

ORDINANCE NO. 2005- 1863

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE
TO PROVIDE FOR CERTAIN APPROVALS OF DEED RESTRICTIONS,
CONSERVATION EASEMENTS, LANDSCAPE BUFFERYARD EASEMENTS AND
HOMEOWNERS ASSOCIATION INSTRUMENTS WHICH ARE TECHNICAL OR IN
PART REDUNDANT REVIEWS TO BE PERFORMED BY THE PLANNING
DEPARTMENT INSTEAD OF BY THE PLAN COMMISSION

WHEREAS, Unified Development Ordinance currently requires submissions to the Plan Commission of deed restrictions and homeowners association instruments, which are required for limited technical purposes such as the provision of a process for the enforcement of subdivision common area maintenance; and the submission to the Plan Commission of conservation easements and landscape bufferyard easements which already appear on a land division map for planning purposes and for which the City has pattern easement documents readily susceptible to review by City staff; and

WHEREAS, the Common Council recognizing that easements are to be approved by the Common Council to become effective as conveyances of real estate, but that certain of such easement reviews may be redundant reviews to the Plan Commission and that the development proposal review process may be made more efficient by removing the extra review by the Plan Commission of those documents and also of those homeowners association instruments and deed restrictions for which the Code provides for limited technical reviews which may be performed by staff to meet the support needs of the Plan Commission; and

WHEREAS, the Common Council having directed the Plan Commission to consider amendments to the Unified Development Ordinance to provide for such administrative reviews and the Plan Commission thereafter having held a public hearing on the proposed amendments and thereafter having determined that the proposed zoning text amendments would promote the health, safety and welfare of the City and having recommended approval thereof to the Common Council; and

WHEREAS, the Common Council having considered the proposed amendments and having concurred with the recommendation of the Plan Commission, and having found that the proposed amendments would promote the health, safety and welfare of the Community.

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

SECTION 1: §15-7.0507A. of the Unified Development Ordinance of the City of Franklin, Wisconsin, be and the same is hereby amended as follows:

delete: "The Plan Commission shall require the submission of" and in place thereof, insert: "The Planning Department shall require for administrative review and approval and Subdivider shall submit,".

SECTION 2: §15-7.0507B. of the Unified Development Ordinance of the City of Franklin, Wisconsin, be and the same is hereby amended as follows: delete: "The Plan Commission shall," and in place thereof, insert: "The Planning Department shall require for administrative review and approval and Subdivider shall submit,"; delete: "require submission of"; and add: "A conservation easement must additionally be approved by the Common Council."

SECTION 3: §15-7.0507C. of the Unified Development Ordinance of the City of Franklin, Wisconsin, be and the same is hereby amended as follows: delete: "The Plan Commission shall require submission of" and in place thereof, insert: "The Planning Department shall require for administrative review and approval and Subdivider shall submit,"; add: "for the purpose of demonstrating its existence," between "association)," and "when"; and delete: "or a subunit of the City pursuant to Section 236.293 of the Wisconsin Statutes".

SECTION 4: §15-7.0507D. of the Unified Development Ordinance of the City of Franklin, Wisconsin, be and the same is hereby amended as follows: add as the new first sentence: "The purpose of the required submissions under this section is only to provide for an enforceable method of regulating the maintenance of any common land areas or structures serving the development and any land or structures restricted for such service or for the public benefit."

SECTION 5: §15-7.0603A. of the Unified Development Ordinance of the City of Franklin, Wisconsin, be and the same is hereby amended as follows: delete: "Submission to the Plan Commission of" and in place thereof, insert: "The Planning Department shall require for administrative review and approval and Subdivider shall submit,".

SECTION 6: §15-7.0603B. of the Unified Development Ordinance of the City of Franklin, Wisconsin, be and the same is hereby amended as follows: delete: "The submission to the Plan Commission of" and in place thereof, insert: "The Planning Department shall require for administrative review and approval and Subdivider shall submit,"; add at the end of the existing text: "A conservation easement must additionally be approved by the Common Council."

SECTION 7: §15-7.0603C. of the Unified Development Ordinance of the City of Franklin, Wisconsin, be and the same is hereby amended as follows: delete: "The submission to the Plan Commission of" and in place thereof, insert: "The Planning Department shall require for administrative review and approval and Subdivider shall submit,"; add: "for the purpose of demonstrating its existence," between "association)," and "when"; and delete: "or a subunit of the City pursuant to Section 236.293 of the Wisconsin Statutes as amended".

SECTION 8: §15-7.0603D. of the Unified Development Ordinance of the City of Franklin, Wisconsin, be and the same is hereby amended as follows: delete: "of" immediately following "service" and in place thereof, insert: "or".

SECTION 9: §15-7.0702P. of the Unified Development Ordinance of the City of Franklin, Wisconsin, the third sentence only, be and the same is hereby amended to read as follows: "The Planning Department shall require for administrative review and approval and Subdivider shall submit, deed restrictions and/or conservation easements as required by this Ordinance, to be filed with the Certified Survey Map."

SECTION 10: §15-9.0309E. of the Unified Development Ordinance of the City of Franklin, Wisconsin, be and the same is hereby amended to read as follows:
"E. Deed Restrictions, Conservation Easements, and Landscape Bufferyard Easements. For properties proposed to be divided by Certified Survey Map and which contain natural resources required to be preserved or landscape bufferyard easements under the provisions of this Ordinance, the Planning Department shall require for administrative review and approval and Subdivider shall submit, deed restrictions and/or conservation easements, and landscape bufferyard easements which are to be filed with the Certified Survey Map. The purpose of the required submissions under this section is only to provide for an enforceable method of regulating the maintenance of any common land areas or structures serving the development and any land or structures restricted for such service or for the public benefit. The City Attorney shall review all final declaration of deed restrictions and protective covenants, conservation easements, and landscape bufferyard easements and shall approve said final instruments as to form as they may pertain to such purpose. Conservation easements and landscape bufferyard easements must additionally be approved by the Common Council."

SECTION 11: 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.

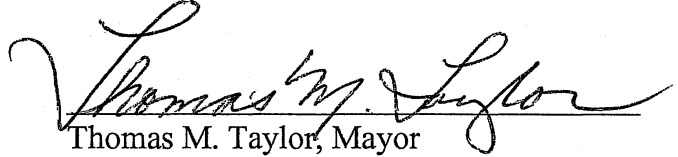
SECTION 12: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 13: This ordinance shall take effect and be in force from and after its passage and publication.


Introduced at a regular meeting of the Common Council of the City of Franklin this 15th day of November, 2005, by Alderman Sohns.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 15th day of November, 2005.

APPROVED:


Thomas M. Taylor, Mayor

ATTEST:


Sandra L. Wesolowski, City Clerk

AYES 6 NOES 0 ABSENT 0