

ORDINANCE NO. 2016-8

Amending the Municipal Code of the Village of Rochester to Restrict the Use of Private Roads to Planned Unit Developments, to Correct an Error in the Conditional Use Provisions for Parking in the A-2 Zoning District, to Prohibit Certain Signs with Moving Parts or Copy, and to Amend the Driveway Permit Provisions

The Village Board of the Village of Rochester, Racine County, Wisconsin, do ordain as follows:

I. That Chapter 30, Land Division, Section 30-84, Lot and Block Standards, subsection F., is hereby amended as follows:

30-84.F. All lots shall abut publicly dedicated streets, or private streets when allowed by the Village Board. No private road or street may be created after [insert the effective date of this ordinance] unless it is approved as part of a Planned Unit Development Overlay District.

1. A private road or street serving five or more lots or housing units shall comply with the design standards for public roads set forth in Appendix A, Section 6.

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2. Appendix A, Section 6 shall apply to a private road or street serving fewer than five lots or housing units, provided, however, that the owners may vary from the construction standards, right-of-way width, roadway width and surface width set forth in Appendix A, Section 6, but shall comply, at a minimum, with the standards set forth in Wis. Stat. s. 86.26(1)(a).

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3. All dead end private roads or street shall end in a cul-de-sac with a turning radius of at least 66 feet.

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4. As a condition of approval of a private road or street, a homeowners association, property owners association or condominium association composed of the landowners on the private road or street shall be created that will have the power to impose and enforce a maintenance lien pursuant to Wis. Stat. s. 779.70, and covenants shall be agreed to that provide that the association shall control all private road or street maintenance and snow plowing. The covenants shall be recorded with the Racine County Register of Deeds.

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II. That Chapter 30, Land Division, Section 30-201, Definitions, is hereby amended to add the following definitions:

"Street or Road, Public" means a right-of-way for vehicular traffic under the control of and maintained by the Village, County or State and open for travel by the public.

"Street or Road, Private" means a right-of-way for vehicular traffic, over which a private easement has been granted to provide access to a public street by the property owners abutting the private street or road, or which exists as part of the common elements of a condominium. A Private Street or Road is under the control of and maintained by the owner or abutting property owners or an association of those owners, and not by the public.

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III. That Chapter 35, Planning and Zoning, Section 35-15, Site Restrictions, subsection B., is hereby amended as follows:

35-15.B. All Lots shall abut upon a public street, or a private road approved by the Village, or other means of access if that access was in existence prior to the adoption of this Chapter (July 1, 2014) and was previously approved by the municipality. No new private street or road may be created after [insert effective date of ordinance] unless it is approved as part of a Planned Unit Development Overlay District and an access and maintenance easement is

[approved therefore. Such private roads or streets shall meet the requirements set forth in Section 30-84.F. of this Code.](#) Each lot shall have a minimum frontage of 33 feet and shall also be a minimum width at the street yard setback line as prescribed for the particular zoning district in which the lot is located.

- IV. That Chapter 35, Planning and Zoning, Section 35-62, A-2 General Farming and Residential District, subsection A, Uses, subsection 3, Conditional Uses [paragraph 2], is hereby amended as follows:

35-62.A.3. [paragraph 2] The parking of school buses, semi-tractors and trailers or other vehicles of a commercial nature provided all such uses are at least 600 feet from any residential district and 100 feet from any other residence and landscape screening to be determined on a site specific basis is in place. If the vehicles are parked inside a structure, the above distance may be reduced. Only one vehicle unit (school bus, semi-tractor ~~and/or~~ trailer, etc.) may be allowed on a parcel of land.

- V. That Chapter 35, Planning and Zoning, Section 35-162, Driveways, section A. Definition, is hereby amended as follows:

35-162.A. Definition. ~~See s. 35-300. For the purposes of this section, a driveway is defined as a private road, drive or roadway giving access from a public way, road or highway to abutting grounds.~~

- VI. That Chapter 35, Planning and Zoning, Section 35-174, Prohibited Signs, is hereby amended as follows:

35-174 PROHIBITED SIGNS. The following signs are prohibited in all zoning districts:

- A. Specifically prohibited signs include projecting signs, billboards, pole signs, roof signs, pylon signs, flashing or moving signs or beacons, bench signs, trailer signs, banner signs on poles or buildings, balloons, inflatable advertising devices, inflatable signs and pennants. ~~No sign shall contain, include or be illuminated by any flashing light, or moving part or be illuminated by other than white lights or be composed of any animated part. Colored coverings are not permitted.~~
- B. Signs that revolve, are animated or have moving parts, or signs that contain, include, or are illuminated by flashing lights having a display that may appear to grow, melt, x-ray, inverse, twinkle, snow, or present pictorials or other animation, or are externally illuminated by other than white lights, are prohibited. This subsection shall not prohibit changeable copy signs with displays that are steady in nature or have an intermittent change in display that are otherwise allowed or authorized under this Chapter.
- CB. Vehicle Signs. Parking any vehicle, trailer, farm wagon, or equipment to be readable from a street right-of-way, that has attached thereto or located thereon any sign or advertising device for the purpose of providing advertisement of a product or directing people to a business or activity is prohibited. This provision shall not prohibit signs attached to a vehicle, trailer, farm wagon, or equipment if the sign is incidental to the primary use of the vehicle, trailer, farm wagon, or equipment; nor shall this provision prohibit any official signs in the street right-of-way regulated by the federal, state, county, or local government.
- DC. Interference with Traffic. Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape, and no sign shall be attached to a standpipe or fire escape. No sign shall be placed so as to obstruct or interfere with traffic visibility.

- VII.** That Chapter 35, Planning and Zoning, Section 35-300, Definitions, is hereby amended to repeal the definition of "Street," amend the definition of "Changeable Copy Sign," and add the following definitions:

"Changeable Copy Sign" means a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign not more than once every ~~eight~~^{four} seconds or the minimum standards set by the [State and Federal Highway Administration](#), whichever is longer. Each change of message shall be accomplished in one second or less. A sign on which the only copy that changes is an electronic or mechanical indication of time, date, or temperature is considered a "time and temperature" portion of a sign and not a changeable copy sign or traveling message sign.

"Driveway" means a private access to a single parcel having public or private street or road frontage.

"Driveway, Shared" means a shared access that serves two separate parcels, each with public or private street frontage.

~~"Street" means a public or private right-of-way providing primary access to abutting properties.~~

"Street or Road, Public" means a right-of-way for vehicular traffic under the control of and maintained by the Village, County or State and open for travel by the public.

"Street or Road, Private" means a right-of-way for vehicular traffic, over which a private easement has been granted to provide access to a public street by the property owners abutting the private street or road, or that exists as part of the common elements of a condominium. A Private Street or Road is under the control of and maintained by the owner or abutting property owners or an association of those owners and not by the public.

- VIII.** That Chapter 6, Public Works, Section 6-7, Driveway Permits, Protection of Streets During Construction, subsections A, Driveway Permits, and B., Fees; Bonds, subsection 1., Permit Fees, are hereby amended as follows:

A. Driveway Permits.

1. For the purpose of this section:

~~"Driveway" means a private road, drive or roadway giving access from a public street or highway to abutting grounds.~~ "Driveway" means a private access to a single parcel having public or private street or road frontage.

"Driveway Permit" means a permit granted by the Village authorizing construction of a driveway that provides access from a highway or from a private road or street.

"Highway" includes all public streets and roadways.

"Highway under the jurisdiction of the Village" means a highway that is not a state or county highway upon which the finish course of asphalt or concrete has been placed. It does not include Private Streets or Roads.

"Street or Road, Public" means a right-of-way for vehicular traffic under the control of and maintained by the Village, County or State and open for travel by the public.

"Street or Road, Private" means a right-of-way for vehicular traffic over which a private easement has been granted to provide access to a public street by the property owners abutting the private street or road, or that exists as part of the common elements of a condominium. A Private Street or Road is under the control of and maintained by the owner or abutting property owners or an association of those owners and not by the public.

2. Application and Permit. No person may construct or install a driveway in the Village without first filing an application with the Village Clerk and receiving a permit therefore. The application must include driveway plans showing the materials to be used, the location of the driveway on the lot and a typical profile. Each application must receive the approval of the Public Works Manager before the permit is issued.

a. For all driveways abutting public highways under the jurisdiction of the Village, the Public Works Manager shall refer the application and plans to the Zoning Administrator for review for conformance with the Planning and Zoning Chapter. Upon the Zoning Administrator's approval, the Public Works Manager will review the proposed location and construction of the driveway and may direct and order grading, ditching, soil stabilization measures and/or the installation and construction of any culvert necessary for proper drainage as a condition to issuing said permit. Any driveway constructed or installed without said permit being first obtained, or contrary to the orders and directions of the Public Works Manager or the terms of the permit, constitutes a violation of this Chapter.

b. For all driveways abutting private roads or streets, the Public Works Manager shall refer the application and plans to the Zoning Administrator for review for conformance with the Planning and Zoning Chapter, and the Zoning Administrator shall verify that the applicant has the approval of the party with authority over the private street or road. Upon the Zoning Administrator's approval, the Public Works Manager will review the proposed location and construction of the driveway and may direct and order grading, ditching, soil stabilization measures and/or the installation and construction of any culvert necessary for proper drainage as a condition to issuing said permit. Any driveway constructed or installed without said permit being first obtained, or contrary to the orders and directions of the Public Works Manager or the terms of the permit, constitutes a violation of this Chapter. Unless construction standards are provided under this Code or by development agreement or zoning approval, the party with the authority over the private road or street is required to set the construction standards and requirements for bonds, and shall perform all inspections of the driveway construction.

cb- For all driveways abutting highways under the jurisdiction of Racine County or the State of Wisconsin, the applicant shall apply for and receive an access permit from the County or State prior to applying for a Village driveway permit, and shall provide proof thereof with the driveway permit application. The Public Works Manager shall refer the application and driveway plans to the Zoning Administrator for review for conformance with the Planning and Zoning Chapter. Upon the Zoning Administrator's approval, the Public Works Manager will review the conditions of the access permit issued by the County or State, and may make appropriate orders regarding site drainage prior to issuing the permit. Any driveway constructed or installed without said permit being first obtained, or contrary to the orders and directions of the Public Works Manager or the terms of the permit, constitutes a violation of this Chapter.

3. All driveways installed, altered, changed, replaced or extended after the effective date of this Chapter are required to contain Apron End Walls to provide adequate safety and drainage to the satisfaction of the Public Works Manager.

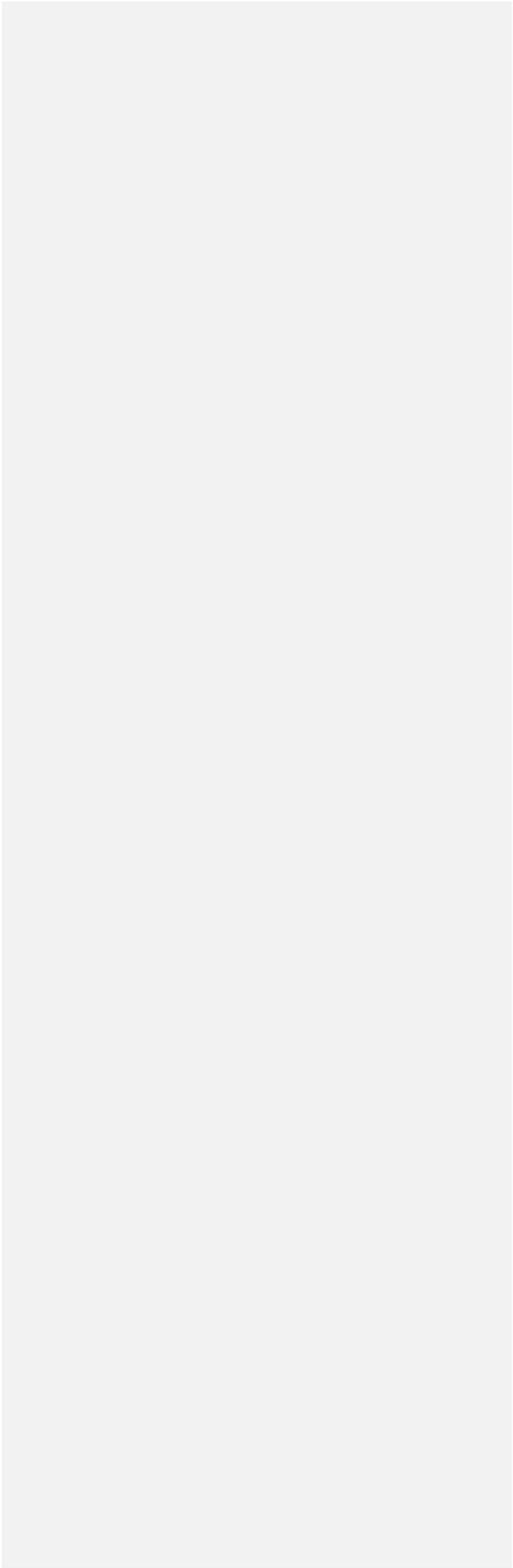
4. All alteration of the plans approved in a driveway permit shall require amendment of the permit.

B. Fees; Bonds

1. Permit Fees. The non-refundable fee for a driveway permit shall be set by the Village Board and included in the Fee Schedule. The Board may set varying permit fees for driveways abutting Village highways, private roads or streets, and for those abutting state or county highways.

- IX. This ordinance shall take effect after public hearing, passage and publication as provided by law. The requirements set forth in ss. 30-84.F. and 35-15.B. first apply to preliminary plats, plats (or, in cases in which no preliminary plats are submitted, final plats), and certified survey maps that are submitted for approval (or resubmitted if previously withdrawn) on or after the effective date of this ordinance. All other language contained in the Municipal Code of the Village of Rochester shall remain without change and in full force and effect.

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Introduced:
Adopted:

BY ORDER OF THE VILLAGE BOARD

Edward J. Chart, President

ATTEST:

Betty J. Novy, Clerk-Treasurer

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