

ORDINANCE NO. 2004 - 1803

AN ORDINANCE TO AMEND, REVISE AND UPDATE THE UNIFIED DEVELOPMENT ORDINANCE
AS IT PERTAINS TO ZONING REGULATIONS UNDER THE UNIFIED DEVELOPMENT ORDINANCE,
SPECIFICALLY DIVISION 15-3.0500, SECTION 15-3.0505 TO PROVIDE A MAXIMUM PERMITTED FLOOR
AREA FOR RETAIL BUILDINGS IN THE B-1, B-2, B-3 AND B-5 DISTRICTS

WHEREAS, the City of Franklin Common Council adopted the Unified Development Ordinance on May 19, 1998, effective August 1, 1998, upon a presentation and following public hearing which included statements as to the recognition that such substantial legislative efforts will require review and revision over time and experience; and

WHEREAS, Citizens of the Community have petitioned the City of Franklin Common Council for a change to limit the size of retail and commercial buildings; and

WHEREAS, having noted certain inconsistencies in the Unified Development Ordinance regarding regulations that may not be sufficient to maintain the desired character of the area as well as to provide updated regulations based upon the experience of the application of the Unified Development Ordinance; and

WHEREAS, the Common Council having reviewed such proposed amendment on the day of July 13, 2004, and the Common Council having determined such amendments are reasonable and necessary to protect and promote the health, safety, aesthetics and general welfare of the community.

NOW, THEREFORE, the Mayor and Common Council of the City of Franklin, Wisconsin, do ordain as follows:

SECTION 1. Section 15-3.0505 of the Unified Development Ordinance is hereby amended to create Section 15-3.0505A. Maximum Permitted Floor Area for a Retail Building:

1. Notwithstanding the provisions of Table 15-3.0505, no individual retail building in any of the following districts shall exceed a total of 125,000 gross square feet of floor area, including all roofed area.
 - a. B-1 Neighborhood Business District
 - b. B-2 General Business District
 - c. B-3 Community Business District
 - d. B-5 Highway Business District
2. Notwithstanding, any other provision of this Ordinance, no special use permit, PDD District, special exception or variance may be approved or granted that would allow a retail building to exceed the size limits of this subparagraph (1) and no nonconforming use or structure may be expanded in any manner that would increase its nonconformance with the limits of subparagraph (1).

SECTION 2: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

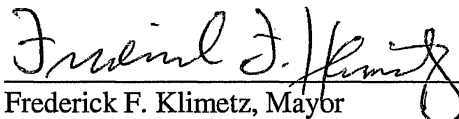
SECTION 3: All ordinances and parts of ordinances in contravention to this Ordinance are hereby repealed.

SECTION 4: This ordinance shall take effect and be enforced from and after its passage and publication.


Introduced at a regular meeting of the Common Council of the City of Franklin this 13th day of July, 2004, by Alderman Olson.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin, this 13th day of July, 2004, by Alderman Olson.

APPROVED:


Frederick F. Klimetz, Mayor

ATTEST:


Sandra L. Wesolowski, City Clerk

AYES 5 NOES 0 ABSENT 1 (Ald. Bergmann)