

ORDINANCE NO. 2005- 1868

AN ORDINANCE TO AMEND §15-3.0801, §15-3.0802 and §15-3.0905  
AND RELATED PROVISIONS OF THE UNIFIED DEVELOPMENT ORDINANCE TO  
ALLOW FENCES IN REAR YARDS OF DOUBLE-FRONTAGE RESIDENTIAL LOTS

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WHEREAS, the Plan Commission having considered fences in rear yards of double-frontage lots, and having determined that such fences would be appropriate; and

WHEREAS, upon Plan Commission direction, City staff having undertaken the subject Code review and having made recommendations thereon, accordingly; and

WHEREAS, upon petition by the City of Franklin, a public hearing was held before the City of Franklin Plan Commission on the 8th day of December, 2005, the Plan Commission thereafter having determined that the proposed zoning text amendment 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 petition and having concurred with the recommendation of the Plan Commission and having determined that the proposed zoning text amendment to §15-3.0801, §15-3.0802 and §15-3.0905 and related provisions of the Unified Development Ordinance to allow fences in rear yards of double-frontage lots, 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: §15-3.0801 B 1. of the Unified Development Ordinance of the Municipal Code of the City of Franklin, Wisconsin, is hereby amended only in the following respect: add “, except where otherwise allowed for fences per subsection 15-3.0905 and Section 15-3.0802 E 2 b”, immediately following “are met”.

SECTION 2: §15-3.0802 E 2 b. of the Unified Development Ordinance of the Municipal Code of the City of Franklin, Wisconsin, is hereby amended only in the following respect: add to the existing text of b., the following: “In the case of a double-frontage lot, fences may be constructed to locate property lines in the yard opposite the front of the residence, provided such fence is constructed and maintained in

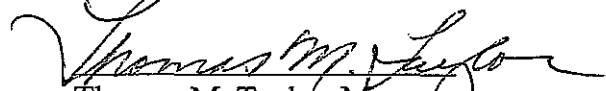
compliance with all other applicable provisions of subsection 15-3.0802E.”

- SECTION 3: §15-3.0905 of the Unified Development Ordinance of the Municipal Code of the City of Franklin, Wisconsin, is hereby amended only in the following respect: add “, except fences may be constructed to locate property lines in the yard opposite the front of the residence, in accordance with the applicable provisions of subsection 15-3.0802 2. b.”, immediately following “which the lot abuts.”
- 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: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.
- SECTION 6: 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 20th day of December, 2005, by Alderman Sohns.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 20th day of December, 2005.

APPROVED:

  
Thomas M. Taylor, Mayor

ATTEST:

  
Sandra L. Wesolowski, City Clerk

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