

CITY OF FRANKLIN
PLAN COMMISSION SPECIAL MEETING*
FRANKLIN CITY HALL COUNCIL CHAMBERS
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA
WEDNESDAY, SEPTEMBER 21, 2022, 6:00 P.M.

The YouTube channel “City of Franklin WI” will be live streaming the Plan Commission meeting so that the public will be able to watch and listen to the meeting.

<https://www.youtube.com/c/CityofFranklinWIGov>.

- A. **Call to Order and Roll Call**

- B. **UNIFIED DEVELOPMENT ORDINANCE (UDO) REWRITE TASK FORCE, UDO** rewritten provisions prepared by project consultants Houseal Lavigne Associates and Birchline Planning LLC. re: articles: 1. General Provision, 2. Establishment of Districts, 3. District Specific Standards and 4. Use-Specific Standards

- C. Adjournment

*Supporting documentation and details of these agenda items are available at City hall during normal business hours.

**Notice is given that a majority of the Common Council, Environmental Commission and Economic Development Commission may attend this meeting to gather information about an agenda item over which they have decision-making responsibility. This may constitute a meeting of the Common Council, Environmental Commission and Economic Development Commission per State ex rel. Badke v. Greendale Village Board, even though the Common Council, Environmental Commission and Economic Development Commission will not take formal action at this meeting.

[Note: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information, contact the City Clerk’s office at (414) 425-7500.]

REMINDERS:

Next Regular Plan Commission Meeting: September 22, 2022

Article 1. General Provisions

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15-1-01. Title

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

15-1-02. Purpose

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

15-1-03. Intent

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

- A. Regulate and restrict development densities and formats to prevent overcrowding and to provide adequate sunlight, air, sanitation, and drainage.
- B. Regulate population density and distribution to avoid inefficient land use and development patterns, to further the orderly layout and appropriate use of land, and to facilitate the provision of adequate public service and utilities.
- C. Regulate parking, loading, and access to lessen congestion and promote the safety and efficiency of streets and highways.
- D. Ensure safety from fire, flooding, pollution, contamination, panic, and other dangers.
- E. Stabilize and protect existing and future property values.
- F. Encourage compatibility between different land uses and protect from the encroachment of incompatible development.
- G. Further the wise use and conservation of natural resources including soils, topography water, floodplains, shorelands, drainageways, wetlands and shoreland wetlands, woodlands and forests, scenic resources, and wildlife resources.
- H. Prevent flood damage to persons and property to minimize expenditures for flood relief and flood control projects.
- I. Provide for and protect a variety of suitable commercial and industrial sites.
- J. Protect the traffic-carrying capacity of existing and proposed arterial streets, highways, and collector streets.

- K. Facilitate adequate provisions for housing, transportation, water supply, stormwater, wastewater, schools, parks, playgrounds, and other public facilities and services.
- L. Restrict building sites in areas covered by poor soils or in other areas poorly suited for development due to natural resource features or other characteristics.
- M. Facilitate the appropriate division of larger tracts into smaller parcels of land.
- N. Ensure adequate legal descriptions and proper survey monumentation of subdivided land.
- O. Implement the municipal, County, watershed, or regional plans or their components adopted by the City and facilitate the enforcement of those development standards.
- P. Provide for the administration and enforcement of this UDO.

15-1-04. Interpretation

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

15-1-05. Jurisdiction

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

15-1-06. Vested Rights

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

Article 2. Establishment of Districts

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15-2-01. Districts Established

A. Base Districts.

1. Residential Districts.

- a. R-C - Conservation Residence District
- b. R-SE - Suburban/Estate Residence District
- c. R-SR - Suburban Residence District
- d. R-M - Multiple-Unit Residence District
- e. R-V - Village Residence District

2. Commercial and Mixed-Use Districts.

- a. B-N - Neighborhood Business District
- b. B-G - General Business District
- c. B-R - Regional Business District
- d. B-MU - South 27th Street Mixed-Use District
- e. B-SM - Saint Martin's Road Historic Business District

3. Industrial and Agricultural Districts.

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

4. Miscellaneous Districts.

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

- d. PDL - Planned Development Legacy District
- 5. **Floodplain Districts.**
 - a. FW - Floodway District
 - b. GFP - General Floodplain District
 - c. FF - Floodfringe District
- 6. **Overlay Districts.**
 - a. AO - Airport Overlay District

15-2-02. Purpose and Intent of Districts

A. Residential Districts

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

B. Commercial and Mixed-Use Districts

1. **B-N - Neighborhood Business District.** The B-N Neighborhood Business District is intended to provide for the day-to-day retail, commercial service, and employment needs of Franklin residents, and particularly the needs of the neighborhoods adjacent to properties in the District. The District is further intended to promote a mutually supportive mix of small-scale retail establishments and to ensure safe and convenient pedestrian and vehicular circulation on-site and between adjacent sites as redevelopment of existing sites occurs.
2. **B-G - General Business District.** The B-G General Business District is intended to promote a variety of commercial service and retail uses along the City's major roadways. The District is intended to allow moderately large-scale

development that serves the general population of Franklin. It is further intended to promote commercial development in visually appealing plaza formats that promote safe and convenient pedestrian travel on sites and between adjacent sites.

3. **B-R - Regional Business District.** The B-R Regional Business District is intended to promote a variety of commercial service and retail uses along the City's major roadways to serve the needs of Franklin residents as well as a regional consumer market beyond the City's borders. Moderately large-scale development should be configured with groups of large-lot commercial structures with outlot commercial buildings surrounding shared parking areas and should provide safe and convenient pedestrian travel on-site.
4. **B-MU - South 27th Street Mixed Use District.** The B-MU South 27th Street Mixed Use District is intended to provide land for a mutually supportive combination of retail, commercial, office, and compact residential uses in buildings' upper floors along South 27th Street. Development is configured in multi-building plaza formats and on relatively large sites. The District is intended to facilitate greater densities of retail, commercial, office, and residential uses than in the B-1 through B-3 Districts, given South 27th Street's direct access to bus transit. The development should further be arranged in cohesive plaza developments that facilitate convenient vehicle and pedestrian travel and enhance the corridor's appearance.
5. **B-SM - Village Business District.** The B-SM Village Business District is intended to promote a mix of commercial retail, service, and upper-floor residential uses in the historic Saint Martin's Village area while maintaining the area's traditional character and built form. The District is designed to preserve historic structures while allowing infill development on underused sites that is consistent with the area's built characteristics and architectural qualities. Development should continue to be formatted in small lots and buildings should be placed relatively near front lot lines to preserve the area's pedestrian oriented character.

C. Industrial and Agricultural Districts.

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

D. Miscellaneous Districts

1. **P - Park and Open Space District.** The P Park and Open Space District is intended to provide land for parks and recreational facilities that meet the needs of the Franklin community while also preserving the City's natural resources, including rivers, woodlands, and open space.
2. **I - Institutional District.** The I Institutional District is intended to allocate land for public or semi-public uses, municipal facilities, utilities, and noncommercial places of assembly as defined in this UDO. The district serves to accommodate existing and future public and semi-public uses and to allocate land separately from commercial and residential uses.

3. **L - Landfill District.** The L Landfill District is intended to contain and regulate existing and former landfill uses in the City while mitigating their adverse impacts such as odor, noise, and traffic on the community's commercial and residential areas.
4. **PDL - Planned Development Legacy District.** The PDL Planned Development Legacy District includes properties that have been previously zoned as a "planned development district" and are governed by a unique set of regulations as set forth in the related planned development ordinance. Properties zoned in the Legacy Planned Development District will continue to operate under their specific planned unit development ordinance. No property may be rezoned into the Legacy Planned Development District after the date of the adoption of this chapter.

E. Floodplain Districts.

1. **FW - Floodway District.** The FW Floodway District, is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters, within AE Zones as shown on the FIRM, or within A Zones shown on the FIRM when determined according to s. 5.1(5).
2. **GFP - General Floodplain District.** The GFP General Floodplain District is those riverine areas that may be covered by floodwater during the regional flood in which a floodway boundary has not been delineated on the FIRM and also includes shallow flooding areas identified as AH and AO zones on the FIRM.
3. **FF - Floodfringe District.** The GFP General Floodplain District is those riverine areas that may be covered by floodwater during the regional flood in which a floodway boundary has not been delineated on the FIRM and also includes shallow flooding areas identified as AH and AO zones on the FIRM.

F. Overlay Districts.

1. **AO - Airport Overlay District.** The AO Airport Overlay District is intended to allow for the coordination, planning and development of land uses near General Mitchell Field, to control conflicts with adjoining residential and commercial uses, and to mitigate airport-related impacts such as noise.

15-2-03. Official Zoning Map

A. **Official Zoning Map Established.** The location and boundaries of the districts established by this UDO shall be established in the Zoning Map as amended, which is incorporated herein and hereby made a part of this Ordinance.

B. District Boundary Description and Interpretation.

1. **Zoning Boundary Determination.** The district boundaries shall be streets, alleys, railroads, lot lines, streams, floodplain boundaries, and wetland boundaries unless otherwise shown on the Zoning Map.
2. **Zoning Boundary Determination for Approximate Boundaries.** Where the designation of the Official Zoning Map indicates that various zoning districts are approximately bounded by a street, alley, lot line, stream, floodplain boundary, or wetland boundary, such lot line or the centerline of such street, alley, or railroad right-of-way, or centerline of the main channel of such stream, the floodplain boundaries, or wetland boundaries as delineated on maps prepared by the City or under the Root River Watershed study, or as determined through the use of on-site wetland delineation, flood profiles and accompanying hydrologic and hydraulic engineering data, shall be construed to be the zoning district boundary line.
3. **Split Zoning of New Lots Prohibited.** The split zoning of any newly created lot or parcel into more than one zoning district shall not be allowed except for parcels split between a district and the AO, GFP, FW, and FF Districts.
4. **Zoning of Annexed Land.** Any additions to the incorporated area of the City of Franklin shall be classified in the A Agricultural District until otherwise classified by amendment.
 - a. **Annexations or Consolidations Containing Shorelands.** Annexations containing shorelands shall comply with **§ 62.231 of the Wisconsin Statutes.**

- b. **Annexations or Consolidations Containing Floodplains.** Annexations or consolidations containing floodplains shall be placed in the following districts as applicable:
 - i. All floodways and unnumbered A Zones on the FEMA map shall be placed in the FW Floodway District.
 - ii. All other floodplains shall be placed in the GFP General Floodplain District.

Article 3. District Specific Standards

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15-3-01. Bulk and Dimensional Standards

A. **Residential District Bulk and Dimensional Standards.** Table 15-3.0100(A) establishes the bulk and dimensional requirements for development or the use of a lot in each residential district.

Table 15-3-01(A): Residential District Bulk and Dimensional Standards					
Standard	R-C	R-SE	R-SR	R-M	R-V
<i>Lot Standards (Minimum)</i>					
Lot Area (sqft)	10,000	18,000	10,000	12,000(1)	7,200
Lot Area / DU (sqft)(2)	--	--	--	4,500	--
Lot Width (ft)	60	90	80	100	60
<i>Yard Setbacks (Minimum)</i>					
Front (ft)	25	45	30	15	25
Street Side (ft)	15	35	20	10	15
Interior Side (ft)	5	10	10	5	5
Rear (ft)	25(3)	30(3)	30(3)	15(3)	25(3)
<i>Building Standards (Maximum)</i>					
Height Building (ft)	35	35	35	35	35
Impervious Surface Coverage (%)	20	40	50	60	40
<i>Notes</i>					
(1) A lot area of 6,000 square feet shall be allowed for duplex structures with a parti wall.					
(2) Lot area per dwelling unit requirements shall apply in addition to the baseline lot area requirement for each additional dwelling unit on a lot over one.					
(3) Maximum setback of 10 feet shall be allowed for garages.					

- B. **Nonresidential and Mixed-Use District Bulk and Dimensional Standards.** Table 15-3.0100 (B) establishes the bulk and dimensional requirements for development or uses of a parcel in each nonresidential or mixed-use district.

Table 15-3-01(B): Mixed-Use and Nonresidential District Bulk and Dimensional Standards												
Standard	B-N	B-G	B-R	B-MU	B-SM	B-P	LI	A	A-P	I	P	
<i>Lot Standards (Minimum)</i>												
Lot Area (acres)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	3	35	n/a	n/a	
Lot Width (ft)	50	50	50	50	50	50	50	200	300	50	50	
<i>Yard Setbacks (Minimum)</i>												
Front (ft)	25	25	40	30(1)	10	50	30	50	50	30	50	
Street Side (ft)	25	25	40	30(1)	15	50	30	50	50	20	50	
Interior Side (ft)	10	10	10	10(1)	5	20	20	25	25	10	20	
Rear (ft)	20	20	20	30(1)	20	40	15	50	50	30	50	
<i>Building Standards (Maximum)</i>												
Height Building (ft)	40	40	50	50(2)	40	95	45	35	35	45	40	
Impervious Surface Coverage (%)	60	70	70	70	100	60	70	n/a	n/a	60	n/a	
<i>Notes</i>												
(1) 40% of the required setback may be reduced when at least 15% of dwelling units on site are deed restricted to be affordable relative to 80% of the Milwaukee County Area Median Household Income. A minimum of 1 total dwelling units shall be provided on site to qualify.												
(2) An additional ten (10) feet of building height shall be allowed when at least 15% of dwelling units on site are deed restricted to be affordable relative to 80% the Milwaukee County Area Median Household Income. A minimum of 1 total dwelling unit shall be provided on site to qualify.												

15-3-02. Calculating Dimensional Standards

- A. **Lot Width.** Lot width shall be measured as the distance between the side lot lines of a lot at right angles to its depth along a straight line parallel to the front lot line.
- B. **Lot Widths for Lots that Abut a Cul-de-Sac.** The lot width of all lots which abut a cul-de-sac may be reduced by a maximum of twenty (20) percent of the required lot width for the district in which it is located, as measured from the front lot line.
- C. **Yard Setbacks.**
1. A required yard setback shall be measured as the horizontal distance from the center point of the applicable lot line into the interior of the lot for the minimum distance specified in [Table 15-3.0100\(A\)](#) or [Table 15-3.0100\(B\)](#).
 2. The span of a yard setback shall be measured as follows.
 - a. **Front Yard.** From the interior side lot line to the other interior side lot line or street side lot line as applicable.
 - b. **Street Side Yard.** From the front yard setback line to the rear lot line.
 - c. **Interior Side Yard.** From the front yard setback line to the rear yard setback line.
 - d. **Rear Yard.**
 1. From the interior side lot line to the other interior side lot line; or

II. From the interior side lot line to the street side yard setback line.

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

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

- A. **Height Exceptions.** The following structures may exceed the height limitations established in Table ##-### and ##-### as follows.

1. **Architectural Projections.** Architectural projections such as antennae, spires, steeples, belfries, parapet walls, cupolas, domes, flues, and chimneys may exceed the height limit for the district to provide for projections usual and customary to the proposed use.
2. **Special Structures.** Structures such as elevator penthouses, mechanical penthouses, gas tanks, grain elevators, observation towers, and scenery lofts, manufacturing equipment and necessary appurtenances, cooling towers, fire towers, substations, and smoke stacks are exempt from the height limitations of this UDO provided the structures are an integral part of and do not detract from the design of the principal structure as approved by the Plan Commission and/or Architectural Board.
3. **Essential Services, Utilities, Water Towers, and Electric Power and Communication Transmission Lines.** Essential services, utilities, water towers, and electric power and communication transmission lines are exempt from the height limitations of this Ordinance. Building-mounted earth station dish antennas shall not exceed the maximum height regulation of the district in which they are located.
4. **Agricultural Structures.** Agricultural structures, such as barns, silos, windmills, shall not exceed in height twice their distance from the nearest lot line.
5. **Public or Semipublic Facilities.** Public or semipublic facilities, such as schools, churches, hospitals, monuments, sanatoriums, libraries, and governmental offices and stations, may be erected to a height of 60 feet, provided all required yards are increased not less than one foot for each foot the structure exceeds the district's maximum height requirement.
6. **Modification of Other Ordinances and Regulations Not Permitted Under this Division.** Modifications permitted under this Division of this Ordinance do not modify any requirements of federal, State, or local building codes relating to the elements addressed in this Division of this Ordinance.

- B. **Yard Exceptions.** Obstructions into the yard requirements specified in Section ##-### and ##-### may be permitted as follows.

1. **Uncovered Stairs, Landings, and Fire Escapes.** Uncovered stairs, landings, and fire escapes may project a maximum of six (6) feet into a required yard and shall not be closer than three (3) feet to any lot line.
2. **Architectural Projections.** Architectural projections including chimneys, flues, sills, eaves, belt courses, and ornamental features, may project a maximum of two (2) feet into a required yard. Bay windows may project a maximum of three (3) feet into a required yard.
3. **Utility and Electric Power and Communication Transmission Lines.** Utility and electric power and communication transmission lines are exempt from the yard and distance requirements of this Ordinance.
4. **Terraces, Patios, Uncovered Decks.** Terraces, patios, uncovered decks, and ornamental features which do not extend more than three (3) feet above or below the adjacent grade may project a maximum of ten (10) feet into any required yard, however any such structure shall be setback at least five (5) feet from any property line.

5. **Lampposts and Flagpoles.** Lampposts with a maximum height of ten (10) feet and flag poles with a maximum height of thirty five (35) feet may project into required yards, however any such structure shall be set back at least five (5) feet from any property line.
6. **Air Conditioning Units.** Air conditioning units may project up to five (5) feet into a required side or rear yard but shall not be closer than five (5) feet from any property line.
7. **Rainwater Harvesting Structures.** Rainwater harvesting structures with two-hundred (200) gallons or less of storage may project into a required side or rear yard but shall not be closer than five (5) feet from any property line. Rainwater harvesting structures with over two-hundred (200) gallons of capacity meet the location standards for accessory structures in **Section ##-###.**
8. **Below-Ground Stairways and Windows.** Stairways and windows that are constructed entirely below the site's finished grade may project into any required yard.

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

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

Table 15-3-04(B): Permitted, Special, and Temporary Uses in Residential Districts					
Use	R-C	R-SE	R-SR	R-M	V-R
<i>Residential</i>	<i>R-C</i>	<i>R-SE</i>	<i>R-SR</i>	<i>R-M</i>	<i>V-R</i>
Community Living, 1-15 Persons	P	P	P	P	P
Community Living, 16 + Persons	C	C	C	C	C
Single-Family Detached	P	P	P		P
Mobile/Manufactured Home Park, Existing Prior to this UDO				P	
Duplex			C	P	
Townhome				P	
Multifamily Building				P	
Multifamily Complex				P	
Senior Housing, Assisted Living	C	C	C	C	C

DRAFT FOR REVIEW ONLY

Table 15-3-04(B): Permitted, Special, and Temporary Uses in Residential Districts					
Use	R-C	R-SE	R-SR	R-M	V-R
Senior Housing, Nursing Care	C	C	C	C	C
Senior Housing, Total Life Care				C	
<i>Institutional</i>	<i>R-C</i>	<i>R-SE</i>	<i>R-SR</i>	<i>R-M</i>	<i>V-R</i>
Educational Facility	C	C	C	C	C
<i>Place of Assembly</i>	<i>R-C</i>	<i>R-SE</i>	<i>R-SR</i>	<i>R-M</i>	<i>V-R</i>
Noncommercial Place of Assembly, ##### sqft or less	P	P	P	P	P
Noncommercial Place of Assembly, more than ##### sqft	C	C	C	C	C
<i>Recreation, Amusement, and Lodging</i>	<i>R-C</i>	<i>R-SE</i>	<i>R-SR</i>	<i>R-M</i>	<i>V-R</i>
Lodging House	P	P	P	P	P
Short Term Rental	P	P	P	P	P
<i>Agricultural</i>	<i>R-C</i>	<i>R-SE</i>	<i>R-SR</i>	<i>R-M</i>	<i>V-R</i>
Community Garden	P	P	P	P	P
Crop Production	C				
Indoor Agriculture	C				
Telecommunications Tower	C	C	C	C	C
<i>Accessory</i>	<i>R-C</i>	<i>R-SE</i>	<i>R-SR</i>	<i>R-M</i>	<i>V-R</i>
Accessory Dwelling, Detached/Attached	C	C	C	C	C
Accessory Dwelling, Internal	P	P	P	P	P
Accessory Structure	P	P	P	P	P
Artisan Workshop	P	P	P	P	P
Home Based Business	P	P	P	P	P
Solar Energy Collection System, canopy	P	P	P	P	P
Solar Energy Collection System, ground mounted	P	P	P	P	P
Solar Energy Collection System, roof mounted	P	P	P	P	P
<i>Temporary</i>	<i>R-C</i>	<i>R-SE</i>	<i>R-SR</i>	<i>R-M</i>	<i>V-R</i>
Construction Related	T	T	T	T	T
Food Truck	T	T	T	T	T

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

Table 15-3-04(C): Permitted, Special, and Temporary Uses in Nonresidential and Mixed-Use Districts													
Use	B-N	B-G	B-R	B-MU	B-SM	B-P	LI	A	A-P	P	I	L	FW
<i>Residential</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Single-Family Detached								P	P				
Multifamily, above ground floor only	P	P	P	P	P								
<i>Institutional</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Educational Facility											C		
Governmental Uses											C		

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Table 15-3-04(C): Permitted, Special, and Temporary Uses in Nonresidential and Mixed-Use Districts

Health Care Facility	P	P	P	P			P				C		
Cemetery											C		
<i>Place of Assembly</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Indoor Commercial Place of Assembly, ##### sqft or less	P	P	P	P	P			C	C		P		
Indoor Commercial Place of Assembly, more than ##### sqft	S	P	P	P	S			C	C		P		
Outdoor Commercial Place of Assembly	C	C	C	C	C			C	C		P		
Noncommercial Place of Assembly, ##### sqft or less								C	C		P		
Noncommercial Place of Assembly, more than ##### sqft								C	C		P		
<i>Recreation, Amusement, and Lodging</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Campground								C	C				P
Lodging House								P	P				
Hotel	C	C	C	C									
Recreation Area													P
Short Term Rental					P			P	P				
<i>Retail</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Adult Establishment							C						
General Retail, ##### sqft or less	P	P	P	P	P								
General Retail, more than ##### sqft	C	P	P	P	C								
Multitenant Shopping Center	C	C	C	C									
Wholesale Establishment							C						
<i>Service</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Animal Boarding Facility/Kennel and/or Veterinary Service	C	C					C	C					
General Service, ##### sqft or less	P	P	P	P	P								
General Service, more than ##### sqft	S	P	P	P	C	P							
Financial Institution	P	P	P	P		P							
Funeral Home	C	C											
Office, above ground floor only				P	P								
Office, ##### sqft or less	P	P	P	P		P							
Office, more than ##### sqft	P	P	P	P		P							
Office Complex/Business Park						P							
<i>Eating and Drinking</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Bar/Tavern	P	P	P	P	P								
Brewery/Winery/Distillery							C						
Brewery/Winery/Distillery Tasting Room	P	P	P	P	P								
Food Truck Court	C	C	C	C	C	C							

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Table 15-3-04(C): Permitted, Special, and Temporary Uses in Nonresidential and Mixed-Use Districts

Micro Brewery/Winery/Distillery		P	P	P	P								
Restaurant, Delivery/Carry Out		P	P										
Restaurant, Fast Casual		P	P	P									
Restaurant, Sit Down	P	P	P	P	P								
<i>Vehicle Related</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Auto Sales/Rental and Service		C	C				P						
Carwash		C	C				P						
Major Automotive Repair			C				P						
Minor Automotive Repair			P				P						
Vehicle Fuel Sales		C	C				P						
<i>Agricultural</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Community Garden								P	P				
Crop Production								P	P				
Animal Husbandry								P	P				
Indoor Agriculture							P	P	P				
Nursery Retail	P	P	P					P	P				
Nursery Wholesale								P	P				
<i>Industrial</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Artisan Manufacturing	P	P	P	P	P								
Brewery/Winery/Distillery							P	P	P				
Composting/ Recycling Facility							S	P	P				
Distribution Facility							C						
Equipment Rental, Sales, and Service	P	P	P				P						
Extractive Industry							C	C					
Heavy Industry							C						P
Home Improvement Center/ Lumberyard	P	P	P				P						
Landfill												C	
Light Industry							C						
Self-Service Storage Facility			C				P						
Solid Waste Facility/ Solid Waste Transfer Station							C					C	
Storage Yard							C						
Warehouse							C						
<i>Utility and Transportation</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Airport/ Heliport											C		
Helistop		C	C	C		C					C		
Loading Areas, Parking Areas, and Landing Strips As a Principal Use													P
Railroad Use											C		
Sanitary Sewer or Water Supply Lines													C
Solar Farm								C	C				

Table 15-3-04(C): Permitted, Special, and Temporary Uses in Nonresidential and Mixed-Use Districts

Telecommunications Tower	C	C	C	C	C	C	C	C	C	C	C	C	
Wastewater Treatment Ponds and Facilities													P
Waterborne Transportation Uses													P
Wind Farm								C	C				
<i>Accessory</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Accessory Retail	P	P	P	P	P	P	C						
Accessory Structure	P	P	P	P	P	P	P	P	P	P	P	P	
Artisan Workshop								P	P				
Drive Through	C	C	C	C									
Donation Drop Box	P	P	P	P			P						
Outdoor Activity/ Operation/Storage							C						
Outdoor Dining	P	P	P	P	P								
Outdoor Display/ Sale of Merchandise	P	P	P	P	P								
Solar Energy Collection System, canopy	P	P	P	P	P	P	P	P	P	P	P	P	
Solar Energy Collection System, ground mounted	P	P	P	P	P	P	P	P	P	P	P	P	
Solar Energy Collection System, roof mounted	P	P	P	P	P	P	P	P	P	P	P	P	
<i>Temporary</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Construction Related	T	T	T	T	T	T	T	T	T	T	T	T	
Farmers Market	T	T	T	T	T			T	T				
Food Truck	T	T	T	T	T	T		T	T				
Seasonal Sales	T	T	T	T				P	P				

15-3-05. B-SM - Saint Martin’s Road Historic Business District Specific Standards.

A. Canopies and Awnings.

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

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

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

- c. **Height.** Eight (8) feet
- 2. **Storefront.** The primary façade of the building shall adjoin the required minimum front setback. Accordion-style windows and doors or other operable windows are encouraged. The following standards shall apply to shopfronts.
 - a. **Window Area.** Sixteen (16) square feet
 - b. **Window Width.** Three (3) feet
 - c. **Window Height.** Four (4) feet
 - d. **Sill Height.** Three (3) feet
- C. **Entrance Orientation.** Main entrances to buildings shall be oriented toward the primary street adjoining the subject property. Secondary entrances are encouraged along secondary streets or along building frontages not adjoining a street.
- D. **Parking Location.** Off-street parking spaces and lots shall be located to the rear or interior side of the principal building.

15-3-06. AO Airport Overlay District Standards.

- A. **Establishment of District Boundaries and Districts.** The AO Airport Overlay District boundaries shall be based on the General Mitchell International Airport Part 150 Noise Study Update. Boundaries shall be subject to periodic updating and amendment. The AO Airport Overlay District boundaries shall be established to distinguish between the severity of the noise impact to ensure that appropriate uses and acoustical performance standards can be established to mitigate the adverse impacts of aircraft noise to protect the public health, safety, and welfare.
 - 1. **Noise Zones.** Noise levels shall be classified into noise zones, and the Day-Night Average Sound Level (DNL) classifications shall be used for all noise sources. DNL shall be mathematically symbolized as Ldn.
 - 2. **Two Airport Noise Impact Areas Established.** For the purpose of administering these regulations, there shall be two Airport Noise Impact Areas established as follows:
 - a. The AO-1 District for areas of Ldn 65-70.
 - b. The AO-2 District for areas of Ldn 70-75.
- B. **Permitted Uses in the AO Airport Overlay Districts.** All permitted uses in the underlying zoning district(s) shall be permitted by right, except as qualified by § 15-3.0608(C).
- C. **Special Uses in the AO Airport Overlay Districts.** All special uses which may be allowed in the underlying zoning district(s) may be permitted as special uses, except as qualified by § 15-3.0608(C).
- D. **Use Limitations and Noise Level Reduction Standards in the AO-1 Airport Overlay District.** Measures to achieve an interior level of relative sound of twenty five (25) decibels shall be incorporated into the design and construction of all residential and nonresidential buildings.
- E. **Use Limitations and Noise Level Reduction Standards in the AO-2 Airport Overlay District.** Uses within the AO-2 District shall be permitted only in accordance with the following guidelines:
 - 1. **Residential Uses.** Measures to achieve an interior level of relative sound of thirty (30) decibels must be incorporated into the design and construction of the residential structures.
 - 2. **Nonresidential Uses.**
 - a. Measures to achieve an interior level of relative sound of twenty-five (25) decibels must be incorporated into the design and construction of the structures for retail, service, utility and transportation, uses.

- b. Measures to achieve an interior level of relative sound of thirty (30) decibels must be incorporated into the design and construction of the structures.

15-3-07. FF Floodfringe District and GFP General Floodplain District.

A. Statutory Authorization, Finding of Fact, Statement of Purpose, Title, and General Provisions

1. This ordinance is adopted pursuant to the authorization in Wisconsin Statutes Annotated s. 61.35 and 62.23 and the requirements in s. 87.30.
2. Uncontrolled development and use of the floodplains and rivers within the City of Franklin would impair the public health, safety, convenience, general welfare, and tax base.
3. This ordinance is intended to regulate floodplain development in order to:
 - a. Protect life, health and property;
 - b. Minimize expenditures of public funds for flood control projects;
 - c. Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
 - d. Minimize business interruptions and other economic disruptions;
 - e. Minimize damage to public facilities in the floodplain;
 - f. Minimize the occurrence of future flood blight areas in the floodplain;
 - g. Discourage the victimization of unwary land and homebuyers;
 - h. Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
 - i. Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.
4. This Section shall constitute, for statutory purposes, the Floodplain Zoning Ordinance for the City of Franklin, Wisconsin.
5. **General Provisions.**
 - a. **Areas to be Regulated.** This Section regulates all areas of special flood hazard identified as zones A, AO, AH, A1-30, AE, VE, V1-30, or V on the Flood Insurance Rate Map.
 - b. **Official Maps and Revisions.** Special Flood Hazard Areas (SFHA) are designated as zones A, A1-30, AE, AH, AO, VE, V1-30, or V on the Flood Insurance Rate Maps (FIRMs) based on flood hazard analyses summarized in the Flood Insurance Study (FIS) listed in subd. (i) below. Additional flood hazard areas subject to regulation under this ordinance are identified on maps based on studies approved by the DNR and listed in subd. (b) below. These maps and revisions are on file in the office of the **Planning Manager**.
 - c. **Official Maps.**
 - i. Flood Insurance Rate Map (FIRM) panel number 55079C0144E, effective on 09/26/2008; number 55079C0142E, effective on 09/26/2008; number 55079C0161E, effective on 09/26/2008; number 55079C0163E, effective on 09/26/2008. [NOTE: CHECK WITH GIS MANAGER & SEWRPC to ensure all are included & correct; from <https://msc.fema.gov/portal/search?AddressQuery=Franklin%2C%20Wisconsin#searchresultsanchor>].

6. **Establishment of Floodplain Zoning Districts.** The flood hazard areas regulated by this ordinance are divided into districts as follows and collectively shall be known as the “Floodplain Districts”:
- a. The **Floodway District (FW)**, is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters, within AE Zones as shown on the FIRM [see Section 5(c)(ii) above], or within A Zones shown on the FIRM when determined according to Wisconsin Statutes Annotated s. 5.1(5).
 - b. The **Floodfringe District (FF)** is that portion of a riverine special flood hazard area outside the floodway within AE Zones on the FIRM, or, when floodway limits have been determined according to s. 5.1(5), within A Zones shown on the FIRM.
 - c. The **General Floodplain District (GFP)** is those riverine areas that may be covered by floodwater during the regional flood in which a floodway boundary has not been delineated on the FIRM and also includes shallow flooding areas identified as AH and AO zones on the FIRM.
7. **Locating Floodplain Boundaries.**
- a. Discrepancies between the exterior boundaries of zones A1-30, AE, AH, or A on the official floodplain zoning map and actual field conditions may be resolved using the criteria in subsections (7)(d) or (7)(e) below. If a significant difference exists, the map shall be amended according to Section [XX], Amendments.
 - b. The Zoning Administrator may rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The Zoning Administrator shall be responsible for documenting actual pre- development field conditions and the basis upon which the district boundary was determined. Disputes between the Zoning Administrator and an applicant over the district boundary line shall be settled according to [SECTION XX] 7.3(3) and the criteria in (a) and (b) below.
 - c. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to [sXX] Amendments.
 - d. If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
 - e. Where flood profiles do not exist for projects, including any boundary of zone A or AO, the location of the boundary shall be determined by the map scale.
8. **Removal of Lands from Floodplain.**
- a. Compliance with the provisions of this section shall not be grounds for removing land from the floodplain unless the affected land is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to s. 8.0 Amendments.
 - b. The delineation of any of the Floodplain Districts may be revised by the City of Franklin where natural or man-made changes have occurred and/or where more detailed studies have been conducted. However, prior to any such change, approval must be obtained from the Wisconsin Department of Natural Resources and Federal Emergency Management Agency. A completed Letter of Map Revision is a record of this approval. The Zoning Administrator shall not sign a community acknowledgement form unless all criteria set forth in the following paragraphs are met:
 - i. The land and/or land around the structure must be filled at least two feet above the regional or base flood elevation; and
 - ii. the fill must be contiguous to land outside the floodplain; Applicant shall obtain floodplain development permit before applying for a LOMR or LOMR-F.

- c. Removal of lands from the floodplain may also occur by operation of §87.30(1)(e), Wis. Stat. if a property owner has obtained a letter of map amendment from the federal emergency management agency under 44 C.F.R. 70.

9. Compliance.

- a. No structure or use within areas regulated by this ordinance shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged, or altered without full compliance with the terms of these regulations and all other applicable regulations that apply to uses within the jurisdiction of these regulations.
- b. Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with **s. 9.0.**
- c. Floodplain development permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, and arrangement, set forth in such approved plans and applications, or amendments thereto if approved by the Zoning Administrator. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with **s. 9.0.**

10. Municipalities and State Agencies Regulated.

- a. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if **s. 13.48(13)**, Stats., applies.
- b. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when **s. 30.2022**, Stats., applies. Although exempt from a local zoning permit and permit fees, DOT must provide sufficient project documentation and analysis to ensure that the community is in compliance with Federal, State, and local floodplain standards.
- c. If a local transportation project is located within a Zone A floodplain and is not a WisDOT project **under s. 30.2022**, then the road project design documents (including appropriate detailed plans and profiles) may be sufficient to meet the requirements for issuance of a local floodplain permit if the following apply:
 - i. The City provides documentation to the Floodplain Administrator that the proposed project is a culvert replacement or bridge replacement under 20' span at the same location, the project is exempt from a DNR permit under **s. 30.123(6)(d)**,
 - ii. The capacity is not decreased, the top road grade is not raised, and no floodway data is available from a federal, state, or other source.
 - iii. If floodway data is available in the impacted area from a federal, state, or other source that existing data must be utilized by the City in the analysis of the project site.

11. Abrogation and Greater Restrictions

- a. This Section supersedes all the provisions of the this UDO which relate to floodplains. A more restrictive provision shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
- b. This Section is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this ordinance imposes greater restrictions, the provisions of this Section shall prevail.

12. **Interpretation.** In their interpretation and application, the provisions of this Section are the minimum requirements liberally construed in favor of the City of Franklin, and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this Section, required by ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this Section or in effect on the date of the most recent text amendment to this Section.

13. **Warning and Disclaimer of Liability.** The flood protection standards in this Section are based on engineering experience and research. Larger floods may occur, or the flood height may be increased by man-made or natural causes. This Section does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. This Section does not create liability on the part of, or a cause of action against, the City of Franklin, or any officer or employee thereof, for any flood damage that may result from reliance on this Section.
14. **Severability.** Should any portion of this Section be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Section shall not be affected.

B. General Standards Applicable to All Floodplain Districts.

1. Applicability.
 - a. The City of Franklin Zoning Administrator shall review all permit applications to determine compliance with the provisions of this Section.
 - b. If a proposed building site is in a Floodplain District as defined in this Section , all new construction and substantial improvements shall:
 - i. Be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - ii. Be constructed with flood-resistant materials;
 - iii. Be constructed by methods and practices that minimize flood damages; and
 - iv. Be constructed in a manner wherein mechanical and utility equipment is elevated to or above the flood protection elevation.
 - c. If a subdivision or other proposed new development is in a Floodplain District as defined in this Section, the Zoning Administrator shall assure that:
 - i. Such proposed subdivision or other proposed new development is consistent with the need to minimize flood damage within the Floodplain District;
 - ii. Public utilities and facilities such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
 - iii. Adequate drainage is provided to reduce exposure to flood hazards.
 - d. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance and all other requirements in **s. 7.1(2)**.
2. **Hydraulic and Hydrologic Analyses.**
 - a. No development within a Floodplain District shall:
 - i. Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or
 - ii. Cause any increase in the regional flood height due to floodplain storage area lost.
 - b. The Zoning Administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of **s. 8.0** Amendments are met

3. **Watercourse Alterations**

- a. No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the Zoning Administrator has notified in writing all adjacent municipalities, the Wisconsin Department of Natural Resources, and FEMA regional offices, and required the applicant to secure all necessary state and federal permits. The standards of Subsection B.2 above must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained.
- b. As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to **s. 8.0** Amendments, the City of Franklin shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

4. **Applicability of Chapter 30 and 31, Wisconsin Statutes, Development.** Development which requires a permit from the Department, under Chapters 30 and 31, Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to this Section are made in accordance with **s. 8.0** Amendments.

5. **Public or Private Campgrounds.** Public or private campgrounds ~~shall have a low flood damage potential and~~ shall meet the following provisions:

- a. The campground is approved by the Wisconsin Department of Agriculture, Trade and Consumer Protection;
- b. A land use permit for the campground can properly be issued by the Zoning Administrator;
- c. The character of the river system and the campground elevation are such that a 72- hour warning of an impending flood can be given to all campground occupants;
- d. There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, officials of the City of Franklin (including but not the City's emergency government coordinator and the **chief law enforcement official**) which specifies the flood elevation at which evacuation shall occur, **personnel responsible for monitoring flood elevations**, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;
- e. This agreement shall be for no more than one (1) calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in **sub. (4)** - to remain in compliance with all applicable regulations, including those of the Wisconsin Department of Agriculture, Trade and Consumer Protection and all other applicable regulations.
- f. All mobile recreational vehicles placed on site must meet one of the following:
 - i. Be fully licensed, if required, and ready for highway use; or
 - ii. Not occupy any site in the campground for more than 180 consecutive days, at which time the recreational vehicle must be removed from the floodplain for a minimum of 24 hours; or
 - iii. Meet the requirements in either **s. 3.0, 4.0, 5.1, or 5.3** for the floodplain district in which the structure is located;
- g. A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.
- h. All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which shall be kept on file at the campground. Such authorization shall allow placement of a camping unit consistent with 2.4(6) and shall ensure compliance with all the provisions of this section;

- i. The City of Franklin shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;
 - j. The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued; and
 - k. All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.
 - l. Standards for structures in a campground:
 - i. All structures must comply with the applicable requirements in ss. 3.0, 4.0, 5.1, or 5.3 for the floodplain district in which the structure is located;
 - ii. A portable deck or landing may be allowed for a camping unit for each entry provided that the landing is not permanently attached to the ground or camping unit, is no more than 200 square feet in size, shall be portable, contain no walls or roof, and can be removed from the campground by a truck and/or trailer. Sections of such portable landings may be placed together to form a single deck not greater than 200 square feet at one entry point. Provisions for the removal of these temporary landings during flood events must be addressed within the written agreement with the municipality compliant with subsections (a) through (j) above. Any such deck/landing structure may be constructed at elevations lower than the flood protection elevation but must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
 - m. Camping equipment and appurtenant equipment in the campground may be allowed provided that the equipment is not permanently attached to the ground or camping unit, is not used as a habitable structure, and must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood. Provisions for the removal of this equipment during flooding events shall be addressed within the written agreement with the City of Franklin pursuant to subsection 5(d) and 5(e) above.
 - n. Once a flood warning in the written agreement has been issued for the campground, the campground owner or the designated operator shall ensure that all persons, camping units, decks, camping equipment and appurtenant equipment in the campground shall be evacuated within the timelines specified within the written agreement with the City pursuant to subsection 5(d) and 5(e) above.
6. A land use permit shall be obtained as provided under 7.1(2) before any development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated.

C. Floodway District (FW)

1. **Applicability.** This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to s. 5.1(5).
2. **Permitted Uses.** The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District, if:
 - a. The uses are not prohibited by any other provision of these Regulations;
 - b. The standards in this Subsection C are met; and
 - c. All permits or certificates have been issued in accordance with section 7.1.
 - d. Permitted Uses:

- i. Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting
 - ii. Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
 - iii. Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of s. 3.3(4).
 - iv. Uses or structures accessory to open space uses or classified as historic structures that comply with s. 3.3 and 3.4.
 - v. Extraction of sand, gravel or other materials that comply with s. 3.3(4).
 - vi. Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with Chapters 30 and 31, Wisconsin Statutes.
 - vii. Public utilities, streets and bridges that comply with s. 3.3(3).
 - viii. Portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and Chapter SPS 383, Wisconsin Administrative Code.
 - ix. Public or private wells used to obtain potable water for recreational areas that meet the requirements of local ordinances and Chapters NR 811 and NR 812, Wisconsin Administrative Code
 - x. Wastewater treatment ponds or facilities permitted under Sections NR 110.15(3)(b), Wisconsin Administrative Code
 - xi. Sanitary sewer or water supply lines to service existing or proposed development located outside the floodway, which development complies with the regulations for the floodplain area occupied.
3. **Standards for Developments in the Floodway.**
- a. Any development in the floodway shall comply with Subsection B above and have a low flood damage potential.
 - b. Applicants shall provide an analysis calculating the effects of this proposal on the regional flood height to determine the effects of the proposal according to Subsection B.2 and 7.1(2)(c). The analysis must be completed by a professional engineer registered in the state of Wisconsin.
 - c. Any encroachment in the regulatory floodway is prohibited unless the data submitted for subd. 3.3(1)(b) above demonstrates that the encroachment will cause no increase in flood elevations in flood events up to the base flood at any location or removes the encroached area from the regulatory floodway as provided in Subsection A(8) above.
4. **Structures.** Structures accessory to permanent open space uses, including utility and sanitary facilities, or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:
- a. Not designed for human habitation
 - b. Does not have a high flood damage potential
 - c. Is constructed to minimize potential flood damage;

- d. Shall either have the lowest floor elevated to or above the flood protection elevation or shall meet all the following standards:
 - i. The lowest floor is elevated to or above the regional flood elevation and is dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water, and completely dry to the flood protection elevation without human intervention during flooding;
 - ii. Has structural components capable of meeting all provisions of Subsection 6, Certification below and;
 - iii. Has certification by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with Subsection 6, Certification, below.
 - e. Shall be anchored to resist flotation, collapse, and lateral movement
 - f. Mechanical and utility equipment are elevated to or above the flood protection elevation; and
 - g. Does not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
5. **Design for Automatic Entry of Floodwaters.** For a structure designed to allow the automatic entry of floodwaters below the Regional Flood Elevation, the applicant shall submit a plan that meets Subsection (4)(a) through (4)(e) above, and meets or exceeds the following standards:
- a. The lowest floor must be elevated to or above the regional flood elevation;
 - b. a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - c. the bottom of all openings shall be no higher than one foot above the lowest adjacent grade; openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters, otherwise must remain open.
 - d. The use must be limited to parking, building access or limited storage.
6. **Certification:** Whenever floodproofing measures are required, a registered professional engineer or architect shall certify that the following floodproofing measures will be utilized, where appropriate, and are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the regional flood:
- a. Reinforcement of floors and walls to resist rupture, collapse, or lateral movement caused by water pressures or debris buildup;
 - b. Construction of wells, water supply systems and waste treatment systems so as to prevent the entrance of flood waters in such systems and must be in accordance with provisions in Sections 3.4(4) and 3.4(5);
 - c. Subsurface drainage systems to relieve external pressures on foundation walls and basement floors;
 - d. Cutoff valves on sewer lines or the elimination of gravity flow basement drains; and
 - e. Placement of utilities to or above the flood protection elevation.
7. **Public Utilities, Streets, and Bridges.** Public utilities, streets and bridges may be allowed by permit, if:
- a. Adequate floodproofing measures are provided to the flood protection elevation; and
 - b. Construction meets the development standards of s. 2.1.
8. **Fills or Deposition of Materials.** Fills or deposition of materials may be allowed by permit, if:

- a. The requirements of **s. 2.1** are met;
 - b. No material is deposited in navigable waters unless a permit is issued by the Department pursuant to ch. 30, Stats., and a permit pursuant to Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met;
 - c. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
 - d. The fill is not classified as a solid or hazardous material.
9. **Prohibited Uses.** All uses not listed as permitted uses in Subsection C(2) above are prohibited, including the following uses:
- a. Habitable structures, structures with high flood damage potential, and structures not associated with permanent open-space uses;
 - b. Storage of materials that are buoyant, flammable, explosive, or potentially injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
 - c. Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
 - d. Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department- approved campgrounds that meet the applicable provisions of City of Franklin ordinances and Chapter SPS 383, Wisconsin Administrative Code.
 - e. Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of City of Franklin ordinances and Chapters NR 811 and NR 812, Wisconsin Administrative Code
 - f. Any solid or hazardous waste disposal sites;
 - g. Any wastewater treatment ponds or facilities, except those permitted under Sections NR 110.15(3)(b), Wisconsin Administrative Code;
 - h. Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

D. Floodfringe District (FF)

1. **Applicability.** This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to **s. 5.1(5)**.
2. **Permitted Uses.** Any structure, land use, or development is allowed in the Floodfringe District if the standards in **s. 4.3** are met, the use is not prohibited by the City of Franklin Land Development Regulations, or any other ordinance or regulation of the City of Franklin; and all permits or certificates specified in **s. 7.1** have been issued.
3. **Standards for Development in the Floodfringe District.** The provisions of Subsection (C) above shall apply in addition to the following requirements, according to the proposed use. Any existing structure in the Floodfringe District must meet the requirements **of s. 6.0**, Nonconforming Uses.
 - a. **Residential Uses.** Any existing structure in residential use in the Floodfringe District must meet the requirements of s. 6.0 Nonconforming Uses. Any structure for residential use, including a manufactured home, which is to be newly constructed or moved into the Floodfringe District, shall meet or exceed the following standards:
 - i. All new construction, including placement of manufactured homes, and all substantial improvement of residential structures, shall have the lowest floor elevated to or above the flood protection elevation on fill.

The fill around the structure shall be one foot or more above the regional flood elevation for an area extending at least 15 feet beyond the limits of the structure. No area may be removed from the Floodfringe District unless the resulting condition can be shown to meet s. 1.5(5).

- ii. Notwithstanding Subsection (D)(4)(a) above, a basement or crawlspace floor may be placed at the regional flood elevation if the basement or crawlspace is designed to make all portions of the structure below the flood protection elevation watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. No floor of any kind is allowed below the regional flood elevation.
- iii. Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in subsection (d)(1) through (d)(2) below.
- iv. In developments where existing street or sewer line elevations make compliance with Subsection (4)(c) above impractical, the City of Franklin may permit new development and substantial improvements where roads are below the regional flood elevation, if:
 - a) The City of Franklin Zoning Administrator has secured written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
 - b) The City of Franklin has adopted and in place a DNR-approved emergency evacuation plan applicable to the site that follows acceptable hazard mitigation planning guidelines.
- b. **Accessory Structures and Uses.** In addition to meeting the provisions of Section B, General Standards, new construction and substantial improvements of Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.
- c. **Commercial Uses.** In addition to meeting the provisions of Section B, General Standards, any commercial structure which is erected, altered or moved into the Floodfringe District shall meet the requirements of s. 4.3(1). Subject to the requirements of s. 4.3(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- d. **Manufacturing and Industrial Uses.** In addition to meeting the provisions of Section B, General Standards, any manufacturing or industrial structure which is erected, altered or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in s 7.5. Subject to the requirements of s. 4.3(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- e. **Storage of Materials.** Materials that are buoyant, flammable, explosive, or potentially injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with s. 7.5. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.
- f. **Public Utilities, Streets, and Bridges.** All public utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans. In addition, the following criteria shall apply:
 - i. When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if the proposed improvements are designed to comply with s. 7.5.
 - ii. Minor roads or non-essential utilities may be constructed at lower elevations if ~~they are~~ designed to withstand flood forces to the regional flood elevation.

- g. **Sewage Systems.** All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to s. 7.5(3), to the flood protection elevation and meet the provisions of all City of Franklin standards and Chapter SPS 383, Wisconsin Administrative Code.
- h. **Wells.** All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to s. 7.5(3), to the flood protection elevation and shall meet the provisions of Chapters NR 811 and NR 812, Wisconsin Administrative Code.
- i. **Solid Waste Disposal Sites Prohibited.** Disposal of solid or hazardous waste is prohibited in floodfringe areas.
- j. **Deposition of Material.** Any deposition of material must meet all the provisions of this Section.
- k. **Manufactured Homes.**
 - i. Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
 - ii. In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
 - a) have the lowest floor elevated to the flood protection elevation; and
 - b) be anchored so that the manufactured home does not float, collapse or move laterally during a flood
 - iii. Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in s. 4.3(1).
- l. **Mobile Recreational Vehicles.** A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions. All mobile recreational vehicles must be on site for less than 180 consecutive days and be either:
 - i. fully licensed and ready for highway use; or
 - ii. shall meet the elevation and anchoring requirements in s. 4.3 (11)(b) and (c).

E. General Floodplain District (GFP)

1. **Applicability.** The provisions for the General Floodplain District shall apply to development in all floodplains mapped as A, AO, AH, and in AE zones within which a floodway is not delineated on the Flood Insurance Rate Maps identified in s. 1.5(2)(a).
2. **Floodway Boundaries.** For proposed development in zone A, or in zone AE within which a floodway is not delineated on the Flood Insurance Rate Map identified in s. 1.5(2)(a), the boundaries of the regulatory floodway shall be determined pursuant to s. 5.1(5).
 - a. If the development is proposed to encroach upon the regulatory floodway, the development is subject to the standards of s 3.0.
 - b. If the development is located entirely within the floodfringe, the development is subject to the standards of s. 4.0.
3. **Permitted Uses.** Pursuant to s. 5.1(5) for any application for development, the Zoning Administrator shall determine whether proposed use is located within the floodway or floodfringe. Those uses permitted in the Floodway (Section C) and Floodfringe (Section D) Districts are allowed within the General Floodplain District, according to the standards of s. 5.1(4), provided that all permits or certificates required under s. 7.1 have been issued.

4. **Standards for Development in the General Floodplain District.** Any development within the floodway, as determined pursuant to 5.1(5), shall comply with the provisions of Section C, Floodway. Any development within the floodfringe, as determined pursuant to Section 5.1(5), shall comply with the provisions of Section D, Floodfringe.
 - a. New construction and substantial improvement of structures in zone AO shall have the lowest floor, including basement, elevated:
 - i. to or above the depth, in feet, as shown on the FIRM above the highest adjacent natural grade; or
 - ii. if the depth is not specified on the FIRM, to or above two (2) feet above the highest adjacent natural grade.
 - b. New Construction and substantial improvement of structures in zone AH shall have the lowest floor, including basement, elevated to or above the flood protection elevation.
 - c. In AO/AH zones, adequate drainage paths shall be provided to guide floodwaters around structures.
 - d. All development in zones AO and zone AH shall meet the requirements of s. 4.0 applicable to flood fringe areas.
5. **Determination of Floodway and Floodfringe Limits.** Upon receiving an application for development within zone A, or within zone AE where a floodway has not been delineated on the Flood Insurance Rate Maps, the Zoning Administrator shall:
 - a. Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures; and the flood zone as shown on the FIRM.
 - b. Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:
 - i. A Hydrologic and Hydraulic Study as specified in s. 7.1(2)(c).
 - ii. A plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information; and
 - iii. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

F. Non-Conforming Uses

1. **Applicability.**
 - a. The standards in this section shall apply to all uses and buildings that do not conform to the provisions contained within a floodplain zoning ordinance or with Section 87.30, Wisconsin Statutes, Sections NR 116.12-14, Wisconsin Administrative Code, and 44 CFR 59-72.
 - b. These standards shall apply to all modifications or additions to any nonconforming use or structure, and to the use of any structure or premises which was lawful before the passage of this Section or any amendment thereto.
 - c. A party asserting existence of a lawfully established nonconforming use or structure has the burden of proving that the use or structure was compliant with the floodplain zoning ordinance in effect at the time the use or structure was created.

As permit applications are received for additions, modifications, or substantial improvements to nonconforming buildings in the floodplain, the City of Franklin shall develop a list of those nonconforming buildings, their present equalized assessed value and a list of the costs of those activities associated with changes to those buildings.

2. **Continuation of Use.** The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this Section may continue subject to the following conditions:
- a. No modifications or additions to a nonconforming use or structure shall be permitted unless such modifications or additions comply with applicable provisions of this Section. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use.
 - i. Maintenance is not considered a modification; maintenance shall include painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities.
 - ii. Any costs associated with the repair of a damaged structure shall not be considered maintenance.
 - b. The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure shall not be considered an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.
 - c. If a nonconforming use or the use of a nonconforming structure is discontinued for twelve (12) consecutive months, the non-conforming use or use of the non-conforming structure is no longer permitted. Any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this Section.

The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;

- d. No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed fifty (50) percent of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;
- e. No maintenance on a per event basis to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1). Maintenance to any nonconforming structure, which does not exceed 50% of its present equalized assessed value on a per event basis, does not count against the cumulative calculations over the life of the structure for substantial improvement calculations.
- f. If on a per event basis the total value of the work being done under (d) and (e) above equals or exceeds 50% of the present equalized assessed value the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1).
- g. Except as provided in subdivision (h) below, if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, re-constructed, or rebuilt unless the use and the structure meet the current requirements of this Section. A structure is considered substantially damaged if the

total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.

- h. For nonconforming buildings that are substantially damaged or destroyed by a non-flood event, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the following minimum requirements are met and all required permits have been granted prior to the start of construction:
 - i. **Residential Structures.** All such residential structures:
 - a) Shall have the lowest floor, including basement, elevated to or above the flood protection elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of s. 7.5(2).
 - b) Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.
 - c) Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - d) In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.
 - e) In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 5.1(4).
 - f) In AO Zones, have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.
 - ii. **Nonresidential Structures.** All such non-residential structures:
 - a) Shall meet the requirements of s. 6.1(2)(h)1a-f.
 - b) Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in s. 7.5 (1) or (2).
 - c) In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 5.1(4).
 - d) A nonconforming historic structure may be altered if the alteration does not preclude the structure's continued designation as a historic structure, the alteration will comply with s. 3.3 (1), flood resistant materials are used, and construction practices and floodproofing methods that comply with s. 7.5 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of s. 6.1 (2)(h)1 if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.
3. **Floodway District.**
- a. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:
 - i. Has been granted a permit or variance in conformance with all ordinance requirements;
 - ii. Meets the requirements of s. 6.1;

- iii. Shall not increase the obstruction to flood flows or regional flood height;
 - iv. Any addition to the existing structure shall be floodproofed, pursuant to **s. 7.5**, by means other than the use of fill, to the flood protection elevation; and
 - v. If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 - a) The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
 - b) The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 - c) Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 - d) The use must be limited to parking, building access or limited storage.
 - vi. No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, **s. 7.5(3)** and Chapter SPS 383, Wisconsin Administrative Code.
 - vii. No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances, **s. 7.5(3)** and Chapters NR 811 and NR 812, Wisconsin Administrative Code.
- b. No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all City of Franklin ordinances, **s. 7.5(3)** of this Section, and Chapter SPS 383, Wisconsin Administrative Code.
 - c. No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all City of Franklin ordinances, **s. 7.5(3)**, and Chapters NR 811 and NR 812, Wisconsin Administrative Code.
- 4. Floodfringe District**
- a. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality and meets the requirements of **s. 4.3** except where **s. 6.3(2)** is applicable.
 - b. Where compliance with the provisions of **subd. (1)** would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Adjustment/Appeals, using the procedures established in **s. 7.3**, may grant a variance from those provisions of **subd. (1)** for modifications or additions using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if all of the following are met:
 - i. No floor is allowed below the regional flood elevation for residential or commercial structures;

- ii. Human lives are not endangered;
 - iii. Public facilities, such as water or sewer, shall not be installed;
 - iv. Flood depths shall not exceed two feet;
 - v. Flood velocities shall not exceed two feet per second; and
 - vi. The structure shall not be used for storage of materials as described in **s. 4.3(5)**.
- c. All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all City of Franklin ordinances, s. 7.5 (3) and Chapter SPS 383, Wisconsin Administrative Code.
- d. All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this Section, **s. 7.5 (3)** and Chapter NR 811 and NR 812, Wisconsin Administrative Code.

G. Administration

1. Zoning Administrator; Land Use Permits; Certificates of Compliance

- a. Duties and Powers. The Zoning Administrator is authorized to administer this Section and shall have the following duties and powers:
- i. Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications
 - ii. Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate.
 - iii. Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
 - iv. Keep records of all official actions such as:
 - a) All permits issued, inspections made, and work approved;
 - b) Documentation of certified lowest floor and regional flood elevations;
 - c) Floodproofing certificates.
 - d) Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
 - e) All substantial damage assessment reports for ~~floodplain~~ structures in floodplain districts.
 - f) Lists of nonconforming structures and uses.
 - v. Submit copies of the following items to the Department Regional office:
 - a) Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
 - b) Copies of case-by-case analyses and other required information.
 - c) Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

- vi. Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.
 - vii. Submit copies of amendments to the FEMA Regional office.
- b. **Land Use Permit.** A land use permit shall be obtained before any development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the Zoning Administrator shall include:
- i. **General Information**
 - a) Name and address of the applicant, property owner and contractor;
 - b) Legal description, proposed use, and whether it is new construction or a modification;
 - ii. **Site Development Plan.**
 - a) A site plan drawn to scale shall be submitted with the permit application form and shall contain:
 - (i) Location, dimensions, area and elevation of the lot;
 - (ii) Location of the ordinary highwater mark of any abutting navigable waterways;
 - (iii) Location of any structures with distances measured from the lot lines and street center lines;
 - (iv) Location of any existing or proposed on-site sewage systems or private water supply systems;
 - (v) Location and elevation of existing or future access roads;
 - (vi) Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
 - (vii) The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study - either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
 - (viii) Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of s. 3.0 or 4.0 are met; and
 - (ix) Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to s. 2.1. This may include any of the information noted in s. 3.3(1).
 - iii. **Hydraulic and Hydrologic Studies**
 - a) All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State of Wisconsin. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Wisconsin Department of Natural Resources.
 - (i) **In Zone A floodplains and in AE zones within which a floodway is not delineated:**
 1. **Hydrology:** The appropriate method shall be based on the standards in Chapter NR 116.07(3), Wisconsin Administrative Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.
 2. **Hydraulic modeling:** The regional flood elevation shall be based on the standards in Chapter NR 116.07(4), Wisconsin Administrative Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:

- a. Determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.
 - b. Channel sections must be surveyed.
 - c. A minimum four-foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
 - d. A maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.
 - e. The most current version of HEC-RAS shall be used.
 - f. A survey of bridge and culvert openings and the top of road is required at each structure.
 - g. Additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.
 - h. Standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.
 - i. The model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.
- (ii) **Mapping.** A work map of the reach studied shall be provided, showing all cross-section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.
1. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
 2. If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided
- (iii) **In Zone AE Floodplains:**
1. **Hydrology:** If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on Chapter NR 116.07(3), Wisconsin Administrative Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.
 2. **Hydraulic model:** The regional flood elevation shall be based on the standards in Chapter NR 116.07(4), Wisconsin Administrative Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:

- a. **Duplicate Effective Model:** The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.
 - b. **Corrected Effective Model:** The Corrected Effective Model shall not include any man-made physical changes since the effective model date but shall import the model into the most current version of HEC-RAS for Department review.
 - c. **Existing (Pre-Project Conditions) Model:** The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.
 - d. **Revised (Post-Project Conditions) Model.** The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.
 - e. All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.
 - f. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and topwidths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.
3. **Mapping.** Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:
- a. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.
 - b. Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.
 - c. Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.
 - d. If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.
 - e. The revised floodplain boundaries shall tie into the effective floodplain boundaries.
 - f. All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.
 - g. Both the current and proposed floodways shall be shown on the map.

- h. The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.
 - iv. **Expiration.** All permits issued under the authority of this ordinance shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause. If the permitted work has not started within 180 days of the permit date, the development must comply with any regulation, including any revision to the FIRM or FIS, that took effect after the permit date.
- c. **Certificate of Compliance.** No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following provisions:
 - i. The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this Section;
 - ii. Application for such certificate shall be concurrent with the application for a land use permit;
 - iii. If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;
 - iv. The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a Wisconsin registered professional engineer or architect that the requirements of **s. 7.5** are met.
 - v. Where applicable pursuant to **s. 5.1(4)**, the applicant must submit a certification by a registered Wisconsin professional engineer or surveyor of the elevation of the bottom of the lowest horizontal structural member supporting the lowest floor (excluding pilings or columns), and an indication of whether the structure contains a basement.
 - vi. Where applicable pursuant to **s. 5.1(4)**, the applicant must submit certifications by a Wisconsin registered professional engineer or architect that the structural design and methods of construction meet accepted standards of practice as required by **s. 5.1(4)**.
- d. **Other Permits.** Prior to obtaining a floodplain development permit the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

2. Plan Commission; Role and Responsibilities.

- a. The Plan Commission of the City of Franklin shall, with respect to this Section:
 - i. Oversee the functions of the office of the zoning administrator; and
 - ii. Review and advise the Common Council body on all proposed amendments to this ordinance, maps and text; and
 - iii. Publish adequate notice pursuant to Chapter 985, Wisconsin Statutes, specifying the date, time, place and subject of any public hearing.
- b. The Plan Commission of the City of Franklin shall not, with respect to this Section:
 - i. Grant variances to the terms of the ordinance in place of action by the Board of Appeals; or
 - ii. Amend the text or zoning maps in place of official action by the governing body.

3. **Board of Appeals; Role and Responsibilities.** The Board of Appeals established pursuant to Section 62.23(7)(e) Wisconsin Statutes is hereby authorized or shall be appointed to act for the purposes of this Section. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The Zoning Administrator shall not be the secretary of the Board.
 - a. **Powers and Duties.** The Board of Appeals shall:
 - i. **Appeals** - Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this Section;
 - ii. **Boundary Disputes** - Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map; and
 - iii. **Variances** - Hear and decide, upon appeal, variances from the ordinance standards.
 - b. **Appeals to the Board.**
 - i. **Standing to Appeal.** Appeals to the board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the Board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the Board all records regarding the matter appealed.
 - ii. **Notice and Hearing for Appeals and Variances.**
 - a) **Notice.** The Board shall:
 - (i) Fix a reasonable time for the hearing;
 - (ii) Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing; and
 - (iii) Assure that notice shall be mailed to the parties in interest and the Wisconsin Department of Natural Resources Regional office at least 10 days in advance of the hearing.
 - b) **Hearing.** Any party may appear in person or by agent. The Board shall:
 - (i) Resolve boundary disputes according to **s. 7.3(3)**;
 - (ii) Decide variance applications according to **s. 7.3(4)**; and
 - (iii) Decide appeals of permit denials according to **s. 7.4**.
 - c) **Decision.** The final decision regarding the appeal or variance application shall:
 - (i) Be made within a reasonable time;
 - (ii) Be sent to the Department Regional office within 10 days of the decision;
 - (iii) Be issued in the form of a written determination signed by the chairman or secretary of the Board;
 - (iv) State the specific facts which are the basis for the Board's decision;
 - (v) Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application; and

- (vi) Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings
- c. **Boundary Disputes.** The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:
 - i. If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary.
 - ii. The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and
 - iii. If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to **s. 8.0** Amendments.
- d. **Variance.**
 - i. The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
 - a) Literal enforcement of the ordinance will cause unnecessary hardship;
 - b) The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises (in which case the ordinance or map must be amended to grant a permit);
 - c) Issuance of the variance will not result in an outcome or precedent contrary to the public interest; and
 - d) The variance is consistent with the purpose of this ordinance as set forth in Subsection A.
 - ii. In addition to the criteria in Subsection (i) above, to qualify for a variance under FEMA regulations, the Board must find that the following criteria have been met:
 - a) The variance shall not cause any increase in the regional flood elevation;
 - b) The applicant has shown good and sufficient cause for issuance of the variance;
 - c) Failure to grant the variance would result in exceptional hardship;
 - d) Granting the variance will not result in additional threats to public safety, extraordinary expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances; and
 - e) The variance granted is the minimum necessary, considering the flood hazard, to afford relief.
 - iii. A variance shall not:
 - a) Grant, extend or increase any use prohibited in the zoning district;
 - b) Be granted for a hardship based solely on an economic gain or loss;
 - c) Be granted for a hardship which is self-created;
 - d) Damage the rights or property values of other persons in the area;
 - e) Allow actions without the amendments to this ordinance or map(s) required in **s. 8.0**, Amendments; or

- f) Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
 - iv. When a floodplain variance is granted the Board shall notify the applicant in writing that the authorized action may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage. A copy of this notice shall be maintained with the variance record.
- 4. Review of Appeals and Permit Denials.**
- a. The Board of Appeals shall review all data related to the appeal including, but not limited to:
 - i. Permit application data listed **in s. 7.1(2)**;
 - ii. Floodway/floodfringe determination data **in s. 5.1(5)**;
 - iii. Data listed in **s. 3.3(1)(b)** in cases where the applicant has not submitted this information to the Zoning Administrator; and
 - iv. Other data submitted with the application or submitted to the Board with the appeal.
 - b. For appeals of ~~all~~ denied permits, the Board shall:
 - i. Follow the procedures of **s. 7.3**;
 - ii. Consider recommendations of the Plan Commission; and
 - iii. Either uphold the denial or grant the appeal.
 - c. For appeals concerning increases in regional flood elevation the Board shall:
 - i. Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements **of s. 8.0** Amendments; or
 - ii. Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.
- 5. Floodproofing Standards.**
- a. No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to or above the flood protection elevation and submits a FEMA Floodproofing Certificate. Floodproofing is not an alternative to the development standards set forth in **ss. 2.0, 3.0, 4.0, 5.1, or 5.3**.
 - b. For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:
 - i. Certified by a registered Wisconsin professional engineer or architect; or
 - ii. Meeting or exceeding the following standards:
 - a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
 - b) The bottom of all openings shall be no higher than one-foot above grade; and

- c) Openings ~~may be~~ equipped with screens, louvers, valves, or other coverings or devices provided that these permit the automatic entry and exit of floodwaters.
- iii. Floodproofing measures shall be designed, as appropriate, to:
 - a) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
 - b) Protect structures to the flood protection elevation;
 - c) Anchor structures to foundations to resist flotation and lateral movement;
 - d) Minimize or eliminate infiltration of flood waters;
 - e) Minimize or eliminate discharges into flood waters;
 - f) ~~Placement of~~ Locate essential utilities to or above the flood protection elevation; and
 - g) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 - (i) The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
 - (ii) The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 - (iii) Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 - (iv) The use must be limited to parking, building access or limited storage.

H. Amendments.

1. **General Provisions.** Obstructions or increases may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with Section H.2 below
 - a. **In AE Zones with a mapped floodway**, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with **s. 8.1**. Any such alterations must be reviewed and approved by FEMA and the Wisconsin Department of Natural Resources.
 - b. In **A Zones** increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this Section, the official floodplain maps, floodway lines, and water surface profiles, in accordance with **s. 8.1**.
2. **Action by Common Council.** The Common Council shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in s. 8.2 below. Actions which require an amendment to the ordinance and/ or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:
 - a. Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;
 - b. Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;

- c. Any changes to any other officially adopted floodplain maps listed in **s. 1.5 (2)(b)**;
- d. Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
- e. Correction of discrepancies between the water surface profiles and floodplain maps;
- f. Any upgrade to a floodplain zoning text required by Section NR 116.05, Wisconsin Administrative Code, or otherwise required by law, or for changes by the City of Franklin; and
- g. All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

3. Procedures.

- a. Amendments may be made upon petition of any party according to the provisions of Section 62.23, Wisconsin Statutes. The petitions shall include all data required by **s. 5.1(5) and 7.1(2)**. The Land Use Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.
- b. The proposed amendment shall be referred to the Plan Commission for a public hearing and recommendation to the Common Council. The amendment and notice of Common Council public hearing shall be submitted to the Wisconsin Department of Natural Resources Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of Section 62.23, Wisconsin Statutes.
- c. No amendments shall become effective until reviewed and approved by the Wisconsin Department of Natural Resources.
- d. All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

- i. **Enforcement and Penalties.** Any violation of the provisions of this Section by any person shall be unlawful and shall be referred to the City of Franklin attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not more than \$50.00 (fifty dollars), together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the City of Franklin, the State of Wisconsin, or any citizen thereof pursuant to Section 87.30, Wisconsin Statutes.

Article 4. Use-Specific Standards

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15-4-01. Residential Use-Specific Standards

A. Community Living, All Capacities.

1. No community living arrangement shall be established within two thousand five hundred (2,500) feet of any other such facility regardless of its capacity.
2. Foster homes housing four (4) or fewer children and licensed under [Sec. 48.62, Wis. Stats.](#), shall not be subject to these provisions.

B. Duplex.

1. Duplexes primary entrances shall be oriented toward the designated front lot line.
2. A minimum of one (1) of the parking spaces, as specified in [Section 16-6-1\(E\)](#) of this UDO, shall be provided in an attached or detached garage.
3. Attached garages are encouraged to be located on rear façades. If attached garages are located on the primary façade they shall:
 - a. Not exceed forty-five (45) percent of the façade's total width,
 - b. Be setback a minimum of twenty-five (25) feet from the property line, and
 - c. Be recessed from the primary front façade (excluding porches) of the duplex a minimum of five (5) feet.

4. Exterior building cladding materials shall be time- and weather- tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, precast panels with inlaid or stamped brick texture.

C. Townhome.

1. Townhomes shall be oriented with their primary entrances either:
 - a. Toward the designated front lot line. The primary entrance of end unit townhomes on corner lots may be oriented toward the designated front or exterior side lot line.
 - b. Toward an internal courtyard space. The primary entrance of end unit townhomes closest to the designated front lot line shall be oriented toward the designated front lot line.
2. Individual townhome units should be articulated through the exterior design of the townhome cluster. This can be accomplished through dormers, porches, vertical design elements, varying roof forms, or other architectural devices.
3. The maximum length of a townhome cluster shall be two hundred (200) lineal feet.
4. The siting of the townhome units in a cluster shall be staggered in order to define street edges, entry points, and public gathering spaces.
5. A minimum of one (1) of the parking spaces, as detailed in **Section #-#-##** of this UDO shall be provided in an attached or detached garage.
6. Attached or detached garages shall be located on rear or side façades, unless otherwise approved.
7. Exterior building cladding materials shall be time- and weather- tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, precast panels with inlaid or stamped brick texture.

D. Multifamily Building.

1. The building's primary façade and principal entrance shall be oriented toward a public street.
2. A maximum of one (1) curb cut shall be permitted per street frontage unless otherwise approved by the Zoning Administrator.
3. All off-street parking, as specified in **Section 16-6-1(E)** of this UDO, shall be located in the rear and/or interior side of the primary building. Off-street parking located in the interior side yard shall be set back a minimum of one (1) foot from the front elevation of the primary building.
4. ADA compliant pedestrian walkways shall be provided to all building entries and parking areas and shall connect to the sidewalk at the street frontage.
5. Service areas, dumpsters, utilities and the required nonvegetative screening of these features shall not be visible from rights-of-way.
6. Multifamily uses shall operate in accordance with all other applicable federal, state, and local laws and, if additional permits are required, such permits were obtained prior to beginning operation.
7. All multifamily buildings shall meet the design standards of **Section 11-6-##**.

E. Multifamily Complex.

1. **Primary Façade.**
 - a. The primary entrance and front façade of buildings within a multifamily complex shall be oriented towards the following, listed in priority order:

- I. Perimeter streets,
 - II. Primary internal streets,
 - III. Parks or other common open space,
 - IV. Secondary internal streets, or
 - V. Parking areas only if approved by the Zoning Administrator.
2. Parking shall be integrated into the overall site design to minimize visual impact, reduce the loss of trees, and be visually concealed from public rights-of-way.
 3. ADA compliant pedestrian walkways shall be provided to all building entries and parking areas and shall connect to the sidewalk at the street frontage.

15-4-02. Institutional Use-Specific Standards

A. Cemetery.

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

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

RESERVE

15-4-04. Recreation Use-Specific Standards

A. Campgrounds.

1. All campgrounds shall have direct access to an arterial street, however no direct access to an individual site shall be permitted from a public street.
2. All campgrounds shall have a minimum site area of thirty (30) contiguous acres.
3. All trailer and vehicle parking spaces are to be paved with asphaltic concrete.
4. No more than fifteen (15) percent of a travel trailer park site shall be used for campground purposes.
5. The following accessory uses may be allowed.
 - a. Recreational facilities.
 - b. Laundry buildings.
 - c. One (1) service retail store not to exceed 2,000 square feet in total floor area.

- d. A manager's office and storage buildings, sanitary facilities, and fences, constructed in accordance with all the provisions of this Ordinance and all other applicable City of Franklin regulations.
- e. No accessory buildings or structures shall be used for human occupancy, except as explicitly approved.
6. A maximum density of 15 campsites per acre shall be allowed.
7. One hundred (100) square feet of recreation area shall be provided per campsite.
8. All public utilities shall be placed underground.
9. Campground areas of any travel trailer park shall provide a minimum of 500 square for each tent site. A ten foot separation shall be maintained between tents.
10. Every campground there shall be provided at least one (1) sanitary garbage pickup area on the site.
11. All campgrounds shall comply with all State and local regulations.

15-4-05. Lodging Use-Specific Standards

A. Lodging House.

1. The property must be developed, maintained, and operated so that the principal building, accessory buildings, yards, drive, and street frontage complement the appearance and character of its adjacent neighborhood and do not detract from abutting properties.
2. Cooking facilities shall not be permitted in any of the guest rooms.
3. The Zoning Administrator may require a lodging house to be screened from abutting residential properties by the erection and maintenance of a Transition Area per [Section 11-60#](#), the type of which shall be determined by the Zoning Administrator.
4. The principal use is for lodging with accessory uses such as catering or events venue requiring temporary use permit.

B. Short Term Rental.

1. A maximum of [#### \(#\)](#) guests per bedroom shall be allowed.
2. The duration of guest stay shall be a minimum of [#### \(#\)](#) days and a maximum of [#### \(#\)](#) days.
3. A residence may be utilized as a short term rental for a maximum of [#### \(#\)](#) days per calendar year.
4. The residential dwelling in which short term rental operates shall be the primary residence of the property owner.
5. Short-term rentals shall be subject to the hotel tax provisions established in [Chapter 138-25](#) of the City of Franklin Code of Ordinances.

15-4-06. Retail Use-Specific Standards

A. Adult Establishment.

1. Adult establishments shall locate at least one-thousand (1,000) feet from any parcel in a residential district or with an existing use classified in the following categories.
 - a. Residential.
 - b. Institutional.

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

15-4-07. Service Use-Specific Standards

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

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

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

A. Food Truck Court.

1. The maximum number of food trucks allowed on site shall depend on the size of the lot and site's ability to provide required electrical access and parking. Site plans shall be provided to the City for review before permitting.
2. A minimum of ten (10) feet of clearance shall be provided between food truck stalls.

3. Food truck stalls shall be clearly defined and separated from all patron parking with an enclosure. Any use of fencing or planters to separate the food truck park from parking shall provide visibility into the site and shall not exceed four (4) feet in height.
4. Food truck courts are encouraged to create an inviting and attractive aesthetic environment and shall include seating and shade elements.
5. A minimum of (2) permanent restrooms that meet ADA standards shall be made accessible to patrons within two hundred (200) feet of the food truck court during hours of operation.
6. Electrical service shall be provided to each food truck.
7. A minimum of one (1) trash receptacle and one (1) recycling receptacle shall be provided per food truck. The food truck park shall also provide a commercial dumpster outside of the designated patron area for waste disposal. The dumpster shall be screened in accordance with [Section 11-60#](#).

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

A. Auto Sales/Rental and Service.

1. All outdoor display areas for sales, rental, and service shall be improved with all-weather surfaces.
2. Parking lots used for the outdoor display of motor vehicles for sale and/or rent shall be exempt from the landscape spacing requirements for the parking area perimeter zone, as detailed in [Section 11-60#](#), and instead may cluster required landscape elements to preserve views to motor vehicles offered for sale and/or rent.
3. No vehicles shall be parked within the public right-of-way.
4. Repair bays shall not front adjacent public rights-of-way or face a parcel with a residential use or in a residential district.
5. No more than one (1) elevated display shall be used, raising the vehicle no more than three (3) feet off the ground.
6. Accessory uses and structures, such as car wash facilities and their incidental functions (vacuums and air compressors) shall be set back at least fifty (50) feet from public rights-of-way or a residential use or district.
7. No existing buildings shall be occupied or re-used for vehicle sales, rental and service unless all requirements of this UDO are met. The use shall operate in accordance with all other applicable federal, state, and local laws. If additional permits are required, such permits shall be obtained prior to the operation's approval.
8. Drainage from outdoor storage and/or activity areas shall be directed to gravel, grassed, or other planted areas in a manner that prevents direct discharge to storm drain inlets and surface waters.

B. Carwash.

1. Hours of operation shall be restricted to between 7am and 10pm.
2. All car wash facilities and accessory equipment such as vacuums, dryers, and accessory buildings and structures shall be set back a minimum of two hundred (200) feet from any parcel with an existing residential use or in a residential district. Such facilities and equipment shall be enclosed within a building, except for self-service vacuum units.
3. If self-service vacuum facilities are provided, a minimum of one (1) parking space for each vehicle capable of being serviced at any one time at such vacuum facility shall be provided. Such parking spaces for accessory vacuum facilities shall not interfere with circulation or entrance or exit drives.
4. Accessory equipment such as vacuum facilities shall be set back a minimum of twenty (20) feet from all property lines.

5. All full-service or conveyor-based carwash facilities shall be equipped with a water recycling system that shall recycle a minimum of fifty (50) percent of the water being used by the facility
6. Drainage from outdoor storage and/or activity areas shall be directed to gravel, grassed, or other planted areas in a manner that prevents direct discharge to storm drain inlets and surface waters.

C. Major Automotive Repair.

1. A Type C transition area, as detailed in **Section 11-60#**, shall be required along lot lines adjacent to any parcel in a nonresidential district.
2. A Type D transition area, as detailed in **Section 11-60#**, shall be required along lot lines adjacent to any parcel in a residential district.
3. All vehicle repair activities shall be within a completely enclosed building.
4. All storage of vehicles awaiting needed parts shall be within the building or in an enclosed or screened-in yard.
5. All damaged or nonoperable parts shall be stored indoors until removed from the premises.
6. All vehicle parts within a completely enclosed building.
7. Service bay entrances shall not front a public right-of-way unless specifically approved.
8. The maximum allowable number of tow trucks which can be parked at the site shall be determined by the Plan Commission as a condition of approval of the Conditional Use Permit.
9. Drainage from major automotive repair areas shall be directed to gravel, grassed, or other planted areas in a manner that prevents direct discharge to storm drain inlets and surface waters.

D. Vehicle Fuel Sales.

1. All fuel sales stations shall have direct access to an arterial or collector street.
2. Any fuel pumps, underground fuel storage tanks, and islands, shall be at least fifty (50) feet from any street or abutting lot line.
3. All fuel pumps shall be set back a minimum of twenty-five (25) feet from the street right-of-way and side or rear lot lines.
4. All fuel pump canopies shall be located a minimum of twenty (20) feet from the street right-of-way and side or rear lot lines.
5. All fuel pumps and fuel pump canopies shall be located a minimum of fifty (50) feet from any residential district boundary line.
6. Fuel pump canopies shall have a maximum height of twenty-five (25) feet.
7. Fuel pump canopy columns shall be clad in masonry, stucco, fiber cement, or stone veneer systems with a minimum thickness of three (3) inches, for a minimum of four (4) feet from the base of the column.
8. Fuel pump canopies shall be lit with only fully recessed lighting.
9. A Type B transition area, as detailed in **Section 11-60#**, shall be required along lot lines adjacent to any parcel in a nonresidential district.
10. A Type D transition area, as detailed in **Section 11-60#**, shall be required along lot lines adjacent to any parcel in a residential district.

11. No signs shall be permitted on fuel pump canopy roofs or fascia.
12. Drainage from vehicle fuel sales areas shall be directed to gravel, grassed, or other planted areas in a manner that prevents direct discharge to storm drain inlets and surface waters.

15-4-10. Agricultural Use-Specific Standards

A. Nursery, Retail.

1. The overall area of any outdoor sales accessory use shall not exceed the area of the principal enclosed building.
2. All retail nurseries shall comply with Chapter 183 Orderly Conduct of the City of Franklin Municipal Code.

15-4-11. Industrial Use-Specific Standards

A. Artisan Manufacturing.

1. Gross floor area shall not exceed five thousand (5,000) square feet.
2. Outdoor storage shall be prohibited.
3. Outdoor operations or activities may be approved with a temporary use permit.
4. Artisan manufacturing shall not create or cause any perceptible noise, odor, smoke, electrical interference, or vibrations that constitute a public or private nuisance to neighboring properties.
5. Retail sales of goods manufactured on-site shall be required and shall comprise a minimum of ten (10) percent of the total area of the building. Retail sales areas shall be located on the ground floor and shall be directly adjacent to storefront windows.
6. Manufacturing areas are encouraged to be visible from retail areas.
7. A maximum of one (1) residential unit shall be permitted within the same unit/leasable area as the artisan manufacturing use but shall be limited to twenty-five (25) percent of the total area of the building.

B. Landfill.

1. Performance Criteria and Standards.

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

2. The City of Franklin shall enter into negotiation and arbitration procedures as set forth in Chapter 144.445 of the Wisconsin Statutes as amended for the approval of a solid waste disposal facility or expansion thereof.

C. Self-Service Storage Facility.

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

15-4-12. Utility and Transportation Use-Specific Standards**A. Airport/Heliports.**

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

B. Helistops. Helistops shall meet the following requirements:

1. The site shall be sufficient in size and the site shall otherwise be adequate to meet the rules and regulations established by the Federal Aviation Administration and the Department of Transportation.
2. Landing and take-off areas shall be located a minimum of one-hundred fifty (150) feet from any parcel boundary and a minimum of five hundred (500) feet from any residential parcel boundary.
3. Landing areas shall be situated so that any structures, high voltage power lines, towers, chimneys, and natural obstructions within the approach zones, shall comply with regulations for height restrictions in airport approach zones of the Federal Aviation Administration, Wisconsin Division of Aeronautics, or other airport authority qualified by law to establish hazard zoning regulations.

4. No planned approach areas shall be permitted over parcels with existing residential uses or planned residential uses, according to the City of Franklin's Comprehensive Plan.
5. Heliports shall meet all applicable Federal, state and local regulations.

C. **Solar Farm.**

1. Properties on which a public utility owns or leases the land shall be exempt from the standards for solar farms.
2. No solar farm shall be erected on any lot less than four (4) acres in size.
3. A certified professional engineer shall certify that the foundation and design on the solar panels are within accepted professional standards, given local soil and climate conditions.
4. Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground.
5. Systems, equipment, and structures shall not exceed thirty feet (30) in height when ground mounted.
6. Ground mounted solar energy collection systems as part of a solar farm shall have a minimum setback for all equipment, excluding fences, of:
 - a. Front and Corner Yards: one hundred (100) feet,
 - b. Side and Rear Yards: fifty (50) feet from nonresidential property lines and one hundred (100) feet from residential property lines.
7. Systems equipment and structures shall be fully enclosed and secured by a fence or wall with a height of eight (8) feet. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.
 - a. **Warnings.**
 - i. Warning signs shall be provided at the entrance to the facility and along the perimeter of the solar farm in locations determined necessary by the Zoning Administrator.
 - ii. The signs shall be made with letters and numbers at least three (3) inches in height and shall include the 911 address and an emergency phone number of the operator which shall be answered twenty-four (24) hours a day by a live operator. A nonemergency phone number for the operator shall also be displayed. These phone numbers shall remain active with all calls being voice recorded for verification purposes and with comments and complaints logged and reported to the City monthly. The recorded calls shall be maintained for at least twelve (12) months.
8. **Outdoor Storage.** Only the outdoor storage of materials, vehicles, and equipment that directly support the operation and maintenance of the solar farm shall be allowed except for outdoor storage that is expressly allowed in the zoning district specified elsewhere in this title.
9. **Materials Handling, Storage, and Disposal.**
 - a. All solid wastes related to the construction, operation, and maintenance of the solar farm shall be removed from the site promptly and disposed of in accordance with all federal, state, and local laws.
 - b. A list of hazardous fluids that may be used on site shall be provided. All hazardous materials related to the construction, operation, and maintenance of the solar farm shall be handled, stored, transported, and disposed of in accordance with all applicable local, state and federal laws.
10. **Decommissioning Plan.** Prior to receiving approval, the applicant shall submit a decommissioning plan to ensure that the solar farm project is properly decommissioned, which shall include:

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

D. Wind Farm.

- 1. Public utilities shall be exempt from the standards for wind farms.
- 2. No wind farm shall be erected on any lot less than four (4) acres in size.
- 3. **Design and Installation.**
 - a. **Safety Certification.**
 - i. Wind farm systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (UL), Det Norske Veritas (DNV), Germanischer Lloyd Wind Energic (GL), or an equivalent third party prior to plan approval.
 - ii. Following plan approval, a professional engineer shall certify, as part of the building permit application, that the foundation and tower design of the wind farm system is within accepted professional standards, given local soil and climate conditions.
 - b. **Controls and Brakes.** All wind farm systems shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
 - c. **Electrical Components.** All electrical components of the wind farm systems shall conform to applicable local, state, and national codes, and relevant national and international standards (e.g., ANSI and international electrical commission). Utility lines connecting the towers, substations, etc., shall be placed underground where practical.
 - d. **Turbine Consistency.** To the extent feasible, the project shall consist of turbines of similar design and size, including tower height. Further, all turbines shall rotate in the same direction.
 - e. **Warnings.**
 - i. A reasonable visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
 - ii. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of fifteen (15) feet from the ground.

- iii. Warning signs shall be provided at the entrance to the facility and along the perimeter of the solar farm in locations determined necessary by the Zoning Administrator.
 - iv. The signs shall be made with letters and numbers at least three (3) inches in height and shall include the 911 address and an emergency phone number of the operator which shall be answered twenty-four (24) hours a day by a live operator. A nonemergency phone number for the operator shall also be displayed. These phone numbers shall remain active with all calls being voice recorded for verification purposes and with comments and complaints logged and reported to the Zoning Administrator monthly. The recorded calls shall be maintained for at least twelve (12) months.
- f. **Climb Prevention.** All wind farm towers must be unclimbable by design or protected by anti-climbing devices such as:
- i. Fences with locking portals at least six (6) feet high, or
 - ii. Anti-climbing devices twelve (12) feet vertically from the base of the wind farm tower.
- g. **Setbacks.** Wind farm towers and appurtenant structures shall meet the following minimum setbacks.
- i. Wind farm towers shall be six (6) times the height of the wind farm tower or at least three thousand, two hundred fifty (3,250) feet, whichever is greater, from any principal structure or use on the subject or neighboring property.
 - ii. Wind farm towers shall be one and one-tenth (1.10) times the wind farm tower height from public roads, third party transmission lines, and communication towers.
 - iii. Wind farm towers shall be one thousand six hundred forty (1,640) feet from adjacent property lines, as measured from the center of the wind farm tower foundation.
 - iv. No part of a wind farm tower or foundation shall encroach on a public or private sewage disposal (septic) system
 - v. Above ground transmission facilities and poles shall be set back one-hundred fifty (150) feet from any portion any principal structure or use on the subject or neighboring property.
- h. **Use of Public Roads.** An applicant, owner, or operator proposing to use any City or County Road for the purpose of transporting and installation of wind farm or substation parts and/or equipment for construction, operation, or maintenance of the wind farm or substations, shall:
- i. Identify all such public roads, and
 - ii. Obtain applicable weight and size permits from relevant government agencies prior to construction.
 - iii. To the extent an applicant, owner, or operator must obtain a weight or size permit from the City, County, or State, the applicant shall provide:
 - a) Financial assurance, in a reasonable amount agreed to by the relevant parties, for the purpose of repairing any damage to public roads caused by constructing, operating, or maintaining the wind farm prior to the issuance of building permits.
 - b) A signed copy of any agreements pertaining to the use of public roads prior to the issuance of building permits.
- i. **Outdoor Storage.** Only the outdoor storage of materials, vehicles, and equipment that directly support the operation and maintenance of the wind farm shall be allowed except for outdoor storage that is expressly allowed in the zoning district specified elsewhere in this title.

4. **Operation.**

a. **Maintenance.**

- i. The owner or operator of the wind farm must submit, upon request a summary of the operation and maintenance reports to the county. In addition to the annual summary mentioned in this subsection, the owner or operator must furnish such operation and maintenance reports as the City reasonably requests.
- ii. Any replacement of equipment that is not a like-kind replacement using the same equipment in plan as approved shall require that an amendment to the Conditional Use.

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

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

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

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

15-4-13. Accessory Use-Specific Standards

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

1. One (1) detached, attached, or internal accessory dwelling unit shall be allowed per lot.
2. If a lot has a detached garage, a detached accessory dwelling unit shall be located above the detached garage. A standalone detached garage and standalone detached accessory dwelling unit shall not be allowed on a lot.
3. The detached / attached accessory dwelling shall be located to the interior side or rear of the principal dwelling.
4. The maximum size of a detached accessory dwelling shall be:
 - a. Seven hundred twenty (720) square feet on properties forty thousand (40,000) square feet in area or less.

b. Nine hundred (900) square feet on properties more than forty thousand (40,000) square feet in area.

5. The maximum height of a standalone detached accessory dwelling shall be seventeen (17) feet or the height of the principal dwelling, whichever is less.
6. The maximum, combined height of a detached accessory dwelling located above a detached garage and the detached garage shall be twenty-seven (27) feet or the height of the principal dwelling, whichever is less.
7. Detached accessory dwellings shall be setback a minimum of five (5) feet from the rear and interior side yard lot lines.
8. Attached accessory dwellings shall be located fully within the buildable area of the lot.
9. The principal dwelling and detached / attached accessory dwelling shall be served by a common driveway.
10. The detached / attached accessory dwelling shall have similar architectural features including roof pitch; window type, size, and placement, and exterior building cladding materials and similar exterior colors as the principal dwelling.
11. The principal dwelling or detached / attached accessory dwelling shall be the primary residence of the owner of the property.

B. Accessory Dwelling, Internal.

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

C. Accessory Retail.

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

D. Accessory Structures.

1. No accessory building shall be constructed on a site without a principal building.
2. Accessory structures shall have a maximum height of seventeen (17) feet, or the height of the principal building, whichever is less.
3. No accessory structure shall be constructed within or on an easement.
4. **Location.** An accessory structure shall be located as follows.
 - a. Completely within the required rear yard and five (5) feet from rear yard lot lines.
 - b. Completely within the buildable area of the lot and to the interior side or rear of the principal building.
 - c. At least ten (10) feet from the principal building unless constructed with a one (1) hour fire rating, in which case the accessory structure shall be set back at least six (6) feet from the principal building.
 - d. Wetland setbacks and buffers as specified in **Article 6** may further limit the location of accessory structures.

5. **Maximum Area.**

- a. Accessory structures on properties forty thousand (40,000) square feet or less in area shall not exceed seven hundred twenty (720) square feet in area.
- b. Accessory structures on properties exceeding forty thousand (40,000) square feet in area shall not exceed nine hundred (900) square feet in area.
- c. An accessory structure constructed of masonry may be up to twelve-hundred (1,200) square feet in area.
- d. Accessory structures may exceed 1,200 square feet on parcels in the RC - Conservation Residence or R-SE - Suburban/Estate Residence District with an existing active agricultural use subject to the following regulations.
 - i. The minimum lot area shall be three (3) acres.
 - ii. The maximum accessory structure size shall be five hundred (500) square feet per acre. No accessory structure shall exceed five thousand (5,000) square feet.
 - iii. No accessory over twelve hundred (1,200) square feet structure shall exceed forty (40) feet in height.
 - iv. An accessory structure over twelve hundred (1,200) square feet shall not be located closer to a side or rear lot line than a distance equal to its height.
 - v. An accessory structure over twelve hundred (1,200) square feet shall not be used for commercial or residential use.

E. **Artisan Workshop.**

1. The artisan workshop shall be wholly within the principal building and any accessory building.
2. The principal building shall be the primary residence of the property owner.
3. No alterations shall be made to the principal building or accessory building that changes its residential character or appearance or otherwise gives evidence of the artisan workshop.
4. The sale of goods or materials on site shall be prohibited.
5. No persons, other than the residents of the dwelling unit, shall be employed on site.
6. Mechanical or electrical equipment supporting the artisan workshop shall be self-contained within the structure and normally used for office, domestic, or household purposes.
7. The outdoor display or storage of goods, materials, merchandise, or equipment related to the artisan workshop shall be prohibited.
8. The artisan workshop shall not require the delivery or shipment of goods, materials, merchandise, or equipment beyond what is typical for a residential use.
9. The artisan workshop shall not create or cause any perceptible noise, odor, smoke, electrical interference, or vibrations that constitute a public or private nuisance to neighboring properties.
10. The artisan workshop shall not discharge any material which is radioactive, poisonous, or detrimental to either wastewater or storm water systems.

F. **Drive Through.**

1. Drive throughs shall be permitted a maximum of four (4) total menu boards with a combined maximum area of 100 square feet.
 - a. Each menu board or pre-order board shall not exceed sixty (60) square feet in area and ten (10) feet in height. Menu boards and pre-order boards may utilize electrically activated changeable copy message centers for one hundred (100) percent of the permitted menu board or pre-order board area and must follow all regulations of [Section 11-825.04.C.2.](#)
2. Any speaker or intercom associated with a drive through shall not be audible beyond the boundaries of the property.
3. Drive through canopies shall maintain a uniform and consistent roofline with the building to which the drive-through is associated.
4. Stacking spaces and lanes for drive through stations shall not impede on- and off-street traffic movement, shall not cross off-street parking areas or drive aisles and shall not impede pedestrian access to a public building entrance.
5. Drive through lanes shall be separated from off-street parking areas. Individual lanes shall be striped, marked, or otherwise delineated.
6. Drive through facilities shall be provided with a bypass lane with a minimum width of ten (10) feet unless an alternative means of exit is approved.
7. Stacking lanes shall have a minimum depth of twenty (20) feet per stacking space and the following minimum lane widths:
 - a. One (1) lane: twelve (12) feet,
 - b. Two (2) or more lanes: ten (10) feet per lane.
8. Drive through facilities shall be required to provide a minimum number of stacking spaces as detailed in [Table 11-511\(E\).](#)

Table 15-4-13(F): Drive Through Stacking Requirements		
Use	Minimum Stack	Measure From
<i>Automated Teller Machine</i>	3 per machine	teller machine
<i>Bank Teller Lane</i>	2 per lane	teller or window
<i>Restaurant</i>	6 per order box	order box (1)
<i>Carwash Stall, Automatic</i>	5 per stall	stall entrance
<i>Carwash Stall, Manual</i>	3 per stall	stall entrance
<i>Oil Change Shop</i>	3 per service bay	service bay entrance
<i>Pharmacy</i>	4 per lane	machine or window
Notes:		
(1) 4 of the required stacking spaces are to be located between the order-box and pick-up window, including the stacking space at the order box.		

G. Donation Drop Box.

1. Donation drop boxes shall be on properties that contain a legally existing and operating use.
2. No more than two (2) donation drop boxes shall be permitted on a lot less than or equal to two (2) acres.
3. No more than three (3) donation drop boxes shall be permitted on a lot greater than two (2) acres.
4. Each donation drop box shall not exceed seven (7) feet in height and twenty-five (25) square feet in ground area.

5. Donation drop boxes shall only be located in side or rear yards.
6. Donation drop boxes shall be located on an asphalt or concrete paved surface.
7. Donation drop boxes shall not locate in a driveway or drive aisle and shall not reduce the width of paved clear space for the passage of pedestrians to less than five (5) feet. Boxes shall not locate in such a way as to disrupt the flow of vehicular or pedestrian traffic.
8. Donation drop boxes shall not be located nearer than forty (40) feet from an adjoining lot in a residential district.
9. Donation drop boxes shall be located to the side or rear of the primary façade of the building.
10. A notice must be permanently affixed to each donation drop box in a highly visible location prohibiting the placement of items outside of the box. The name and twenty-four (24) hour telephone number of the owner/operator must be permanently affixed to each donation drop box.

H. Home Based Business.

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

14. No home occupation shall be permitted which generates wastewater or water use in excess of the quantity typically required for a residential dwelling unit.

I. Outdoor Activity/Operation/Storage, Accessory.

1. Any property with permanent outdoor activity/operation/storage shall have a minimum lot size of five (5) acres.
2. Outdoor activity/operation/storage shall be conducted between the hours of 7:00 am and 9:00 pm.
3. Outdoor activity/operation/storage shall be located to the rear or interior side of the principal building on the lot.
4. Outdoor activity/operation/storage shall be prohibited in front or street side yards.
5. Outdoor activities and operations shall be setback a minimum of fifty (50) feet from all property lines when adjacent properties are zoned B-G and B-R Districts.
6. Outdoor activities and operations shall be setback a minimum of one hundred (100) feet from all property lines when adjacent properties in the R-C, R-SE, R-SR, R-M, R-V, B-N, B-MU, and B-SM Districts.
7. The following minimum screening requirements shall apply to permanent outdoor activities and operations visible from the right-of-way of an existing or proposed arterial or collector roadway or a property zoned R-C, R-SE, R-SR, R-M, R-V, B-N, B-MU, B-V Districts.
 - a. A solid wall constructed from materials, not including metal, identical to those used on the exterior of the principal building, unless otherwise approved by the Planning Commission, and not less than six (6) feet and not more than eight (8) feet in height shall be erected to screen the portions of permanent outdoor activity and operations areas visible from an existing or proposed arterial or collector roadway or a property zoned in the R-C, R-SE, R-SR, R-M, R-V, B-N, or B-SM Districts.
 - b. A landscape strip, not less than five (5) feet wide shall be located in front of the wall. The landscape strip shall be improved with a Type A Transition Area per [Section 11-60#](#).

J. Outdoor Dining.

1. The outdoor dining area shall be located on an approved hard paved surface.
2. Outdoor dining areas may utilize a maximum of twenty (20) percent of the parking spaces required for the operation of the principal use or two thousand (2,000) square feet, whichever is less.
3. Outdoor dining areas shall not block a pedestrian walkway or public sidewalk in a manner which reduces the width of that walkway or sidewalk to less than five (5) feet.
4. A fence, landscape hedge, or wall with a height of four (4) feet shall be utilized to segregate the outdoor dining area.
5. Use of outdoor dining areas shall be limited to the posted operational hours of the associated eating and drinking use.

K. Outdoor Display/Sale of Merchandise.

1. Only those goods and materials associated with the existing on-site use may be displayed or sold.
2. Permanent outdoor display or sales areas shall not be located within any required yard or parking area.
3. Permanent outdoor display or sales areas shall be surfaced with an approved hard surface material. Partially paved or unpaved outdoor display or sales areas shall be prohibited.
4. Permanent outdoor display or sales areas shall not exceed ten (10) percent of the gross floor area of the primary building on the property unless approved as a Conditional Use.

L. Solar Energy Collection System, Canopy.

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

M. Solar Energy Collection System, Ground-Mounted.

1. Ground mounted solar energy collection systems shall be permitted in the rear yard only.
2. The maximum height of ground mounted solar energy collection systems shall be five (5) feet in height, measured from the grade at the base of the pole to the highest edge of the system.
3. Minimum clearance between the lowest point of the system and the surface on which the system is mounted is twelve (12) inches.
4. All parts of the freestanding system shall be set back ten (10) feet from the side and rear lot lines and shall not be located in a public utility easement.

N. Solar Energy Collection System, Roof Mounted.

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

15-4-14. Temporary Use-Specific Standards

A. Food Truck.

1. Sites for Food Trucks are required to have full public improvements including curb, gutter, sidewalk, and an access drive, etc.
2. Food trucks shall locate on paved surfaces. The location of a food truck on unimproved surfaces, landscape areas, in required setbacks, or on dirt or gravel areas is prohibited.
3. One (1) food truck shall be allowed per lot.
4. Food trucks shall obtain written permission from the property owner(s) and shall submit such documentation as part of the temporary use approval process specified in **Section ##-###.**
5. A food truck, including all vending activity, tables, chairs, and trash receptacles may occupy no more than four (4) parking stalls or six hundred and fifty (650) square feet of parking area, whichever is less.
6. Tables and chairs shall be permitted and located on improved or paved surfaces and shall not locate in parking stalls, landscape areas, or drive aisles, aside from the four (4) parking stalls designated for vending.
7. Food trucks shall not occupy or operate within an ADA parking stall or pedestrian path.

8. A minimum of one (1) trash receptacle and one (1) recycling receptacle shall be provided per food truck.
9. Required tables, chairs, and trash and recycling receptacles shall not be retained on-site overnight.
10. Drive aisles, sidewalks, access to trash enclosures, and similar areas may not be blocked by any vending activity.
11. Food trucks shall be located a minimum of five hundred (500) feet from any brick-and-mortar restaurant as measured from the property line.

B. Seasonal Sales.

1. Seasonal sales shall be permitted for a period not to exceed ninety (90) days per calendar year, unless otherwise approved.
2. Seasonal sales areas may utilize a maximum of twenty (20) percent of the parking spaces required for the operation of the principal use or two thousand (2,000) square feet, whichever is less.
3. Seasonal sales areas shall not block pedestrian walkways in a manner which reduces the width of that walkway to less than five (5) feet.
4. All tents, canopies, or other temporary structures shall require review and approval by the Building Inspector.

