

ORDINANCE NO. 2010-2013

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT TO ALLOW FOR APPLICATION RELATED EASEMENTS, LIGHTING PLANS, LANDSCAPE PLANS AND STORMWATER PLANS TO BE SUBMITTED AS A CONDITION OF FINAL APPROVAL OF AN APPLICATION FOR DEVELOPMENT OR LAND USE APPROVAL [AND TO REPEAL CERTAIN SUBMISSION REQUIREMENTS FOR PRELIMINARY PLATS]

WHEREAS, the Mayoral Ad Hoc Development Process Review Committee having made certain recommendations to the Common Council to amend the Unified Development Ordinance to allow for application related easements, lighting plans, landscape plans and stormwater plans to be submitted as a condition of final approval of an application for development or land use approval, rather than the existing requirement that such matters be submitted at the time of an initial development or land use application; and

WHEREAS, the Common Council having directed that such amendments be prepared for its consideration; and

WHEREAS, a public hearing was held before the City of Franklin Plan Commission on the 8th day of July, 2010, as required for the amendment of zoning ordinances, upon a proposed ordinance to amend the Unified Development Ordinance text as above-entitled, and the Plan Commission thereafter having made its recommendation thereupon; and

WHEREAS, a public hearing was held upon the proposed ordinance before the Common Council on the 17th day of August, 2010, as required for the amendment of land division ordinances; and

WHEREAS, the Common Council having considered the public input and the recommendation of the Plan Commission and having determined that an amendment to the Unified Development Ordinance to allow for application related easements, lighting plans, landscape plans and stormwater plans to be submitted as a condition of final approval of an application for development or land use approval, rather than the existing requirement that such matters be submitted at the time of an initial development or land use application, [and to repeal certain submission requirements for preliminary plats,] is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and will 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: §§15-7.0103R. and W. of the Unified Development Ordinance of the City of Franklin, Wisconsin, be and the same are hereby amended as follows:
R. **"Landscape Plan" Required.** Where landscaping as required in Division 15-5.0300 of this Ordinance is to be installed on the site, a "Landscape Plan" meeting the requirements set forth in Division 15-5.0300 of this Ordinance shall be submitted for Plan Commission review and approval. An applicant may elect to only file a preliminary landscape plan generally depicting the landscaping for the site at the time of Site

Plan Review Application filing, with the later submission of a Landscape Plan to be a condition of any final Application approval, except where Department of City Development staff requires the filing of a Landscape Plan with the Application or the Plan Commission requires the Landscape Plan submission during its review of the Application, upon a determination that same is reasonably necessary in order to properly review the visual impacts of the proposed development. Landscape Plans must be approved by the Plan Commission.

W. Lighting Plan Required. A "Lighting Plan" which meets the lighting regulations set forth in Division 15-5.0400 of this Ordinance. Said Lighting Plan shall indicate the location, type, and illumination level (in footcandles) of all outdoor lighting proposed to illuminate the site. An applicant may elect to only file a preliminary lighting plan generally depicting the lighting for the site at the time of Site Plan Review Application filing, with the later submission of a Lighting Plan to be a condition of any final Application approval, except where Department of City Development staff requires the filing of a Lighting Plan with the Application or the Plan Commission requires the Lighting Plan submission during its review of the Application, upon a determination that same is reasonably necessary in order to properly review the visual impacts of the proposed development.

SECTION 2: §15-7.0507 of the Unified Development Ordinance of the City of Franklin, Wisconsin, pertaining to the submission of a declaration of deed restrictions, protective covenants, conservation easements and homeowners' association documents with a preliminary plat, be and the same is hereby repealed.

SECTION 3: §15-7.0603 of the Unified Development Ordinance of the City of Franklin, Wisconsin, the introduction only, be and the same is hereby amended to read as follows:
The following documents shall be submitted with the Final Plat or as a condition of any approval thereof, as required:

SECTION 4: §15-9.0309E. of the Unified Development Ordinance of the City of Franklin, Wisconsin, be and the same is hereby amended to read as follows:
E. Deed Restrictions, Conservation Easements, and Landscape Bufferyard Easements. For properties proposed to be divided by Certified Survey Map and which contain natural resources required to be preserved or landscape bufferyard easements under the provisions of this Ordinance, the Plan Commission shall require that deed restrictions and/or conservation easements, and landscape bufferyard easements be filed with the Certified Survey Map or submitted for review as a condition of any approval thereof, in the manner and for the purposes as set forth under §15-7.0603D. for final plats.

SECTION 5: §15-5.0302I. of the Unified Development Ordinance of the City of Franklin, Wisconsin, be and the same is hereby amended to read as follows:
I. THE LANDSCAPE PLAN. The Landscape Plan shall include preparer's name, date of preparation, a base site plan that matches the site

plan submitted for approval, showing planting locations and existing plantings to be preserved, the Landscape Surface Ratio percentage, a planting schedule of common name, botanical name, planting size, and calculations showing how the plan exceeds the minimum quantity. Landscape Plans shall be submitted with initial application and for building permit, or as a condition of approval of an application as may otherwise be specifically set forth in the Ordinance, excepting that an applicant must at a minimum file a preliminary landscape plan generally depicting the landscaping for the site at the time of initial application filing. Landscape Plans must be approved by the Plan Commission.

SECTION 6: §15-7.0502Y. of the Unified Development Ordinance of the City of Franklin, Wisconsin, be and the same is hereby amended to read as follows:

Y. **"Natural Resource Protection Plan", and "Landscape Plan" for any landscape bufferyard easement areas.** As required by Sections 15- 9.0303 of this Ordinance.

SECTION 7: §15-7.0702P. and Q. of the Unified Development Ordinance of the City of Franklin, Wisconsin, be and the same are hereby amended to read as follows:

P. **Location of Proposed Deed Restrictions, Landscape Easements, and/or Conservation Easements.** The location of any proposed deed restrictions, landscape easements, and/or conservation easements shall be graphically indicated and clearly delineated and dimensioned on the face of the Certified Survey Map. The location and extent of conservation easements should be directly related to the "Natural Resource Protection Plan." Deed restrictions and/or conservation easements as required by this Ordinance shall be filed with the Certified Survey Map or submitted for review as a condition of any approval thereof, in the manner and for the purposes as set forth under §15-7.0603D. for final plats.

Q. **"Natural Resource Protection Plan", and "Landscape Plan" for any landscape bufferyard easement areas.** As required by Section 15- 9.0309 of this Ordinance.

SECTION 8: §15-9.0203F. of the Unified Development Ordinance of the City of Franklin, Wisconsin, be and the same is hereby amended to read as follows:

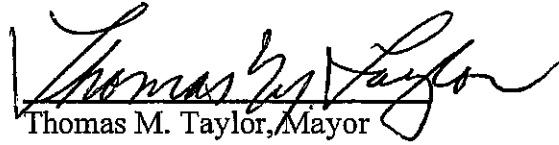
F. **Landscape Plan Required.** A Landscape Plan meeting the requirements set forth under Division 15-7.0300 of this Ordinance. Any required bufferyard easements shall be so noted on the Landscape Plan. An applicant may elect to only file a preliminary landscape plan generally depicting the landscaping for the premises at the time of Petition filing, with the later submission of a Landscape Plan to be a condition of any final Petition approval, except where Department of City Development staff requires the filing of a Landscape Plan with the Petition or the Plan Commission requires the Landscape Plan submission during its review of the Petition, upon a determination that same is reasonably necessary in order to properly review the visual impacts of the proposed change or amendment. Landscape Plans must be approved by the Plan Commission.

- SECTION 9: §15-7.0103P. of the Unified Development Ordinance of the City of Franklin, Wisconsin, be and the same is hereby amended to read as follows:
- P. Proposed Stormwater Management Facilities.** Location of any proposed stormwater management facilities, including detention/retention area(s), and the submission of stormwater calculations which justify the stormwater detention/retention area(s). Said submission shall indicate how the planned stormwater drainage system meets the requirements of the City's stormwater management plan. An applicant may elect to only file a preliminary stormwater plan generally depicting the stormwater drainage and facilities for the site at the time of Site Plan Review Application filing, with the later submission of a Stormwater Management Plan as defined in §15-8.0605(44) of this Ordinance to be a condition of any final Application approval, except where Department of City Development staff requires the filing of a Stormwater Management Plan with the Application or the Plan Commission requires the Stormwater Management Plan submission during its review of the Application, upon a determination that same is reasonably necessary in order to properly review the stormwater impacts of the proposed development.
- SECTION 10: §15-8.0608(2) of the Unified Development Ordinance of the City of Franklin, Wisconsin, be and the same is hereby amended to read as follows:
- (2) **PRIOR TO PERMIT APPLICATION:** All Storm Water Management Plans shall be submitted at the time of site plan review or as a condition of approval as required under SECTION 15-8.0112, and as applicable under 15-7.0103 (P), 15-7.0501 (J), and shall receive complete review with written letter of approval from the City Engineer, and all pertaining State, Federal, and Local approving authorities to assure that all proposed design standards meet the requirements of the City Storm Water Management Plan, and further that as-built will be in compliance of Sections 15-4.0100. Any Plats or CSM's receiving contingent Storm Water Management Plan approval shall submit said letters of written approval with the Permit Application before a permit may be granted.
- SECTION 11: 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 12: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.
- SECTION 13: 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.

APPROVED:


Thomas M. Taylor, Mayor

ATTEST:


Sandra L. Wesolowski, City Clerk

AYES 4 NOES 1 ABSENT 1
(Ald. Wilhelm) (Ald. Olson)

