

ORDINANCE NO. 2013-2117

AN ORDINANCE TO AMEND §92-9 OF THE MUNICIPAL CODE
PERTAINING TO IMPACT FEES FOR PARKS, PLAYGROUNDS, AND OTHER
RECREATIONAL FACILITIES

WHEREAS, the Common Council adopted Ordinance No. 95-1341, An Ordinance Establishing Impact Fees Upon Land Development, on April 25, 1995 and the Franklin Impact Fee Task Force Impact Fees Needs Assessment – 1995 Report to the Mayor and Common Council dated March 21, 1995 recommended the periodic review by the City of impact fees established, especially if the factors affecting the volume and impact of growth change significantly; and

WHEREAS, such fees having been enacted and amended, respectively, pursuant to Ordinance No. 2002-1712, An Ordinance To Amend §92-9 of the Municipal Code Pertaining to Impact Fees, such Ordinance having been adopted pursuant to a public facility needs assessment, as contemplated by §66.0617(4), Stats., as entitled “Impact Fee Study” and as prepared by Ruckert/Mielke and dated April/2002; and

WHEREAS, the Common Council approved adoption of Resolution No. 2011-6705, on April 4, 2011, A Resolution for Adoption of the Comprehensive Outdoor Recreation Plan: 2025 for the City of Franklin, Milwaukee County, Wisconsin, and subsequently retained the firm of Ruckert/Mielke to update and prepare a public facilities needs assessment, as contemplated by §66.0617(4), Stats., for parks, playgrounds, and other recreational facilities based upon the updated Comprehensive Outdoor Recreation Plan and based upon further direction provided by the Common Council on June 18, 2013, relative to the incorporation of additional lineal feet of trail into the Comprehensive Outdoor Recreation Plan and the related public facilities needs assessment; and

WHEREAS, such updated study and assessment having been completed by Ruckert/Mielke, entitled “Amendment to the 2002 Impact Fee Study & The 2004 Impact Fee Update,” dated September 2013, was reviewed by staff, who recommends approval thereof and modification of the related impact fee in accordance therewith; and

WHEREAS, a public hearing was held before the Common Council on October 1, 2013, to receive public input upon the proposed changes to the impact fee ordinance as set forth in the aforesaid “Amendment to the 2002 Impact Fee Study & The 2004 Impact Fee Update;”and

WHEREAS, notice of the aforesaid public hearing was published as a Class I Notice under Ch. 985, Stats., which notice specified that the amendment to the public facilities needs assessment was available for public viewing in the office of the City Clerk; said needs assessment having been so available in such office for at least 20 days prior to the public hearing; and

WHEREAS, adoption of the amendment to the park, playground and other recreational facilities impact fee will have, upon the effective date of this ordinance and when considering the original published fee as previously increased 5% per year in accordance with §92-9 K of the Municipal Code, the effect of reducing said impact fee from \$3,799 to \$2,816 per dwelling unit for single family or two-family residential development and from \$2,534 to \$1,942 per dwelling unit for multi-family residential development; and

WHEREAS, the Common Council having found and determined that the proposed impact fees it considered for adoption by way of amendment to §92-9 of the Municipal Code bear a rational relationship to the need for new, expanded and improved public facilities required to serve land development; that such fees do not exceed the proportionate share of the capital costs that are required to serve land development as compared to existing uses of land within the City; that the length of the planning period and update period are reasonable periods of time under all of the circumstances presented upon which to base, calculate, impose and expend the proposed impact fees; and that the proposed impact fees are based upon reasonable estimates of the capital costs for new, expanded or improved public facilities and do not include amounts necessary to address existing deficiencies in public facilities.

NOW, THEREFORE, the Mayor and Common Council of the City of Franklin, Wisconsin, do ordain as follows:

SECTION 1: §92-9 C.(1) (a) of the Municipal Code of Franklin, Wisconsin be deleted in its entirety and replaced with the following:

“a) For single-family or two-family residential development, the fee, effective October 15, 2013, shall be \$2,816 per dwelling unit.”

SECTION 2: §92-9 C.(1) (b) of the Municipal Code of Franklin, Wisconsin be deleted in its entirety and replaced with the following:

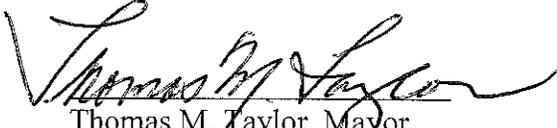
“b) For multi-family residential development, the fee, effective October 15, 2013, shall be \$1,942 per dwelling unit.”

- SECTION 3: 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 4: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.
- SECTION 5: 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 1st day of October, 2013, by Alderman Taylor.

PASSED AND ADOPTED at a regular meeting of the Common Council of the City of Franklin this 1st day of October, 2013.

APPROVED:


Thomas M. Taylor, Mayor

ATTEST:


Sandra L. Wesolowski, City Clerk

AYES 6 NOES 0 ABSENT 0