

ORDINANCE NO. 2008-1962

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE
TEXT AT §15-3.0501C. TO PROVIDE CERTAIN EXCEPTIONS FROM THE REQUIREMENT
THAT A CERTIFIED SURVEY MAP APPLICATION INCLUDE A NATURAL RESOURCE
PROTECTION PLAN APPLICATION

WHEREAS, the Common Council having considered the requirement in the Unified Development Ordinance that an applicant provide a Natural Resource Protection Plan as part of the application process in all cases where there are natural resources, whether or not the certified survey map will result in any development of the lands so mapped; and

WHEREAS, the Common Council having further determined that it is appropriate to review for consideration those Certified survey map applications which will not result in any development which might impact natural resources for exemption from the requirement to submit a Natural Resource Protection Plan as part of the map review process; and

WHEREAS, a public hearing was held before the City of Franklin Plan Commission on the 20th day of November, 2008, upon a proposed ordinance to amend the Unified Development Ordinance text at §§15-3.0501C. to provide certain exceptions from the requirement to submit a Natural Resource Protection Plan as part of the certified survey map application process and the Plan Commission thereafter having determined that the proposed ordinance would promote the more efficient administration of the Ordinance, while assuring that natural resources will be delineated and protected when actual development occurs and having recommended approval thereof to the Common Council; and

WHEREAS, the Common Council having considered the proposed ordinance and having concurred with the recommendation of the Plan Commission and having determined that the proposed ordinance 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: §15-3.0501C. 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: "A Natural Resource Protection Plan shall not be required with an application for certified survey map approval where a single property zoned I-1 Institutional District is divided as a result of a public work of improvement for street extension purposes, with related public sanitary sewer and water work for which special assessment was made, into two or more parcels through the property fee acquisition by the City for the extension of the public street. The foregoing exclusions from Natural Resource Protection Plan submission requirements for certified survey map applications shall only be available upon the conditions that in lieu of the Plan submission requirement, the certified survey map application shall be accompanied by the "best available information" as to the existence of any natural resource features, such as

existing topographical maps, wetland inventories, and other such inventories as may be available; and that a Natural Resource Protection Plan must be submitted upon any further development of any portion of the mapped property.”

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.

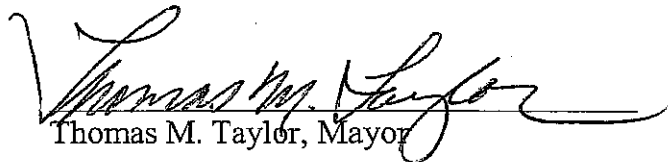
SECTION 3: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

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 16th day of December, 2008, by Alderman Wilhelm.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 16th day of December, 2008.

APPROVED:


Thomas M. Taylor, Mayor

ATTEST:


Sandra L. Wesolowski, City Clerk

AYES 6 NOES 0 ABSENT 0