Bed & Breakfast establishments
7. Service clubs (ex. Lions, Kiwanis or similar)
8. Dance & Exercise studios

9. Child care facilities
10. Creative wood & metal works
11. Nurseries and greenhouses
12. Farmer & Flea markets
13. Start-up and family type businesses with no more than two (2) employees in addition to the owner(s). A family type business is defined as a business which includes the owner and at least one immediate family member employee of the owner.

5-55 DIMENSIONAL REQUIREMENTS

1. Residential Structures:
 - a. Legal conforming minimum lot area for one-family units or existing platted lots must be five (5) acres or more for parcels created after the adoption date of this ordinance.
 - b. Minimum lot width shall be 250 feet at the setback line. In the case of a “flag lot”, the minimum width on a public right-of-way shall be 100 feet, and the minimum lot width past the “pole” of the flag lot must be at least 250’ wide.
 - c. Front yard setback (See Definition section)
 - d. Side Yards: Minimum of 50 feet per side for a residence or barn, and 25 feet for a garage or shed
 - e. Rear Yards: Minimum of 50 feet
 - f. Maximum height for a residential structure: 35 feet

5-56 OFF-STREET PARKING REQUIREMENTS

Two spaces for each residential dwelling unit. See Section 7-4 for other parking regulations.

SECTION 5-6 R-1 RURAL RESIDENTIAL DISTRICT

5-61 PURPOSE

This district is intended to provide for areas of the Town where non-agricultural uses and development can be established or maintained. This district includes existing residential development in the areas of Taus, Menchalville, the west edge of Kellnersville, or other areas having a concentration of residential development, and any area shown on the Franklin Land Use Plan classified as “Residential Expansion”. New residential subdivisions (5 or more lots) in “Residential Expansion” areas must follow the Conservation Subdivision provision of this ordinance (13-15), or if less than five lots, submit a Certified Survey Map.

5-62 PERMITTED PRINCIPAL USES AND STRUCTURES

1. Single-family dwellings.
2. Churches, public schools, parks, playgrounds, and recreational areas, private elementary and high schools, and public utilities.

5-63 PERMITTED ACCESSORY USES

The following accessory uses are permitted if located on the same lot with the permitted use:

1. Signage (see 7-3 for regulations)
2. Customary home occupations or professional offices conducted by the resident only, provided that there be no external evidence of such use except an announcement or professional sign not over three square feet in area. Also see definition of Home Occupation in Section 3-2 and associated provisions.
3. Other customary accessory uses and buildings, provided such uses are clearly incidental to the principal use and do not include any activity commonly conducted as a business. Accessory buildings are limited to three for every (2) two acres.

5.64 CONDITIONAL USES

The following uses are permitted on issuance of a Conditional Use permit (Section 10).

1. Retirement housing projects.
2. Two-family dwellings.
3. Wedding venues
4. Art galleries
5. Bed & Breakfast establishments
6. Service clubs (ex. Lions, Kiwanis or similar)
7. Dance & Exercise studios
8. Child care facilities
9. Creative wood & metal works

10. Nurseries and greenhouses
11. Farmer & Flea markets
12. Start-up and family type businesses with no more than two (2) employees in addition to the owner(s). A family type business is defined as a business which includes the owner and at least one immediate family member employee of the owner.

5-65 DIMENSIONAL REQUIREMENTS

1. Minimum lot area is one (1) acre for all lots created prior to adoption of this ordinance, and two (2) acres for lots created after adoption of this ordinance.
2. Minimum lot width shall be 150 feet
3. Front yard setback (See Definition section)
4. Side Yards: Minimum of 20 feet per side
5. Rear Yards: Minimum of 25 feet.
6. Maximum height for a residential structure shall be 35 feet

5-66 OFF-STREET PARKING REQUIREMENTS

Two spaces for each residential dwelling unit. See Section 7-4 for other parking regulations.

SECTION 5-7 C-I GENERAL COMMERCIAL-INDUSTRIAL DISTRICT

5-71 PURPOSE

To preserve designated areas in the Town where commercial and industrial uses presently exist and to establish suitable land areas where future commercial and light industrial development may occur and be compatible with surrounding and neighboring land uses.

5-72 PERMITTED PRINCIPAL USES AND STRUCTURES

Offices, public buildings, fire stations, and clinics.

1. Personal and general service establishments including banks, barbers, beauty shops, insurance offices, hardware stores, taverns, repair shops and other uses of a similar nature.
2. Town, county or other municipal or governmental service facilities.

5-73 PERMITTED ACCESSORY USES AND STRUCTURES

1. Signage (see 7-3 for regulations)
2. Uses and structures customarily and clearly incidental to permissible principal uses and structures.

5-74 CONDITIONAL USES

The following uses are permitted on issuance of a Conditional Use permit (Section 10).

1. Public utility installations
2. Automobile wrecking yards, salvage yards or junk yards
3. Mobile and Radio Broadcast Facilities.
4. Wholesale, warehouse and building material supply establishments.
5. Agriculture-related businesses such as farm implement dealers, farm co-ops, feed mills and other uses of a similar nature.
6. Automobile repair shops, service stations, and convenience-gas stations.
7. Automobile, boat, manufactured home and construction equipment dealers, and other retail sales and service facilities.
8. Veterinary hospitals.
9. Light manufacturing including bottling, packaging, laboratories, and other uses of a similar nature.
10. Assembling of materials and products provided that all work is performed within an enclosed structure.

5-75 DIMENSIONAL REQUIREMENTS

1. Minimum lot area shall be 1 acre
2. Minimum lot width shall be 200 feet
3. Front yard setback (See Definition section)
4. Side Yards-Minimum of 35 feet per side
5. Rear Yards-Minimum of 35 feet
6. Maximum height for a business or commercial structure shall be 45 feet. Maximum height for a manufacturing or industrial structure shall be 60 feet.

5-76 OFF-STREET PARKING REQUIREMENTS

See Section 7-4 for parking regulations.

SECTION 5-8 LF LANDFILL OVERLAY DISTRICT

5-81 PURPOSE

The purpose of this district is to provide a means of properly regulating and reclaiming landfill sites which are located primarily by their geological characteristics rather than to a planning and zoning process. The Landfill District is only allowed to overlay the General Agricultural District.

5-82 PERMITTED USES

Sanitary landfill sites that are presently in existence.

5-83 BASIC DISTRICT STANDARDS

LF District standards are based on the underlying district, unless more restrictive standards are established in a Conditional Use Approval. Also, excavations or fill areas within 200 feet from any right-of-way or property line shall not be permitted unless the Plan Commission recommends and Town Board determines that the operational plans adequately provide for:

1. Safety of abutting land uses and for safe ingress to, egress from and traffic flow past the site.
2. Aesthetic screening from abutting properties.
3. Dust and debris control from the operation.
4. Staging of the operation to produce a minimal time frame between commencing of operations and restoration within this 200 foot area.

The Conditional Use Permit shall be in effect for a period not to exceed two (2) years and may be renewed upon application for a period not to exceed two (2) years. Modifications or additional conditions may be imposed upon application for renewal.

5-84 OPERATIONAL REQUIREMENTS

1. All designated and licensed landfill operations in the Town shall be fenced with approved fencing material or other suitable barrier material for the protection of the public and adjoining land owners.
2. Machinery, roads, and equipment used in the landfill operation shall be constructed, maintained and operated in such a manner as to minimize dust, noise and vibration and debris.
3. Planting of trees and shrubs and other appropriate landscaping shall be provided where deemed necessary by the Plan Commission.
4. Hours of operation may be established.

5-85 RESTORATIVE REQUIREMENTS

The owner or operator shall prior to the issuance of a permit submit to the Plan Commission a plan for such restoration in the form of the following:

1. A physical restoration plan showing the proposed contours after restoration, (no greater than five (5) foot intervals) plantings and other special features of restoration, and the method by which such restoration is to be accomplished.

2. A bond, certified check, or other financial guarantee in an amount sufficient to secure the performance of the restoration agreement. Restoration shall proceed as soon as practical after exhaustion of the site.
3. At any stage during the restoration the plan may be modified by mutual agreement between Town and the owner or the operator. When there is any backfilling with material other than soil, all material used and method of filling shall have prior DNR approval. In any case, the finished grade of the restored area except for rock faces, outcroppings, water bodies, or areas of proposed buildings or paving construction, shall be of sufficient depth of earth to support plant growth.
4. Within one year after the cessation of the operation, all temporary structures (excepting fences), equipment, stock piles, rubble heaps, or other debris shall be removed or backfilled into the landfill so as to leave the premise in a neat and orderly condition.

5-86 EXISTING OPERATIONS

Any issues (other than zoning issues) between the Town and Landfill operator must be brought before the Town of Franklin Landfill Committee. This committee, which came into being when the contract was signed with the present landfill operator, oversees operational aspects and makes recommendations to the Town Board for their action.

5-87 CONDITIONAL USES

The following uses are permitted on issuance of a Conditional Use permit (Section 10).

1. Extension of a legally existing landfill site operation.
2. New landfills, solid waste management facilities, recycling centers, and soil extraction or scraping for purposes of obtaining fill material for such large scale operations as landfill sealing.

5-88 OFF-STREET PARKING REQUIREMENTS

See Section 7-4 for other parking regulations.

SECTION 5-9 CON CONSERVANCY DISTRICT

5-91 PURPOSE

The purpose of this district is to provide designated areas in the Town where the enhancement and preservation of significant natural resource areas will be maintained. This district will contain designated wetland areas, wildlife habitat areas in the form of food and cover; and other low-lying land areas adjacent to county designated flood plains for additional water storage.

5-92 PERMITTED PRINCIPAL USES AND STRUCTURES

1. Grazing and the raising of crops, harvesting of wild crops, hunting, fishing and trapping and forestry
2. Non-residential buildings and structures used for the raising of wildlife and fish and the practice of forestry
3. Boat launching areas, boat liveries and sale of bait
4. Public parks and recreational areas

5-93 PERMITTED ACCESSORY USES

1. Signage (see 7-3 for regulations)
2. Uses customary and incidental to the permitted principal uses and structures

5-94 CONDITIONAL USES

The following uses are permitted on issuance of a Conditional Use permit (Section 10).

1. Camps and campgrounds
2. Commercial recreational areas, golf courses, and customary accessory uses.

5-95 DIMENSIONAL REQUIREMENTS

1. Minimum lot area shall be 1 acre. Minimum lot width shall be 200 feet
2. Front yard setback (See Definition section)
3. Side Yards: Minimum of 25 feet per side
4. Rear Yards: Minimum of 25 feet
5. Maximum height for any structure shall not exceed 35 feet

5-96 OFF-STREET PARKING

See Section 7-4 for other parking regulations.

TABLE 2
Lot Size/Area Requirements

Zoning Category	Lot Width	Lot Area	Building Height	Street Setback	Rear Setback	Side Setback
EAG	250'	10 Acres for farm.	Res-35' Farm-60'	100'/Centerline 25'/ ROW L.*	50'	50'/25'
AG	250'	5 Acres 2 Acres prior to previous ordinance (January 18, 2011)	Res-35' Farm-60'	100'/Centerline 25'/ ROW L.*	50'	50'/25'
C-E	250'	5 Acres	35'	100'/Centerline 25'/ ROW L.*	50'	50'/25'
R-1	150'	2 Acres	35'	60'/Centerline 25'/ ROW L.*	25'	25'
C I	200'	1 Acre	Com-45' Ind-60'	60'/Centerline 25'/ ROW L.*	35'	35'
L F	--	--	--	60'/Centerline 25'/ ROW L.*	--	--
CON	200'	1 Acre	35'	60'/Centerline 25'/ ROW L.*	25'	25'

*Generally setbacks with more restrictive Town standards are as follows:

1. Town Road (Class 1) is 60' from centerline but not less than 25' from right-of-way line.
2. County or State Road (Class 2 & 3) is 100' from centerline but not less than 25' from right-of-way line.
3. Class 4 Road and setback requirements at site triangle apply to lots at intersections (see Chapter 10 of the Manitowoc Setback Ordinance for details).

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SECTION 6 SUPPLEMENTARY DISTRICT REGULATIONS

6-1 General Application

The regulations set forth herein shall supplement or modify the regulations set forth in Section 5 Schedule of District Regulations.

6-2 Lots and Yards

1. **More than One Building on a Lot.** In any district, more than one building housing a principal use may be erected on a single lot provided that yard and other requirements of this ordinance shall be met for each building as though it were on an individual lot.
2. **Through Lots.** On through or lots with double frontage, the required front yard shall be provided on each street. On corner lots the street side yard shall equal the required front yard for lots fronting on that street.
3. **Development in Mapped Streets.** Where an official line has been established for the future widening or opening of a street, the depth of a front yard or the width of a side yard shall be measured from such official line to the nearest line of the building.
4. **Access.** Every building housing a principal use hereafter erected or moved shall be on a lot with direct access to a public or Private Street and all such buildings shall be so located as to provide safe and convenient access for the servicing and off-street parking.
5. **Building Groups.** In any non-residential district a group of buildings separated only by common or party walls shall be considered as one building.

6-3 Accessory Uses and Structures

1. **Attached Accessory Buildings.** All accessory buildings which are attached to the principal buildings shall comply with the yard requirements of the principal building.
2. **Detached Accessory Buildings.** No detached accessory building shall occupy any portion of the required front or side yard in any district where the principal use is residential. No detached accessory building or buildings shall occupy more than 25 percent of the required rear yard or be located within eight feet of any lot line. The number of accessory buildings allowed in R-1 Residential zoning district is three (3) buildings per two (2) acres.
3. **Corner Visibility.** On any corner residential lot, nothing shall be erected, planted or allowed to grow within 30 feet of the street line that will obscure visibility over the height of two and one half feet above the street grade.

6-4 Height

The height limitations contained in Section 5 do not apply to belfries, cupolas, antennas, water tanks, elevator bulkheads, chimneys, spires, flagpoles or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

6-5 Landscaped Buffer

The use of properly planted and maintained buffer areas may reduce and ease potential incompatibility between or among different uses of land in proximity to each other.

6-51 Requirements

Where these zoning regulations require a landscaped buffer area, the following landscaped buffer requirements shall be met:

1. The landscaped buffer area shall not be less than six feet in width measured at right angles to property lines and shall be established along the entire length of and contiguous to the designated property line or lines.
2. The area shall be so designed, planted and maintained as to be seventy-five percent or more opaque between two and six feet above average ground level when viewed horizontally.
3. Types and numbers of planting for landscaped buffers shall be submitted with application for a building permit or Conditional Use, along with plans and statements demonstrating how the buffer will be maintained in the future.
4. Plantings shall be of a size and type which will insure the meeting of the seventy-five percent capacity requirement within no longer than twelve months of the date of first planting.
5. Failure to maintain the landscaped buffer area as set out above shall be a violation of these zoning regulations.

6-52 Substitution for Landscaped Buffer Area

Except when otherwise specifically provided by these regulations, a six foot high opaque structure set in a five foot wide landscaped buffer area may be substituted for the six foot high planted buffer above. If such opaque structure is of non-living material, for each ten feet thereof, an average of one shrub or vine shall be planted abutting such barrier but need not be spaced ten feet apart. Such shrubs or vines shall be planted along the outside of such barrier unless they are of sufficient height to the time of planting to be readily visible over the top of such barrier. The remainder of the required landscaped areas shall be landscaped with grass, ground cover or other landscaping.

6-53 Sight Distance

When an accessory intersects a public right-of-way, all landscaping or structures shall provide unobstructed cross visibility at a level between two and one half to six feet.

6-6 Manufactured Home Requirements

A manufactured home moved into the Town of Franklin following the adoption date of this ordinance must meet the following requirements:

1. That the manufactured home is secured to a full basement or other permanent enclosed foundation that meets all applicable state building codes, having not more than 12 inches of exposed concrete foundation above the exterior finished grade of the lot. An exception is when the grade of the lot slopes, in which case only that portion of the foundation which is on the highest point of the lot must meet the requirements of this paragraph.

2. Minimum structure width (i.e. short side) shall be at least twenty-five (25) feet. Attached garages, carports and open decks shall not be included in the measurement of the width of the dwelling.
3. The structure shall have a minimum of a 4/12 pitched roof on a minimum of seventy-five (75) percent of the structure.

6-7 Private Roads

Private roads which provide access to no more than two (2) lots or parcels will be permitted if the design includes a 22-foot top of road surface (gravel or hard surface finish) with adequate subgrade.

6-8 Reserved

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SECTION 7 SPECIAL PROVISIONS

7-1 Applicability

Regulations for uses and structures specified in this Section shall apply to such uses and structures whether permitted by “right” or permissible by Conditional Use in any district. Applications for a Conditional Use shall be submitted and reviewed by the Plan Commission and Town Board as specified in Section 10.

7-2 Reserved

7-3 Signs

7-31 Purpose and Intent of Sign Regulations

The intent of this regulation is to provide for and regulate the location and safe construction of signs in a manner to ensure that signs are compatible with surrounding land uses, are well maintained and express the identity of individual proprietors and the Town as a whole.

7-32 Compliance

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without conforming to the provisions of this Unified Development Ordinance. No permanent sign shall be located in a site tri-angle of two intersecting roads.

7-33 Signs not included in the application of sign code regulations

1. Signs not exceeding one-square foot in area and bearing only property numbers, postbox numbers, names of occupants of the premises, or other identification not having commercial connotations.
2. Flags and insignia of any government except when displayed in connection with a commercial promotion.
3. Legal notices, identification, informational, or directional signs erected or required by government agencies.
4. Integral or architectural features of buildings except letter, trademarks, moving parts or moving lights.
5. Signs directing or guiding traffic and parking on private property, but bearing no advertisement matter and not exceeding nine square feet in area.
6. Temporary paper signs advertising a cultural or civic matter within thirty days of such an event.

7-34 Signs Permitted in All Districts without a Permit

The following signs are permitted in all zoning districts without a permit, subject to the following regulations:

1. One temporary sign for each street frontage advertising the sale or lease of real estate provided such sign is limited to 9 sq. ft. per side in area, and one temporary sign advertising the development of property and limited to 50 sq. ft. per side in area. No temporary sign shall be erected within 10 feet of any adjacent side yard and no temporary sign shall remain after the sale, lease or development of the property.

2. Home occupation and professional home office signs not to exceed two (2) square feet in area.
3. Election campaign signs are limited to 10 sq. ft. in area. The erector of such a sign shall obtain permission from the property owner, renter or lessee, provided that such sign shall not be erected prior to the first day of the "election campaign period" as defined in Sec. 12.04 of the Wisconsin Statutes and shall be removed within four (4) days following the election.
4. Rummage sale and garage sale signs, provided that no such signs shall be erected or placed within a public right-of-way and further provided that such signs are removed within twenty-four (24) hours following the sale.
5. Bulletin boards for public, charitable or religious institutions not to exceed thirty-two (32) square feet in area located on the premises.
6. Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
7. Official signs, such as traffic control, parking restrictions, information and notices.

7-35 Signs Permitted in All Residential Districts

The following signs are permitted in any residential district and are subject to the following regulations:

1. One subdivision identification sign limited to 25 square feet per side. Such a sign shall not exceed 8 feet in height.
2. In connection with any public or semi-public institution, the following signs are permitted: one identification sign limited to 20 sq. ft., one bulletin board limited to 15 sq. ft. and not more than two temporary signs or banners limited to a combined area of 20 sq. ft. in connection with special events, provided that no such sign or banner shall be displayed for a period of more than two weeks.
3. One subdivision identification sign limited to 25 square feet per side. Such a sign shall not exceed 8 feet in height, shall have a minimum ten (10) feet side yard, and shall not be located in a road right-of-way.
4. Temporary development signs for the purpose of designating a new building or development or for the promotion of a subdivision may be permitted for a limited period of time, provided that the sign shall not exceed forty-eight (48) square feet in area, shall have a minimum ten (10) feet side yard, and shall not be located in a road right-of-way. The Plan Commission shall specify the period of time the sign may remain based on the size of the development, allowing a reasonable time to market the development.
5. Signs shall not be closer than 300 feet from the point of intersection of the right-of-way lines of any intersecting roads.
6. No sign in a residential district shall exceed eight (8) feet in height or produce artificial light from within.

7. No illumination sign shall be permitted within 50 feet of any residence, unless such sign is so designed that it does not shine or reflect light onto such residence.

7-36 Signs Permitted in All Agricultural Districts

The following signs may be permitted in all Agricultural Districts and are subject to the following regulations:

1. Signs displaying the name of the farm, owner, and farm organization or advertising the products produced on the premises shall not exceed fifteen (15) feet in height above the ground surface, shall have a minimum ten (10) feet side yard, shall not be located in a road right-of-way, and shall not exceed 32 square feet in area. A maximum of two (2) signs will be allowed, with one sign being a free-standing unit.
2. Wall signs affixed to or painted on farm buildings advertising farm products produced on and/or sold on the premises or displaying the owner's name shall not exceed One Hundred-Fifty (150) square feet.
3. Directional signs indicating the name of a business or other establishment and the direction and distance to the establishment. No directional sign shall be placed within the road right-of-way or within the vision clearance triangle of any intersecting roads. No directional sign shall exceed twelve (12) square feet in area.
4. Signs shall not be closer than 300 feet from the point of intersection of the right-of-way lines of any intersecting roads.

7-37 Signs Permitted in Commercial-Industrial District

The following signs may be permitted in the Commercial / Industrial District, subject to the following restrictions:

1. A maximum of two (2) signs allowed per principal use
2. One (1) free standing sign will be allowed with the following provision
 - a. Maximum height-30 feet
 - b. Maximum area-50 sq. ft. per side
 - c. Wall signs shall not exceed 20 feet in height and have a maximum area of 150 square feet.
 - d. Roof signs are prohibited.
3. Wall signs placed against the exterior walls of buildings shall not extend more than twelve (12) inches outside of a building's wall surface, shall not exceed one-hundred-fifty (150) square feet in area for any one (1) premise and shall not extend above the roof line of the building.
4. Projecting signs (including marquee, awning or canopy signs) fastened to, suspended from or supported by structures shall not exceed twenty (20) square feet in area for any one (1) premises, shall not extend more than six (6) feet into any required yard, shall not extend more than three (3) feet into any public right-of-way, shall not be less than ten (10) feet from all side lot lines, shall not exceed a height of twenty (20) feet above the mean centerline street grade, shall have a minimum ten (10) foot side yard, shall not be located in a road right-of-way, and shall not be less

than ten (10) feet above the sidewalk nor fifteen (15) feet above a driveway or an alley.

5. Temporary window signs advertising a sale or special event at an individual commercial establishment shall be exempt from the sign regulations of this ordinance.

7-38 Signs Permitted in a Conservancy District

Signs are permitted in the Conservancy District, subject to the following restrictions:

1. A maximum of two signs per lot
2. Height not to exceed 10 feet
3. Sign area not to exceed 32 square feet

7-39 Portable Signs

The Zoning Administrator/Building Inspector may permit the temporary use of a portable sign for advertising purposes in any district, provided that the portable sign will not be located on any public right-of-way, will not be located closer than ten (10) feet to an adjacent property and will not cause a hazard to traffic or adjoining properties. Such signs shall not be displayed more frequently than five (5) times per calendar year, and not more than thirty (30) days at a time.

7-391 Lighting and Color

No sign shall be erected or maintained at any location where, by reason of its position, working, illumination, size, shape, or color it may obstruct, impair, or interfere with traffic visibility, nor be lighted in such a way as to cause glare or impair driver visibility upon public ways, or be confused with any authorized traffic control sign, signal or device.

Signs may be illuminated but non-flashing. Signs shall not be revolving or animated; however, copy on time and temperature devices may be cyclical. Signs in residential districts may be illuminated only with Plan Commission approval. Signs shall not disperse light beyond the property line boundaries.

7-392 Measuring Signs

In calculating the area of a sign to determine whether it meets the requirement of this Unified Development Ordinance, the Zoning Administrator or designated agent shall include the sign copy and any border or frame surrounding that copy. Supporting members of a sign shall be excluded from the area calculation. Area of irregularly shaped signs or signs containing two (2) or more detached elements shall be determined by the area of the smallest regular polygon that will encompass all elements of the sign.

7-4 Off-Street Parking

7-41 Purpose

The intent of this section is to prevent or alleviate the congestion of the public streets and promote the safety and welfare of the public by establishing minimum requirements for off-street parking and loading according to the use of the property, and to promote safety and convenience for people by requiring that parking areas and driveways be located and constructed according to good standards for visibility, accessibility and safety. It is the responsibility of property owners to provide adequate parking to meet their specific needs.

7-42 Applicability

All uses hereafter established, expanded, changed in use to create a need for ten percent (10%) greater parking capacity, reduced in size, or alteration to existing surfaces shall provide off-street parking and loading space in accordance with the standards set forth in this section. Alteration means adding asphalt or concrete to a gravel parking lot or parking space or removing asphalt or concrete from a parking lot or parking space and exposing the gravel base course and repaving of such area.

7-43 Permit application

Applications to construct or pave a parking lot or parking space shall be submitted to the Zoning Administrator or designated agent.

7-44 Permit fees

The parking lot or driveway permit fee shall be established from time to time by action of the Town Board, along with penalties for failure to obtain the necessary permits prior to starting construction.

7-45 Size of parking stalls

The minimum size standards for off-street parking spaces shall be 9' by 18' or 162 sq. ft. (not including aisle-way width). Parking spaces shall be designed at 90 degrees, with a minimum aisle width of 26'.

7-46 Parking space for handicapped

Any parking area to be used by the general public shall provide parking spaces designated and located to adequately accommodate the handicapped, and these shall be clearly marked as such. Handicapped stalls shall be located in close proximity to the principal entrance(s). Parking spaces shall be designed in accordance with the state and federal building code and, as a minimum, shall meet the Federal ADA standards. Handicap ramp slopes shall not exceed 1:12.

7-47 Design standards

All parking lot development or expansion of existing parking lots that need to accommodate more than ten (10) parking stalls shall be subject to development plan design standards as identified below:

1. **Drainage** All parking areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties. On-site storm drainage shall be provided in accordance with the State Plumbing Code.
2. **Protection Devices** Barriers, curbing, or wheel stops shall be installed and so located as to prevent any portion of a vehicle from projecting beyond property lines, into any landscaping and screening, or into a pedestrian space. Such barriers, curbs or wheel stops shall be constructed and anchored to prevent their dislocation.
3. **Surface areas** Parking areas, including stalls and access ways, shall be either concrete or asphalt. Parking areas designed solely for semi-truck traffic and parking may provide a gravel surface under the following conditions:
 - a. The entrance must be asphalt or concrete for at least the first twenty-five (25) feet from the right-of-way.
 - b. The loading area must be asphalt or concrete.

- c. The gravel must be periodically graded and maintained in a dust free manner, free of debris, weeds and other plant materials.
- d. The street adjoining the driveway must be free of gravel from the parking lot.

7-48 Maintenance

1. **Parking Lot Conditions.** The owner of property used for off-street parking shall maintain such area in good condition without holes and free of all weeds, standing water, trash, abandoned or junk vehicles and other debris.
2. **Lighting.** Parking lot and loading space lighting fixtures shall be of a full cut-off type to avoid light spilling over onto adjacent residentially zoned properties and public rights-of-way.
3. **Striping.** All parking areas shall be striped to delineate parking stall locations.
4. **Maneuvering.** All parking and loading spaces shall be designed to provide safe maneuvering to occur within the property line.
5. **Snow storage.** Snow storage must be provided on-site, or a letter from the owner of the property to the Town stating the method to remove the snow from the site in a timely fashion.

7-49 Parking Spaces

Table 3 identifies minimum parking stalls by land use:

**TABLE 3
OFF-STREET PARKING REQUIREMENTS (per usable floor area*)**

Land Use	Spaces Required	Per
Residential	2	Housing unit
Churches	1	Per 3 fixed seats
Schools	1	Per employee and 1 for each 10 students
Retirement facilities:	1	For each housing unit plus 1 additional space per employee per shift.
Retail and personal service	1	200 sq. ft.
Tavern, restaurant or recreational	1	100 sq. ft
Offices, public buildings and clinics	1	200 sq. ft
Manufacturing and industrial facilities	1	Each employee on Maximum shift

*Useable floor area excludes hallways, bathrooms, utility or storage areas, and any areas not accessible to the public (i.e. kitchen area of a restaurant).

7-5 Mobile and Radio Broadcast Services

See Chapter 20, Manitowoc County Mobile and Radio Broadcast Services, for the establishment of standards for the siting of antennas, towers, and other structures necessary to provide mobile and radio broadcast services. All references to an officer, agent or employee of Manitowoc County shall be the corresponding officer, agent or employee of the Town of Franklin, which shall administer and enforce this ordinance.

This chapter of Manitowoc County Ordinances is incorporated into this ordinance by reference as if fully set forth herein.

7-6 Non-Metallic Mining Operations (Quarries)

See Chapter 21, Manitowoc County Nonmetallic Mining Operations Ordinance for regulation of quarries, sandpits, and other nonmetallic mining operations. All references to an officer, agent or employee of Manitowoc County shall be the corresponding officer, agent or employee of the Town of Franklin, which shall administer and enforce this ordinance to the extent permitted by law. This chapter of Manitowoc County Ordinances is incorporated into this ordinance by reference as if fully set forth herein.

7-7 Cemeteries

The following standards apply to the establishment of new cemeteries and not the expansion of existing cemeteries. Cemeteries must comply with the provisions of the zoning district.

1. **Minimum size.** A cemetery shall be at least 3 acres.
2. **Location of burial plots.** Burial plots shall not be located within 50 feet of a public street right-of-way, in a designated floodplain, or in a wetland area, nor shall internment occur below the groundwater table.
3. **Marker required.** A permanent marker stating the name of the deceased and the birth and death dates, if known, shall identify the location of each occupied burial plot, unless the zoning administrator allows an unmarked grave due to exceptional circumstances.
4. **Casket required.** The deceased shall be enclosed in a casket or other durable container.
5. **Name required.** The cemetery shall have a formal name, which shall be placed on a permanent sign located by the main entrance to the cemetery.
6. **Financial guarantee.** Prior to the establishment of this use, the property owner shall submit a financial guarantee to the Town of Franklin consistent with any requirement the town board may adopt. This financial guarantee shall relate to the long-term upkeep and maintenance of the cemetery.

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SECTION 8 ENFORCEMENT, REMEDIES, AND PENALTIES

8-1 Zoning Administrator – Duties and Powers

The provisions of this ordinance shall be administered by the Zoning Administrator who shall be appointed by the Town Board Chairman and confirmed by the Town Board. The Zoning Administrator may direct a designated agent (See Section 8-5) such as a Town Official to perform supporting tasks associated with this ordinance as identified below:

1. Conduct inspections to determine compliance or non-compliance with the provisions of this ordinance.
2. Issue stop, cease, and desist orders, and orders requiring the correction of all conditions found to be in violation of the provisions of this ordinance. Such written orders shall be served personally or by certified mail upon persons deemed by the Zoning Administrator to be violating the provisions of this ordinance. It shall be unlawful for any persons to violate any such order issued by the Zoning Administrator.
3. With approval of the Town Board, or when directed by them, institute in the name of the Town any appropriate action or proceedings to prevent any violation of this ordinance.
4. Revoke by order any zoning permit approved under a misstatement of fact or contrary to the law or provisions of this ordinance.
5. Maintain a record of nonconformities and Conditional Uses.
6. Upon request of the Town Board, Town Board Chairman, Plan Commission, or Board of Appeals, present to such persons or bodies facts, records, or reports which they may request to assist them in making decisions, or assist them in any other way as requested.
7. Review all applications submitted to the town for completeness. Applications include but are not limited to: Rezones, Comprehensive Plan Amendments, Conditional Use Permits, Variances and Land Divisions (primarily CSM's).
8. Provide Staff Review Reports for all applications submitted to the Town Plan Commission, Board of Appeals and Board for action.
9. Provide ordinance information and interpretation of the code to the public based on verbal, written or electronic requests,
10. Delegate tasks to one or more Town Agents.

8-2 Enforcement – Town Attorney

1. This Ordinance shall be enforced by the Town Attorney under the direction of the Town Board.
2. When violations of this Ordinance occur, the Town Board shall make a complaint to the Town Attorney who shall then be responsible for the necessary enforcement action.

8-3 Remedies

In the event any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained; or any building, structure or land is or is proposed to be used in violation of this ordinance, the appropriate authorities of the Town of Franklin, or any person aggrieved by such violation may, in addition to other remedies, institute appropriate action or proceedings to prevent, restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct of business or use in or about such premises.

8-4 Penalties

Any person who violates any provisions of this ordinance or any order, rule or regulations made hereunder shall, upon conviction, be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each offense, together with the costs of prosecution, and in default of payment of such fines and costs of prosecution, shall be imprisoned in the County Jail until such fine and forfeitures are paid, but not to exceed thirty (30) days. Whenever a person shall have been notified in writing by the Zoning Administrator that he is in violation of the provisions of this ordinance such person shall commence correction of all violations within seven days after notice, and shall correct all violations within 30 days after notice. If corrections are not commenced within seven days of written notice or not corrected within 30 days of written notice, each day that a violation continues shall be considered a separate offence.

8-5 Town Agent(s) to the Zoning Administrator

It is recognized that certain functions of the Zoning Administrator (ZA) could be served by local Town Agents. Reasons include closer proximity of the Town Agent to the site requiring a review, costs savings to the Town in administering this ordinance and/or the agent's historical knowledge of the site. Town Agents should be qualified individuals and may include Town Officials. Town Agents shall conduct the tasks as directed by the ZA. The ZA may designate one or more Agents to perform the tasks. The following are samples of tasks which could be directed to a qualified Town Agent by the ZA:

1. Distribution of Applications for Rezones, Comprehensive Plan Amendments, Conditional Use Permits, Variances, CSM & Plat reviews.
2. Conduct on-site inspections to determine compliance or non-compliance to this ordinance. Specific examples include, but are not limited to, land use activities, natural features, set back requirements, drainage and condition of structures.
3. Issue stop, cease and desist orders.
4. Provide photo documentation and measurements of site features required for administrative review.
5. Conduct meetings with landowners to discuss the details of any ideas, procedures, application requirements and timelines.
6. Report any zoning code violations to the Zoning Administrator.
7. All the information gathered by a Town Agent shall be promptly reported to the ZA.

SECTION 9 PLAN COMMISSION

9-1 Plan Commission

The Plan Commission has the responsibility for recommending land use changes consistent with the regulations in this ordinance and interpreting the goals, objectives and intent of the Town of Franklin's Comprehensive Plan

9-2 Membership and Terms of Office

9-21 The Town Plan Commission shall consist of seven (7) members of which one may be a Town Board member and six (6) citizen members, who are not otherwise Town officials, and who shall be persons of recognized experience and qualifications. An alternate citizen member can be appointed to fill meeting vacancies of other members. The Town Board Chairperson shall appoint the members of the Plan Commission and designate a Plan Commission Chairperson during the Month of April to fill any expiring term. The Town Board Chairperson may appoint himself or herself or another town board member to the Plan Commission and may designate himself or herself or the other Town Board member, or a citizen member as Chairperson of the Plan Commission. (All appointments are subject to the advisory approval of the Town Board.) In a year in which any Town Board member is elected at the spring election, any appointment or designation by the Town Chairperson shall be made after the election and qualification of the Town Board member elected. Any citizen appointed to the Plan Commission shall take and file the oath of office within (5) days of notice of appointment, as provided under secs.19.01 and 60.31, Wis. Stats.

9-22 The term of office for the Plan Commission Chairperson and each Commission member shall be for a period of 3 years, ending on April 30, or until a successor is appointed and qualified, except:

1. Initial Terms: If the initial appointments to the Plan Commission are made during April, the six citizen members shall be appointed for staggered terms as follows: two (2) persons for a term that expires in one (1) year; two (2) persons for a term that expires in two (2) years; and two (2) persons for a term that expires in three (3) years.
2. If the initial appointments are made after April, the first citizens appointed to the Plan Commission shall be appointed for staggered terms as follows; two (2) persons for a term that expires in one (1) year from the previous April 30; two (2) persons for terms that expire two (2) years from the previous April 30; two (2) persons for a term that expires three (3) years from the previous April 30.

9-3 General & Miscellaneous Powers

The Plan Commission shall:

1. Be governed by the provisions of Section 62.23(7) of the Wisconsin Statutes, the Unified Development Ordinance of the Town of Franklin and function and duty as set forth herein; The Plan Commission's function and duty herein established shall not be changed or waived without the affirmative vote of four members of the Plan Commission and the concurrence of the Town Board.
2. Initiate, hear, review and offer its recommendations to the Town Board on applications for amendments to this chapter.

3. Prepare and recommend to the Town Board for adoption of a Comprehensive Plan for the Town, and from time to time to recommend amendments as it may deem appropriate.
4. Be enabled to promote Town planning.
5. Hear, review and offer its recommendations to the Town Board on applications for conditional use permits, subdivisions, street vacations and name changes, and other matters.
6. Make reports and recommendations, (per sec. 62.23(4)), relating to the plan and development of the Town to the Town Board, other public bodies, citizens, public utilities and organizations.
7. Recommend to the Town Board programs for public improvements and the financing of such improvements.
8. Receive from public officials, within reasonable time, requested available information required for the Commission to do its work.
9. For itself, its members and employees, in the performance of their duties, enter upon land, make examinations and surveys, and place and maintain necessary monuments and marks thereon. However, entry shall not be made upon private land, except to the extent that the private land is held open to the general public, without the permission of the landowner or tenant. If such permission has been refused, entry shall be made under the authority of an inspection warrant issued for cause under sec. 66.0119, Wis. Stats., or other court-issued warrant.

9-4 Town Comprehensive Planning Authority & Requirements

1. The Plan Commission, under sec. 62.23(2), recommended adoption of the Town of Franklin Comprehensive Plan. On May 15, 2007, the Town Board adopted said Plan, along with accompanying maps, tables and descriptive and explanatory matter, which includes the nine (9) elements specified under the comprehensive planning law, sec. 66.1001 (2), Wis. Stats.
2. The Plan Commission will be responsible for reviewing and updating the Comprehensive Plan on a periodic basis to maintain relevancy to land use issues that may occur over time.
3. The Plan Commission will determine if every petitioned land use change applied for through the provisions of this ordinance is consistent with the adopted Comprehensive Plan.

SECTION 10 CONDITIONAL USE PERMITS

10-1 Authority

The Town Board, by an affirmative two-thirds (2/3) vote of the entire Board, may by resolution, approve the issuance of a Conditional Use permit for uses listed as Conditional Uses in this ordinance.

10-2 Purpose

Conditional Uses are those uses having some uniqueness or unusual impact which requires a careful review of their location, design and configuration to determine against fixed standards, the desirability of permitting their establishment on any given site. They are uses that may or may not be appropriate in a particular location depending on a weighing, in each case, of the public need and benefit against the community and neighborhood impact and effect as well as consistency to the comprehensive plan.

10-3 Procedure and Meetings

The following procedure shall be followed to obtain a Conditional Use permit:

1. **Application** An owner or owner's designated agent shall complete and file a Conditional Use application form with the Zoning Administrator accompanied by a nonrefundable application fee which may be amended from time to time, as established by the Town Board by resolution, to cover costs of public notice and administrative review. Twenty (20) copies of a scaleable development plan will be required with the written application.
2. **Public hearing** After receiving the request, the Town Clerk shall refer the matter to the Plan Commission, which shall hold a public hearing advertised by a Class 2 notice.
3. **Action by Plan Commission** The Plan Commission shall, within thirty (30) days of the public hearing, make a report and recommendation of approval or denial of the Conditional Use permit with any conditions it may deem appropriate to the Town Board. In making its decision, the Commission shall keep a written record of findings relative to the standards for considering a Conditional Use application, as listed in 10-6.
4. **Action by Town Board** The Town Board shall, within thirty (30) days of Plan Commission action, act to approve or deny the Conditional Use permit by resolution.

10-4 Application Requirements

The applicant shall provide the following information on the Conditional Use application form:

1. Applicant and property owner's name, address, and telephone number.
2. Parcel information, including tax key number, legal description, street address, if any, dimensions and existing zoning and land use designations.
3. Description of Conditional Use being requested.

4. Written justification for the Conditional Use being requested and supporting documentation describing how the applicant believes that the request conforms to the standards for Conditional Uses listed in subsection.

10-5 Development Plan Requirements

Submission of a conditional use permit request will need to include a development plan that has the following information:

1. North arrows, date of preparation, and scale on 8½" x 11" size paper
2. Name(s) of all adjacent or surrounding streets and right-of-way width(s)
3. Recorded property lines and their dimensions
4. All existing and proposed buildings and structures accessory to the principal use, including the use of each building or structure, dimensions and their locations on the parcel
5. Dimensions of existing and proposed yard setbacks for buildings and structures
6. Dimensions of existing and proposed parking, loading, and unloading areas, and size of existing and proposed driveways
7. The location of proposed and existing signage.
8. The location and type of all proposed and existing exterior lighting fixtures.
9. The location, height and materials of all proposed and existing fences or retaining walls
10. Submit preliminary architectural plans for proposed buildings that show sufficient detail to permit an understanding of the style of the development and the design of the building(s).
11. Stormwater and erosion control plan
12. Other additional information that may be deemed appropriate by the Zoning Administrator.

10-6 Standards for Granting Conditional Use Permits

1. No Conditional Use permit shall be recommended by the Plan Commission or approved by the Town Board unless it shall find that:
 - a. **Zoning** The proposed use conforms to the general purposes and intent of the Franklin Unified Development Ordinance.
 - b. **Traffic** Access to the property can meet access control requirements
 - c. **Landscaping and screening.** Appropriate landscaping and screening has been or will be provided to protect adjacent uses or properties from light, noise and other visual impacts that are associated with the proposed use.

2. Other issues to be considered for conditional use permits in the Exclusive Agricultural District are as follows:
 - a. The need of the proposed use for a location in an agricultural area.
 - b. Productivity of the lands involved.
 - c. The location of the proposed use so as to reduce to a minimum, the amount of productive agricultural land converted.
 - d. The effect of the proposed use on water or air pollution, soil erosion and rare or unreplaceable natural resources.

10-7 Conditions, Guarantees and Validity Period

The following conditions, guarantees and validity period may be imposed upon the granting of a conditional use permit:

1. Prior to the granting of any Conditional Use permit, the Plan Commission may recommend and the Town Board may place such conditions and restrictions upon the establishment, location, construction, maintenance and method or hours of operation as deemed necessary for the protection of the public interest and to secure compliance with the standards specified in 10-6. In all cases in which Conditional Uses are subject to conditions, the Plan Commission may recommend and the Town Board may require evidence and guarantees as it may deem necessary (as proof that the stipulated conditions are being and will be complied with).
2. Conditional Use permits shall be issued permanently or for a specified period of time as may be specified by the Town Board upon recommendation of the Plan Commission and shall be an obligation of any party to whom a property may be transferred or assigned.
3. A Conditional Use permit shall expire if the use is discontinued for a period of twelve (12) consecutive months. If a building permit has not been obtained or the Conditional Use has not been established within twelve (12) months of the issuance of the Conditional Use permit, the Conditional Use permit expires.
4. Any party who has been issued a Conditional Use Permit by the Town shall notify the Town, in writing, that they are seeking a continuance or extension of any Conditional Use Permit that has an expiration date as established by Town Board. Such notification shall be submitted to the Zoning Administer thirty (30) days prior to the Conditional Use Permit expiration date.
5. A Conditional Use permit shall become effective upon approval by the Town Board. Once approval action has taken place, a copy of the Conditional Use Permit should be given to the holder of the permit. A record of the conditional use permit shall be maintained in the Town Hall.
6. A Conditional Use permit may be revoked by the Town Board for failure to comply with any provisions of such permit, provided that thirty (30) days notice has been given by first class mail to the operator or owner of such use of the intent to revoke.

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SECTION 11 BOARD OF APPEALS

11-1 Establishment of Board of Appeals

In order that the objectives of this ordinance may be more fully and equitably achieved and a means for interpretation provided, there is established a Board of Appeals (hereinafter referred to as the Board).

11-2 Membership and Terms of Office

1. **Board Members.** The Board shall consist of five members appointed by the Town Chairman and confirmed by the Town Board. The Town Chairman shall designate one of the Board members chairman. Board members shall be removable by the Town Board Chairman for cause upon written charges and after a public hearing.
2. **Alternate Members.** The Town Chairman may appoint two alternate members to the Board. Annually, the Town Board Chairman shall designate one of the alternate members as first alternate and the other as second alternate. The first alternate shall act, with full power, only when a member of the Board is absent or refuses to vote because of interest. The second alternate shall act only when the first alternate so refuses or is absent or when more than one member of the Board refuses or is absent.
3. **Terms.** Board members shall be appointed to three year terms, except of those first appointed, in which case one member shall serve for one year, two members for two years and two members for three years. Alternate members shall serve staggered terms of three years.
4. **Vacancies.** Vacancies shall be filled for the unexpired terms of members whose terms become vacant.

11-3 Procedures, Meetings, Records and Decisions

1. **Filing Fee** A fee in an amount determined by the Town Board is required to be paid by the applicant for each application or appeal to the Board of Appeals, which fee shall be paid to the Town Treasurer and receipt therefore filed with the application.
2. **Procedures** The Board of Appeals shall be governed by the provisions of Section 62.23(7) (e) of the Wisconsin Statutes, the Unified Development Ordinance of the Town of Franklin and the powers and duties set forth herein, adopted as part of this ordinance. No powers and duties in this section shall be changed or waived without the affirmative vote of four members of the Board and the concurrence of the Town Board.
3. **Meetings** Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public.
4. **Records and Decisions** The Board of Appeals shall keep minutes of its proceedings, showing the motion and vote of each member upon each question, or, if absent or failing to vote indicating such act, and shall keep records of its

examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. If a quorum of the Board is present, the Board of Appeals may take action by a majority vote of members present. Any action of the Board of Appeals shall state the facts or reasons forming the basis of the action. The Chairman shall notify the Town Board and Town Board Chairman of all decisions and resolutions.

5. **Public Hearing** Upon filing with the Board of Appeals of an appeal or an application for a variance, the Zoning Administrator shall fix a reasonable time (not more than 60 days from the filing date) for a public hearing. A Class 2 notice pursuant to Chapter 985 Wisconsin Statutes shall be published in the official newspaper of the Town of Franklin specifying the date, time and place of the hearing and the matters to come before the Board. The Zoning Administrator shall also mail a notice at least 10 days before the hearing to the owner's of property contiguous to the property, subject to the proposed variance of appeal. The owners shall be determined by the ownership indicated in the real estate records at the Manitowoc County Treasurer's office. Any defect in providing this notice shall not affect the proceedings of the Board of Appeals.

11-4 Appeals

1. **Powers and Duties** The Board shall have the following powers:
 - a. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this section or of any ordinance adopted pursuant thereto
 - b. To hear and decide a special exception to the terms of the ordinance upon which such board is required to pass under such ordinance
 - c. To authorize, upon appeal in specific cases, a variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions a literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.
 - d. To hear and decide if a nonconforming use may be changed or enlarged
2. **Procedure** An appeal from any decision of the Zoning Administrator shall be made within 30 days of such decision. The appeal shall be filed with the Zoning Administrator and Board of Appeals on a form provided by the Board specifying the grounds for the appeal. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
3. **Withdrawal** If the applicant elects to withdraw the appeal any time before final determination is made by the Board, this fact shall be noted on the application, with the signature of the applicant, attesting withdrawal. Copies of the withdrawn application shall be returned to the secretary for the files of the Board, to the Zoning Administrator and to the applicant.
4. **Additional Information** If the appeal is not withdrawn, the Board may request the applicant to provide such additional information as may be needed to determine the

case and shall instruct the secretary to proceed with public notice of a hearing of the case.

5. **Amendments** Amendment of an appeal by the applicant may be permitted at any time prior to or during the public hearing, provided that no such amendment shall be such as to make the case substantially different from its description in the notice of public hearing. If the amendment is requested by the applicant after public notice of the hearing has been given, and such amendment is at variance with the information set forth in the public notice the applicant shall pay an additional fee to cover the cost of amending the public notice. If the amended notice can be published within the time frame specified for the public hearing, the hearing on the amended appeal may be held on that date, otherwise the Chairman of the Board of Appeals shall announce that the hearing originally scheduled on the case will be deferred to a future meeting, before which appropriate public notice will be given, and will state the reasons for the deferral.

11-5 Requirements of a Variance

In general the power to authorize a variance from the requirements of the ordinance shall be sparingly exercised and only under peculiar and exceptional circumstances. No variance shall be granted for actions which require an amendment to this ordinance. Variances shall only be granted when the Board finds that:

1. The variance is not contrary to the public interest and that such variance will be in general harmony with the purposes and intent of this ordinance.
2. Special circumstances and conditions exist which are peculiar to the land, structure or building involved and which are not generally applicable to other lands, structures, or buildings in the same district.
3. The variance will not permit the establishment of a use which is not permitted in the district.
4. The hardship results from the strict application of this ordinance and is not the result of self-created or self-imposed circumstances.
5. Greater profitability, lack of knowledge of restrictions and other variances granted under similar circumstances are not being considered as sufficient cause for a variance.
6. Nonconforming uses of neighboring lands, structures or buildings in the same district, and permitted or nonconforming uses of lands, structures or buildings in other districts are not being considered as grounds for issuance of a variance.
7. That the variance is compatible with adjacent existing uses and structures or uses and structures likely to develop which are permitted in the district;
8. That adequate measures are taken to provide for drainage;
9. That ingress and egress to the property is provided in such a manner as to minimize traffic hazards and congestion;
10. That adequate parking and loading areas are provided.

11-6 Appeal of Board Decisions

Any person or persons, jointly or severally aggrieved by any decision of the Board of Appeals, or any taxpayer, or any officer, department, board, or bureau of the Town may appeal the decision of the Board of Appeals within 30 days after the filing of the decision in the office of the Board of Appeals in accordance with Section 62.23(7) Wis. Stat.

SECTION 12 AMENDMENTS

12-1 Power of Amendment

The Town Board may, from time to time on its own motion or on petition, amend, supplement or change this ordinance, including the Official Zoning Map.

12-2 Public Hearing and Notice

1. **Required Hearing.** No amendment of this ordinance shall become effective until it is forwarded to the Plan Commission for review, public hearing and recommendation. If the Plan Commission does not provide a recommendation to Town Board within 60 days of the public hearing, the Town Board may proceed to take action on the amendment without the Plan Commission's recommendation.
2. **Notice of Hearing.** A Class 2 notice in accordance with Chapter 985 of the Wisconsin Statutes shall be published in the Town of Franklin's official newspaper once during each of the two weeks prior to the public hearing date.
3. **Notification to Adjoining Municipality.** At least 10 days before the public hearing, a written notice of such hearing shall also be given to the clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the proposed amendment. Failure to give such notice shall not invalidate such amendment.

12-3 Final Approval by Town Board

1. An amendment shall become effective upon a majority vote of the members of the Town Board voting on the proposed change.
2. In the case of a protest against such amendment, duly signed and acknowledged by the owners of 20 percent or more of the land included in such proposed amendment or by the owners of 20 percent or more of the area immediately adjacent extending 100 feet therefrom, or by the owners or 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not become effective except by a favorable vote of three-fourths of the members of the Town Board voting on the proposed change.
3. No Amendment will become effective until the Manitowoc County Board approve the Zoning amendment.
4. No Amendment shall become effective until publication of the ordinance change in Town of Franklin's official newspaper. Posting on the Town web site cannot be substituted for publication.

12-4 Rezoning Findings of Fact

12-41 Plan Commission Findings of Fact

The Plan Commission shall include a “findings of fact” in their recommendation to rezone land out of the Exclusive Agricultural District. If a petitioner is rezoning lands out of the Exclusive Agricultural District, the Plan Commission must find all of the following, after public hearing:

1. The land is better suited for a use not allowed in the Exclusive Agricultural Zoning District.
2. The rezoning is consistent with any applicable comprehensive plan.
3. The rezoning is substantially consistent with the county certified Farmland Preservation Plan.
4. The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

12-42 Town Board Findings of Fact

Upon consideration of the Plan Commission’s recommendations and “findings of fact”, the Town Board must make a motion to send the rezoning back to the Plan Commission for further consideration, approve the rezoning, or deny the rezoning. The Town Board has the option of revising the Plan Commission’s “finding of fact” in their motion. The Town Board’s decision to grant a rezoning out of Exclusive Agricultural District shall also include “findings of fact” based on 91.48(1) of the Wisconsin State Statutes as referenced in 12-41, 1 through 4.

12-43 Findings of Fact in Rezoning Application

The applicant who desires to rezone land from an Exclusive Agricultural District to another zoning district will be responsible for documenting how 91.48(1) of the Wisconsin State Statutes will be met. Such documentation must be submitted as part of the rezoning application before the Town of Franklin’s Zoning Administrator will accept the petition as complete. In addition, the Town will enforce the “findings of fact” according to Section 8-1 in the Enforcements, Remedies and Penalties section of this ordinance.

Section 12-5 Fees

All persons, firms, or corporations performing work, which by this Ordinance shall require the issuance of a permit or the holding of a public hearing, shall pay a fee for such permit or hearing to the Plan Commission or its administrative staff (code administrator) to help defray the cost of administration, investigation, processing and legally required advertising.

12-51 Building Permit Fee

A fee in an amount determined by the Town Board is required to be paid by the applicant for a building permit. The fee shall be paid to the Town Treasurer. A building permit must be secured prior to any construction or building site preparation.

12-52 Zoning Amendment Fee

A fee in an amount to be determined by the Town Board through an adopted Fee Schedule is required for any petition for the amendment of this zoning ordinance, which fee shall be paid to the Town Treasurer and receipt therefore filed with the amendment petition. In addition to the application fee, the applicant may be responsible for consultant, engineering and attorney fees required to conduct the review based on the complexity of the amendment. The decision to

charge additional fees to the applicant shall be determined by the Town Board. This provision shall not apply to amendments initiated by the Town Board.

Section 12-6 Certification of Ordinance by DATCP and Amendment Reporting Requirements

Ordinance certification and amendments shall include the following:

1. This Zoning Ordinance must be certified by the State of Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) in order for owners of land that is zoned Farmland Preservation in the Town of Franklin to be eligible to claim tax credits under the State of Wisconsin's Farmland Preservation Program.
2. The Town of Franklin shall notify DATCP of any amendments as required by Wis. Stats. 91.36(8).
3. The Town of Franklin shall notify DATCP and Manitowoc County by March 1 annually, of any acres rezoned out of a farmland preservation zoning district during the previous year and a map that clearly shows the location of those acres as required by Wis. Stats. 91.48(2) and 91.48(3).

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SECTION 13 LAND DIVISION PROCEDURES

13-1 Purpose.

This ordinance regulates the division of land within the Town of Franklin in order to promote the public health, safety, and general welfare; to further the orderly layout and use of land; to prevent the overcrowding of land; to lessen congestion in the streets and highways; to provide for adequate light and air; to facilitate adequate provision of public services; protect ground water by limiting the number of new wells, and to promote proper monumenting of land subdivided and conveyance by accurate legal description.

13-2 Applicability

For purposes of this section of the Unified Development Ordinance, the following regulations apply to the following types of land divisions (Please note that land divisions also require the review and approval of Manitowoc County):

13-21 Certified Survey Map

Any division of platted or unplatted land, other than a subdivision, containing up to four parcels (including the parent parcel) shall be surveyed and legally defined in the form of a certified survey map, as specified in Wis. Stat. Ch. 236.

13-22 Reserved

13-23 Subdivision

To preserve farmland, protect the groundwater, and implement the goals and objectives of the Town of Franklin's Comprehensive Plan, all new subdivisions (other than CSM's) must be "Conservation" type subdivisions, as described in 13-14 of this ordinance. In addition, a "conservation" type subdivision can only be platted within a "Residential Expansion Area" as shown (or amended to be shown) on the Franklin Land Use Plan and is not allowed in an Exclusive Agricultural District.

13-24 Condominiums

A condominium plat is defined and regulated in this ordinance and under Chapter 703 of the State Statutes.

13-25 Exceptions

The provisions of this Ordinance shall not apply to:

1. Transfers of interests in land by will or pursuant to court order.
2. Leases for a term not to exceed ten (10) years, mortgages, or easements.
3. The sale or exchange of land between owners of adjoining property if additional lots are not thereby created, and the lots resulting are not reduced below the minimum sizes required by this Ordinance or other applicable laws or ordinances.
4. The division of land into parcels greater than fifteen (15) acres. Please note land divisions also require review and approval by Manitowoc County.

13-26 Administration

These regulations shall be administered by the Zoning Administrator, Town of Franklin Plan Commission and Town Board.

13-27 Land Suitability

No land shall be subdivided or split which is held unsuitable for a proposed use due to flooding, inadequate drainage, rock formation, unfavorable topography, inadequate sewage disposal capabilities, or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the subdivision. The Town of Franklin Plan Commission and Town Board, in applying the provisions of this section, shall in writing indicate the particular facts upon which it bases its conclusions that the land is not suitable for development. The subdivider will be given an opportunity to present any evidence regarding such suitability, if he so desires, at a public hearing before the Plan Commission. Thereafter, the Town of Franklin Plan Commission and Town Board may affirm, modify, or withdraw its determination of unsuitability.

13-28 Manitowoc County Review

Because Manitowoc County has the authority to review any Certified Survey Map or Subdivision within the Town, the subdivider shall comply with the most restrictive requirements of either the Town or County. If either the County or Town deems conditions to be unclear, a joint meeting could be requested by either entity to clarify the most restrictive conditions.

13-3 Certified Survey Map (CSM)**13-31 Submittal**

1. Previous to filing a Certified Survey Map (CSM) of any parcel of land, the subdivider shall consult with the Town Zoning Administrator for advice and assistance to assure the division does not conflict with local, county, or regional plans.
2. The subdivider shall provide the Town with a reasonably accurate concept plan of the land being considered for division. It may be a free hand drawing but of a sufficient scale so that conditions can be determined to be reviewed for proximity to adjacent streets and schools for analysis of soil types, topography, drainage, and generally for the effect the land division would have on the development of surrounding property. Given the complexity of the division, or lack thereof, the Zoning Administrator may waive the requirement for providing the concept plan or accept a Preliminary CSM for review. Such map shall describe the entire ownership involved in the process of division, provided however, that where the division results in a residual parcel, not intended for immediate sale or other conveyance, the Town Board may waive the requirement for inclusion of the residual parcel. In this case, a supplementary map of reasonable accuracy shall be attached showing the relationship to the original ownership of the parcel or parcels being severed. In the event the division involves the dedication and development of a Town road, the subdivider shall submit an itemized estimate of the costs of required public improvements.
3. After tentative Town approval of a concept plan, the subdivider shall proceed to have a Certified Survey Map prepared. The Certified Survey Map shall be drawn in accordance with this ordinance and shall meet all of the requirements of Sections 236.34 and 236.21 of the State Statutes that relate to subdividing. In addition, when the map is located within a quarter section where the corners have been relocated, monumented or placed on the county plane coordinate system, the CSM shall be tied directly to such section quarter corners. The subdivider shall file twenty (20) copies of the CSM along with an application form (available from the Town Zoning Administrator), accompanied by a filing fee (on record in the Town Zoning Administrator's office). Said filing must occur with the Town Zoning Administrator at least 14 calendar days prior to the Plan Commission meeting. In the event the division involves the dedication and development of a Town road, the subdivider shall also file a Developer's Agreement.

13-32 Review and Approval

1. An application form and a fee schedule are available from the Town Zoning Administrator. The application form and the appropriate fee (depending upon whether a developer's agreement due to road dedication) will need to be filed before the CSM can be reviewed by the town.
2. The CSM shall be reviewed by the Plan Commission for conformance with this Ordinance and all ordinances, rules, regulations, and Town's Comprehensive Plan. The certified survey map shall be prepared by a registered land surveyor in accordance with the provisions contained in Chapter 236.34, Wisconsin Statutes, and shall show clearly on its face the following:
 - a. All existing buildings, setbacks, water courses, drainage ditches, names of adjacent owners, setbacks to structures on adjacent property & other features pertinent to division of property.
 - b. Location of access to public road (Existing and Proposed).
 - c. Date of the map with a graphic scale.
 - d. Name and address of the person for whom the survey was made.
 - e. An owner's certificate and approval signature of the Town Chairperson, Town Zoning Administrator, and Town Treasurer's certificate in accordance with Chapter 236.21(3) Wisconsin Statutes, shall be the only approvals required for recording unless additional approvals are necessary for dedication purposes.
 - f. All corners shall be monumented, as required by the State Statutes.
 - g. Prepared on durable white paper, on tracing cloth, or paper (that can be copied), 8 ½ inches wide by 14 inches long. The scale shall not be more than 500 feet to the inch.
3. The map shall include the certificate of the surveyor, giving a clear and concise description of the land surveyed by bearings and distances, commencing with some corner marked and established in the United States public land survey. The surveyor's certificate shall state that he has complied with the requirements of Chapter 236 of the Wisconsin Statutes.
4. The Plan Commission shall review and give their recommendation to approve, deny or hold the CSM for further information. The Town Board shall consider the Plan Commission recommendations and approve, approve conditionally, or reject such Map within sixty (60) days from the date of filing of the Map unless the time is extended by agreement with the sub divider. If the Map is rejected, the reason shall be stated in the minutes of the meeting and a written statement is forwarded to the subdivider. If the Map is approved, the Town Board shall cause the Town Zoning Administrator to so certify on the original Map and return the Map to the subdivider.
5. If public right-of-way is being dedicated, an executed Developer's Agreement shall be required for any proposed improvements as prescribed in Section 13-6 of this Ordinance. The petitioner will be obligated to pay all legal and professional fees

associated with the Town's review and approval of the Developer's Agreement.

6. When a certified survey map is platted adjacent to a non-residential use, i.e. agricultural (such as a farm operation), nonmetallic mining (such as a quarry operation), or commercial/industrial operation, the subdivider shall include a statement on the face of the certified survey map that future owners of homes need to be aware of and understand the implications of living next to the specific non-residential use. The disclosure language shall be subject to the review and approval of the Town.
7. The certified survey map shall be recorded with the County Register of Deeds. When a certified survey map has been so recorded, the parcels of land in the map may be described by reference to the number of the survey, the volume and page where recorded, and the name of the county. Any land or improvements offered for dedication and approved by the governing agency accepting the dedication shall be deeded at the time of recording, unless otherwise arranged.

13-4 Subdivision Procedure

Preliminary Consultation

1. When it is proposed to divide land into five (5) or more lots or building sites in one division or by successive divisions, the subdivider shall subdivide in accordance with the following procedures.
2. A new subdivision in the Town of Franklin may be a conservation type of subdivision with a community type well that will supply groundwater to all residents in the subdivision. The information in the preliminary consultation will be used to evaluate a conservation type subdivision, as identified in 13-146 (Evaluation Criteria) of this Ordinance.
3. The sub divider shall have an initial consultation with the Zoning Administrator, Plan Commission and any other people deemed necessary, including a Town Planner/Engineer, before proceeding with platting procedures. The subdivider will be asked to submit a concept plan and meet with the Plan Commission on the site proposed for platting. The purpose of this consultation is to have the Zoning Administrator and Plan Commission review the site with the petitioner and establish the parameters, regulations, and policies regarding the following issues:
 - a. The suitability of the site for development
 - b. The accessibility of the site
 - c. The availability of public facilities (sewer, school, parks, water, etc.) and public services (police, fire, etc)
 - d. Soil conditions and drainage patterns
 - e. The effect of the proposed development on any contemplated improvements
 - f. Zoning of the site and regulations that apply
 - g. Required public improvements

- h. Consistency with the Town's Comprehensive Plan
4. The subdivider shall submit a concept plan on a topographic survey map indicating the nature of the above conditions. The initial concept plan should take into account the intent of this ordinance as well as any other reviewing agencies' comments obtained in contacts with the appropriate agencies. Additional meetings may be required if the concept plan needs to be significantly altered to meet the criteria identified in this ordinance.
 5. The concept plan will be reviewed as it relates to:
 - a. Topography, based on a U.S.G.S Quadrangle map
 - b. The improvements, design, dedications, or reservations required by these regulations
 - c. Regulations as set down by Chapter 236 of the Wisconsin Statutes
 - d. Consistency with the Town's Comprehensive Plan and any other Town ordinances and policies
 - e. If a conservation subdivision, an appropriate amount of conservation area shall be retained based upon the zone in which it is located

13-5 Developer's Agreement

As part of the final plat submission, the Town requires the subdivider to provide a Developer's Agreement. An example of a Developers Agreement is available from the Town Zoning Administrator. Such an agreement must be approved by the Town Board during the final plat review process. The petitioner will be obligated to pay all legal and professional fees associated with the Town's review and approval of the Developer's Agreement. Any fees that are part of the Developer's Agreement shall be paid prior to town approval of the final plat.

13-6 Preliminary Plat Review

1. Before the review process can begin, and at least thirty (30) days prior to a Plan Commission meeting, the subdivider shall file with the Town Zoning Administrator the following items for Preliminary Plat Review:
 - a. Five (5) full size copies of a 24" x 36" scaled Preliminary Plat and a Preliminary Stormwater Drainage and Erosion Control Plan
 - b. Twelve (12) 11" by 17" or 8 1/2" by 11" copies of the subdivision
 - c. Application form (available from the Town Clerk or Zoning Administrator)
 - d. A filing fee (on record in the Town Clerk's office)
2. The subdivider should also file a copy with the utility companies, (Power Company, Telephone Company, and any Cable Company, if any in the area), having jurisdiction over the subject area so that required easements can be determined. The subdivision shall include a statement on the face of the plat that homeowners must connect to sanitary sewer, at their own expense, if ever installed in an abutting street right-of-way.

- This statement shall also be a separate recorded document and shall apply to future owners of the lots that are listed in the document.
3. Within ten (10) working days after filing, the Town Zoning Administrator shall transmit the following copies (as provided by the applicant):
 - a. Seven (7) 11 inch by 17 inch copies to the Plan Commission
 - b. Three (3) full size copies to the Town Board
 - c. One (1) full size copy for Meeting display and Clerk's Copy
 - d. One (1) full size copy and a preliminary Stormwater Drainage and Erosion Control Plan to the Town Engineer/Planner
 4. The subdivider (developer) will be responsible for submitting the required copies to Manitowoc County and State Agency that is responsible for reviewing the preliminary plat according to 236.12 (6) of the Wisconsin Statutes. A copy of the transmittal letter shall be forwarded to the Town Zoning Administrator. State review comments returned to the subdivider shall be forwarded to the Town Zoning Administrator for inclusion in the Town's review. If no objections were made by State reviewing agencies, the subdivider is supplied with a State certified copy. The subdivider must provide the Town with a copy of the State certification indicating no objections were found. If an objecting Agency fails to act within thirty (30) days, it shall be deemed to have no objection to the plat.
 5. The Preliminary Plat shall be reviewed by the Plan Commission for conformance with this ordinance and all other ordinances, rules, regulations, and Franklin Comprehensive Plan. The Preliminary Plat shall then be forwarded to the Town Board with a recommendation for approval or rejection. The Town Board is the approving authority for Preliminary Plats.
 6. Within ninety (90) days of the date of filing the Preliminary Plat with the Town Zoning Administrator (unless time is extended by mutual consent with the applicant), the Town Board shall approve, approve conditionally, or reject such Plat in accordance with Section 236.11(1) of the Wisconsin Statutes. Failure of the Town Board to act within ninety (90) days shall constitute an approval. One (1) copy of the Plat shall be returned to the subdivider with the date and action endorsed thereon. If approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat. A copy of the plat and letter shall be filed in the Town Zoning Administrator's office.
 7. A final plat is entitled to approval if it is submitted within the required timeframe and conforms substantially to an approved preliminary plat.

13-7 Preliminary Plat Data

The preliminary plat shall be drawn at a scale of not more than one hundred feet (100') to an inch and shall show:

1. Title, scale, north arrow, date, and development name.
2. Name and address of owner, subdivider, and registered surveyor preparing the plat.

3. Location of subdivision by government lots, quarter-quarter section, section, township, range, and County.
4. Location Map showing main roadways and the government section in which the subdivision lies, with the location of the subdivision indicated.
5. The exact length and bearing of the exterior boundaries of the subdivision.
6. The location and names of adjacent subdivisions and the owners of adjoining parcels.
7. Location, widths, gradients, and names of all existing platted or dedicated streets, alleys, easements, railroads, utility rights-of-way, parks, cemeteries, water courses, drainage ditches, bridges, buildings, and other pertinent data as determined by the Commission.
8. Water elevations of adjoining lakes or streams at the date of the survey and approximate high and low water elevations of such lakes or streams.
9. A meander line established not less than twenty feet (20') back from the ordinary high watermark, if the subdivision borders on a lake or stream.
10. Layout and width of all new streets, rights-of-way, and easements.
11. Approximate dimensions and areas and proposed building setback lines.
12. Approximate radii of all curves and lengths of tangents.
13. Location and area of any property proposed to be dedicated for public use or to be reserved by deed covenant for use of all property owners in the subdivision including any conditions of such dedication or reservation.
14. A description of the improvements including grading, paving, tree planting, and utility installation, such as a public water system, which the subdivider proposes to make, and the time he proposes to make them, and plans and profiles of all street work required to be done.
15. A brief description of any deed restrictions which are proposed for the plat.

13-8 Final Plat Review

1. Before the review process can begin, and at least thirty (30) days prior to the Plan Commission meeting, the subdivider shall file with the Town Zoning Administrator the following items for the Final Plat Review:
 - a. One (1) original copy and five (5) copies of a 24" x 36" scaled Final Plat and a Final Stormwater Drainage and Erosion Control Plan
 - b. Twelve (12) 11" by 17" copies of the final subdivision
 - c. Application form (available from the Town Clerk or Zoning Administrator)
 - d. A filing fee (on record in the Town Clerk's office)

- e. A Developer's Agreement
2. Within ten (10) working days after filing, the Town Zoning Administrator shall transmit the following copies (as provided by the applicant):
3. Seven (7) 11 inch by 17 inch copies to the Plan Commission
4. Three (3) full size copies to the Town Board
5. One (1) full size copy for Meeting display and Clerk's Copy
6. One (1) full size copy to the Town Designated Engineer and a Final Stormwater Drainage and Erosion Control Plan
7. Response from utility companies shall be submitted for informational purposes to the Town Zoning Administrator when the Final Plat is filed.
8. The subdivider (developer) will be responsible for submitting the required copies to Departments of Manitowoc County and State Agency Divisions that are responsible for reviewing the final plat according to the Manitowoc Ordinances and 236.12 (6) of the Wisconsin Statutes. County and State review comments returned to the subdivider shall be forwarded to the Town Zoning Administrator for inclusion in the Town's review.
9. If no objections were made by a State reviewing agency, the subdivider is supplied with a State certified copy. The subdivider must provide the Town with a copy of the State certification indicating no objections were found. If an objecting Agency fails to act within thirty (30) days, it shall be deemed to have no objection to the plat.
10. The Final Plat may, if permitted by the Town Board, constitute only that portion of the approved Preliminary Plat that the subdivider proposes to record at that time, with any conditions of approval. If the Final Plat is not submitted within twenty-four (24) months of the last required approval of the Preliminary Plat, the Town Board may refuse to approve the Final Plat and may require the subdivider to resubmit a Preliminary Plat subject to Section 13-7, unless the Town and Land developer can reach an agreement as to extending the approval time.
11. Following a recommendation from the Plan Commission, the Town Board shall, within sixty (60) days of the date of filing the original Final Plat with the Clerk, approve or reject such Plat in accordance with Section 236.11(2) of the Wisconsin Statutes, unless the time is extended by agreement with the subdivider. If the Plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider with a copy to the Plan Commission. The Town Board may not approve the Final Plat unless the Clerk certifies on the face of the Plat that the copies were forwarded to 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.
12. Failure of the Town Board to act within sixty (60) days, with no time extensions, and no unsatisfied objections filed, shall cause the plat to be approved (SS 236.11 (2)).

13-9 Final Plat Data

The final plat shall comply with and include the following information:

1. A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Sec. 236.20, Wisconsin Statutes.

2. All building setback lines based on Table 2 following Section 5-9 of this Ordinance, which are the Town of Franklin's Zoning Setback requirements.
3. All lands reserved for future public acquisition or reserved for the common use of property owners within the plat. If common property is located within the plat, then provisions for its use and maintenance must also be provided with the plat.
4. Exact street width along the line of any obliquely intersecting street.
5. Additional setback lines or yards required by the subdivider which are more restrictive than the zoning district in which the plat is located are to be included in recorded covenants.
6. Location of soil percolation and soil boring tests shall be shown on all plats to be served by on-site sanitary systems.
7. Plan for a public water system, showing the general location of a well, water treatment facility, and a water distribution system.
8. Floodplain and shoreland boundaries and the contour line lying a vertical distance of two (2) feet above the elevation of the 100 year recurrence interval flood or, where such data is not available, five (5) feet above the elevation of the maximum flood of recorded within the exterior boundaries of the plat or located within 100 feet therefrom.
9. Special restrictions required by the Town Board and any other approving or objecting agency relating to access control along public ways, the provision of planting strips or the treatment of shoreland and floodplains.
10. Consistency with the State Plane Coordinate System.
11. Any covenants that will be filed with or separate from the final plat.
12. When residential subdivisions are platted adjacent to a non-residential use, i.e. agricultural (such as a farm operation), nonmetallic mining (such as a quarry operation), or commercial/industrial operation, the subdivider shall include a statement on the face of the plat that future owners of homes need to be aware of and understand the implications of living next to the specific non-residential use. The disclosure language shall be subject to the review and approval of the Town.

13-10 Recordation

1. Following CSM or Final Plat approval by the Town Board and required improvements either installed or a Developer's Agreement and sureties that commit the developer to complete installation are executed and filed, the Town Zoning Administrator shall cause the certificate to be inscribed upon the CSM or Plat. The plat must be recorded in the Manitowoc County Register of Deeds office within 6 months after the date of the last approval of the plat and within 24 months after the first approval.

13-11 Surveying and Monumenting

All final plats shall meet all the surveying and monumenting requirements of Sec. 236.15 of the Wisconsin Statutes.

13-12 Certificates

All final plats shall provide all the certificates required by Sec. 236.21, Wisconsin Statutes, and in addition, the surveyor shall certify that he has fully complied with all the provisions of this chapter and shall provide a certificate for Town Board approval.

13-13 Assessors Plat

Where a number of successive divisions have created encroachment issues and confusion over land ownership, the Franklin Town Board may order an Assessor's Plat to be prepared under Wis. Stats. § 70.27., and charge the costs back to the affected property owners.

13-14 CONSERVATION SUBDIVISIONS

13-141 Purpose

Grouping of residences in clusters will permit individual minimum zoned lot size requirements to be reduced, provided the overall zoning density is maintained. The remaining undeveloped area within the subdivision could be set aside for common area that preserves scenic or aesthetic qualities, protects environmentally sensitive areas, or acts as a "buffer area" for adjacent landowners. Grouping of residences can facilitate common water and sewage disposal systems, encourages an improved use of land, and respects the preservation of natural resources.

13-142 Review

Conservation subdivisions shall be submitted for review according to 13-7 to 13-12 of this chapter.

The sub divider will be asked to submit an "existing features map" prior to the preliminary consultation so that the Plan Commission can review it prior to their meeting with the sub divider at the site. The "existing features map" should include the following:

1. A topography map, based on a U.S.G.S. Quadrangle map
2. The location of environmentally sensitive elements such as steep slopes (over 12%), wetlands, watercourses, intermittent streams and 100-year floodplains, and all rights-of-way and easements;
3. Soil boundaries as shown on the Manitowoc County Soil Survey maps published by the Soil Conservation Service
4. The location of features such as woodlands, treelines, open fields or meadows, scenic views into or out from the property, watershed divides and drainage ways, fences or stone walls, rock outcrops, and existing structures. The Existing Features Map shall form the basis for the concept plan, which shall also show the tentative location of houses, streets, lot lines, and conservation areas.

13-143 Requirements

1. The amount of conservation area created in a subdivision shall be at least sixty-five percent (65%) of land within the subdivision. Conservation areas may consist of wetlands, lands that are generally inundated (under ponds, lakes, creeks, etc.), land

within the 100-year floodplain, slopes exceeding 12%, and soils subject to slumping and other lands that are not part of the platted lots or public right-of-way. Conservation areas shall be protected by the following means:

- a. A permanent conservation easement, prohibiting further development, and setting other standards safeguarding the site's special resources from negative changes.
 - b. Conveyance to owners of lots in the development. If the land is to be reserved for use by owners of lots in the development, the land shall be conveyed for use to a homeowners association or similar legally constituted body, which shall also maintain the conservation easement.
 - c. Dedication to the Town of Franklin or other governmental body or a recognized land trust or conservancy. Lands dedicated to the public must be accepted by appropriate action of the governing body of the accepting unit of government. Lands dedicated to the Town of Franklin shall be clearly noted on the face of the Final Plat as dedicated to the Town of Franklin. Public street dedication shall meet the conditions of a Town of Franklin Developer's Agreement.
2. Conservation areas shall be designated as undivided open space, to facilitate easement or land dedication monitoring and enforcement, and to promote appropriate management by a single entity according to approved land management standards.
 3. A common well and water system will be required to be installed to service all lots in the subdivision. A common sewage disposal system would be preferred but not required. All utility systems must meet minimum State, County, or Town regulations.
 4. The design standards, as outlined within this Ordinance, may, at the discretion of the Town Board, be relaxed as an incentive in developing Conservation Subdivisions. Standards that can be relaxed in order to permit more creative land division design include, but are not limited to, lot shape and depth, length of cul-de-sac roads, and road right-of-way width.
 5. Pedestrian trails within a Conservation Subdivision may be required to be connected to pedestrian trails in neighboring properties.

13-144 Set-aside Adjustments

1. Conservation Area Percentage Adjustments of the sixty-five (65%) percent requirement set aside may be decreased by five (5) percent for each of the following elements shown in the subdivision (maximum of fifteen (15) percent reduction):
 - a. Use of a SPS 383 "community type" sewage system.
 - b. Other aesthetics not necessarily required by this ordinance, such as "fitness trails", docks with seating areas in ponds, or other features considered unique and imaginative that will add a distinctive feature and benefit to future residents and the Town.
 - c. Hard surfacing a pedestrian circulation system.
2. All undivided conservation area and any lot capable of further subdivision shall be restricted from further subdivision through a permanent conservation easement, in a

- form acceptable to the Town of Franklin and duly recorded with the Manitowoc County Register of Deeds.
3. The required conservation area may be used for underground drainage fields for individual or community septic systems.
 4. Stormwater management ponds or basins and land within the rights-of-way for underground pipelines may be included as part of the minimum conservation area.

13-145 Location of Conservation Areas

1. The location of the conservation area, preserved through compact residential development, shall be consistent with the policies contained in the Town's Comprehensive Plan regarding open space, and the following Evaluation Criteria section.
2. A conservation area should include a 75-foot greenway buffer along any navigable waterways, and if any wetlands are identified, a setback from such protective areas according to NR151.12 (5) (d) regulations.
3. Conservation Subdivisions shall be designed around conservation areas. The design process should commence with the delineation of all potential conservation areas, after which potential house sites are located, the road alignments identified, and lot lines drawn in as the final step.
4. Undivided conservation areas shall be directly accessible to the largest practical number of lots. To achieve this, the majority of lots should abut undivided conservation areas in order to provide direct views and access. Safe and convenient pedestrian access to the conservation areas from all lots not adjoining the conservation area should be provided.

13-146 Evaluation Criteria

The Plan Commission and Town Board shall evaluate Conservation Subdivisions to determine whether information provided at the Preliminary Consultation:

1. Protects and serves all floodplains, wetlands, and steep slopes from clearing, grading, filling, or construction (except as may be approved by the Town for essential infrastructure or active or passive recreation amenities).
2. Preserves and maintains mature woodlands, existing fields, pastures, meadows, and orchards, and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses.
3. If development must be located on open fields or pastures because of greater constraints in all other parts of the site, dwellings should be sited on the least prime agricultural soils, or in locations at the far edge of a field, as seen from existing public roads. Other considerations include whether the development will be visually buffered from existing public roads, such as by a planting screen consisting of a variety of trees, shrubs, and wildflowers.
4. Maintains or creates an upland buffer of natural native species vegetation of at least 75 feet in depth adjacent to wetlands and surface waters, including creeks, streams, springs, lakes and ponds.

5. Designs around existing hedgerows and treelines between fields or meadows, and minimizes impacts on large woodlands (greater than five acres), especially those containing many mature trees or a significant wildlife habitat. Also, woodlands of any size on highly erodible soils with slopes greater than 12% should be avoided. However, woodlands in poor condition with limited management potential can provide suitable locations for residential development. When any woodland is developed, great care shall be taken to design all disturbed areas (for buildings, roads, yards, septic disposal fields, etc.) in locations where there are no large trees or obvious wildlife areas, to the fullest extent practicable.
6. Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public thoroughfares. In wooded areas where the sense of enclosure is a feature that should be maintained, a deep "no-build, no-cut" buffer should be respected to preserve existing vegetation.
7. Protects wildlife habitat areas of species listed as endangered, threatened, or of special concern by the U.S. Environmental Protection Agency.
8. Designs around and preserves sites of historic, archaeological, or cultural significance, and their environs, insofar as needed to safeguard the character of the feature, including stone walls, barn foundations, cellar holes, earthworks, and burial grounds.
9. Protects rural roadside character and improves public safety and roadway carrying capacity by avoiding development fronting directly onto existing public roads.
10. Provides mature Landscape plantings equal to at least five (five) trees (mixture of ornamental and shade tree) per each residential unit, interspersed throughout the subdivision in areas void of trees, cul-de-sac islands, and in visually strategic locations that will add aesthetic appeal to the overall development.
11. Provides open space that is in a reasonably contiguous configuration. Fragmentation of open space should be minimized and not divided into numerous small parcels located in various parts of the development. To the greatest extent practicable, open space should be designed as a single block with logical, straightforward boundaries. Long thin strips of conservation land shall be avoided, unless the conservation feature is linear or unless such configuration is necessary to connect with other streams or trails. The open space should generally abut existing or potential open space land on adjacent parcels (such as in other subdivisions, public parks, or properties owned by or leased to private land conservation organizations).

13-147 Ownership and Maintenance of Open Space

Different ownership and management options apply to the permanently protected conservation areas created through the development process. The conservation areas shall remain undivided and shall either be dedicated as public property in the name of the Town of Franklin, owned and maintained by a homeowner's association, or become a certified conservation easement as identified in a qualified land trust or conservancy district, subject to (1) the Town's first right to require dedication of the entire conservation area to the Town or the Town's assignee and (2) the Town's right to require dedication of up to ten percent (10%) of the parcel to facilitate public trail connections. A narrative shall be submitted for town review that describes the proposed ownership, use and maintenance responsibilities of the conservation area in one of the following ways:

1. **Town Ownership** The Town may, but shall not be required to accept undivided conservation areas provided: (a) such land is accessible to the residents of the Town; (b) there is no cost of acquisition other than any costs incidental to the transfer of ownership such as title insurance; and (c) the Town agrees to and has access to maintain such lands. Such dedication shall be in the form of a fee simple ownership. Where the Town accepts dedication of common conservation areas that contains improvements, the Town may require the posting of financial security to ensure structural integrity of said improvements as well as the functioning of said improvements for a term not to exceed eighteen (18) months from the date of acceptance of dedication. The amount of financial security shall not exceed fifteen percent (15%) of the actual cost of installation of said improvements.
2. **Homeowner's or Condominium Association** The conservation area can be owned, administered, and maintained by a Homeowner's or Condominium Association. Such association shall have undivided conservation areas and associated facilities held in common ownership. The association shall be formed and operated under the following provisions:
 - a. The subdivider shall provide a description of the association, including its bylaws and methods for maintaining a conservation area easement.
 - b. The association shall be organized by the subdivider and shall be operated with a financial subsidy from the subdivider, before the sale of any lots within the development.
 - c. Membership in the association is mandatory for all lot or condo owners and their successors. The conditions and timing of transferring control of the association from Subdivider to lot or condo owners shall be identified.
 - d. The association shall be responsible for payment of taxes on the undivided conservation area, and if not paid in a timely manner, may be collected by liens placed on the association by the Town. The association may also place liens on the lots or condos of its members who fail to pay their association dues in a timely manner. Such liens may provide for the imposition of penalty interest charges.
 - e. The members of the association shall share equitably the costs of maintaining and developing such undivided conservation areas. Shares shall be defined within the association bylaws.
 - f. In the event of a proposed transfer, within the methods here permitted of undivided conservation area land by the homeowners' or condominium association, or of the assumption of maintenance of undivided conservation area land by the Town, notice of such action shall be given to all property owners within the development.
 - g. The association shall have or hire adequate personnel to administer common facilities and properly and continually maintain undivided conservation areas.
 - h. The association will be required to maintain a privately created pond or lake or other body of standing water within the boundary of a cluster subdivision, and

that a document specify that all lot or condo owners within the cluster subdivision shall have equal rights to said water feature.

- i. The homeowners' or condominium association may lease conservation area lands to any other qualified person, or corporation, for operation and maintenance of conservation area lands, but such a lease agreement shall provide:
 - I. That the lot or condo owners of the development shall at all times have access to the conservation area land contained therein (except croplands during the growing season).
 - II. That the undivided conservation area to be leased shall be maintained for the purposes set forth in this ordinance.
 - III. That the operation of conservation area facilities may be for the benefit of the residents only, or may be open to the residents of the town, at the election of the developer, and or the condo or homeowners' association, as the case may be.
 - IV. The lease shall be subject to the approval of the Town of Franklin and any transfer or assignment of the lease shall be further subject to the approval of the Town Board. Lease agreements so entered upon shall be recorded with the Manitowoc County Register of Deeds within thirty (30) days of their execution and a copy of the recorded lease shall be filed with the town.
3. **Conservation Easement** A conservation easement is a voluntary legal agreement between a landowner(s) and a land trust, government agency, charitable corporation, or association in order to permanently protect the natural value of the land by limiting present and future uses. Under such an arrangement, the landowner's continue to own the property in the conservation easement while the land trust takes responsibility for protecting the land's conservation values. The Town Board would need to determine that the proposed conservation easement is an acceptable means of permanently protecting conservation areas in a Conservation Subdivision.

13-148 Dedication of Easements

The Town may, but shall not be required to accept easements for public use of any portion or portions of undivided conservation area land, title of which is to remain in ownership by condominium or homeowners' association, provided:

1. Such land is accessible to town residents.
2. There is no cost of acquisition other than any costs incidental to the transfer of ownership, such as title insurance.
3. A satisfactory maintenance agreement is reached between the developer, condominium or homeowners' association, and the Town.

13-149 Transfer of Easements to a Private Conservation Organization

With the permission of the Town, an easement may be transferred to a private, nonprofit organization, among whose purposes it is to conserve conservation areas and/or natural resources, provided that:

1. The organization is acceptable to the Town, and is a bona-fide conservation organization with perpetual existence.
2. The conveyance contains appropriate provisions for a proper reverter or re-transfer in the event that the organization becomes unwilling or unable to continue carrying out its functions; and a maintenance agreement acceptable to the board is entered into by the Developer and the organization.

13-1491 Maintenance Standards

1. The ultimate owner of conservation areas (typically a homeownership association) shall be responsible for raising all monies required for operations, maintenance, or physical improvements to conservation areas through annual dues, special assessments, etc. The homeowners' association shall be authorized under its bylaws to place liens on the property of residents who fall delinquent in payment of such dues, assessments, etc.
2. In the event that the association or any successor organization shall, at any time after establishment of a development containing an undivided conservation area, fail to maintain the undivided conservation area in reasonable order and condition in accordance with the development plan, the Town may serve written notice upon the owner of record, setting forth the manner in which the owner of record has failed to maintain the undivided conservation area in reasonable condition.
3. Failure to adequately maintain the undivided conservation areas in reasonable order and condition constitutes a violation of this ordinance. The Town is hereby authorized to give notice, by personal service or by United States mail, to the owner or occupant, as the case may be, of any violation, directing the owner to remedy the same within twenty (20) days.

13-15 Design Standards

General Requirements. A proposed Conservation Subdivision shall conform to all the provisions of Wis. Stat. Ch. 236; the rules and regulations of the State Department of Transportation and the Department of Commerce, and this ordinance officially adopted by the Franklin Town Board.

13-151 Streets

1. The arrangement, character, extent, width, grade, and location of all streets shall conform to this ordinance and shall be related to existing and planned streets, topographic conditions, existing natural features, public convenience and safety, and the existing and proposed uses of the land that is to be served by such streets.
2. The arrangement of streets in a subdivision shall provide, where possible, for the continuation or appropriate projection of existing collector and major streets in the area.
3. Minor streets shall be laid out so as to discourage their use by through traffic.
4. Where a subdivision abuts or contains an existing or proposed arterial street, the Town of Franklin may require marginal access streets, reverse frontage lots with screen planting contained in a non-access reservation along the rear of the property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

5. Where a subdivision borders on or contains a limited access highway right-of-way, the Town of Franklin may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with regard for the requirements of approach grades and future grade separations.
6. Street jogs with centerline offsets of less than one hundred twenty-five feet (125') shall be avoided.
7. A tangent at least one hundred feet (100') shall be introduced between reverse curves on major and collector streets.
8. Streets shall be laid out so as to intersect as nearly as possible at right angles and no streets shall intersect any other street at less than sixty degrees (60°), and more than two (2) streets intersecting at one point shall be discouraged.
9. Reserve strips controlling access to streets shall be prohibited. All street right-of-ways shall be of the width specified on applicable street plans officially adopted by the Town of Franklin, or, if not specified there, they shall not be less than the width specified below:

**Table 4
Street Specifications**

Street Type	Minimum Width	Min. Sight Distance	Minimum Radius	Maximum Grade
Major	120'	500'	300	6%
Collector	80'	350'	350	7%
Minor	66'	200'	200	10%
Shorter than 500'				12%

Notes:

1. Sight Distance. The minimum radii or curvature on the centerline shall be as specified above.
2. Cul-de-Sacs. Streets designed to have one end permanently closed shall not exceed five hundred feet (500') in length and shall provide a turn-around with a minimum right-of-way diameter of 150 feet and a paved area of 120 feet in diameter.
3. Half streets shall be discouraged, but where a half street has been dedicated adjacent to a subdivision, the remaining half of the street shall be dedicated by the subdivider. Where no half street adjacent to a subdivision exists, dedication of a half street shall not be approved unless the remaining portion shall appear as a mapped street on the Official Map.

13-152 Street Names

Any street which is the reasonable continuation of an existing street shall bear the same name. The Town of Franklin may disapprove the name of any street shown on the plat which has already been used elsewhere in the area, or because of similarity may cause confusion, or which is unsuitable because of connotation, or which is difficult to spell or pronounce.

**Table 5
Street Nomenclature**

Street Type	Curving	Straight
Short Roads	Lane	Lane
Crescent	Court	
Way	Place	
Circle	Terrace	
Long Roads	Drive	Road

13-153 Easements and Restrictions

1. Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least ten feet (10') wide on each side of the lot line.
2. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such water course and such further width or construction or both, as will be adequate for the purpose.
3. Residential corner lots in a subdivision shall meet minimum street setbacks for both street frontages.

13-154 Blocks

The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed 1,500 feet between right-of-way lines.

1. Lots. The lot size, width, depth, shape, and orientation and the minimum building lines shall be appropriate for the location of the subdivision and for the type of development and use proposed, and said building lines shall be shown on the plat.
2. Every lot in a subdivision shall abut on a public street based on frontage requirements as specified in the zoning district. Private roads, however, which provide access to no more than two (2) lots or parcels, may be permitted if approved by the Town Board. Such private roads shall meet the design requirements for a minor street in these regulations.
3. Side lot lines shall be substantially at right angles or radial to street lines.
4. Double frontage, or reverse frontage lots are encouraged to lesson the amount of direct access onto a Town, County or State Road and meet access restrictions. A planting screen easement of at least twenty feet (20') shall be provided along the line of lots abutting a traffic artery.

13-155 Public Sites and Open Spaces

1. Where a proposed subdivision on a tract of land contains an area that is unsuitable for development due to poor drainage, floodable conditions, soil conditions, or for any other reasons, such lands shall either be dedicated to the Town of Franklin, set aside as a Conservation Easement, or become an outlot that is owned and maintained by a Homeowners Association.

2. The Town of Franklin will have the right to accept or reject dedication, and will advise the developer what the Town's preference would be.

13-156 Building Setback Lines

Building setback lines shall conform to the requirements established in the Zoning requirements shown on Table 2 of this ordinance, and shall be shown on the preliminary plat for determination of buildable area.

13-16 Required Improvements

13-161 Plans and Written Agreement Required

The developer shall install the improvements outlined in this section, and any other reasonable improvements that may be deemed necessary by the Town due to unique circumstances associated with the proposed subdivision. All improvements shall be set forth in plans and specifications approved by the Plan Commission and in a standard written agreement between the Town and the developer to be known as the "Developer's Agreement."

13-162 Inspection

The developer shall follow the approved plans and specifications, including a performance time schedule, and permit Town inspection of the work as it proceeds, with payment for said inspection by the developer.

13-163 Financial Surety

Prior to the commencement of construction, the developer shall provide acceptable sureties that all required work shall be completed. The amount of surety shall be 125 percent of the Town 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 Town Board shall allow reductions in the amount of the surety in proportion to the amounts of the obligations as they are fulfilled. In a dispute over the amount of surety, the estimate prepared by the Town Engineer shall be given the greater weight.

13-164 Warranty

The developer shall warranty work and materials for 1 year after adoption of a resolution of acceptance by the Town Board. To assure such improvement warranty, the developer shall provide an amount of financial surety (performance bond or letter of credit) not to exceed 15 percent of the construction value of the improvements. If necessary, the Town Board shall utilize said surety to have repairs or other work completed.

13-165 Commencement and Completion

Construction or installation of improvements shall not commence until the Preliminary Plat has been approved by all agencies having authority to review the plat and written authorization has been provided by the Town Engineer. All work or improvements to the subdivision shall also be subject to inspection by the Town to determine conformance with any applicable requirements. The construction of all improvements required by this Ordinance shall be completed within two years from the date of the Town Board approval of the Preliminary Plat.

13-166 Roads Dedicated to the Public

Such roads will not be accepted by the Town until all outstanding bills related to the construction of the improvements in the subdivision have been paid in full.

13-167 Survey Monuments

The developer shall install survey monuments placed in accordance with the requirements of section 236.15, WIS. STATS., and as may be required by the Town.

13-169 Road Construction

Road construction shall conform to the standards described in the Town of Franklin New Public Road Ordinance (Ordinance #2000-1, adopted November 20, 2000). The developer shall install base course material over the approved subgrade, followed by a finished surface paving in one or more courses in accordance with the approved plans and specifications. The developer shall assume the entire cost for such pavings within the subdivision.

13-1691 Road Shoulder, Ditches, Roll-Over Curbing, Culverts, and Endwalls

1. In compliance with the Town of Franklin Roadway Design and Construction Standards Ordinance, the developer shall install road shoulder material and the adjacent ditch or swale (2-1 slope), both to finished grades in accordance with the approved plans and specifications. The developer shall be responsible for installing all necessary culverts and endwalls and, re-install top soil, grade, seed and mulch all surface ditch inverts to prevent erosion and sedimentation as described in the Developers Agreement.
2. The developer shall assume the entire cost of the road ditch within the subdivision.
3. Curbing is not required by the Town, but where proposed by the developer it shall be of a roll-over design and subject to the approval of the Plan Commission.
4. Vision corner easements shall be required at all public road intersections, subject to Town, County and State regulations that govern such easements.

13-1692 Storm water Drainage Facilities

Adequate facilities to provide storm water drainage, including culverts, improved open water courses, graded, constructed, and landscaped, storm sewers or other drainage structures shall be designed and installed in accordance with state codes, these regulations, and town or county specifications. Prior to construction, the Developer's Agreement specifying road construction design, timing, and responsible parties doing the work must be approved by the Town of Franklin.

13-1693 Water Supply

A developer of a Conservation Subdivision will be required to build a public water system that includes a well, water treatment, and water distribution system by means of a pressurized water line to each lot in the subdivision.

13-1694 Sewage Disposal Facilities

Public sewage disposal facilities are not available in the Town of Franklin. Any private disposal facilities are the responsibility of the developer and/or lot owners and must meet the requirements of the Manitowoc County Sanitary Code.

13-1695 Other Utilities

1. The developer shall cause electrical power and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision, and natural gas for heating if it is available. All new electric or communication lines from which lots are individually served shall be installed underground, unless the approving authorities shall find, after study, that the location, topography, soil, stands of trees or other physical barriers would make underground installation unreasonable

or impracticable or that the lots to be served by said facilities can be served directly from existing overhead facilities. Associated equipment and facilities which are appurtenant to underground electric and communications systems including, but not limited to, substations, pad-mounted transformers, pad-mounted sectionalizing switches and pedestal-mounted terminal boxes may be located above ground.

2. A plan indicating the proposed location of all gas, electrical power and communication distribution and transmission facilities required to service the plat shall be approved by the Plan Commission for coordination with the location of Town roads.

13-1696 Street Name Signs

To avoid the same, or similar sounding street names, the developer must submit proposed street names to the Town of Franklin Zoning Administrator, Local Postmaster, and the Manitowoc County Emergency Dispatch for review and approval before using the street names on the Preliminary or Final Plat. The developer shall also install street name signs, based on Town specifications.

13-1698 Dry Hydrants

In areas where there is no public water supply, fire ponds are encouraged and subject to review and approval by the Fire Chief. Upon a recommendation by the Fire Chief, the Town Board may require an independent engineering feasibility study. Hydrants or other provisions for drafting water shall be provided to the specifications of the Fire Department. Minimum pipe size connecting dry hydrants to ponds shall be 6 inches. Where the dry hydrant or other water source is not within the right-of-way of a proposed or existing street, an easement to the Town shall be provided to allow access to, and construction of, a hydrant or other water source. Though the facility will be owned in common by the residents of the subdivision, the maintenance of the hydrant shall be the responsibility of the Fire Department.

13-1699 County and State Roadways

If any Manitowoc County or State of Wisconsin roadways are impacted by plat construction, the developer will need to obtain approvals from those respective entities and supply the Town of Franklin with a copy of approvals to work within their right-of-ways.

13-17 Disclaimer

These land division procedures shall not be construed to impose any responsibility or liability on the Town that property transfers in the Town are in compliance with applicable ordinances, regulations, and rules. The Town assumes no responsibility for the suitability of any property which is subject to approval for division by the Town Board. All actions taken hereunder are for the convenience of the Town in order to determine compliance with this ordinance and are not intended to be relied upon by the owner for any other purpose.

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SECTION 14 ACCESS CONTROL TO TOWN ROADS

14-1 Existing Points of Access

All points of access that existed prior to the adoption of this ordinance may be continued. However, if the use of an established point of access is discontinued for a period of one year, the Town of Franklin may revoke the access privilege or require alterations or improvements to achieve compliance with this regulation at the landowner's expense.

14-2 Change in Use

The Town of Franklin has the right to review and approve (or deny) an existing point of access if a change in the use of the land could affect the safe and efficient ingress and egress to a town road.

14-3 Right of Access for Parcels Existing Prior to Enactment

Each platted lot prior to the existence of this ordinance is entitled to one access. Non-legal conforming lots under common ownership and use shall be considered one lot for purposes of these regulations and limited to one access point.

14-4 Roads in platted CSM's and Subdivisions

Access control limitations do not apply to publicly dedicated or private roads that exclusively serve a CSM or subdivision and whose lots are not dependent on access to the Town's north-south, east-west public road system.

14-5 Standards for Access

The following access standards shall be met for any new driveway permit:

1. A developer or property owner who intends to plat his or her land shall consult with Town Officials or designated agent for guidance regarding the goals and objectives of the Town's Comprehensive Plan and the general requirements of this Section as it relates to access.
2. Each lot in a preliminary plat or Certified Survey Map, hereafter reviewed by the Town of Franklin, shall show the general location of an access point. To determine the best location for access to each lot, the Town of Franklin may require more information about the proposed preliminary plat or Certified Survey Map (if not already required during the platting process). Such information may include scaled drawings of the lot, any existing access, engineering data, traffic generation numbers (existing and future), property lines, topography, streams, ponds, wetlands and location of existing and proposed buildings and structures. Approval of access points on a final plat or Certified Survey Map does not remove the obligation of the party to seek a highway permit in compliance with this section.
3. When property ownership involves more than one adjacent parcel (of the same use), all parcels fronting a Town Road shall be treated as a single parcel for the purpose of this section.
4. Only one access shall be allowed when a parcel is used for residential purposes.
5. Access permits may be denied on Town Roads when the horizontal distances between access points, measured at the centerline, would be less than 400 feet from

- another access point on either side of the road. A standard of **10 access points** will be applied (including all existing access points on both sides of the road) per mile of Town Road. However, this standard may be expanded per approval of the Plan Commission and Town Board without a variance procedure.
6. For purposes of this section, State, County, and Town roads shall not be counted as access points.
 7. A Town road access point must have a horizontal distance of 1,000 feet from a State or County Road intersection.
 8. Notwithstanding paragraph e, agricultural properties may have more than one agricultural access per 40 acre if the property can show need for an additional point of access.
 9. Wherever possible, roads should not be staggered, creating “T” intersections, but should be directly across from other roads and driveways on the opposite side of the road.
 10. The Town of Franklin Town Board may reduce these requirements if it can be established by sufficient evidence by a petitioner that there is unnecessary or extreme hardship.
 11. Parcels used for commercial, industrial, or mega-farm operations may be allowed two points of access, provided each meet the remaining criteria of this section and truck or vehicular trips exceed 100 vehicles per day.
 12. The construction of new shared driveways shall not be allowed.

14-6 Location, Design, and Construction Requirements

The location, design and construction of a Town Road access shall be built in accordance with the following policies and limits:

1. A driveway shall have a maximum top width of twenty-four (24) feet for residential and thirty-five (35) feet for commercial, industrial, or agricultural uses, unless otherwise approved by the Town of Franklin.
2. All driveways shall be constructed so as to ingress and egress onto a Town Road at a ninety (90) degree angle, unless otherwise approved by the Franklin Town Board, based on hardship or impracticality.
3. All driveways shall be constructed of solid load bearing material. The top surface of the driveway shall consist of at least six inches of gravel upon the traveled portion.

SECTION 15 EFFECTIVE DATE AND REPEAL OF PREVIOUS ZONING ORDINANCE

15-1 These regulations shall be effective following adoption by the Franklin Town Board and approval by the Manitowoc County Board.

15-2 The Previous Zoning Ordinance, originally dated January 18, 2011 is hereby repealed on the date on which this ordinance becomes effective.

Drafted by:



Ken Jaworski, Vice President of Planning
Martenson & Eisele, Inc.

Reviewed by:



Katherine Reynolds
Michael, Best, Friederich L.L.P.

TOWN OF FRANKLIN

Jerold L. Korinek, Town Chairperson

Attest:

Cary Nate, Town Clerk

Passed and Adopted: _____

Effective by County Board Action _____

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