

ORDINANCE NO. 2011-2044

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT  
ORDINANCE TEXT TO AMEND DIVISION 15-9.0300 AND RELATED PROVISIONS  
TO COMPLY WITH 2009 WISCONSIN ACT 376 PROVISIONS RELATING TO  
MODIFICATIONS TO PLATTING PROCESS REQUIREMENTS FOR SUBDIVIDERS,  
INCLUDING, BUT NOT LIMITED TO APPROVAL TIMING, DEVELOPMENT  
PHASING AND FINANCIAL SECURITY

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WHEREAS, Division 15-9.0300 of the Unified Development Ordinance provides in part for platting process requirements for subdividers within the City of Franklin; and

WHEREAS, the City of Franklin having applied for a text amendment to Division 15-9.0300 of the Unified Development Ordinance so as to comply with 2009 Wisconsin ACT 376; and

WHEREAS, the Plan Commission having reviewed the proposed amendment and having held a public hearing on the proposal on the 21st day of April, 2011 and thereafter having recommended approval of such amendment; 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 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: §15-9.0304D. of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended as follows: i) delete: "twenty-four (24)", and in place thereof, insert: "thirty-six (36)"; and ii) amend "(or within the time frame specified by a conditional approval)" to read "(or within an extended time frame specified by a conditional approval)".

SECTION 2: §15-9.0304B. of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended as follows: i) delete: "six (6) months", and in place thereof, insert: "thirty-six (36) months".

SECTION 3: §15-9.0306D. of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended as follows: add the following subsection to the existing text: "D4. The Planning Manager shall provide the Common Council with his or her conclusions as to whether the final plat conforms substantially to the preliminary plat and with his or her recommendation on approval of the final plat. The conclusions and recommendation shall be made a part of the record of the proceeding at which the final plat is being considered and are not required to be submitted in writing."

SECTION 4: §15-9.0305F. of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended to add the following at the end of the existing text: "The Subdivider may construct the project in such phases as the Common Council approves, which approval may not be unreasonably withheld. If the Subdivider's project will be constructed in phases, the amount of any surety bond or other security required by the Common Council shall be limited to the phase of the project that is currently being constructed. The Common Council may not require that the Subdivider provide any security for improvements sooner than is reasonably necessary before the commencement of the installation of the improvements."

SECTION 5: §15-9.0306E.2. of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended as follows: i) delete: "thirty (30) days", and in place thereof, insert: "twelve (12) months"; and ii) delete: "six (6)", and in place thereof, insert: "thirty-six (36)".

SECTION 6: 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 7: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 8: 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 3rd day of May, 2011, by Alderman Skowronski.

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Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 3rd day of May, 2011.

APPROVED:

  
Thomas M. Taylor, Mayor

ATTEST:

  
Sandra L. Wesolowski, City Clerk

AYES 6 NOES 0 ABSENT 0

