

ORDINANCE NO. 2010-2022

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE BY
CREATING §15-7.0107, "MINOR SITE PLAN AMENDMENT", TO ALLOW FOR THE
ADMINISTRATIVE APPROVAL OF CERTAIN MINOR CHANGES TO APPROVED
SITE PLANS

WHEREAS, the Common Council having considered the requirement in the Unified Development Ordinance that an applicant undertake a Site Plan Amendment for any substantial change to an approved Site Plan; and

WHEREAS, in the interest of improving the City of Franklin's development review process, the Mayoral Ad Hoc Development Review Committee generally indicated its support of a Minor Site Plan Amendment process during their meeting on June 3, 2010; and

WHEREAS, the Department of City Development has recommended a Site Plan Amendment process that allows minor changes to an approved Site Plan to be reviewed and approved by the Planning Manager; and

WHEREAS, a public hearing was held before the City of Franklin Plan Commission on the 19th day of August, 2010, upon a proposed ordinance to create §15-7.0107 of the Unified Development Ordinance to provide a Minor Site Plan Amendment process and the Plan Commission thereafter having recommended approval thereof; and

WHEREAS, the Common Council having accepted the recommendation of the Plan Commission and having determined that the proposed amendment 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: §15-7.0107 of the Unified Development Ordinance of the City of Franklin, Wisconsin, be and the same is hereby created to add the following:

Notwithstanding Division 15-7.0100 of this Ordinance, any minor change (as set forth herein) to an approved Site Plan may be submitted for administrative approval to the Planning Manager. It is the intent of this section to enable a timely and efficient review of those site plan changes which are minor in scope and content, which do not negatively impact the subject site's quality, aesthetics, value and/or safety, are

compatible with the approved Site Plan, and are in conformance with all other applicable UDO requirements.

A. **Eligible Minor Site Plan Amendment Changes.** Those activities deemed to be eligible for consideration as a Minor Site Plan Amendment include but are not limited to the following.

1. Landscaping/Landscape Plan changes:
 - i. additional landscaping;
 - ii. changes of tree and/or shrub types and units to another of comparable quality;
 - iii. limited relocation of trees, shrubs, and groundcover;
 - iv. limited change/relocation of parking lot landscape islands, areas identified for credit for preserving existing plant materials, irrigation methods, timing of installation, and landscape phasing.
2. Architecture/Architectural Plan changes:
 - i. additional aesthetic elements, additional high quality materials (brick, stone, glass, etc.), and/or additional windows and/or doors;
 - ii. changes to the location of aesthetic elements, building materials, and/or windows and doors, such that:
 - a. the number of such elements, materials, and/or features are not substantially reduced on any elevation (and are relocated to other elevations of the same building);
 - b. no elevation of the subject building is dominated by any single material (unless already specifically identified as such within the approved Site Plan and/or Architectural Plan);
 - c. the amounts of such elements, materials, and/or features are not reduced by more than 10 percent on any one elevation (and are relocated to other elevations of the same building);

- iii. changes to the type of aesthetic elements, buildings materials, and/or windows and doors, such that the element, material, or feature is replaced in kind or better, such as:
 - a. vinyl siding is replaced with brick or stone;
 - b. dimensional shingles are replaced with cedar shingles;
 - c. fixed single pane windows are replaced with bay windows, dormer windows, etc.
 - d. one type of window treatment or dressing is replaced with another type of window treatment or dressing;
 - e. windows can be replaced with doors and vice versa;
 - f. a very limited amount of high quality building material can be replaced with additional aesthetic elements (preferably on the same elevation) such as arcades, awnings, cornices, cupolas, patios, porches, etc.
- iv. color changes such that the same pallet of colors is utilized (earth tone for earth tone, primary for primary, pastel for pastel, etc.), and that no elevation is dominated by any single color (unless already specifically identified as such within the approved Site Plan and/or Architectural Plan).
- v. building height changes such that the number of floors or stories does not change, the building scale and/or mass does not substantially change, the height limitations of the subject zoning district are not exceeded, and the height remains in proportion with adjacent existing or proposed buildings (unless already specifically identified as such within the approved Site Plan and/or Architectural Plan).

- vi. changes to the screening of dumpsters and rooftop mechanicals.
 - vii. minor changes to roof pitch.
 - viii. minor changes to the location and/or type of chimney, vent, grill, etc.
3. Lighting/Lighting Plan changes:
- i. additional lighting.
 - ii. replacement of standard lighting fixtures with decorative lighting fixtures.
 - iii. limited changes to lighting location, height and illumination levels.
4. Parking Lot/Parking Plan changes:
- i. changes to the number of parking stalls not greater than 10 percent or 10 stalls whichever is less.
 - ii. relocation of parking stalls.
 - iii. relocation or change of style of cart corals.
 - iv. minor changes to parking rows and aisles.
5. General Site Plan changes:
- i. additional amenities/site furnishings such as sidewalks, trails, decorative hardscapes, pedestrian scale lighting, decorative fences, benches, bike racks, decorative trash receptacles, bollards, etc.
 - ii. relocation of amenities/site furnishings such as sidewalks, trails, decorative hardscapes, pedestrian scale lighting, decorative fences, benches, bike racks, decorative trash receptacles, bollards, etc. as long as consistent with the intent and purpose of the approved Site Plan.
 - iii. minor building and structure footprint changes for purposes of improved building articulation, additional parking, additional amenities, additional snow storage, etc.

- iv. minor changes to outdoor display areas, or the addition of small outdoor display areas.

B. **Principles and Standards of Review.** The principles and standards of review of a Minor Site Plan Amendment shall include those set forth in Section 15-7.0102 of this Ordinance, and those set forth herein, as applicable to the subject Minor Site Plan Amendment pursuant to the determination of the Planning Manager.

1. Review shall be conducted by Planning staff in consultation with other City staff as deemed appropriate by the Planning Manager.
2. The Planning Manager shall be authorized to approve Minor Site Plan Amendments.
3. Only that portion of the Site Plan to be changed (e.g., the Architectural Plan, Landscape Plan, Lighting Plan, Parking Plan, Area Circulation Plan, Snow Storage Plan, etc.) need to be revised and submitted to Planning staff for review and consideration with the Minor Site Plan Amendment, unless the Planning Manager determines the requested change would also impact or change other elements of the Site Plan.

C. **Applications.** The application for a Minor Site Plan Amendment shall include any item set forth in Section 15-7.0103 of this Ordinance that is impacted by the subject Minor Site Plan Amendment request pursuant to the determination of the Planning Manager and all items set forth herein.

1. An application for a Minor Site Plan Amendment shall be signed by the owner of the land involved, as a responsible party, together with the person applying for the approval, if other than the owner, who shall also be a responsible party by reason of such application.
2. The subject owner/applicant shall pay a fee in the amount of \$75.00 at the time of filing the application.
3. The form and content of the application for a Minor Site Plan Amendment shall consist of a letter of intent/project description from the subject owner/applicant, and three copies of the portions of the approved Site Plan revised to clearly indicate the proposed changes.

- D. **Review and Findings.** The Planning Manager shall review and act upon all Minor Site Plan Amendment requests within 14 days of receipt of a complete application, and shall state in writing his findings and determinations. The Planning Manager shall only approve a Minor Site Plan Amendment if it is in conformance with the applicable regulations set forth in this Ordinance. If, in the Planning Manager's opinion, the Minor Site Plan Amendment could result in an adverse impact upon: the City's health, welfare, safety, or prosperity; adjacent property values; or the subject development's quality, aesthetics, value or safety, the Minor Site Plan Amendment shall be denied. In the event of such a denial, the owner may request Plan Commission review and consideration of the requested change(s) as set forth in Section 15-7.0104 of this Ordinance. The Planning Manager may also refer any application for a Minor Site Plan Amendment to the Plan Commission for review and approval, where the Planning Manager determines that the application involves an issue of interpretation as to whether the proposed Minor Site Plan Amendment request is compatible with the intent, purpose, process, and/or standards set forth herein.

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.

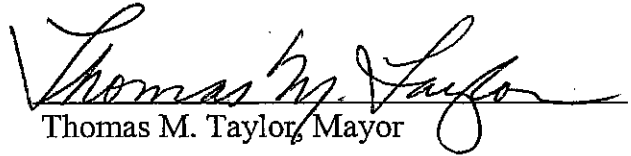
Introduced at a regular meeting of the Common Council of the City of Franklin this 7th day of September, 2010, by Alderman Taylor.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 7th day of September, 2010.


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APPROVED:


Thomas M. Taylor, Mayor

ATTEST:


Sandra L. Wesolowski, City Clerk

AYES 6 NOES 0 ABSENT 0

