

ORDINANCE NO. 2009-1984

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT
ORDINANCE TEXT AT §15-3.0805F. TO CREATE §15-3.0805F.4. TO ALLOW
AS A PERMITTED USE THE INSTALLATION OF A WIRELESS
TELECOMMUNICATIONS MONOPOLE TOWER AS A REPLACEMENT
TO A PRE-EXISTING ALTERNATIVE TOWER STRUCTURE, TO WIT:
A WATER TOWER, IN THE A-1 AGRICULTURAL DISTRICT

WHEREAS, §15-3.0805F. of the Unified Development Ordinance specifies what uses are permitted uses under the Wireless Telecommunications Towers and Antennas; and

WHEREAS, the Common Council having considered the purpose of the Wireless Telecommunications Towers and Antennas regulations as is set forth at §15-3.0805A. of the Unified Development Ordinance, including minimizing adverse visual impacts of tower structures and also considering that adverse visual impacts of existing alternative tower structures pre-existing the adoption of the Wireless Telecommunications Towers and Antennas Ordinance, to wit: a water tower, may be mitigated by way of replacement with a new tower structure as a permitted use; and

WHEREAS, the Plan Commission having reviewed a proposed amendment to allow as a permitted use the installation of a wireless telecommunications tower as a replacement to a pre-existing water tower structure in an A-1 Agricultural District, and having held a public hearing on the proposal on the 8th day of October, 2009 and thereafter having recommended approval of such amendment; and

WHEREAS, the Common Council having determined that the allowance for the installation of a wireless telecommunications tower as a replacement to a pre-existing water tower structure in an A-1 Agricultural District, will allow for new development to lessen adverse visual impact of an existing alternative tower structure, be in harmony with existing development and 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: §15-3.0805 F. of the Unified Development Ordinance of the Municipal Code of the City of Franklin, Wisconsin is hereby amended as follows: add to the existing text: "4. Monopole tower in replacement of a water tower structure: A monopole tower not exceeding 180 feet in height, without regard to antennas, to be installed in replacement of an alternative tower structure which pre-existed the adoption of the

Wireless Telecommunications Towers and Antennas Ordinance on July 14, 1998, to wit: a water tower exceeding 180 feet in height, located in an A-1 Agricultural District, shall be a permitted use, provided: the pre-existing water tower is removed pursuant to all laws, codes and ordinances prior to May 1, 2010; the monopole tower is installed in the immediate vicinity of the pre-existing water tower, and in which event, the setback from buildings on adjoining property shall not apply where the applicant owns the monopole tower site property and the subject adjoining property and the adjoining subject property is vacant, with any future building development of the adjoining property to not occur closer than the distance which is equal to 100% of monopole tower height; and Site Plan approval for the monopole tower is obtained, following the consideration by the Plan Commission of the purpose of the Wireless Telecommunications Towers and Antennas Ordinance, its other applicable provisions, and all other laws, codes and ordinances.

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.

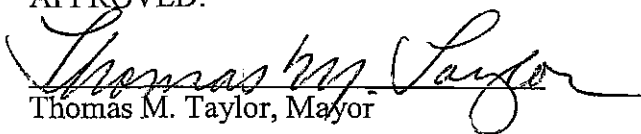
SECTION 3: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

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 20th day of October, 2009, by Alderman Skowronski.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 20th day of October, 2009.

APPROVED:


Thomas M. Taylor, Mayor

ATTEST:


Sandra L. Wesolowski, City Clerk

AYES 3 NOES 1 ABSENT 2 (Ald. Taylor)
(Ald. Olson) (Ald. Sohns)