

ORDINANCE NO. 2016-2224

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT TO ADD A FOOTNOTE TO TABLE 15-4.0100 TO PROVIDE THAT ALL PUBLIC (FEDERAL, STATE, COUNTY, AND CITY OWNED) STREETS, SIDEWALKS AND TRAILS CONSTRUCTION SHALL CONDITIONALLY NOT BE SUBJECT TO THE NATURAL RESOURCE FEATURES PROTECTION STANDARDS FOLLOWING THE REVIEW AND APPROVAL OF AN APPLICATION THEREFORE BY THE COMMON COUNCIL (CITY OF FRANKLIN, APPLICANT)

WHEREAS, the Department of City Development and the Engineering Department having review the Unified Development Ordinance regarding the construction of public streets and the needs thereof, in relation to the natural resource features protection standards existing under the Ordinance, and having considered that the Southeastern Wisconsin Regional Planning Commission conditionally allows trails through Environmental Corridors and also allows streets and highways through Environmental Corridors upon more stringent conditions; and

WHEREAS, City staff having determined that the need to facilitate the provision of a safe and efficient transportation system, in recognition of the importance of connectivity for motor vehicle, pedestrian and other modes of transportation, and to provide more flexibility within the Unified Development Ordinance natural resource features protections related thereto to accomplish the more safe and efficient system while also substantially considering and accounting for any natural resource features necessarily impacted by such needs, and having recommended an amendment to the Unified Development Ordinance to provide for a more efficient process in the undertaking of fulfilling such public needs; and

WHEREAS, the Plan Commission having reviewed the proposed amendment, and having held a public hearing on the proposal on the 9th day of June, 2016 and thereafter having recommended approval of such amendment; and

WHEREAS, the Common Council upon the recommendations of the Plan Commission and City staff having determined that the proposed amendment is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and will 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: TABLE 15-4.0100 NATURAL RESOURCE PROTECTION

STANDARDS of the Unified Development Ordinance of the Municipal Code of the City of Franklin, Wisconsin is hereby amended to add a footnote (f) thereto, which footnote "(f)" shall be inserted as a reference in the Zoning District Type categories Table titles "Agricultural", "Residential" and "Nonresidential" and which footnote shall read as follows:

(f) Notwithstanding anything to the contrary set forth in this Ordinance, all public (Federal, State, County, and City owned) streets, sidewalks and trails construction shall not constitute "development" subject to the natural resource features protection standards under this Ordinance, and the creation and later existence thereof shall not require the grant of a special exception to the provisions of this Ordinance for natural resource features protection; provided, however, that no public street, sidewalk or trail construction may occur unless an application for same is approved by the Common Council. The Common Council may approve and grant such application provided that: i) such street, sidewalk or trail is designed and constructed by or under the direction of the respective governmental entity; ii) all other required governmental permits and approvals, including, but not limited to those required by the Wisconsin Department of Natural Resources (and subject to the approved wetland determination/delineation application requirements of the WIDNR effective June 1, 2016 as may be applicable) and the U.S. Army Corps of Engineers; iii) all remaining areas of natural resource features disturbed by such construction shall be restored to the restoration standards of §15-4.0102I. of this Ordinance; iv) that such public street, sidewalk and trail shall be designed and reviewed pursuant to a practicable alternatives analysis in a priority manner to first consider alternative locations, second to minimize the amount of disturbance, and third to include mitigation in such instances where impact to particularly important natural resource features, including, but not limited to Southeastern Wisconsin Regional Planning Commission designated Primary Environmental Corridor, Secondary Environmental Corridor and Isolated Natural Resource Area lands, is unavoidable; and v) with regard to woodlands and forests, the City Forester shall perform an on-site inspection of the area(s) proposed to support the street, sidewalk or trail, consider the practicable alternatives analysis under iv) above applicable thereto, and recommend thereupon to the Common Council for its consideration of the subject matter application. A determination by the Common Council upon an application shall be made upon consideration as to whether the application proposal is reasonable and necessary in the public interest and that the provision of safe and efficient transportation

and connectivity public improvements outweighs the public interest in the complete protection of natural resource features under all the circumstances presented. The Common Council may conditionally approve an application as it determines reasonably necessary.

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.

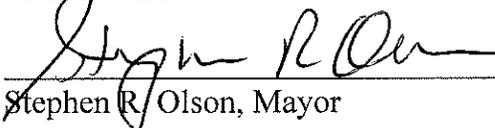
SECTION 3: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

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 28th day of June, 2016, by Alderman D. Mayer.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 28th day of June, 2016.

APPROVED:



Stephen R. Olson, Mayor

ATTEST:



Sandra L. Wesolowski, City Clerk

AYES 5 NOES 0 ABSENT 1 (Ald. S. Mayer)