

ORDINANCE NO. 2009- 1973

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE  
TEXT AT §15-4.0103F. TO ALLOW FOR NATURAL RESOURCE FEATURES  
MITIGATION WITHIN THE CITY OF FRANKLIN OUTSIDE OF THE SAME  
SUBWATERSHED IN WHICH THE DEVELOPMENT SITE IS LOCATED

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WHEREAS, §15-4.0103F. of the Unified Development Ordinance, pertaining to off-site mitigation, provides: "[o]ff-site mitigation may be permitted by the Plan Commission provided that such off-site mitigation occurs within the same subwatershed as the natural resource feature, or property, being mitigated and follows the methods, requirements, standards, and/or criteria set forth under Paragraph B of Section 15-4.0103 of this Ordinance"; and

WHEREAS, natural resource features do vary in levels of quality as they relate to like features and as they serve a benefit to the environment and to living creatures; and

WHEREAS, the City has experienced development projects where natural resource feature mitigation was permitted and was performed on-site or within the same subwatershed, where the resulting mitigation work investment would possibly have been more beneficial to the environment and to living creatures if it were performed elsewhere within the City; and

WHEREAS, the Plan Commission having considered an amendment to the Unified Development Ordinance to allow for mitigation outside of the development site subwatershed following a public hearing on such proposed amendment on April 9, 2009, and having recommended approval thereof; and

WHEREAS, the Common Council having considered the benefits of the availability of off-site mitigation of natural resource features being performed in areas of the City other than within the same subwatershed where the subject development project is located and having determined that such availability should be incorporated into the Unified Development Ordinance to 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:           §15-4.0103F. of the Unified Development Ordinance of the City of Franklin, Wisconsin, be and the same is hereby amended to read as follows: "Off-Site Mitigation. Off-site mitigation may be permitted by the Plan Commission provided that such off-site mitigation occurs within the same subwatershed as the natural resource feature; or

property; being mitigated, and the Plan Commission determines that on-site mitigation is unavailable or less beneficial to the environment than the mitigation proposed to occur off-site. Off-site mitigation outside of the same subwatershed as the natural resource feature or property being mitigated, may be permitted by the Plan Commission provided that such off-site mitigation occurs within the City and the Plan Commission determines that off-site mitigation within the same subwatershed is unavailable or less beneficial to the functional values of the natural resource feature type being mitigated or less beneficial to the environment or to living creatures than the mitigation proposed to occur outside of the same subwatershed." All mitigation shall follow the methods, requirements, standards, and/or criteria set forth under Paragraph B of Section 15-4.0103 of this Ordinance.

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.

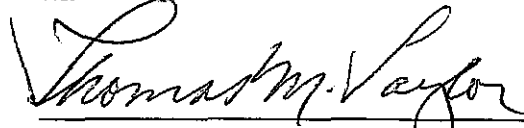
SECTION 3: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 4: This ordinance shall take effect and be in force from and after its passage and publication.

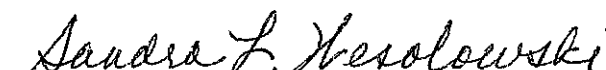
Introduced at a regular meeting of the Common Council of the City of Franklin this 21st day of April, 2009, by Alderman Wilhelm.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 21st day of April, 2009.

APPROVED:

  
Thomas M. Taylor, Mayor

ATTEST:

  
Sandra L. Wesolowski, City Clerk

AYES 6 NOES 0 ABSENT 0