

ORDINANCE NO. 2007- 1921

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE  
TEXT AT §15-9.0205 TO CLARIFY THAT TEXT A AMENDMENT DOES NOT  
REQUIRE NOTICE MORE THAN A CLASS 2 PUBLICATION NOTICE

---

WHEREAS, Wis. Stats. § 62.23(7)(d) provides in part that municipalities may amend a zoning code following a Class 2 publication notice and under certain circumstances, notice to an adjoining municipality; §15-9.0205 of the Unified Development Ordinance requires that notice provision and additionally, as a local option, includes a requirement that written notice be mailed to owners of properties within 500 feet of the lands described in the application; and

WHEREAS, City staff has interpreted "lands described in the application" to mean that the written and mailed notice requirement only applies to applications for the rezoning of specific property; and

WHEREAS, City staff having recommended an amendment to the Unified Development ordinance to proscribe its interpretation and the Common Council having concurred and noted that a contrary reading would require mailed notice to owners of all properties in the City upon a text amendment of a general nature.

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

SECTION 1: §15-9.0205 of the Unified Development Ordinance of the City of Franklin, Wisconsin, be and the same is hereby amended to add the following to the existing text: "Only statutorily required notice is to be given for text amendment applications; written and mailed notice to owners of properties is not required for the hearing upon an application for a text amendment."

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.

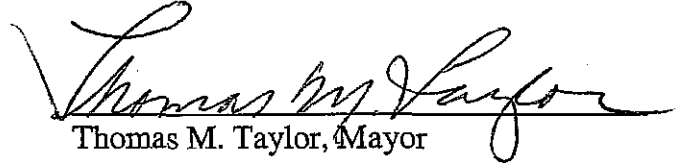
SECTION 3: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 4: This ordinance shall take effect and be in force 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 August, 2007, by Alderman Sohns.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 21st day of August, 2007.

APPROVED:

  
Thomas M. Taylor, Mayor

ATTEST:

  
Sandra L. Wesolowski, City Clerk

AYES 6 NOES 0 ABSENT 0