

ORDINANCE NO. 2008-1946

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT TO ALLOW FOR REDUCTIONS TO THE SECTION 15-5.0203 OFF-STREET PARKING & ON-SITE QUEUING PAVED AREA REQUIREMENTS FOR USE TYPES IN THE OL-2 GENERAL BUSINESS OVERLAY DISTRICT WHERE THE USES SHARE OFF-STREET PARKING AND TO AMEND TABLE 15-3.0306C OL-2 GENERAL BUSINESS OVERLAY DISTRICT DEVELOPMENT STANDARDS TO ALLOW FOR REDUCED OR NO BUILDING SETBACKS FROM INTERIOR LOT LINES WHERE OL-2 GENERAL BUSINESS OVERLAY DISTRICT PROPERTY ABUTS OL-2 GENERAL BUSINESS OVERLAY DISTRICT PROPERTY  
(DEVO PROPERTIES/RAWSON LLC, APPLICANT)

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WHEREAS, Section 15-5.0203 Off-Street Parking & On-Site Queuing Requirements For Use Types in the OL-2 General Business Overlay District of the Unified Development Ordinance provides in part for shared parking, and whereas Table 15-3.0306C OL-2 General Business Overlay District Development Standards provides in part for building setbacks from interior lot lines where OL-2 General Business Overlay District property abuts OL-2 General Business Overlay District property; and

WHEREAS, the Common Council having considered the ongoing retail development within the City and proposals being considered which involve the assemblage of lands, multiple principal buildings on-site, the division of lands within a single development project, and the like, in relation to shared off-street parking and building setbacks from interior lot lines for the OL-2 General Business Overlay District, and having determined to review the shared off-street parking and building setbacks from interior lot lines for the OL-2 General Business Overlay District, accordingly; and

WHEREAS, the Plan Commission having reviewed a text amendment application to allow for reductions to Section 15-5.0203 Off-Street Parking & On-Site Queuing Paved Area Requirements for Use Types in the OL-2 General Business Overlay District Where the Uses Share Off-Street Parking, and to amend Table 15-3.0306C OL-2 General Business Overlay District Development Standards to allow for reduced or no building setbacks from interior lot lines where OL-2 General Business Overlay District property abuts OL-2 General Business Overlay District property, and having held a public hearing on the proposal on the 5th day of June, 2008, and thereafter having recommended approval of such amendment; and

WHEREAS, the Common Council having determined that the ability to allow for reductions to Section 15-5.0203 Off-Street Parking & On-Site Queuing Paved Area Requirements for Use Types in the OL-2 General Business Overlay District Where the Uses Share Off-Street Parking, and to amend Table 15-3.0306C OL-2 General Business Overlay

District Development Standards to allow for reduced or no building setbacks from interior lot lines where OL-2 General Business Overlay District property abuts OL-2 General Business Overlay District property, will serve to further orderly growth and development and 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:           Section 15-5.0203 Off-Street Parking & On-Site Queuing Paved Area Requirements for Use Types of the Unified Development Ordinance of the Municipal Code of the City of Franklin, Wisconsin, is hereby amended to create a new Subs. E., as follows:

“E. OL-2 General Business Overlay District Where the Uses Share Off-Street Parking

Notwithstanding the foregoing terms and provisions of this Section, the following requirements shall apply in the OL-2 General Business Overlay District.

1.     Shared Parking.

The Plan Commission may authorize as much as a forty (40) percent reduction in the area to be paved for non-residential off-street parking stalls when parking is shared by two (2) or more uses provided:

- a.   The reduction does not exceed forty (40) percent of the required parking.
- b.   The uses that are sharing parking have peak parking demand at different times.
- c.   Pedestrian sidewalks or paths are provided as safe connections between any uses sharing the parking area.
- d.   A shared parking agreement, signed by all parties, is approved by the City Council, following receipt of Plan Commission recommendations. The agreement shall state minimum time frame for the agreement to be in effect; provide for ingress/egress easements; and be recorded with the County as a covenant.

2. Other requested parking reductions.

If a parking reduction is requested for any reason other than shared parking, or a parking reduction beyond forty (40) percent is requested for shared parking arrangements, technical documentation shall be furnished by the applicant during the site plan review process to indicate, to the satisfaction of the Plan Commission, that actual off-street parking demand for that particular use is less than the required amount or that sufficient on-street parking is available in the area.

3. Standards of Review. The Plan Commission shall consider the applicable standards for Site Plan, Special Use and Land Combination applications in making its determinations hereunder."

SECTION 2: The Unified Development Ordinance of Franklin, Wisconsin is hereby amended to add the following information:

**Table 15-3.0306C**

**OL-2 GENERAL BUSINESS OVERLAY DISTRICT DEVELOPMENT STANDARDS**

Type of Standard	Standard
<b>Lot Dimensional Requirements</b>	
Minimum Side Yard (feet)	10 (b), (e)
Minimum Rear Yard (feet)	20 (b), (e)

(e) Upon approval of site plans, the Plan Commission may waive the minimum building setbacks from the interior lot line of a property zoned OL-2 General Business Overlay District when abutting another property zoned OL-2 General Business Overlay District. The Plan Commission shall consider the applicable standards for Site Plan, Special Use and Land Combination applications in making such determination."

SECTION 3: 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.

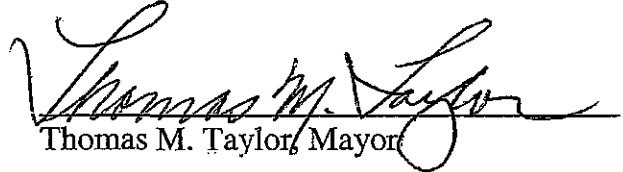
SECTION 4: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 5: 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 17th day of June, 2008, by Alderman Sohns.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 17th day of June, 2008.

APPROVED:

  
Thomas M. Taylor, Mayor

ATTEST:

  
Sandra L. Wesolowski, City Clerk

AYES 6 NOES 0 ABSENT 0