

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

ORDINANCE NO. 2010-2012

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT AT §15-3.0501C., "EXCLUSIONS (WHEN NATURAL RESOURCE PROTECTION AND SITE INTENSITY AND CAPACITY CALCULATIONS ARE NOT REQUIRED)", TO ADD AN EXCLUSION FOR EXISTING PRINCIPAL STRUCTURE AND EXISTING PRINCIPAL USE DEVELOPED PARCELS UPON APPLICATIONS FOR ACCESSORY STRUCTURE OR MINOR PRINCIPAL BUILDING REMODELING OR ADDITION PERMISSION, WHERE NATURAL RESOURCES ARE NOT WITHIN 100 FEET OF THE AREA TO BE DISTURBED BY THE NEW DEVELOPMENT

WHEREAS, the Common Council having considered the requirement in the Unified Development Ordinance that an applicant provide a Natural Resource Protection Plan and Site Intensity Calculations as part of an application for further development upon developed property; and

WHEREAS, the Department of City Development having recommended amendments to the Unified Development Ordinance which exempt existing developed properties from such requirements where the new development application is for accessory use, further development, or improvements to the existing development, and natural resource features are not present in the area to be disturbed by the new development; and

WHEREAS, a public hearing was held before the City of Franklin Plan Commission on the 17th day of June, 2010, as required for the amendment of zoning ordinances, and a public hearing was held before the City of Franklin Common Council on the 17th day of August, 2010, as required for the amendment of land division regulations, 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 and Site Intensity Calculations; and

WHEREAS, the Common Council having accepted the recommendation of the Plan Commission and following the Public Hearing before it on the 17th day of August, 2010, having determined that the proposed amendment is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and promotes 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: "Notwithstanding any other provision of this Ordinance, natural resource protection and any such related Natural Resource Protection Plan, shall not be required and the site intensity and capacity calculations set forth in this Division shall not be required for any accessory use structure or accessory use development or for an addition or modification to an existing principal structure development which does not increase the existing developed structure and impervious surface area upon the parcel by more than 50% or 2,500 square feet, whichever is smaller, where natural resource feature(s) are not within 100 feet of the area to be disturbed by the new development, upon a parcel supporting an existing principal structure with an existing principal use; determination as to whether natural resource features are within 100 feet of the area to be disturbed, the boundaries of which shall be clearly identified within application materials, shall be made by the City Engineer or designee; however, if any resources identified by the Southeastern Wisconsin Regional Planning Commission in PR 176 or in PR 42, as may be amended from time to time, as Primary or Secondary Environmental Corridor and/or Isolated Natural Resources Area, are located on the site by the City Engineer or designee, but are outside of 100 feet of the area to be disturbed, a written plan shall be provided by the applicant detailing the protective measures that will be implemented to prevent such natural resource feature(s) adverse impacts, which shall be subject to approval by the Plan Commission and shall be installed as may be provided on site as detailed within the plan as a condition of application approval.
- 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.

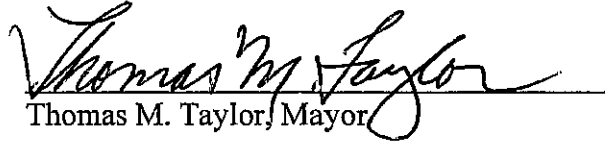
Introduced at a regular meeting of the Common Council of the City of Franklin this 17th day of August, 2010, by Alderman Taylor.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 17th day of August, 2010.


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APPROVED:


Thomas M. Taylor, Mayor

ATTEST:


Sandra L. Wesolowski, City Clerk

AYES 5 NOES 0 ABSENT 1 (Ald. Olson)

