

ORDINANCE NO. 2004- 1815

AN ORDINANCE TO AMEND DIVISION 15-3.0600 ZONING DISTRICT USES AND USE REGULATIONS SECTION 15-3.0603 TABLE OF PERMITTED AND SPECIAL USES IN ALL NONRESIDENTIAL ZONING DISTRICTS TO ALLOW LIMOUSINE SERVICES AS A SPECIAL USE IN SECTION 15-3.0309 M-1 LIMITED INDUSTRIAL DISTRICT AND SECTION 15-3.0310 M-2 GENERAL INDUSTRIAL DISTRICT

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WHEREAS, the City of Franklin Common Council adopted the Unified Development Ordinance on May 19, 1998, effective August 1, 1998, upon 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, over time and experience the Plan Commission has noticed certain inconsistencies in the Unified Development Ordinance regulations and, having directed staff to review such matters as discussed, and staff having made a recommendation for amendments, has asked the Plan Commission to hold a public hearing on an amendment to SECTION 15-3.0603 TABLE OF PERMITTED AND SPECIAL USES IN ALL NONRESIDENTIAL ZONING DISTRICTS of the City of Franklin Unified Development Ordinance to allow limousine services as a special use in the M-1 Limited Industrial District and M-2 General Industrial District; and

WHEREAS, a public hearing was held before the Plan Commission on the 8<sup>th</sup> of July 2004, no action being required or taken. At the August 5, 2004, Plan Commission meeting, the Plan Commission neither recommended approval nor denial to amend the Unified Development Ordinance to allow limousine services as a special use in the M-1 Limited Industrial District and M-2 General Industrial District; and

WHEREAS, the Common Council, at the August 10, 2004, meeting directed staff to further review the Ordinance, then present a recommendation back to the Plan Commission. Hence, having reviewed the revised proposed amendments and having determined such amendments to be necessary to provide zoning districts that allow limousine service as a special use, and that such amendments were reasonable and in furtherance of the health, safety 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: Table 15-5.0603 PERMITTED AND SPECIAL USES IN THE NONRESIDENTIAL ZONING DISTRICTS of the City of Franklin Unified Development Ordinance be and the same is hereby amended as to place "S" under the column labeled "M-1 and M-2" across from SIC number "4119 – local passenger transportation, not elsewhere classified".

- / SECTION 2: Section 15-11.0103 Specific Words and Phrases to include; "Limousine – a passenger automobile that has a capacity of 10 or fewer persons, excluding the driver; that has a minimum of 5 seats behind the driver; and that is operated for hire on an hourly basis under a prearranged contract for the transportation of passengers on public roads and highways along a route under the control of the person who hires the vehicle and not over a defined regular route."

(does not include taxicabs, hotel or airport shuttles or buses, buses employed solely in transporting school children or teachers, vehicles owned and operated without charge or remuneration by a business entity for its own purposes, vehicles used in car pools or van pools, public agency vehicles that are not operated as a commercial venture, vehicles operated as part of the employment transit assistance program under s. 106.26, ambulances or any vehicle that is used exclusively in the business of funeral directing)

- ✓ SECTION 3: Section 15-11.0103 Specific Words and Phrases to include; "Limousine Services – establishments primarily engaged in providing an array of specialty and luxury passenger transportation services via limousine or luxury sedans generally on a reserved basis with a driver. "

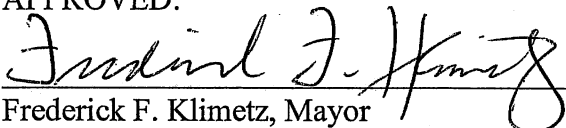
SECTION 4: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 5: 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 21st day of September, 2004, by Alderman Sohns.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin, this 21st day of September, 2004.

APPROVED:

  
Frederick F. Klimetz, Mayor

ATTEST:

  
Sandra L. Wesolowski, City Clerk

AYES 4 NOES 2 ABSENT 0  
(Ald. Olson)  
(Ald. Solomon)