

**VILLAGE OF ROCHESTER
PLAN COMMISSION**

300 W. Spring Street, P.O. Box 65, Rochester, WI 53167-0065
(262) 534-2431 FAX (262) 534-4084

**PUBLIC HEARING & COMMITTEE MEETING AGENDA
Wednesday, March 27, 2019 - 6:00 p.m.
Rochester Village Hall, 300 W. Spring St., Rochester, WI**

Roll Call: Gary Beck, Paul Beere, Ed Chart, Maureen Eckert, Patricia Gerber, George Olen, Mark Tamblyn, Marc Morgan (Alternate 1); and Doug Wearing (Alternate 2)

- Correction or approval: February 27, 2019 minutes

- Report from Village Board Liaison

Public Hearings: *(Be advised it is necessary to register in advance of the public hearing in order for your comments to be heard. Registration forms are available at the meeting and must be turned in to the Plan Commission Secretary prior to the start of the hearing. Pre-registered Citizens will be called by name by the Plan Commission Chairperson and are subject to a three minute time period, per person, with time extensions granted at the Plan Commission's discretion.)*

- 1. Application for Land Use Plan Amendment/ Rezoning from "Extractive"/ "M-4 Quarrying District" to "Agricultural"/ "A-2 General Farming & Residential District" and Preliminary Review of Proposed Land Division to create four lots out of one:
Location: 815 English Settlement Road, Rochester, Wisconsin (20.50 acres)
Applicant: Reesman Group II LLC
Parcel Number: 176-0319-13-002-030**

Action Items:

- 1. Initial Consideration: Application for Land Use Plan Amendment/ Rezoning from "Extractive"/ "M-4 Quarrying District" to "Agricultural"/ "A-2 General Farming & Residential District" and Preliminary Review of Proposed Land Division to create four lots out of one:
Location: 815 English Settlement Road, Rochester, Wisconsin (20.50 acres)
Applicant: Reesman Group II LLC
Parcel Number: 176-0319-13-002-030**
- 2. Initial Consideration: Plan Commission Resolution #2019-1 Providing a Recommendation on the Amendment of the Racine County Multi-Jurisdictional Comprehensive Plan for Approximately 20.5 acres of Land located at 815 English Settlement Road, Rochester, Wisconsin**
- 3. Review and Possible Recommendation: Ordinance #2019-1 "An Ordinance to Make Numerous Amendments to the Village of Rochester Zoning Code, To Update the Code in Light of New State Legislation and State and Federal Case Law"**
- 4. Review and Possible Recommendation: Ordinance #2019-2 "An Ordinance to Update the Village Floodplain Zoning Ordinance to Incorporate New Flood Insurance Study (FIS) Data"**
- 5. Discuss results of Planning Consultant interviews and possibly make a recommendation on awarding Land Use Plan update work**
- 6. Adjourn.**

Betty J. Novy, Village Administrator
Posted: March 21, 2019

*** It is possible that members and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information; no action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice.**

*** Please note: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information, or to request this service, please contact the Village Hall at 262-534-2431**

Next Meeting: Wednesday, April 24, 2019

Vice Chairperson Mark Tamblyn called the meeting to order at 6:00 p.m. with Gary Beck, Ed Chart, Maureen Eckert, George Olen, Mark Tamblyn, Marc Morgan (Alternate 1) and Doug Wearing (Alternate 2) present.

Commissioners Paul Beere and Patricia Gerber were absent.

Jonathan Schattner, Zoning Administrator, Betty Novy, Administrator-Treasurer, and Lynn Spleas, Plan Commission Secretary were also present.

Correction or Approval of minutes

Eckert moved, 2nd by Olen to approve the minutes of the January 23, 2019 meeting. Motion carried.

Report from Village Board Liaison

None.

Pledge of Allegiance.

Public Hearing

None.

Action Item 1:

Introduction: Ordinance #2019-1 “An Ordinance to Make Numerous Amendments to the Village of Rochester Zoning Code, To Update the Code in Light of New State Legislation and State and Federal Case Law”

Ordinance 2019-1 making numerous amendments to the Village of Rochester Zoning code was introduced. The Village Administrator asked the Plan Commissioners if they had comments or suggestions. This is an introduction to the ordinance and cannot be approved until the March meeting. Eckert asked about some uses- if they were necessary if they included other items. Tamblyn stated this ordinance update was to condense and streamline the ordinance. This is the first reading.

Action Items 2:

Introduction: Ordinance #2019-2 “An Ordinance to Update the Village Floodplain Zoning Ordinance to Incorporate New Flood Insurance Study (FIS) Data”

This is the first reading of ordinance 2019-2 updating the Village Floodplain Zoning to incorporate new flood insurance study data (FIS).

Doug Wheaton, Lake Area Realtors Associate, addressed the Plan Commission regarding the revised sign ordinance as it pertains to the use of a temporary sign on non- residential parcels that are for sale or lease and other concerns documented in an email to the zoning administrator dated February 27th, 2019.

The Commissioners invited Wheaton back to the March meeting for the second reading. Wheaton was directed to call Schattner with his concerns before the March meeting.

Action Item 3:

Review Planning Consultant proposals for Comprehensive Land Use Plan update and possibly make a recommendation on candidate interviews

The Administrator –Treasurer informed the Commissioners that the village cannot achieve the full range of specifications outlined in the RFP within its budget of \$15,000.00. She noted two optional proposals:

1. *A Master Plan for the triangle area (STH 36/Hwy 20 Corridor/ Hwy D triangle) or*
2. *A Strategic Plan for the entire village (Review and make recommendation to the update the land use plan)*

The Plan Commission discussed prioritizing the planning work they felt would be most beneficial to accomplish this year. The priorities are:

- Developing the Village's own independent vision, goal, and objective statements:
- Reviewing the existing sanitary sewer system service area and determining if there is any benefit to altering its boundary or pursuing municipal water of sanitary service from adjacent municipal systems; and
- Updating the Village Land Use Plan Map and classification for the entire village

This approach does NOT include creation of a Comprehensive Plan document specific to the Village of Rochester.

These updates were prioritized for ultimate inclusion in the Comprehensive Plan for Racine County: 2050 which SEWRPC will be working on throughout this year. The Plan Commission places a high priority on public participation to achieve these goals.

The Plan Commissioners decided to target a Strategic Plan for the entire village. Moving forward the consultant teams will be invited in for interviews. The Plan Commission will need to develop a uniform set of questions to ask the teams and come up with a few potential dates to hold interviews. The Administrator – Treasurer will need to ask for a new cost from SEH and Baxter & Woodman regarding the cost of providing a Strategic Plan for the entire village. Some of the questions the Commissioners thought of were:

1. Timeframe?
2. What will they provide for Village public participation?
3. What do you think the first step should be?

The Administrator – Treasurer told the Plan Commissioners the presentation will be limited to a time and questions will consist of six to eight questions.

Action Item 4:

Continue Discussion and Review of Center for Land Use Education “Planning Commission Handbook” Chapter 8 “Subdivision Regulations”

Chapter eight gives information regarding subdivisions, subdivision regulations, local land division regulations, review of land division and subdivisions, and additional resources. In this chapter you will find information about Plats, Extraterritorial Review, Developments, Certified survey maps, Resources, Check list, and land division.

Beck moved, 2nd by Olen to adjourn at 7:23 p.m. Motion carried.

Respectfully submitted:

Lynn Spleas, WCMC
Administrative Assistant/ Sewer Clerk
Plan Commission Secretary

PROPOSED TIMELINE FOR CONSIDERATION OF REESMAN LAND USE PLAN AMENDMENT & REZONE

(Note: All dates are based on receipt of a COMPLETE set of application materials).

- Mon., March 11, 2019:** Village Board is made aware of application and hearing schedule is submitted for review & approval
- Wed., March 13, 2019:** Notice of Application for Zoning Change and LUP (Land Use Plan Amendment) is sent to abutting property owners and Notice Sign is posted on property
- Wed., March 27, 2019:** Initial Consideration by Plan Commission
(Draft resolution is prepared for introduction at the meeting that lists preliminary findings, determinations, and recommendation in regards to the LUP and Zoning Change).
- By NOON Tues., April 2, 2019:** Submit publication to Standard Press for “Notice of Public Hearing on Proposed Amendment to the Village Comprehensive Plan by the Village Board.... with hearing to be held on Monday, May 13th.
- Thurs., April 4, 2019:** Notice of LUP Public Hearing is published.
- By Friday, April 12, 2019:** Plans and notice are forwarded to Village Engineer, WRCSD, and all parties required by State Statute (as follows):
- Every governmental body that is located in whole or in part within the boundaries of the local governmental unit.
 - The clerk of every local government unit that is adjacent to the Village
 - The Wisconsin land council.
 - The Wisconsin Department of Administration.
 - The Southeastern Wisconsin Regional Planning Commission (SEWRPC).
 - The Public Library
 - Nonmetallic mine operators and other persons listed in §66.1001 (4)(e) of the Wisconsin Statutes.
- Mon., April 8, 2019:** Initial Consideration of LUP Amendment and Rezoning Request by Village Board
- By NOON, Tues., April 23, 2019:** Submit publication to Standard Press for Notice of Public Hearing on Re-Zoning Ordinance #2019-3
- Thurs., April 25 & Thurs., May 2:** Notice of Rezoning Ordinance Hearing is published.
- Wednesday, April 24, 2019:** Plan Commission reviews resolution and issues final recommendation on LUP rezoning request.
- Monday, May 13, 2019:** Village Board conducts hearing on LUP and Rezoning Request and *may* take action to approve (or deny) the rezoning and Land Use Plan Amendment Ordinance at this meeting.

Land Use Amendment to change the use of the Property from Extraction to Agricultural Use, at 815 North English Settlement Avenue in the Village of Rochester. (Parcel# 176031913020030)

The property at 815 English Settlement Road, Rochester, WI is currently owned by Reesman Group 2, LLC (RG2), 28815 Bushnell Road, Burlington WI 53105. The property currently has M-4 zoning which has been in place prior to our purchase in 2007. The site has a conditional use permit issued for extraction. The Extraction operation is complete, and the site was restored on an ongoing incremental basis as the mining plan progressed. The final remaining stockpiles were removed in September and the final three acres of remaining operational area were restored in October of 2018, with placement of topsoil, and seeding with winter wheat. The staff at Racine County including Brian Jensen and Chad Sampson have visited the site since completion of reclamation to witness completion. The reclamation bond is current and remains in place. All completed as-built elevation information and aerial photos of the completed site have been submitted to the county. All site reclamation is complete and satisfactory except grass vegetation did not germinate on the final three acres of restoration completed. The remaining 17 acres is fully vegetated. The site will obtain final certification of reclamation from the county in spring, once grass establishes. There has not been an issue establishing the prior 17 acres.

The intent with the site is to rezone the parcel from current M-4 Extraction to A-2 zoning district. Upon rezoning the overall parcel will be submitted as Preliminary Certified Survey Map for division into 4 CSM lots ranging in size from 4.58 acres to 5.54 acres in size. Preliminary CSM is included for review.

The proposed amendment is consistent with requirements to rezone upon completion of M-4 extraction activities to the prior zoning or the Comprehensive Plan recommendation. The proposed amendment will preserve the current features of the property and not have any negative environmental effect.

The proposed amendment is consistent with the current surrounding residential use in the adjacent A-2 zoning. Based on the surrounding residential use it appears local and county facilities are capable of servicing the type of development promoted with this amendment. Upon review the proposed amendment is in substantial agreement with the recommendations of the Regional Land Use Plan. Residential use of this nature should provide solid tax increment for the community.

The County has approved the existing driveway location to service the southern two lots on a joint access basis. The County has approved the addition of one more driveway to service the northern two lots. This is depicted on the Preliminary CSM. See letter from Andrew Oakes at Racine County Public Works & Development Services. Access points are delineated on the Preliminary CSM.

The site has been investigated with soil testing to assure the CSM lots can be serviced by Private On-Site Wastewater Treatment Systems. Each lot can be serviced with a Conventional Septic System. See letter from CJ's Soil Testing & Septic Systems Inc. The soil test locations are delineated on the Preliminary CSM.

In conclusion based on the above facts there does not appear at this time to be any issues that would inhibit development of these parcels on a residential basis.

REZONING APPLICATION	VILLAGE OF ROCHESTER, RACINE COUNTY
Owner: REESMAN GROUP 2	Applicant/ agent:
Address: 28815 BUSHNELL RD BURLINGTON WI, 53105	Address:
Telephone #: 262.539. 2124	Telephone #:
Fax #: 262-539-2665	Fax #:
E-mail: jr@reesmans.com	E-mail:
Date Petition filed:	Hearing date:

The undersigned hereby petitions the Village of Rochester Board to consider a request to REZONE the land described in the attachment

FROM M-4 DISTRICT

TO A-2 DISTRICT

Parcel # 176031913002030

Location/ Site Address 815 ENGLISH SETTLEMENT RD, ROCHESTER WI 38356

Attached are:

- Hearing & publication fees as set by the adopted fee schedule, payable to "Village of Rochester" (non-refundable).
- Signed "Agreement for Reimbursable Services"
- Legal Description of the area requested to be rezoned.
- Plot Plan drawn to scale showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within two hundred (200) feet of the area proposed to be rezoned.
- Names & addresses of land owners 200 feet of the boundary of the area requested to be rezoned (include across the street, &/or highway)
- Report of existing & future land usage / Proposed development plan
- Letter of Agent Status (if applicable)

_____ signature

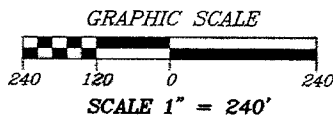
The completed petition with all required attachments must be submitted to: Village of Rochester; 203 W. Main Street, P.O. Box 65, Rochester, Wisconsin 53167, phone: 262.534.2431; fax: 262.534.4084; hours: 8:30 a.m. to 2:30 p.m., Monday, Wednesday, Thursday & Friday, noon to 6:00 p.m. Tuesdays. This is the minimal required information that must be submitted to have a rezoning application processed. Additional information might be requested if the Plan Committee, &/or the Village Board feel that such additional information is necessary to adequately evaluate the application.

cash or check #: _____ amount received: \$ _____

Rezoning petitions are first considered by the Plan Commission, with recommendations made at a subsequent meeting from the first consideration; The Village Board holds a public hearing before making the final decision. Plan Commission meetings are held the first Monday of each month at 6:30 p.m. Village Board meetings are held the 4th Monday of each month at 7:00 p.m. Meetings are held at the Rochester Municipal Building, 203 W. Main Street, Rochester, Wisconsin.

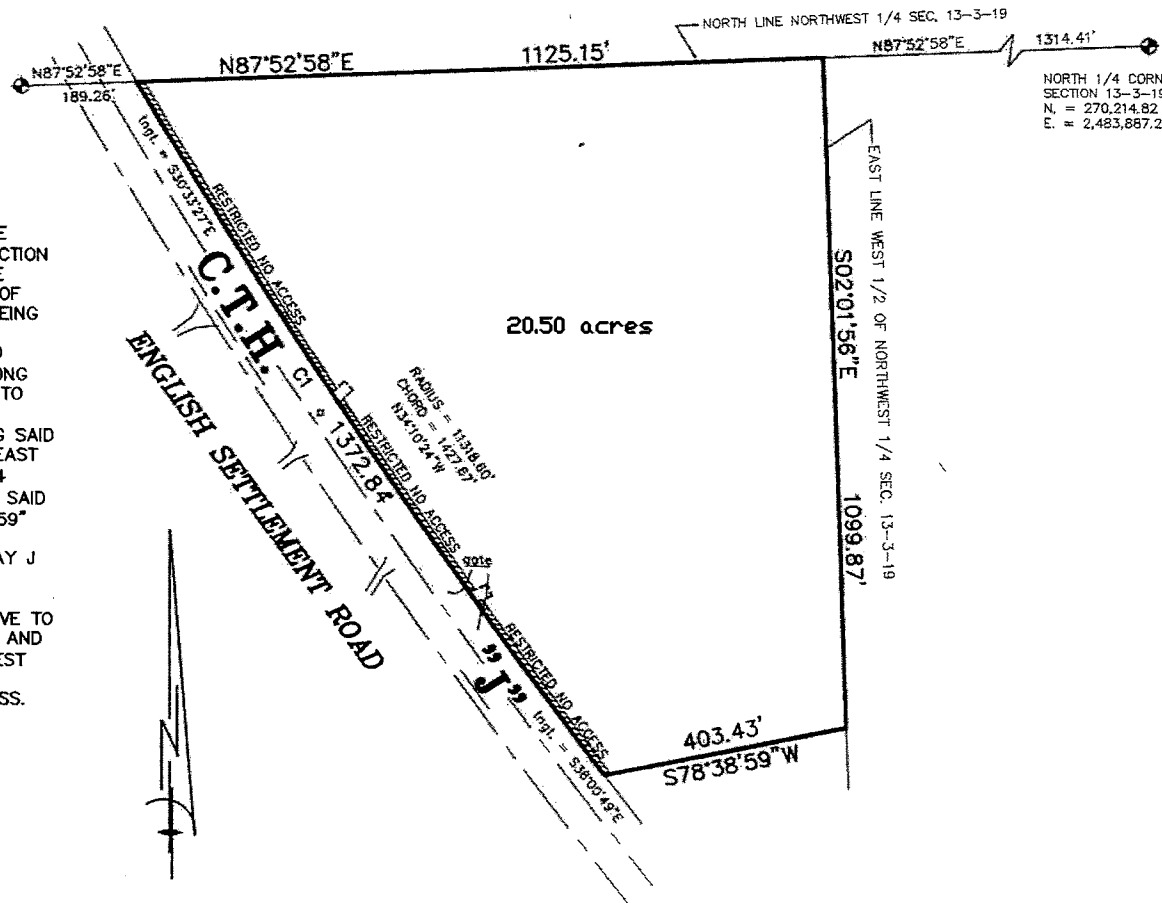
**EXHIBIT
-FOR-
PROPOSED REZONE**

BEING A PART OF THE NORTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 13, TOWNSHIP 3 NORTH, RANGE 19 EAST OF THE FOURTH PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF BURLINGTON, RACINE COUNTY, WISCONSIN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 13, THENCE NORTH 87°52'58" EAST ALONG THE NORTH LINE OF SAID SECTION 189.26 FEET TO THE PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUE NORTH 87°52'58" EAST ALONG SAID NORTH LINE 1125.15 FEET TO A POINT ON THE EAST LINE OF THE WEST 1/2 OF SAID NORTHWEST 1/4 SECTION; THENCE SOUTH 02°01'56" EAST ALONG SAID EAST LINE 1099.87 FEET; THENCE SOUTH 78°38'59" WEST 403.43 FEET TO A POINT IN THE NORTHEASTERLY LINE OF COUNTY TRUNK HIGHWAY J (a.k.a. ENGLISH SETTLEMENT ROAD); THENCE NORTHWESTERLY 1372.84 FEET ALONG SAID NORTHEASTERLY LINE BEING THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 11318.60 FEET AND WHOSE LONG CHORD BEARS NORTH 34°01'56" WEST 1372.00 FEET TO THE PLACE OF BEGINNING. CONTAINING 20.50 ACRES OF LAND MORE OR LESS.



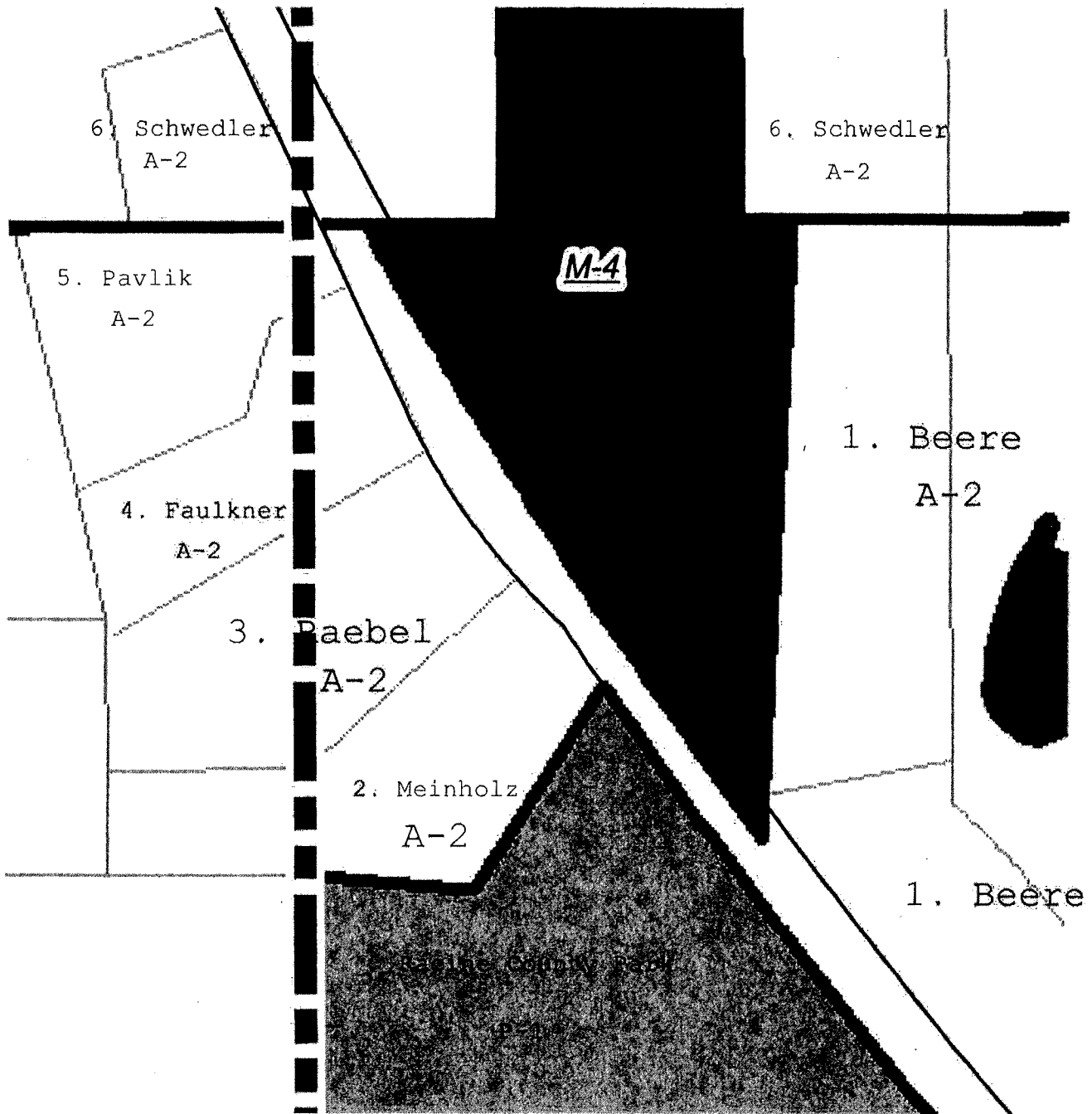
NORTHWEST CORNER
SECTION 13-3-19
N. = 270,117.71
E. = 2,481,260.29

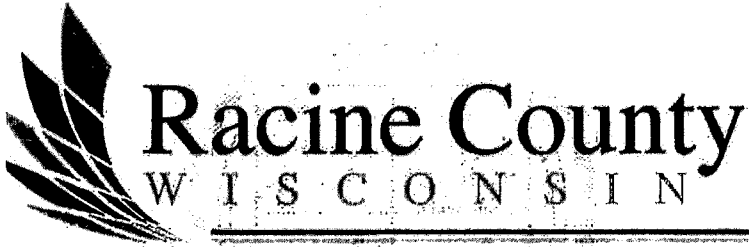
NORTH 1/4 CORNER
SECTION 13-3-19
N. = 270,214.82
E. = 2,483,887.23



PROPERTY OWNERS WITHIN 200' OF RG2 LLC Property located at
815 N. English Settlement Road, Rochester, WI

- 1 PAUL AND BARBARA BEERE
733 N ENGLISH SETTLEMENT AVE
BURLINGTON WI 53105
ZONED A-2
 - 2 MARK AND ELLEN MEINHOLZ
820 N ENGLISH SETTLEMENT AVE
BURLINGTON WI 53105
ZONED A-2
 - 3 DAVID AND KATHY RAEBEL
844 N ENGLISH SETTLEMENT AVE
BURLINGTON WI 53105
ZONED A-2
 - 4 FAULKNER ROBERS AND ASSOCIATES
850 ENGLISH SETTEMENT AVE
BURLINGTON WI 53105
ZONED A-2
 - 5 JEFFREY A. PAVLIK
854 N ENGLISH SETTLEMENT AVE
BURLINGTON WI 53105
ZONED A-2
 - 6 KAREN SCHWEDLER
1042 N ENGLISH SETTLEMENT AVE
BURLINGTON WI 53105
ZONED A-2
-





Public Works & Development Services

14200 Washington Avenue
Sturtevant, WI 53177-1253
262-886-8440
fax: 262-886-8480
email@racinecounty.com

Docket Number 2018-0026-01

March 12, 2018

Reesman Group II LLC
Attn: Gregory M. Reesman
28815 Bushnell Road
Burlington, WI 53105-9434

Regarding advisory opinion for highway access:

Gregory,

The County of Racine Department of Public Works and Development Services (hereinafter Department) received your request to determine suitable access to North English Settlement Avenue, County highway J from the parcel numbered 176-0319-13-002-030.

Access would occur from hypothetical parcels shown on a proposed certified survey map (CSM) dated March 1, 2018. Specifically, the petition requests access to serve the adjacent parcels numbered 1 and 2. The owners of the adjacent parcels would share these access points mutually.

The Department would permit direct access onto North English Settlement Avenue, County highway J from the parcels in question.

The Department can safely permit access points that provide unobstructed sight for drivers operating on highway J and on the proposed access. The sight distance for the northernmost proposed access to highway J extends from the access point northward for 653 feet (a minimum of 610 feet required). Southward, the sight distance extends for 908 feet (650 feet desired). *See* MADISON, Wis., WISCONSIN DEPARTMENT OF TRANSPORTATION FACILITIES DEVELOPMENT MANUAL § 11-10-5.1.4 (2018).

The County would permit the access points described above. With this in-mind, please share a draft copy of the certified survey map (CSM) with Racine County. At this time, the County has only received one page of the CSM. The Village of Rochester will likely require you to create and file access easement documents to mutually serve each parcel.

Please keep the County advised as you work with the Village of Rochester to approve this CSM.

Sincerely,

Andrew W. Oakes

Andrew W. Oakes
Engineering Specialist

**CJ's Soil Testing &
Septic Systems Inc.**

CJ's Soil Testing & Septic Systems Inc.
2733 Maple Rd.
Burlington, WI. 53105
Phone (262)534-2008
Fax (262)534-7148

April 21, 2018

Village of Rochester:

We Have conducted 4 soil test for the Reesman's on the old county gravel pit, the holes are located on the plat. When the zoning approves the lots I will draw up the Soil Tests. All of the lots were approve with a conventional septic systems with a .7 Loading rate. Any questions call Chris Johnson at 262-534-2008 or cell 262-210-9496



Christian Johnson
220687 MPRS, CSTM



Memorandum

To: Village of Rochester Planning Commission

From: Jonathan P. Schattner, Rochester Zoning Administrator

Re: Initial consideration of an Application for Land Use Plan Amendment & Rezone from M-4 Quarry District/Extractive to A-2, General Farming and Residential District/Rural Density Residential and Agricultural Land and Certified Survey Map Approval to create four residential lots, contingent on the approval of the Amendment and Rezoning, at 815 North English Settlement Avenue, Rochester, Wisconsin.
Owner: Reesman Group 2
Parcel Id. # 176031913002030

Date: March 21, 2019

The owners of the property located at 815 North English Settlement Avenue are requesting to rezone the above referenced property from M-4, Quarrying District to A-2, General Farming and Residential District, and amend the land use plan for the Village of Rochester from Extractive to Rural Density Residential and Agricultural Land for the purpose of creating four (4) residential lots that will frontage onto N. English Settlement Avenue

The first step in applying for these approvals is meeting with the Village of Rochester Planning Commission and requesting initial consideration of the rezoning, land use plan amendment, and the proposed land division. Initial consideration should include identification of any problems or concerns with the petition; and a recommendation to move forward with this request, lay it over for more information, or deny this proposal.

Pending any unknown concerns being presented at the public hearing, it is my recommendation that the Village of Rochester Planning Commission look favorably on this petition and forward it to the Rochester Village Board for consideration subject to the following conditions:

1. That the Rochester Village Board schedule a public hearing for May 13, 2019 to take action (to approve or deny) the rezoning and land use amendment proposal.
2. Obtaining Certified Survey map approval to create four (4) lots if the rezoning and land use plan amendment receives Village Board approval.
3. Obtaining input and approval regarding site design from the Village of Rochester Engineer.
4. Obtaining input, approval, and the necessary permits from the State of Wisconsin Department of Transportation and Department of Natural Resources.
5. Obtaining recommendations from our local fire, police, and rescue services.

- 6) Obtaining approval from the Racine County Planning Services assuring that the property owner has received approval for the on-site sanitary systems to be installed on each lot.
- 7) Notifying all municipalities in Racine County and Southeastern Wisconsin Regional Planning Commission of the proposed land use plan amendment.

**PRELIMINARY
CERTIFIED SURVEY MAP NO. _____**

BEING A PART OF THE NORTHWEST 1/4 AND THE
SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION
13, TOWNSHIP 3 NORTH, RANGE 19 EAST OF THE
FOURTH PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF
BURLINGTON, RACINE COUNTY, WISCONSIN.

PREPARED FOR: REESMAN GROUP II, LLC
28815 BUSHNELL ROAD
BURLINGTON, WI 53105

PREPARED BY: B.W. SURVEYING, INC.
412 N. PINE STREET
BURLINGTON, WI 53105
(262)-767-0225
JOB NO. 9531

LEGEND

- ⊕ FOUND RACINE COUNTY MONUMENT (CONCRETE/CAP)
- FOUND 1" O.D. IRON PIPE
- ⊘ SET 1-5/16" O.D. X 18" IRON PIPE WEIGHING NOT LESS THAN 1.68 POUNDS PER LINEAL FOOT.
- FOUND IRON ROD

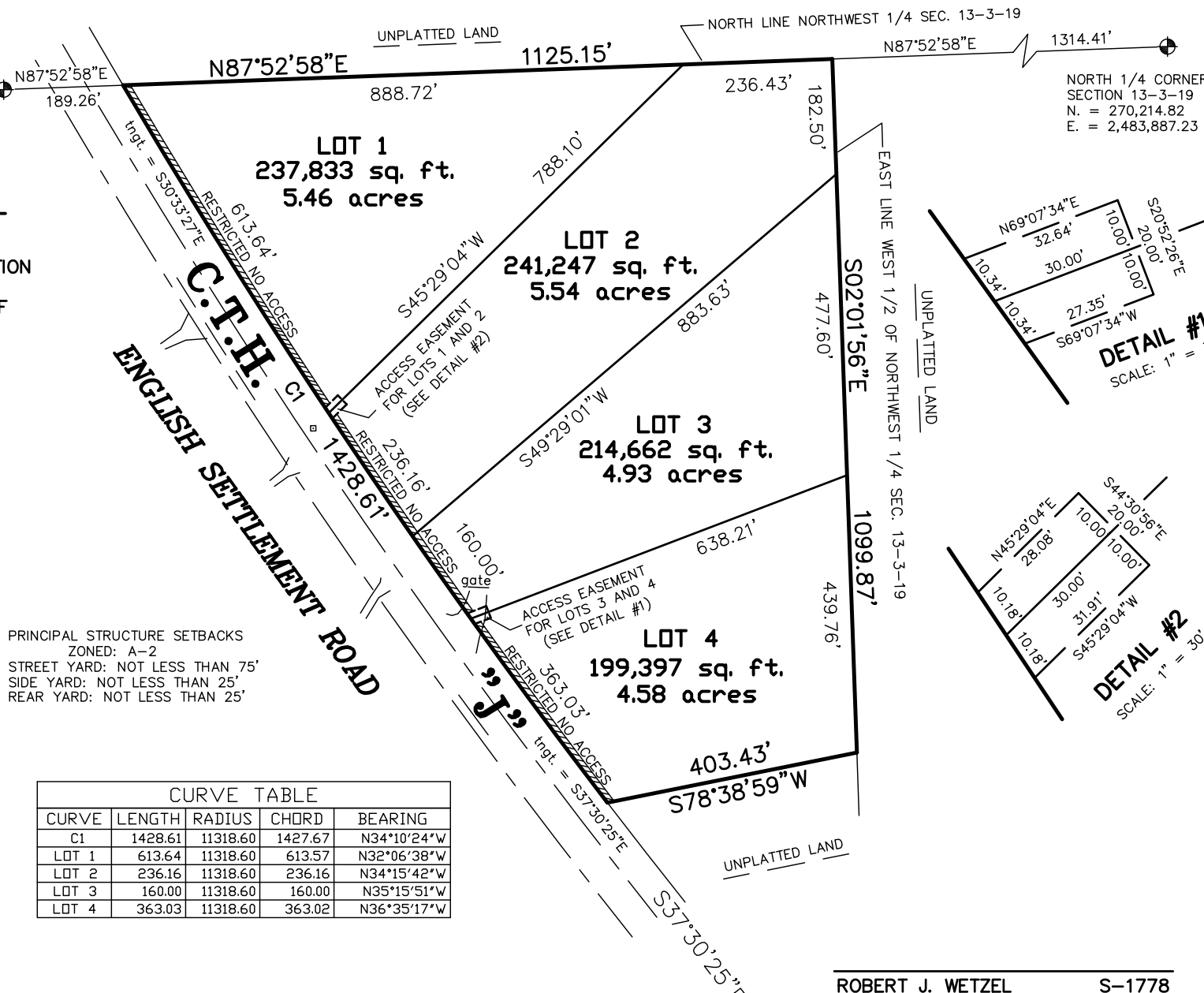
GRAPHIC SCALE



SCALE 1" = 240'

NORTHWEST CORNER
SECTION 13-3-19
N. = 270,117.71
E. = 2,481,260.29

NORTH 1/4 CORNER
SECTION 13-3-19
N. = 270,214.82
E. = 2,483,887.23



PRINCIPAL STRUCTURE SETBACKS
ZONED: A-2
STREET YARD: NOT LESS THAN 75'
SIDE YARD: NOT LESS THAN 25'
REAR YARD: NOT LESS THAN 25'

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	BEARING
C1	1428.61	11318.60	1427.67	N34°10'24"W
LOT 1	613.64	11318.60	613.57	N32°06'38"W
LOT 2	236.16	11318.60	236.16	N34°15'42"W
LOT 3	160.00	11318.60	160.00	N35°15'51"W
LOT 4	363.03	11318.60	363.02	N36°35'17"W

DETAIL #1
SCALE: 1" = 30'

DETAIL #2
SCALE: 1" = 30'

Land Division Analysis (Certified Survey Map):

Village of Rochester Plan Commission

First Meeting (Preliminary -recommended): Applicant submits sketch drawing of proposed land division three weeks prior to the meeting. → Plan Commission Secretary forwards to Zoning Administrator for analysis. → Applicant pays a \$75.00 deposit for a land division sign. The applicant is then responsible to post the sign on the affected property at least fourteen days prior to the meeting date. → Plan Commission Secretary sends notice of meeting to abutting property owners at least fourteen days prior to the meeting date.

◆Plan Commission consideration:

- 1) Zoning Administrator presents aerial exhibit and zoning analysis.
- 2) Applicant explains request.
- 3) Comments are invited from any citizens in attendance.
- 4) Plan Commission discusses the following considerations (as applicable):
 - i) Compatibility with Land Use Plan Objectives:
 - (a) Use
 - (b) Density
 - ii) Access –is there adequate frontage or is a road extension needed? Note: Access to Racine County and/or State highways will require a permit from the County or State. This may significantly affect parcel layout. Additionally, any costs to design, construct and dedicate new roads to service land divisions are borne by the applicant)
 - iii) Design – parcel configuration/ identify any concerns.
 - iv) Drainage –any known conditions that could cause a problem (i.e., swampy areas, drain tiles, seasonal flooding, etc.)?
 - v) Sanitary provisions -is this a sewer lot and where/ how is connection likely to occur?- or, what type of sanitary system is likely in an area
 - vi) The Plan Commission may request the applicant to show his/her holdings contiguous to the land division and identify proposed future development of the parcel(s), including street and parcel locations (**to be submitted at next meeting**)
 - vii) Environmental Corridor? The Plan Commission can require a habitat assessment for land divisions in or within 200 feet of a primary or secondary environmental corridor (requirement can be appealed to Village Board if applicant feels it is not warranted).
 - viii) Any additional concerns.

Action: Plan Commission identifies concerns that affect the feasibility of the (proposed) Land Division and whether it is advisable for the applicant to incur costs associated with Conceptual Development Plan and Certified Survey Map creation. Indication should be given to the applicant, either by motion or general consensus of the Commission, to:

Land Division Analysis (Certified Survey Map):

Village of Rochester Plan Commission

- **recommend he/she proceed as no known conditions exist that would cause the land division to be denied (this can include some direction or contingencies for the applicant to consider in preparation in the Conceptual Plan); OR**
- **not recommend he/she proceed due to existing conditions that would cause the land division to be denied (include reasons in any motion or statement of consensus).**

Second Meeting: If the applicant decides to pursue the land division, the applicant presents 12 copies of Conceptual Development Plan materials at least 20 days prior to the Plan Commission meeting. → Plan Commission Secretary forwards to the Zoning Administrator. The Zoning Administrator forwards to the Village Engineer and Village Attorney (as necessary) for review. Conceptual Development Plan materials include a **General Location Map** (or aerial photo 1 inch=400 feet or less) showing parcel and area within 500 feet: *to identify* existing buildings, current land use, bodies of water, wooded areas, wetlands, environmental corridors, isolated natural areas, agricultural lands, roads, property boundaries and location of proposed buildings; **Development Yield Analysis Table** (density calculations); and **Conceptual Development Plan** (scale: 1 inch = 200 feet or less) showing open space areas, boundaries of area to be developed including street and lot layout, number of housing units and distribution of lot sizes, proposed methods for water supply and storm water management, proposed method of sewerage treatment, an inventory of preserved and disturbed natural features and prominent views, development envelopes showing lawn, pavement, building and grading areas, and contiguous holdings (if required).

◆Plan Commission consideration:

- 1) Applicant presents plan and explains any changes or additional considerations he/she feels the Plan Commission should be aware of.
- 2) Review of zoning and engineering analysis (determine any necessary changes based on this information).
- 3) Plan Commission discusses whether additional information provided in the conceptual plan affects previous consideration of:
 - i) Land Use Plan Objectives: Use, Density, etc.
 - ii) Access
 - iii) Design
 - iv) Drainage
 - v) Sanitary provisions

Action: Plan Commission identifies any additional concerns that affect the feasibility of the (proposed) Land Division and whether it is advisable for the applicant to incur costs associated with Certified Survey Map creation. Indication should be given to the applicant, either by motion or general consensus of the Commission, to:

- **Approve the Conceptual Plan (this can include some direction or contingencies for the applicant to consider in preparation of the Certified Survey Map); OR**

Land Division Analysis (Certified Survey Map):

Village of Rochester Plan Commission

- **Deny the Conceptual Plan based on conditions that would cause the land division to be denied (include reasons in the motion).**

Third Meeting: If applicant decides to pursue the land division, the applicant presents 14 copies of the Certified Survey Map or an electronic copy at least three weeks prior to the Plan Commission meeting with an “Application for Certified Survey Map”. → Plan Commission Secretary forwards CSM copies to Plan Commissioners, Zoning Administrator, the Village Engineer and Village Attorney (as necessary) for review.

◆Plan Commission consideration:

- 1) Applicant presents Certified Survey Map and explains any changes.
- 2) Review of zoning, engineering and legal analysis (determine any necessary changes based on this information).

Action: Plan Commission (within 30 days of filing the map) identifies any additional concerns that affect the Certified Survey Map. Indication should be given to the applicant, by motion, to:

- **Recommend approval of the Certified Survey Map to the Village Board (this can include some contingencies that the applicant change some features on the Certified Survey Map); or**
- **Recommend the Certified Survey Map be denied based on conditions that would cause the land division to be denied (include reasons in the motion).**

**Plan Commission Resolution No. 2019-1
Introduced by the Plan Commission**

**VILLAGE OF ROCHESTER PLAN COMMISSION RESOLUTION PROVIDING A
RECOMMENDATION ON THE AMENDMENT OF THE RACINE COUNTY
MULTI-JURISDICTIONAL COMPREHENSIVE PLAN FOR APPROXIMATELY 20.50 ACRES
OF LAND LOCATED AT 815 NORTH ENGLISH SETTLEMENT AVENUE,
ROCHESTER, WISCONSIN.**

WHEREAS, on June 17, 2009, the Village of Rochester adopted, as Ordinance No. 2009-3 a comprehensive plan (the “Plan”) pursuant to the provisions of 66.1001 of the Wisconsin Statutes, such Plan being formally titled “A Multi-Jurisdictional Comprehensive Plan for Racine County, Wisconsin: 2035”; and,

WHEREAS, Section 66.1001(4) of the Wisconsin Statutes allows the Plan to be amended from time to time, by the Village of Rochester under and pursuant to the provisions and procedures contained in such Section 66.1001(4); and,

WHEREAS, the Village of Rochester Plan Commission wishes to recommend to the Village of Rochester Board to so amend the Plan as expressly described below (the “Plan Amendment”); and,

WHEREAS, the Plan Amendment pertains to the real property (the “Real Property”) located in the Village of Rochester and which is more specifically described in attached Exhibit A, such Exhibit A being hereby incorporated herein by reference.

WHEREAS, the Village of Rochester Plan Commission hereby finds and determines that:

- a) The Plan Amendment is consistent with the goals, objectives, and policies of the Plan.
- b) The Plan Amendment will not lead to any detrimental environmental effects.
- c) The Plan Amendment is compatible with surrounding land uses.
- d) The Plan Amendment will not overburden existing local and County facilities and services and such facilities and services are adequate to serve the type of development associated with the Plan Amendment.
- e) The Plan Amendment will enhance economic development within the Village and County.
- f) The Plan Amendment is in substantial agreement with the recommendations of the regional land use plan.

NOW, THEREFORE, BE IT RESOLVED that the Village of Rochester Plan Commission hereby recommends to the Village of Rochester Board that the Real Property (described in attached Exhibit A) be changed from its current land use designation “Extractive” in the

Plan, to the new land use designation of "Agricultural Land" in the Plan, to allow for a four (4) lot residential development.

BE IT FURTHER RESOLVED that this resolution, having been adopted by a majority of all the members of the Village of Rochester Plan Commission as required by Sections 62.23(3)(b) and 66.1001(4)(b) of the Wisconsin Statutes, is hereby certified to the Village of Rochester Board for its consideration.

First Introduced: March 27, 2019

Adopted:

Patricia Gerber, Chairman
Village of Rochester Plan Commission

Attest:

Lynn Spleas, Secretary
Village of Rochester Plan Commission

EXHIBIT A

BEING A PART OF THE NORTHWEST $\frac{1}{4}$ AND THE SOUTHWEST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 13, TOWNSHIP 3 NORTH, RANGE 19 EAST OF THE FOURTH PRINCIPAL MERIDAN, IN THE VILLAGE OF ROCHESTER, RACINE COUNTY, WISCONSIN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMENNCE AT THE NORTHWEST CORNER OF SAID SECTION 13, THENCE NORTH $87^{\circ}52'58''$ EAST ALONG THE NORTH LINE OF SAID SECTION 189.26 FEET TO THE PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUE NORTH $87^{\circ}52'58''$ EAST ALONG SAID NORTH LINE 1125.15 FEET TO A POINT ON THE EAST LINE OF THE WEST $\frac{1}{2}$ OF SAID NORTHWEST $\frac{1}{4}$ SECTION; THENCE SOUTH $02^{\circ}01'56''$ EAST ALONG SAID EAST LINE 1099.87 FEET; THENCE SOUTH $78^{\circ}38'59''$ WEST 403.43 FEET TO A POINT IN THE NORTHEASTERLY LINE OF COUNTY TRUNK HIGHWAY J (A.K.A. NORTH ENGLISH SETTLEMENT AVENUE); THENCE NORTHWESTERLY 1372.84 FEET ALONG SAID NORTHEASTERLY LINE BEING THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 11318.60 FEET AND WHOSE LONG CHORD BEARS NORTH $34^{\circ}01'56''$ WEST 1372.00 FEET TO THE PLACE OF BEGINNING. CONTAINING 20.50 ACRES OF LAND MORE OR LESS.

Memorandum

To: Village of Rochester Planning Commission

From: Jonathan P. Schattner, Village Zoning Administrator

Re: Planning Commission Resolution # 2019-1, providing a recommendation for the amendment of the Racine County Multi-Jurisdictional Comprehensive Plan for approximately 20.50 acres of land located at 815 North English Settlement Avenue, Rochester, Wisconsin.

Date: March 21, 2019

Resolution 2019-1 is provided as a draft of the Plan Commission's formal recommendation to approve (or deny) the proposed Land Use Plan amendment for the subject property located at 815 North English Settlement Avenue. The resolution cannot be acted on until the April meeting.

As a part of recommending approval or denial of this resolution the Village Planning Commission needs to address in detail the following criteria:

- a) The Plan amendment is consistent with the goals, objectives, and policies of the Plan.

(Upon receiving approval from Racine County for the reclamation plan for the existing quarry site, the owner of the property is required to change the zoning and land use plan of the property to be consistent with the land uses and zoning with the adjacent properties and across the street.)

- b) The Plan Amendment will not lead to any environmental effects.

(Federal State, and local ordinances will protect this property from any environmental sensitive issues.)

- c) The Plan amendment is compatible with the surrounding land uses.

(Lands located at the north, south, east and west of the subject property currently have residential/agricultural development in place.)

- d) The Plan amendment will not overburden existing local and County facilities and services and such facilities and services are adequate to serve the type of development associated with the Plan Amendment.

The property owner has received on-site sanitary approval from Racine County to develop this property into four (4) lots and each lot will be served by on-site sanitary systems. The property owner also received approval from Racine County Public Works Department to have two share driveways along North English Settlement Avenue to serve these lots. Subject lots will not overburden existing local and county facilities and are adequate to provide services, such as police, fire and rescue services.

- e) The Plan amendment will enhance economic development with the Village and County.

(This will lay the groundwork for additional residential development within our community and enhance the tax base for both the Village and the County.)

- f) The Plan is in substantial agreement with the recommendations of the regional land use plan.

(The proposed plan will be in substantial agreement with the regional land use plan as it is intended to allow residential development to occur along North English Settlement Avenue).

ORDINANCE NO. 2019-1

AN ORDINANCE TO MAKE NUMEROUS AMENDMENTS TO THE VILLAGE OF ROCHESTER VILLAGE ZONING CODE, TO UPDATE THE CODE IN LIGHT OF NEW STATE LEGISLATION AND STATE AND FEDERAL CASE LAW

WHEREAS, the adoption of Wisconsin Statutes Section 62.23(7)(de) concerning conditional use authority effectively changes conditional uses from a privilege to a right, which necessitates changes throughout the Village of Rochester Zoning Code to preserve the intent; and

WHEREAS, the United States Supreme Court decision in *Reed v. Town of Gilbert*, (135 S. Ct. 2218, 2015) prohibits the regulation of signs in a manner that considers the content of the sign, which results in a need to revise the Village Code in its reference to such issues as construction signs and real estate signs and other signs that are defined and regulated differently based upon their content; and

WHEREAS, the Village Board has submitted this matter to the Village Plan Commission for report and recommendation and has received the recommendation of the Plan Commission; and

WHEREAS, a public hearing was conducted by the Village Board of the Village of Rochester on _____, 2019 as required by Section 35-220 F. of the Village Code upon due notice as required by the same, and by Section 35-240 of the Village Code and other applicable laws; and

WHEREAS, the Village Board for the Village of Rochester, Racine County, Wisconsin finds that the public necessity, convenience, general welfare and good zoning practice require the amendments to the Village Code described herein.

NOW, THEREFORE, the Village Board of the Village of Rochester, Racine County, Wisconsin, DOES HEREBY ORDAIN as follows:

SECTION 1: Chapter 35 of the Village of Rochester Zoning Code entitled "Planning and Zoning," Section 35-21 entitled, "Use Restrictions," Subsection M. is hereby created as follows:

- M. Semi-flexible canopy structures are permitted as permanent accessory structure in agricultural zoning districts and used for agricultural purposes; located on a parcel of land greater than 10 acres (excluding public or private road right-of-way) in size; and complies with the State of Wisconsin Uniform Dwelling Code and the Village of Rochester Building Code, and are otherwise prohibited.**

SECTION 2: Chapter 35 of the Village of Rochester Zoning Code entitled "Planning and Zoning," Section 35-22 entitled, "Principles and Standards for the Aesthetic Evaluation of Site and Building Projects," Subsection A. entitled, "Introduction and Intent," Subsection 2 is hereby repealed and re-created as follows:

2. Like inhabitants of most developing communities, Rochester officials and citizens have legitimate concerns about both the future character of the community and the integrity of existing (and even historic) development. One such concern is in

regard to land uses or the mix of land uses, both existing and planned. Another concern is the financial capability of development (developers) to provide the required and promised improvements and the financial capability of the community to provide the necessary and requested services. A third major concern, importantly, is in regard to the visual impact or image of the community by people living within or only traveling through the Village. The intent and purpose of this subsection is to provide principles and standards for use by both the potential developer and Village officials in the preparation and review of site and building plans proposed within the Village with emphasis on, and the primary objective of, heightening the visual character of the sites and buildings proposed and, thereby, the entire community. It is understood that such visual enhancement is also expected to be maintained over time, per section 35-22 D.3.e.(6) of this Code, and not be only an initial accomplishment to be forgotten.

SECTION 3: Chapter 35 of the Village of Rochester Zoning Code entitled “Planning and Zoning,” Section 35-41 entitled, “B-1 Central Business District,” Subsection A entitled, “Uses,” Subsection 1. entitled, “Permitted Principal Uses” is hereby repealed and re-created as follows:

1. Permitted Principal Uses:

~~Animal hospitals or veterinary clinics, provided that no service, including the boarding of animals, is offered outside of an enclosed building.~~

~~Antique or collector stores~~

Bakeries

Banks, Savings and Loan Associations, and other financial and lending institutions

Bars, taverns and cocktail lounges

Beauty & Barber shops

~~Camera and photographic supply stores~~

Caterers

Clinics, medical or dental

Clothing and clothing repair or alteration stores

Clubs, fraternities and meeting halls (private)

~~Confectioneries~~

~~Drugstores~~

Dry cleaners with no on-site cleaning facilities

Florists

~~Grocery stores~~

~~Hardware stores~~

~~Heating supply stores~~

~~Hobby and craft shops~~

~~Jewelry stores~~

Liquor stores, packaged beverage stores

~~Meat markets~~

Monument sales

Movie rental stores

Museums, historical societies

Newspaper offices and press rooms

~~Office supply stores~~

Photographic studios and supplies

~~Plumbing supply stores~~

Professional offices, business offices

Public utility offices

Public parking lots and structures

~~Radio and television stores~~

Restaurants (sit-down, without drive-through service)

~~Retail sales of perishable & non-perishable goods~~

~~Retail Stores~~

School of dance

Self-service laundromats, including pick-up laundry

~~Soda fountains, ice cream stores~~

Tanning salons

Tobacco stores

Trade and contractor offices

~~Trade and Variety stores~~

Other uses similar to or customarily incidental to the uses listed above

Note: All drive-in facilities require Conditional Use Permits

Note: All developments within 50 feet of any existing or mapped state trunk highway or county trunk highway and/or within 150 feet of an existing or mapped centerline of intersection with any other road require Conditional Use Permits

SECTION 4: Chapter 35 of the Village of Rochester Zoning Code entitled "Planning and Zoning," Section 35-41 entitled, "B-1 Central Business District," Subsection A entitled, "Uses," Subsection 3. entitled, "Conditional Uses" is hereby repealed and re-created as follows:

3. Conditional Uses. See s. 35-100

Uses set forth in s. 35-100E, provided that no truck with more than six wheels may be parked on the property, unless the vehicle is entirely inside of a building, for more than two hours, unless otherwise allowed by the Plan Commission.

~~Funeral homes, provided all principal structures and uses are not less than 25 feet from any lot line~~

Light manufacturing, of a limited nature and size, that is found by the Plan Commission not to be detrimental to the neighborhood and will not emit noise, smoke, dust, dirt, odorous or noxious gases, provided that a product produced on-site is also sold at retail on-site, including, but not limited to, small wineries, hard cider manufacturers, brew pubs, specialty candy manufacturers, etc. The manufacturer may provide additional activities in the building (if properly licensed) such as conferences and workshops related to the manufactured goods, tastings, pairings, etc. Cheese manufacturing is not permitted under this category. The use shall be contained entirely within the building and there shall be no outside storage. The applicant shall provide the methods to be used to address noise and air quality in the application for the CUP.

SECTION 5: Chapter 35 of the Village of Rochester Zoning Code entitled “Planning and Zoning,” Section 35-42 entitled, “B-2 Limited Business District,” Subsection A entitled, “Uses,” Subsection 2. entitled, “Permitted Principal Uses” is hereby repealed and re-created as follows:

2. Permitted Principal Uses: (See Section 35-230 for review requirements).

~~All Permitted Principal Uses in the B-1 Central Business District, except as limited below~~

Electric, heating, & plumbing supply stores

Furniture and upholstery repair

~~Crockery stores~~

~~Electric Supply stores~~

~~Food Lockers~~

~~Hotels, motels, bed & breakfast & lodges~~

Laundry and dry cleaning establishments employing not over seven employees

~~Night clubs~~

Paint, glass and wallpaper stores

~~Pawn shops~~

Personal service establishments

Pet shops

~~Places of entertainment~~

Printing shops

~~Private clubs~~

~~Publishing~~

~~Professional offices/businesses~~

Radio and television broadcasting studios

Second-hand stores

Sign stores

~~Tattoo parlors~~

~~Trade & contractors offices~~

Other uses similar to or customarily incidental to the uses listed above

Note: All drive-in facilities require Conditional Use Permits

Note: All developments within 50 feet of any existing or mapped state trunk highway or county trunk highway and/or within 150 feet of an existing or mapped centerline of intersection with any other road require Conditional Use Permits

SECTION 6: Chapter 35 of the Village of Rochester Zoning Code entitled “Planning and Zoning,” Section 35-42 entitled, “B-2 Limited Business District,” Subsection A entitled, “Uses,” Subsection 4. entitled, “Conditional Uses” is hereby repealed and re-created as follows:

4. Conditional Uses. See s. 35-100

~~Animal hospital or veterinary clinic, provided that no service, including the boarding of animals, is offered outside of an enclosed building.~~

Child care centers, provided that any outside play area is surrounded by a security fence not exceeding a height of six feet and set back at least five feet from any street right-of-way line with landscaping provided between the fence

and the street right-of-way line; that no play area shall consist of entirely a hard surface.

~~Funeral homes, provided that all principal structures and uses are not less than 25 feet from any lot line~~

Hobby use, as that term is defined by the Internal Revenue Service, provided that sales made from the site shall be limited to those occasional sales as allowed during the conditional use permitting process.

Light manufacturing, of a limited nature and size, that is found by the Plan Commission not to be detrimental to the neighborhood and will not emit noise, smoke, dust, dirt, odorous or noxious gases, including, but not limited to, small wineries, hard cider manufacturers, brew pubs, specialty candy manufacturers, etc. The manufacturer may provide additional activities in the building (if properly licensed) such as conferences and workshops related to the manufactured goods, tastings, pairings, etc. Cheese manufacturing is not permitted under this category. The use shall be contained entirely within the building and there shall be no outside storage. The applicant shall provide the methods to be used to address noise and air quality in the application for the CUP.

Storage / Warehouse, provided that storage of hazardous materials, including but not limited to explosive, flammable or combustible solid, liquid or gas, radioactive material, etiological (disease causing) agents, or any solid, liquid or gas creating a hazard, potential hazard, or public nuisance or any solid, liquid or gas having a deleterious effect on the environment shall not be allowed. Provided further that no truck with more than six wheels may be parked on the property, unless the vehicle is entirely inside of a building, for more than two hours.

Vehicle Sales, Service and /or Repair Structures, provided that no truck with more than six wheels may be parked on the property, unless the vehicle is entirely inside of a building, for more than two hours.

Other conditional uses as set forth in Section 35-100E, provided that no truck with more than six wheels may be parked on the property, unless the vehicle is entirely inside of a building, for more than two hours.

SECTION 7: Chapter 35 of the Village of Rochester Zoning Code entitled "Planning and Zoning," Section 35-43 entitled, "B-3 General Business District," Subsection A entitled, "Uses," Subsection 2. entitled, "Permitted Principal Uses" is hereby repealed and re-created as follows:

2. Permitted Principal Uses:

Those Permitted Uses set forth under s. 35-41 for the **B-1 Central Business District** & B-2 Limited Business District, except as limited below

Auction Galleries

Bicycle Sales and Service

~~Building Materials and Product sales~~

Electronic Repair

Employment Agencies

Fast Food Restaurants

Exterminating Shops
Garden sales
~~General Merchandising~~
Hotels, Motels, bed & breakfast, lodges
Monument Sales
Medical Appliance Stores
Night clubs
Pawn Shops
Physical Culture and Health studios
~~Radio and Television Recording studios~~
Places of entertainment
Private Clubs
Restaurants (sit down, no drive through service)
Tattoo Parlors
Trade and Contractors offices
Transportation Terminals, not including Trucking
Vending Machine Sales, Service and Repair
Welding Repair Shops
Wholesale Establishments

Note: All drive-in facilities require Conditional Use Permits

Note: All developments within 50 feet of any existing or mapped state trunk highway or county trunk highway and/or within 150 feet of an existing or mapped centerline of intersection with any other road require Conditional Use Permits

SECTION 8: Chapter 35 of the Village of Rochester Zoning Code entitled "Planning and Zoning," Section 35-43 entitled, "B-3 General Business District," Subsection A entitled, "Uses," Subsection 4. entitled, "Conditional Uses" is hereby repealed and re-created as follows:

4. Conditional Uses. See s. 35-100.

~~Animal hospital or veterinary clinic provided that no service, including the boarding of animals, is offered outside of an enclosed building.~~

Child care centers, provided that any outside play area is surrounded by a security fence not exceeding a height of six feet and set back at least five feet from any street right-of-way line with landscaping provided between the fence and the street right-of-way line; and that no play area shall consist of entirely a hard surface.

Drive-in establishments serving food or beverages for consumption outside the structure

~~Experimental, testing and research laboratories.~~

Flea markets

Funeral homes, provided that all principal structures and uses are not less than 25 feet from any lot line

General warehousing.

Hobby Use, as that term is defined by the Internal Revenue Service, provided that sales made from the site shall be limited to those occasional sales as allowed during the conditional use permitting process.

Landscaping contractor's offices and yards

Light manufacturing, of a limited nature and size, that is found by the Plan Commission not to be detrimental to the neighborhood and will not emit noise, smoke, dust, dirt, odorous or noxious gases, including, but not limited to, small wineries, hard cider manufacturers, brew pubs, specialty candy manufacturers, etc. The manufacturer may provide additional activities in the building (if properly licensed) such as conferences and workshops related to the manufactured goods, tastings, pairings, etc. Cheese manufacturing is not permitted under this category. The use shall be contained entirely within the building and there shall be no outside storage. The applicant shall provide the methods to be used to address noise and air quality in the application for the CUP.

Lumber and building supply yards.

Printing and publishing houses and related activities.

Self-service storage facilities including incidental manager's office/quarters along county trunk highways and other similar major arterials. The maximum lot coverage by structures for a self-service storage facility, shall not exceed 50 percent, and such facility shall not exceed 15 feet in height, and shall meet the required setbacks

Off season boat storage facilities for boats and other recreational vehicles, such as campers, travel trailers, snowmobiles, off-road vehicles and motor homes, however, this is allowed only as an accessory use to an approved self-service storage facility

Service and sales establishments for automobiles, including body repair shops and used car lots but not including the storage of junked or wrecked automobiles and/or parts.

Storage / Warehouse, provided that storage of hazardous materials, including but not limited to explosive, flammable or combustible solid, liquid or gas, radioactive material, etiological (disease causing) agents, or any solid, liquid or gas creating a hazard, potential hazard, or public nuisance, or any solid, liquid or gas having a deleterious effect on the environment shall not be allowed.

SECTION 9: Chapter 35 of the Village of Rochester Zoning Code entitled "Planning and Zoning," Section 35-44 entitled, "B-4 Highway Business District," Subsection A entitled, "Uses," Subsection 4. entitled, "Conditional Uses" is hereby repealed and re-created as follows:

4. Conditional Uses. See s. 35-100

Child care centers, provided that any outside play area is surrounded by a security fence not exceeding a height of six feet and set back at least five feet

from any street right-of-way line with landscaping provided between the fence and the street right-of-way line; and that no play area shall consist of entirely a hard surface.

~~Experimental, testing and research laboratories.~~

~~Funeral homes, provided all principal structures and uses are not less than 25 feet from any lot line~~

General warehousing.

Hobby Use, as that term is defined by the Internal Revenue Service, provided that sales made from the site shall be limited to those occasional sales as allowed during the conditional use permitting process.

Light manufacturing, of a limited nature and size, that is found by the Plan Commission not to be detrimental to the neighborhood and will not emit noise, smoke, dust, dirt, odorous or noxious gases.

Printing and publishing houses and related activities.

Storage / Warehouse, provided that storage of hazardous materials, including but not limited to explosive, flammable or combustible solid, liquid or gas, radioactive material, etiological (disease causing) agents, or any solid, liquid or gas creating a hazard, potential hazard, or public nuisance, or any solid, liquid or gas having a deleterious effect on the environment shall not be allowed.

Truck and Bus Terminals for the parking, repair and service of the vehicles, provided no trans-shipment or warehousing facilities are provided

SECTION 10: Chapter 35 of the Village of Rochester Zoning Code entitled "Planning and Zoning," Section 35-45 entitled, "B-5 Mixed Use Business District," Subsection A entitled, "Uses," Subsection 6. entitled, "Conditional Uses" is hereby repealed and re-created as follows:

6. Conditional Uses. See s. 35-100.

Uses as set forth in s. 35-100E.

The conditional uses set forth in s. 35-44, B-4 Highway Business District

Animal Hospitals provided the lot area is not less than three acres, and all principal structures and uses are not less than 100 feet from any residential district

~~Drive-in theaters provided that a planting screen at least 25 feet wide is created along any side abutting a residential district and no access is permitted within 1,000 feet of any arterial street~~

Drive-in establishments serving food or beverages for consumption outside the structure

Flea markets

Funeral homes, provided all principal structures and uses are not less than 25 feet from any lot line

Motels

Self-service storage facilities including incidental manager's office/quarters. The maximum lot coverage by structures for a self-service storage facility, shall not exceed 50 percent, and such facility shall not exceed 15 feet in height, and shall meet the required setbacks

Off season boat storage facilities for boats and other recreational vehicles, such as campers, travel trailers, snowmobiles, off-road vehicles and motor homes, however, this is allowed only as an accessory use to an approved self-service storage facility

SECTION 11: Chapter 35 of the Village of Rochester Zoning Code entitled "Planning and Zoning," Section 35-51 entitled, "M-1 Limited Industrial District," Subsection A entitled, "Uses," Subsection 1. entitled, "Permitted Principal Uses" is hereby repealed and re-created as follows:

1. Permitted Principal Uses

Apparel and findings products
Baked goods, bakeries (wholesale)
Blank Books, loose leaf binders and devices
Books: publishing, printing, and binding
Boot and shoe cut stock
Brooms and brushes
Dental equipment and supplies
Electrotyping and **stero-typing**
Electrical appliances manufacturing,
Engineering, laboratory and scientific and research instruments and associated equipment
Envelopes **and** Greeting **Cards**
Mechanical measuring and controlling instruments
Morticians' goods
Musical instruments and parts
Ophthalmic goods
Optical instruments and lenses
Orthopedic, prosthetic, and surgical appliances and supplies
Pens, pencils and other office and artist materials
Photoengraving instruments and apparatus
Photographic equipment and supplies
Pleating, decorative and novelty stitching and tucking for the trade
Signs and advertising displays
Surgical and medical instruments and apparatus
Watches, clocks, clockwork-operated devices and parts
Yarns and threads
Other uses similar to or customary incidental to any such use

All drive-in facilities require Conditional Use Permits

All developments within 50 feet of any existing or mapped state trunk highway or county trunk highway and/or within 150 feet of an existing or mapped centerline of intersection with any other road require Conditional Use Permits

SECTION 12: Chapter 35 of the Village of Rochester Zoning Code entitled "Planning and Zoning," Section 35-52 entitled, "M-2 General Industrial District," Subsection A, Subsection 1. entitled, "Permitted Principal Uses" is hereby repealed and re-created as follows:

1. Permitted Principal Uses:

All Permitted Principal Uses in the M-1 Limited Industrial District (See s. 35-51)

Manufacturing, fabrication, packing, packaging, and assembly of products from fur, glass, leather, metals, paper, plaster, plastic, textiles and wood

Manufacturing, fabrication, packing, packaging, and assembly of candy and confections products; canvas products; ~~ereals~~ food products; cosmetics; curtains and draperies; dress and work gloves; distributors; fabrics; felt goods; ~~flavor extracts and syrups~~; floor coverings (limited to rugs and carpeting); food processing, except cabbage; ~~flavor extracts and flavor syrups; floor coverings~~; footwear; ~~fresh and frozen fruits, fruit juices, and vegetables~~; greenhouses (wholesale); handbags and other personal leathers; hats, caps, and millinery; household furniture and furnishings; ice; ~~ice cream and frozen desserts~~; knit goods; leather fabrication, not including tanning; instruments; electrical appliances; electronic devices; ~~foods~~; men, woman and youth clothing; lace goods; lamp shades; luggage; laboratories; ~~macaroni, spaghetti, vermicelli and noodles~~; office furniture; paper coating and glazing; partitions, shelving, lockers and office and store fixtures; instruments; jewelry; pharmaceuticals; sanitary paper products; silverware and plated ware; tire cord and fabric; toys; tobacco and toiletries; umbrellas; venetian blinds and shades; wallpaper products; warehousing; waterproof garments; and yarns and threads

Manufacturing and bottling of nonalcoholic beverages.

Painting

Printing, publishing binding of books, periodicals, and newspapers

Contractors offices and warehouses

Machine shops

Millwork

Light metal fabrication and die casting

All drive-in facilities require Conditional Use Permits

All developments within 50 feet of any existing or mapped state trunk highway or county trunk highway and/or within 150 feet of an existing or mapped centerline of intersection with any other road require Conditional Use Permits

SECTION 13: Chapter 35 of the Village of Rochester Zoning Code entitled “Planning and Zoning,” Section 35-53 entitled, “M-3 Heavy Industrial District,” Subsection A entitled, “Uses,” Subsection 1. entitled, “Permitted Principal Uses” is hereby repealed and re-created as follows:

1. Permitted Principal Uses.

All permitted principal uses in the M-1 and M-2 Districts (see ss. 35-51 and 35-52)

Manufacturing and processing of abrasives, bedding, candles, carpeting, celluloid, ~~cereals~~, coffee, cordage, ~~dextrin, felt~~, glucose, ~~foods products~~, hair products, ice, ink, ~~lime, lime products~~, linoleum, cloth, ~~peas~~, perfume, ~~pickles~~, plaster of paris, rope, shoddy, starch, and textiles

Manufacturing, processing, and storage of building materials, dry ice, flues, and grains,

Manufacturing and bottling of alcoholic beverages; bag cleaning, cold storage warehouses; electric and steam generating plants; lithographing; and weaving provided such uses shall be at least 600 feet from residential and public and semi-public uses.

Outside storage and manufacturing areas

Inside storage warehouses

Farm machinery sales and repair

Vehicle upholstery, body and repair

All drive-in facilities require Conditional Use Permits

All developments within 50 feet of any existing or mapped state trunk highway or county trunk highway and/or within 150 feet of an existing or mapped centerline of intersection with any other road require Conditional Use Permits

SECTION 14: Chapter 35 of the Village of Rochester Zoning Code entitled “Planning and Zoning,” Section 35-53 entitled, “M-3 Heavy Industrial District,” Subsection A entitled, “Uses,” Subsection 3. entitled, “Conditional Uses” is hereby repealed and re-created as follows:

3. Conditional Uses:

Manufacturing and processing of acetylene, acid, alkalies, ammonia, asbestos, asphalt, batteries, bleach, bone, cabbage, cement, charcoal, chemicals, chlorine, coal tar, coke, creosote, disinfectant, dye, excelsior, farm machinery, ~~felt, fish & fish products~~, fuel, ~~gelatin~~, gypsum, insecticide, lampblack, matches, ~~meat and~~

~~meat products~~, oil, paint, plastics, poison, polish, potash, pulp, pyroxylin, radium, rubber, ~~sausage~~, stove polish, and varnish

Manufacturing, processing, and storage of explosives, fat, fertilizer, flammables, gasoline, grease, lard, plastics, radioactive materials, shellac, soap, turpentine, ~~vinegar and yeast~~

Canneries, electroplating, enameling; forges, foundries, garbage incinerators, lacquering, processing of offal, rubbish or animal reduction, oil, coal, and bone distillation, refineries, road test facilities, slaughterhouses, smelting, stockyards and tanneries provided such uses shall be at least 600 feet from residential and public and semi-public uses.

Freight Yards

Freight Terminals and trans-shipment depots

Breweries

Crematories

Food lockers and plants

~~Rice mills~~

All drive-in facilities require Conditional Use Permits

All developments within 50 feet of any existing or mapped state trunk highway or county trunk highway and/or within 150 feet of an existing or mapped centerline of intersection with any other road require Conditional Use Permits

All conditional uses in the M-1 and M-2 Districts, unless made a permitted use herein

Animal hospitals provided the lot area is not less than three acres, and all principal structures and uses are not less than 100 feet from any residential district

Solid waste facilities as defined in Wis. Stat. s. 289.01(35), including facilities for solid waste treatment, solid waste storage or solid waste disposal, sanitary landfills, dumps, land disposal sites, incinerators, transfer stations, storage facilities, collection and transportation services and processing, treatment and recovery facilities, including the land where the facility is located, when operated pursuant to a license issued by the State and in accordance with applicable statutes and administrative codes, and provided no chemicals or hazardous materials are collected, stored, or processed. When the provisions of this Chapter conflict with state or federal law, the state or federal law prevails.

Facilities for the processing of scrap iron, steel or nonferrous metal using large machines to produce a principal product of scrap metal for sale or use for remelting purposes, provided that these uses shall be completely surrounded by

a solid fence or evergreen planting screen, preventing a view from any other property or public right-of-way and shall be at least 600 feet from any residential, business, agricultural, conservation, park, floodway, shoreland-wetland, or shoreland district.

Recycling facilities which use large machines to sort, grade, compact or bale clean wastepaper, fibers or plastics, not mixed with other solid waste, for sale or use for recycling purposes, provided no chemicals or hazardous materials are collected, stored, or processed and all storage and processing and operations are conducted in an enclosed building.

Auto junk yards and scrap metal salvage yards, provided that these uses shall be completely surrounded by a solid fence or evergreen planting screen, preventing a view from any other property or public right-of-way and shall be at least 600 feet from any residential, business, agricultural, conservation, park, floodway, shoreland-wetland, or shoreland district. Wis. Stat. s. 175.25 shall apply to these uses.

Off-season storage facilities for boats and other recreational vehicles, such as campers, travel trailers, snowmobiles, off-road vehicles and motor homes

Fueling stations and restaurants oriented toward industrial district users

Glass manufacturing

Recycling drop-off sites

Self-service storage facilities including incidental manager's office/quarters. The maximum lot coverage by structures for a self-service storage facility shall not exceed 50 percent, and such facility shall not exceed 15 feet in height, and shall meet the required setbacks

PODS, garages & temporary portable storage containers

See also Section 35-100, Conditional Uses and Section 35-230, Plan Commission Approval.

SECTION 15: Chapter 35 of the Village of Rochester Zoning Code entitled "Planning and Zoning," Section 35-100 entitled, "Conditional Uses," Subsection B entitled, "Applications" is hereby repealed and re-created as follows:

B. Applications.

Applications for conditional use permits shall be made to the Zoning Administrator and shall include the following:

- ~~1. A site plan of the property accurately dimensioned showing the location of all existing and proposed structures and use area.~~
- ~~2. Name of project.~~
- ~~3. Owner's and/or developer's name and address.~~

- ~~4. Architect and/or engineer's name and address.~~
- ~~5. Date of plan submittal.~~
- ~~6. Existing topography shown at a contour interval not less than two feet, or where not readily available elevations at appropriate locations.~~
- ~~7. Proposed changes in topography.~~
- ~~8. The characteristics of soils related to contemplated uses.~~
- ~~9. The type, size, location and dimensions of all structures including fences and walls.~~
- ~~10. Location and number of parking stalls and loading and storage areas.~~
- ~~11. Primary building materials used in construction of all structures.~~
- ~~12. Height of building(s).~~
- ~~13. Location and size of existing and proposed sanitary sewers, septic tanks and disposal fields, holding tanks, storm sewers and water mains.~~
- ~~14. Location of proposed solid waste (refuse) and recycling storage areas.~~
- ~~15. Location of pedestrian sidewalks and walkways.~~
- ~~16. Existing and proposed public right-of-way widths.~~
- ~~17. Location, type, height and intensity of proposed lighting.~~
- ~~18. Location of existing trees and extent, and type of proposed plantings including type and extent of erosion control.~~
- ~~19. A graphic delineation of any planned development staging.~~
- ~~20. Architectural plans, elevations, and perspective drawings and sketches illustrating the design and character of proposed structures.~~
- ~~21. Any other site or use information, such as 100-year internal flood lines, which will assist the Plan Commission in making a determination and recommendation on the proposal. Conditional uses in the floodplain districts are required to submit the plans required as set forth in Chapter 37.~~
- ~~22. Operations plan data to be submitted with all plan review applications shall include at least the following:
 - ~~a. Specific use of site and building(s).~~
 - ~~b. Hours of operations.~~
 - ~~c. Number of full and part time employees.~~~~

- ~~d. Estimate of daily truck and auto trips to the site.~~
- ~~e. Type of materials and equipment to be stored on site.~~
- ~~f. Method of handling solid and liquid waste disposal.~~
- ~~g. Method of exterior maintenance (site and buildings).~~
- ~~h. Method of site and building security other than local police.~~
- ~~i. Copies of all special use permits issued by state or county agencies.~~
- ~~j. Any other information which will assist the Plan Commission in making a determination and recommendation of the proposal.~~

1. A site plan of the property accurately dimensioned showing the location of all existing and proposed structures and use area showing conformance with 35-22 B. "Site Planning and Design Principles"; s. 35-22 C. "Building, Design, Layout and Construction Principles"; and 35-22 D. "Site Planning and Design Standards"
2. Name of project.
3. Owner's and/or developer's name, physical address, and email address.
4. Architect and/or engineer's name, physical address, and email address.
5. Date of plan submittal.
6. Existing topography shown at a contour interval not less than two feet, or where not readily available elevations at appropriate locations.
7. Proposed changes in topography showing conformance with Ch. 32 Post Construction Stormwater Management and Ponds; and Ch. 35-22 D. "Site Planning and Design Principles", subsections 2. and 3. "Open Space Requirements" and "Site Landscaping"
8. The characteristics of soils related to contemplated uses.
9. The type, size, location, height, and dimensions of all structures including fences and walls showing conformance with all provisions of the underlying zoning district, such as lot width and area, setbacks, yards, building heights, etc.; Ch. 35, s. 35-190 "Architectural Control"; 35-22 B. "Site Planning and Design Principles"; s. 35-22 C. "Building, Design, Layout and Construction Principles"; and 35-22 D. "Site Planning and Design Standards", subsections 2. and 3. "Open Space Requirements" and "Site Landscaping".
10. Primary building materials used in construction of all structures showing conformance with Ch. 35, s. 35-190 "Architectural Control" and s. 35-22 "Principles and Standards for the Aesthetic Evaluation of Site and Building Projects", subsection C. "Building, Design, Layout and Construction Principles"

11. Architectural plans, elevations, and perspective drawings and sketches illustrating the design and character of proposed structures.
12. Location and number of parking stalls and loading and storage areas showing conformance with Ch. 35, s. 35-160 "Traffic, Parking & Access"; s. 35-161 "Parking Requirements"; s. 35-162 "Driveways"; and s. 35-22 "Principles and Standards for the Aesthetic Evaluation of Site and Building Projects", subsection D. "Site Planning and Design Standards", subsection 4. "Parking area requirements"
13. Location and size of existing and proposed sanitary sewers, septic tanks and disposal fields, holding tanks, storm sewers and water mains showing conformance with Ch. 10 "Public and Private Sewer Systems"; Ch. 32 "Chapter 32 Post Construction Stormwater Management and Ponds"; and Ch. 35-15 "Site Restrictions" subsection F. regulating private well construction.
14. Location of proposed solid waste (refuse) and recycling storage areas showing conformance with Ch. 35, s. 35-22 D. "Site Planning and Design Standards", subsection 9. "Location and Design of Loading Facilities and Waste Storage"
15. Location of pedestrian sidewalks and walkways showing conformance with Ch. 35, s. 35-22 D. "Site Planning and Design Standards", subsection 6. "Pedestrian Flows"
16. Existing and proposed public right-of-way widths for conformance with Ch. 35, s. 35-160 "Traffic, Parking & Access"; and Ch. 30, s. 30-82 "Street Plans, Improvements and Standards".
17. Location, type, height and intensity of proposed lighting showing conformance with Ch. 35, s. 35-22 D. "Site Planning and Design Standards", subsection 7. "Outdoor Lighting"
18. Location of existing trees and extent, and type of proposed plantings including type and extent of erosion control showing conformance with Ch. 32 "Chapter 32 Post Construction Stormwater Management and Ponds"; and 35-22 D. "Site Planning and Design Principles", subsections 2. and 3. "Open Space Requirements" and "Site Landscaping"
19. A graphic delineation of any planned development staging.
20. Any other site or use information, such as 100 year internal flood lines, which will assist the Plan Commission in making a determination and recommendation on the proposal. Conditional uses in the shoreland-wetland and floodplain districts are required to submit plans showing conformance with Ch. 36, "Shoreland-Wetland and Shoreland Zoning Districts" and Ch. 37, "Floodplain Zoning"
21. Operations plan data to be submitted with all plan review applications shall include at least the following:

- a. Specific use of site and building(s).
- b. Hours of operations.
- c. Number of full and part time employees.
- d. Estimate of daily truck and auto trips to the site.
- e. Type of materials and equipment to be stored on site.
- f. Method of handling solid and liquid waste disposal.
- g. Method of exterior maintenance (site and buildings).
- h. Method of site and building security other than local police.
- i. Copies of all special use permits issued by state or county agencies.
- j. Any other information which will assist the Plan Commission in making a determination and recommendation of the proposal.

SECTION 16: Chapter 35 of the Village of Rochester Zoning Code entitled “Planning and Zoning,” Section 35-100 entitled, “Conditional Uses,” Subsection C entitled, “Review and Approval,” Subsection 1 is hereby repealed and re-created as follows:

1. ~~The Village Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring land and water uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, waste disposal, water supply systems, and the effect of the proposed use, structure, operation, and improvement upon flood damage protection, water quality, shoreland cover, natural beauty, and wildlife habitat. The Village Plan Commission shall review, and conditions may be required, based on the intentions stated in Ch. 35, s.35-3 “Intent”, Ch. 35 s. 35-22 “Principles and Standards for the Aesthetic Evaluation of Site and Building Projects; and these additional criteria:~~

a. all provisions of the underlying zoning district, such as lot width and area, yards, building heights;

b. site and neighboring land and water uses for conformance with Ch. 35, s. 35-15 “Site Restrictions” and Ch. 35, s. 35-22 “Principles and Standards for the Aesthetic Evaluation of Site and Building Projects, subsections B. and D. “Site Planning and Design Principles”; and “Site Planning and Design Standards”;

c. drainage and groundcover requirements for conformance with Ch. 32 “Chapter 32 Post Construction Stormwater Management and Ponds”; and 35-22 D. “Site Planning and Design Principles”, subsections 2. and 3. “Open Space Requirements” and “Site Landscaping”;

- d. existing and proposed structures and architectural plans for conformance with Ch. 35, s. 35-190 “Architectural Control”, s. 35-22 C. “Building, Design, Layout and Construction Principles”, and s. 35-22 D. “Site Planning and Design Standards”;
- e. parking areas, driveway locations, highway access, traffic generation and circulation for conformance with Ch. 35, s. 35-160 “Traffic, Parking & Access”; s. 35-161 “Parking Requirements”; s. 35-162 “Driveways”; and s. 35-22 D.4. “Parking area requirements”.
- f. solid and liquid waste disposal plans for conformance with Ch. 10 “Public and Private Sewer Systems”;
- g. private water supply systems for conformance with Ch. 35-15 “Site Restrictions” subsection F. regulating private well construction.
- h. waste storage area plans for conformance with Ch. 35, s. 35-22 D. 9. “Location and Design of Loading Facilities and Waste Storage”.
- i. the effect of the proposed use, structure, operation, and improvement upon flood damage protection, water quality, shoreland cover, natural beauty, and wildlife habitat for conformance with Ch. 36 “Shoreland-Wetland and Shoreland Zoning Districts” and Chapter 37, “Floodplain Zoning”;
- j. lighting plans for conformance with Ch. 35, s. 35-22 D.7. “Outdoor Lighting”.
- k. pedestrian sidewalks and walkway plans for conformance with Ch. 35, s. 35-22 D.6. “Pedestrian Flows”.
- l. landscaping plans for conformance with and Ch. 35, s. 35-22 D.3. “Site Landscaping”.
- m. signage plans for conformance with Ch. 35, sections 35-170 through 35-178 regulating the types, size and placement of signs within the village.
- n. operations plan data for conformance with Ch. 35, s. 35-250 “Performance Standards” and
- o. all other applicable village, county, or state regulations specific to the proposed use.

SECTION 17: Chapter 35 of the Village of Rochester Zoning Code entitled “Planning and Zoning,” Section 35-100 entitled, “Conditional Uses,” Subsection C entitled, “Review and Approval,” Subsection 3.a. is hereby repealed and re-created as follows:

- a. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the Code or those imposed by the Plan Commission ~~or the Village Board~~, the Village shall grant the conditional use permit. Any condition imposed must be related to the purpose of the Code and be based on substantial evidence.

SECTION 18: Chapter 35 of the Village of Rochester Zoning Code entitled “Planning and Zoning,” Section 35-100 entitled, “Conditional Uses,” Subsection C entitled, “Review and Approval,” Subsection 3.c. is hereby repealed and re-created as follows:

- c. Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the Village may impose conditions such as the permit’s duration, transfer, or renewal, in addition to any other conditions specified in the Code or by the Plan Commission ~~or Village Board~~.

SECTION 19: Chapter 35 of the Village of Rochester Zoning Code entitled “Planning and Zoning,” Section 35-100 entitled, “Conditional Uses,” Subsection E entitled, “Commercial Conditional Uses,” is hereby repealed and re-created as follows:

The following commercial uses shall be conditional uses and may be permitted as specified:

- E. The following commercial uses shall be conditional uses and may be permitted as specified:

All drive-in facilities require Conditional Use Permits

All developments within 50 feet of any existing or mapped state trunk highway or county trunk highway and/or within 150 feet of an existing or mapped centerline of intersection with any other road require Conditional Use Permits

Any development involving multiple, principal use buildings or multiple tenants in a single commercial building or any single commercial building 2,500 gross square feet or larger

Drive-in banks in all business districts.

Motor vehicle sales and service repair, upholstery repair, body shops, trailer sales, rentals, and service, and tractor and other farm implement sales and service, including vehicle washing facilities, and public parking lots in all Business Districts, but not including the storage of junked or wrecked automobiles and/or parts, provided all parking of vehicles (including vehicles with more than six wheels) is specifically addressed in the permitting process. Gas pumps shall not be located closer than 30 feet from a side lot line or a rear lot line, and not closer than 25 feet from an existing or proposed street line

Residential quarters for the owner, proprietor, commercial tenant or rental apartments on a non- ground floor level shall be deemed a conditional use and shall be subject to Village Plan Commission approval of building, site and operational plans.

Commercial recreational facilities, such as bowling alleys, gymnasiums, lodges, miniature golf, pool and billiard halls, indoor skating rinks, and indoor theaters are conditional uses and may be permitted in all Business Districts.

Motor vehicle sales and service repair, upholstery repair, body shops, trailer sales, rentals, and service, and tractor and other farm implement sales and

service, including vehicle washing facilities, and, but not including the storage of junked or wrecked automobiles and/or parts in the B-3, B-4 & B-5 business districts, provided all parking of vehicles (including vehicles with more than six wheels) is specifically addressed in the permitting process. Gas pumps shall not be located closer than 30 feet from a side lot line or a rear lot line, and not closer than 25 feet from an existing or proposed street line.

Public parking lots in all Business Districts.

SECTION 20: Chapter 35 of the Village of Rochester Zoning Code entitled “Planning and Zoning,” Section 35-100 entitled, “Conditional Uses,” Subsection F entitled, “Industrial/ Manufacturing Uses,” Subsection 3 entitled, “Special Conditional Use Provisions for Quarrying Operations,” the introductory language only, preceding Subsection a is hereby repealed and re-created as follows:

3. Special Conditional Use Provisions for Quarrying Operations.

Quarrying operations, including mineral extraction, washing, crushing or other processing, are conditional uses permitted in the M-4 Quarrying District. No person or other entity shall operate a quarry, gravel pit, sand pit, asphalt or tar paving mix plant or a concrete ready mix plant within the Village without first obtaining conditional use permit approval from the Plan Commission ~~and Village Board~~ as hereinafter provided.

SECTION 21: Chapter 35 of the Village of Rochester Zoning Code entitled “Planning and Zoning,” Section 35-100 entitled, “Conditional Uses,” Subsection F entitled, “Industrial/ Manufacturing Uses,” Subsection 3 entitled, “Special Conditional Use Provisions for Quarrying Operations,” Subsection d, entitled, “Review and Hearing,” Subsection (2) is hereby repealed and re-created as follows:

- (2) A public hearing shall be held by the Village Plan Commission at its regular meeting place and a notice of said meeting shall be sent by regular mail to the applicant and all persons owning property lying within 500 feet of the site designated in the application. In addition, the Village Clerk shall post a notice of such meeting and a Class 2 notice shall be published, the last insertion to be at least 10 days before the date of said public hearing. At such hearing, the Village Plan Commission shall hear all persons interested in granting or denying said permit and may, if it deems fit, take testimony relative to the applications.

Where the permit applied for relates to the continuation of an existing business that previously held a conditional use permit, ~~the Village Board~~ Plan Commission shall have the option to require a public hearing, but in the absence of such requirement, no public hearing shall be held and no public hearing notice or mailing shall be required. An application for the expansion of, or changes to, an existing business shall require a public hearing.

SECTION 22: Chapter 35 of the Village of Rochester Zoning Code entitled “Planning and Zoning,” Section 35-100 entitled, “Conditional Uses,” Subsection F entitled, “Industrial/ Manufacturing Uses,” Subsection 3 entitled, “Special Conditional Use Provisions for Quarrying Operations,” Subsection d, entitled, “Review and Hearing,” Subsection (3) is hereby repealed.

~~(3) After the public hearing, the Village Plan Commission shall meet to consider the application and make a recommendation on said application to the Village Board. The Village Plan Commission shall particularly consider the effect of the proposed operation upon existing streets, neighboring development, proposed land use, drainage, water supply, soil erosion, natural beauty, character and land value of the locality and shall also consider the practicality of the proposed restoration of the site in making its recommendation to the Village Board.~~

SECTION 23: Chapter 35 of the Village of Rochester Zoning Code entitled "Planning and Zoning," Section 35-100 entitled, "Conditional Uses," Subsection F entitled, "Industrial/ Manufacturing Uses," Subsection 3 entitled, "Special Conditional Use Provisions for Quarrying Operations," Subsection e, entitled, "Determination by Village Board," is hereby repealed and re-created with the title "Determination by Plan Commission" as follows:

e. Determination by ~~Village Board~~Plan Commission

Within 90 days after the public hearing the ~~Village Board~~Plan Commission shall either grant or deny the conditional use permit. In making such determination the ~~Village Board~~Plan Commission shall consider whether the proposed use will be detrimental to the health, safety and /or welfare of the public; such determination shall be made on the basis of the information contained in the application, ~~the inspection and review of the Village Plan Commission,~~ the recommendation of the Village and information presented at the public hearing. The ~~Village Board~~Plan Commission may also inspect the site.

The ~~Village Board~~Plan Commission shall particularly consider the effect of the proposed operation upon existing streets, neighboring development, proposed land use, drainage, water supply, soil erosion, natural beauty, character and land value of the locality and shall also consider the practicality of the proposed restoration of the site.

SECTION 24: Chapter 35 of the Village of Rochester Zoning Code entitled "Planning and Zoning," Section 35-100 entitled, "Conditional Uses," Subsection F entitled, "Industrial/ Manufacturing Uses," Subsection 3 entitled, "Special Conditional Use Provisions for Quarrying Operations," Subsection f, entitled, "Terms of Permit," Subsection (1), Subsection d is hereby repealed and re-created as follows:

(d) In the event of application for a permit to which (a) or (b) above applies, the ~~Village Board~~Plan Commission may consider the same without the necessity of holding a public hearing.

SECTION 25: Chapter 35 of the Village of Rochester Zoning Code entitled "Planning and Zoning," Section 35-100 entitled, "Conditional Uses," Subsection F entitled, "Industrial/ Manufacturing Uses," Subsection 3 entitled, "Special Conditional Use Provisions for Quarrying Operations," Subsection g, entitled, "Suspension and Revocation," Subsection (1), Subsection b is hereby repealed and re-created as follows:

(b) The use specified in the permit is not carried on in accordance with the representations contained in the application or conditions required by the ~~Village Board~~Plan Commission, or any change in the manner of operation specified in the conditional use permit approved by the ~~Village Board~~Plan Commission.

SECTION 26: Chapter 35 of the Village of Rochester Zoning Code entitled “Planning and Zoning,” Section 35-100 entitled, “Conditional Uses,” Subsection F entitled, “Industrial/ Manufacturing Uses,” Subsection 3 entitled, “Special Conditional Use Provisions for Quarrying Operations,” Subsection g, entitled, “Suspension and Revocation,” Subsection (1), Subsection d is hereby repealed and re-created as follows:

- (d) Failure to comply with conditions required in the conditional use permit issued by the ~~Village Board~~Plan Commission.

SECTION 27: Chapter 35 of the Village of Rochester Zoning Code entitled “Planning and Zoning,” Section 35-100 entitled, “Conditional Uses,” Subsection F entitled, “Industrial/ Manufacturing Uses,” Subsection 4 entitled, “Special Conditional Use Provisions for Solid Waste Facilities ...,” Subsection a is hereby repealed and re-created as follows:

- a. Solid waste facilities, scrap iron, steel or nonferrous metal processing facilities, recycling facilities, auto junkyards and auto scrap metal salvage yards, including their accessory uses, are conditional uses permitted in the M-3 District. No person or other entity shall operate one of these facilities within the Village without first obtaining conditional use permit approval from the Plan Commission ~~and Village Board~~ as hereinafter provided.

SECTION 28: Chapter 35 of the Village of Rochester Zoning Code entitled “Planning and Zoning,” Section 35-100 entitled, “Conditional Uses,” Subsection F entitled, “Industrial/ Manufacturing Uses,” Subsection 4 entitled, “Special Conditional Use Provisions for Solid Waste Facilities ...,” Subsection d entitled, “Review and Hearing,” Subsection (2) is hereby repealed and re-created as follows:

- (2) A public hearing shall be held by the Village Plan Commission at its regular meeting place and a notice of said meeting shall be sent by regular mail to the applicant and all persons owning property lying within 500 feet of the site designated in the application. In addition, the Village Clerk shall post a notice of such meeting and a Class 2 notice shall be published, the last insertion to be at least 10 days before the date of said public hearing. At such hearing, the Village Plan Commission shall hear all persons interested in granting or denying said permit and ~~may, if it deems fit~~, take testimony relative to the applications.

Where the permit applied for relates to the continuation of an existing business that previously held a conditional use permit, the ~~Village Board~~Plan Commission shall have the option to require a public hearing, but in the absence of such requirement, no public hearing shall be held and no public hearing notice or mailing shall be required. An application for the expansion of, or changes to, an existing business shall require a public hearing.

SECTION 29: Chapter 35 of the Village of Rochester Zoning Code entitled “Planning and Zoning,” Section 35-100 entitled, “Conditional Uses,” Subsection F entitled, “Industrial/ Manufacturing Uses,” Subsection 4 entitled, “Special Conditional Use Provisions for Solid Waste Facilities ...,” Subsection d entitled, “Review and Hearing,” Subsection (3) is hereby repealed.

- ~~(3) — After the public hearing, the Village Plan Commission shall meet to consider the application and make a recommendation on said application to the Village Board.~~

~~The Village Plan Commission shall particularly consider the effect of the proposed operation upon existing streets, neighboring development, proposed land use, drainage, water supply, soil erosion, natural beauty, character and land value of the locality and shall also consider the practicality of the proposed restoration of the site in making its recommendation to the Village Board.~~

SECTION 30: Chapter 35 of the Village of Rochester Zoning Code entitled “Planning and Zoning,” Section 35-100 entitled, “Conditional Uses,” Subsection F entitled, “Industrial/ Manufacturing Uses,” Subsection 4 entitled, “Special Conditional Use Provisions for Solid Waste Facilities ...,” Subsection e entitled, “Determination by Village Board,” is hereby repealed and re-created with the title “Determination by Plan Commission” as follows:

- e. Determination by ~~Village Board~~Plan Commission.
 - (1) Within 90 days after the public hearing the ~~Village Board~~Plan Commission shall either grant or deny the conditional use permit. In making such determination the Village Board shall consider whether the proposed use will be detrimental to the health, safety and /or welfare of the public; such determination shall be made on the basis of the information contained in the application, the inspection and review of the Village Plan Commission, the recommendation of the Village Plan Commission and information presented at the public hearing. The Village Board may also inspect the site.
 - (2) The ~~Village Board~~Plan Commission shall particularly consider the effect of the proposed operation upon existing streets, neighboring development, proposed land use, drainage, water supply, soil erosion, natural beauty, character and land value of the locality and shall also consider the practicality of the proposed restoration of the site.
 - (3) The ~~Village Board~~Plan Commission may, as a condition to the issuance of the permit, demand an agreement with the applicant to ensure performance of any or all of the following restrictions:

SECTION 31: Chapter 35 of the Village of Rochester Zoning Code entitled “Planning and Zoning,” Section 35-100 entitled, “Conditional Uses,” Subsection F entitled, “Industrial/ Manufacturing Uses,” Subsection 4 entitled, “Special Conditional Use Provisions for Solid Waste Facilities ...,” Subsection f entitled, “Terms of Permit,” Subsection (1), Subsection d is hereby repealed and re-created as follows:

- (d) In the event of application for a permit to which (a) or (b) above applies, the ~~Village Board~~Plan Commission may consider the same without the necessity of holding a public hearing.

SECTION 32: Chapter 35 of the Village of Rochester Zoning Code entitled “Planning and Zoning,” Section 35-100 entitled, “Conditional Uses,” Subsection F entitled, “Industrial/ Manufacturing Uses,” Subsection 4 entitled, “Special Conditional Use Provisions for Solid Waste Facilities ...,” Subsection g entitled, “Suspension and Revocation,” Subsection (1), Subsection b is hereby repealed and re-created as follows:

- (b) The use specified in the permit is not carried on in accordance with the representations contained in the application or conditions required by the ~~Village Board~~Plan Commission, or any change in the manner of operation specified in the conditional use permit approved by the ~~Village Board~~Plan Commission.

SECTION 33: Chapter 35 of the Village of Rochester Zoning Code entitled “Planning and Zoning,” Section 35-100 entitled, “Conditional Uses,” Subsection F entitled, “Industrial/ Manufacturing Uses,” Subsection 4 entitled, “Special Conditional Use Provisions for Solid Waste Facilities ...,” Subsection g entitled, “Suspension and Revocation,” Subsection (1), Subsection d is hereby repealed and re-created as follows:

- (d) Failure to comply with conditions required in the conditional use permit issued by the ~~Village Board~~Plan Commission.

SECTION 34: Chapter 35 of the Village of Rochester Zoning Code entitled “Planning and Zoning,” Section 35-100 entitled, “Conditional Uses,” Subsection H entitled, “Amendment of Conditional Use Permits,” Subsection 3 entitled, “Review and Approval,” is hereby repealed and re-created as follows:

- 3. Review and approval. The Village Plan Commission shall conduct a review of the application as set forth in s. 35-100C. ~~In the event that the Plan Commission approves the amendment, no action by the Village Board shall be required.~~ If the Plan Commission denies the amendment, the applicant may appeal from the decision from the Zoning Board of Appeals within 30 days of the final decision by writ of certiorari to the Racine County Circuit Court.~~its decision to the Village Board.~~

SECTION 35: Chapter 35 of the Village of Rochester Zoning Code entitled “Planning and Zoning,” Section 35-100 entitled, “Conditional Uses,” Subsection I entitled, “Penalties,” Subsection 3 entitled, “Procedure on Hearing,” is hereby repealed and re-created as follows:

- (3) Procedure on hearing.
 - (a) If the permit holder does not appear as required by the summons, the allegations of the complaint shall be taken as true, and if the Plan Commission finds the allegations sufficient, ~~the conditional use permit shall report its findings to the Village Board.~~ ~~If the Village Board concurs,~~ the Conditional Use Permit shall be revoked. The Village Clerk shall give notice of the revocation to the person whose permit is revoked.
 - (b) If the permit holder appears as required by the summons and denies the complaint, both the complainant and the permit holder may produce witnesses, cross-examine witnesses and be represented by counsel. The permit holder shall be provided a written transcript of the hearing at his or her expense.
 - (c) If the Plan Commission finds the complaint to be true, the Plan Commission shall determine whether the conditional use permit shall either be suspended for not less than 10 days nor more than 90 days ~~or~~ ~~revoked and shall report the same to the Village Board.~~

- (d) If the Plan Commission finds the complaint untrue, it shall recommend that the proceeding be dismissed without cost to the accused. If the Plan Commission finds the complaint to be malicious and without probable cause, it shall recommend that the costs be paid by the complainant. The Plan Commission may require the complainant to provide security for such costs before issuing the summons.
- (4) The Plan Commission shall ~~submit a report to the Village Board, including make findings of fact, conclusions of law and a decision recommendation as to what action, if any, the Village Board should take~~ with respect to the conditional use permit. The Commission shall provide the complainant and the permit holder with a copy of the decision report. ~~Either the complainant or the permit holder may file an objection to the report and shall have the opportunity to present arguments supporting the objection to the Village Board. The Village Board shall determine whether the arguments shall be presented orally or in writing or both.~~
- (5) If the ~~Village Board, after considering the~~ Plan Commission's report and any arguments presented by the complainant or the permit holder, finds the complaint to be true, ~~or if there is no objection to a report recommending suspension or revocation,~~ the conditional use permit shall be suspended or revoked as recommended ~~determined~~ by the Plan Commission.
- (6) If the ~~Village Board~~ Plan Commission finds the complaint untrue, the proceeding shall be dismissed without cost to the accused. If the ~~Village Board~~ Plan Commission finds the complaint to be malicious and without probable cause, the costs shall be paid by the complainant.
- (7) The Village Clerk shall give notice of each suspension or revocation to the person whose permit is suspended or revoked.
- (8) Effect of revocation. When a conditional use permit is revoked under this subsection, the revocation shall be recorded by the Village Clerk and no other conditional use permit issued under this chapter may be granted within 12 months of the date of revocation to the person whose permit was revoked. In the event, however that a new application reveals a material difference in any of the items specified hereof, the ~~Village Board~~ Plan Commission may, upon a finding that the new application does include such material difference, proceed to hear and determine such application within said year.
- (9) Judicial review. The action of the ~~Village Board~~ Plan Commission in suspending or revoking any permit, or the failure to revoke or suspend any permit for good cause, may be reviewed by the circuit court for Racine County by writ of certiorari commenced within 30 days of the Village Clerk's notice of the decision, ~~upon application by any permit holder or resident of the Village. The procedure on review shall be the same as in civil actions instituted in the Circuit Court. The person desiring review shall file pleadings, which shall be served on the Village Board in the manner provided in Wis. Stat. ch. 801 for service in civil actions, and a copy of the pleadings shall be served on the permit holder. The Village Board or permit holder shall have the time allowed by statute to file an answer to the complaint. Following filing of the answer, the matter shall be deemed at issue and hearing may be had upon due notice served upon the opposing party. The hearing shall be before the court without a jury. Subpoenas for witnesses may be~~

~~issued and their attendance compelled. The decision of the court shall be filed pursuant to Racine County Circuit Court Rules and a copy of the decision shall be transmitted to each of the parties. The decision shall be binding unless it is appealed to the Court of Appeals.~~

SECTION 36: Chapter 35 of the Village of Rochester Zoning Code entitled "Planning and Zoning," Section 35-171 entitled, "Permitted and Prohibited Signs; Permits," Subsection A entitled, "Regulations," Subsection 2. entitled, "Types of signs not allowed" is hereby repealed and re-created as follows:

2. Types of signs not allowed.
 - a. Roof.
 - b. Pole.
 - c. Projecting; **except such signs are allowed in the B-1 Central Business District.**

SECTION 37: Chapter 35 of the Village of Rochester Zoning Code entitled "Planning and Zoning," Section 35-171 entitled, "Permitted and Prohibited Signs; Permits," Subsection A entitled, "Regulations," Subsection 3. entitled, "Location of Signs" is hereby repealed and re-created as follows:

3. Location of Signs. All signs shall be located on the premises of the business. Off premises **advertising** signs (billboards) are not allowed

SECTION 38: Chapter 35 of the Village of Rochester Zoning Code entitled "Planning and Zoning," Section 35-171 entitled, "Permitted and Prohibited Signs; Permits," Subsection B entitled, "Permits," is hereby repealed and re-created as follows:

- B. Permits. A zoning permit application for a sign must be submitted to the Zoning Administrator on forms provided by the Village, and shall be accompanied by the fee for the permit application determined by the Village Board and set forth in the Fee Schedule. The zoning permit application must contain or have attached thereto at least the following information:
 1. Applicant's name, address, and telephone number.
 2. Location of building, structure, or lot to which or upon which the sign is to be located.
 3. Name of person or entity erecting the sign.
 4. A drawing of such sign indicating the materials to be used, the type of illumination, if any, and the method of construction and attachment. The drawing must be drawn at a scale no smaller than 1/10 inch equals one foot or dimensions must be shown on the drawing.
 5. A drawing indicating the location and position of the sign in relation to nearby buildings, structures, and lot lines. The drawing must include the sign's height above finished yard grade. The drawing must be at a scale no smaller than one inch equals 50 feet or dimensions must be shown on the drawing. All

setback measurements must be taken from the street right of way and lot lines.

6. Signs requiring county, state and/or federal approval must provide a copy of all such approvals with the sign permit application.
7. The Applicant shall furnish the Village with proof of insurance in a form approved by the Village Zoning Administrator, demonstrating that the Applicant holds commercial and general liability insurance with policy limits of not less than \$1,000,000 general aggregate, \$1,000,000 personal injury, and \$1,000,000 each occurrence.
- 7.8. Additional information as may be required by the Zoning Administrator, the Plan Commission, the Village Board or the Board of Appeals.

SECTION 39: Chapter 35 of the Village of Rochester Zoning Code entitled "Planning and Zoning," Section 35-173 entitled, "Signs Allowed in all Zoning Districts, No Permit Required," is hereby repealed and re-created as follows:

35-173 SIGNS ALLOWED IN ALL ZONING DISTRICTS, NO PERMIT REQUIRED

The following signs do not require permits, but must meet the size and placement limitations of this Chapter.

- A. Any temporary sign eleven (11) square feet or less in area, and not more than five (5) feet in height, subject to compliance with all applicable total sign area limitations of the applicable lot. ~~Real Estate Signs. Real estate signs that advertise the sale, lease, or rental of the structure(s) and/or property upon which said signs are temporarily located are permitted on all properties advertised for sale, lease, or rent. Such real estate signs are not to exceed nine square feet in area on one side and 18 square feet in area on all sides in a residential ("R") district, or 32 square feet in area on one side and 64 square feet in area on all sides in other districts. These signs shall be removed within 30 days following sale, lease, or occupancy. Real estate signs may be located not closer than ten feet to any street right-of-way, nor closer than ten feet to a side or rear lot line. Only one such sign is permitted per street frontage and no sign may exceed a height of 20 feet.~~
- B. Property address numbers assigned by the Village and of a design approved by the Village that are required to be placed on every principal structure or as designated by the Village in clear view from the street on which the address is assigned. ~~Such signs are tantamount to government signs, to assist with the provision of emergency services.~~
- C. Signs not readable beyond the boundaries of the lot or parcel upon which they are situated and not readable from any street right-of-way or which are intended solely for providing information to parties on-site.
- D. ~~Government signs, as defined herein. Traffic and other official signs of any public or governmental agency, such as railroad crossing signs, trespassing signs, signs indicating danger, or signs used as aids to service or safety including~~

~~water dependent informational signs with public health, safety or regulatory information that are no larger than necessary to accommodate the information that needs to be displayed.~~

- E. Any identification or display of any official court or public office, notices thereof, or any flag, emblem, or insignia of a nation, federal, state, county, or other governmental unit or school. ~~Such signs are tantamount to government signs for the observance of the institutions of our participatory democracy.~~
- F. Any sign that is located completely within an enclosed building and such sign is not placed in a window facing outward for the purpose of being readable from outside the building.
- G. Tablets, grave markers, headstones, statuary, or monuments of persons or events that are noncommercial in nature.
- H. ~~Temporary signs, not over four square feet in area and not more than five feet in height, for events sponsored by non-profit organizations or for a non-profit charitable event. Such signs must be located at least five feet from the outer limits of the street right-of-way and ten feet from a side or rear lot line, and may be erected 30 days prior to the event, and must be removed within three days after the event [Reserved]~~
- I. Works of art ~~with no commercial message~~ that are not intended to attract attention to the type of business or activity conducted on or off the premises.
- J. ~~Temporary holiday decorations or displays with no commercial message [Reserved].~~
- K. Signs on a truck, bus, trailer, or other vehicle incidental to the use of such vehicle while operated in the normal course of a business. (But see s. 35-174, Prohibited Signs.)
- L. ~~Recreational, informational, and directional~~ Signs signs within a federal, state, county or Village park or cemetery, placed by a governmental authority, which are not readable from external streets.
- M. Private property hazard signs. ~~On-premises directional signs such as "Enter," "Exit," and "Do Not Enter" signs, when the principal purpose of the sign is traffic control, the sign does not exceed 12 square feet in area on one side and 24 square feet on all sides, the sign height is five feet or less, and the sign is set back at least ten feet from any property line or outer limits of the street right-of-way line. The number of signs on one premises shall be limited to the number necessary to safely direct traffic into the specific site.~~
- N. ~~Temporary private sale signs advertising occasional noncommercial sales of personal property such as "house sales," "garage sales," "rummage sales," and the like [Reserved].~~
- O. ~~Construction signs erected on the premises where construction is taking place, during the period of such construction, indicating the names of the architects,~~

~~engineers, landscape architects, contractors, or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project. Such signs are subject to the dimensional and locational standards of **subsection C.1.(b) for ground signs** [Reserved].~~

- P. Memorial Signs, tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure. ~~Such signs are tantamount to governmental signs to assist in identification of property and in the provision of emergency services.~~

SECTION 40: Chapter 35 of the Village of Rochester Zoning Code entitled "Planning and Zoning," Section 35-174 entitled, "Prohibited Signs," Subsection C entitled, "Vehicle Signs," is hereby repealed and re-created as follows:

- C. 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, ~~subject to the following~~. 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.

SECTION 41: Chapter 35 of the Village of Rochester Zoning Code entitled "Planning and Zoning," Section 35-175 entitled, "Political Signs," is hereby repealed and re-created with the title "Location Requirements" as follows:

35-175 LOCATION REQUIREMENTS. ~~POLITICAL SIGNS.~~

~~Political signs may be displayed during an election campaign period if they are located on a zoning lot, behind the outer limits of the street right-of-way line, with the permission of the owner or tenant. Such signs may not interfere with traffic or pedestrian safety.~~

- ~~A. Political signs not exceeding 11 square feet in area and not having an electrical, mechanical or audio component during an election campaign period as provided in Wis. Stat. s. 12.04 are allowed in any zoning district without a permit.~~
- ~~B. Political signs affixed to a permanent structure that do not extend beyond the perimeter of the structure, if the sign does not obstruct a window, door, fire escape, ventilation shaft or other area that is required by an applicable building code to remain unobstructed are allowed in any zoning district without a permit.~~
- ~~C. Other Political Signs. Signs that do not meet the requirements of subsections A or B shall not exceed 16 square feet in sign area on one side and 32 square feet in sign area on all sides, or the maximum size allowed for signs in the applicable zoning district, whichever is greater. **A maximum of four such signs may be placed on a zoning lot.** For traffic and pedestrian safety, such signs must be located at least 50 feet from any street right-of-way intersection. A permit is not required.~~

- ~~D. Signs Having an Electrical, Mechanical or Audio Auxiliary. Political signs having an electrical, mechanical or audio auxiliary are only allowed if in conformance with the provisions of this Chapter. A permit is required.~~
- ~~E. Responsibility. The person or organization responsible for the erection or distribution of political signs, or the owner, owner's agent, tenant or tenant's agent of the property upon which such signs are located shall be responsible for the proper erection or removal of said signs.~~
- A. Obstruction of Exits. No sign shall be constructed or maintained so as to obstruct any door, window, stairway or fire escape of any building.
- B. Obstruction and interference prohibited. No sign shall be erected, placed, located or maintained at or near the intersection of any streets, roads or highways so as to obstruct free and clear vision; or at any location where, by reason of position, shape and color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words "STOP", "LOOK", "DANGER" or other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.
- C. Signs Prohibited Within or in Proximity to Limits of any Street or Highway.
1. No sign shall be erected, placed, located, or maintained within, nor closer than five feet (5') from the area limits, of any street, road or highway right-of-way, except as allowed by subsection 4., below. Street, road or highway limits include all the dedicated right-of-way, encompassing the travelled portion of the street, road or highway, the shoulders, ditches and adjacent dedicated areas. This prohibition applies to free-standing signs and those placed on trees, utility poles, fence post stakes, and all other structures within the right-of-way limits.
 2. Failure to comply with the provisions of this subsection shall be a violation of Section 86.19, Wis. Stats., as well as this chapter.
 3. Any sign in violation of this subsection shall be removed without notice by the Highway Department or the Police Department.
 4. This prohibition shall not apply to signs placed within the limits of streets, roads or highways by duly constituted municipal, county, or state authorities for the guidance or warning of traffic, as provided in Sections 86.19(1) and (4), Wis. Stats., or to mail boxes and paper boxes. This prohibition also does not apply to approved Monument Signs.
- D. Side and rear lot lines. No sign shall be erected closer than ten feet (10') from a side or rear lot line.
- E. Construction Over Public Property. No person or entity shall erect or cause to be erected any sign which projects over any public sidewalk, street, road, highway, alley or public place, except as expressly permitted by this Code.

- F. No sign shall be placed in a vision-clearance triangle area as defined and regulated within Section 35-160. A. of this Code.

SECTION 42: Chapter 35 of the Village of Rochester Zoning Code entitled “Planning and Zoning,” Section 35-176 entitled, “District Regulations for Signs,” Subsection A entitled, “Residential Districts,” Subsection 1. entitled, “No Permit Required” is hereby repealed and re-created as follows:

- 1. No Permit Required.
 - a. Signs not to exceed two square feet located on the premises.
 - ~~b. Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two feet in height and ten feet in length are allowed.~~

SECTION 43: Chapter 35 of the Village of Rochester Zoning Code entitled “Planning and Zoning,” Section 35-176 entitled, “District Regulations for Signs,” Subsection B entitled, “Business and Industrial Districts,” Subsection 3. entitled, “On Site Directional Ground Signs” is hereby repealed and re-created with the title “Private Property Hazard Signs” as follows:

- 3. ~~Private Property Hazard Signs. On-Site Directional Ground Signs. On-site directional signs may be allowed giving directions to areas such as employee or visitor parking and shipping or loading zones. The maximum size of directional ground signs shall not exceed three square feet in area on each side and the maximum height shall be 48 inches. Such signs shall be on the ground floor only and be readable from the public right-of-way.~~

SECTION 44: Chapter 35 of the Village of Rochester Zoning Code entitled “Planning and Zoning,” Section 35-176 entitled, “District Regulations for Signs,” Subsection B entitled, “Business and Industrial Districts,” Subsection 5. is hereby repealed and re-created as follows:

- 5. Marquee, awning, and canopy signs affixed flat to the surface of a marquee, awning, or canopy are permitted provided that the signs do not extend vertically or horizontally beyond the limits of such marquee, awning, or canopy. A marquee, awning, or canopy for a shopping center may not extend beyond a point one foot back from the vertical plane formed by the curblin in the shopping center. No marquee, awning, or canopy may project into a required street yard, side yard, or rear yard, unless such structure already exists as an existing legal nonconforming structure or was approved by variance and such sign does not increase the dimensional nonconformity. A name sign not exceeding two square feet in area located immediately in front of the entrance to an establishment may be suspended from a marquee, awning, or canopy. ~~provided that the bottom of the name sign is~~ Any such sign must be located at least 12 feet above the sidewalk or 15 feet above a driveway or alley. The total area of all marquee, awning, or canopy signs may not exceed 60 square feet in area for any one premises.

SECTION 45: Chapter 35 of the Village of Rochester Zoning Code entitled “Planning and Zoning,” Section 35-176 entitled, “District Regulations for Signs,” Subsection B entitled,

“Business and Industrial Districts,” Subsection 6. is hereby repealed and re-created with the title “Projecting Signs as follows:

6. **Projecting Signs.** Projecting signs placed against the exterior wall of the building may not extend more than 3.0’ feet outside of a building wall surface; shall not be any closer than 2 feet from a street parking curb; shall maintain a minimum height of 8 feet from a sidewalk and 15’ above a driveway; a maximum height of 20 feet above the mean centerline grade of the public street; and shall not exceed 12 square feet in area. Projecting signs are only permitted in the B-1, Central Business District. ~~Time and/or temperature devices and/or changeable copy signs may be erected as wall signs, ground signs, or canopy signs and must meet the requirements attendant to those sign types. Time and/or temperature devices may change their copy not more than once every four seconds.~~

SECTION 46: Chapter 35 of the Village of Rochester Zoning Code entitled “Planning and Zoning,” Section 35-176 entitled, “District Regulations for Signs,” Subsection B entitled, “Business and Industrial Districts,” Subsection 7., Subsection b. is hereby repealed and re-created as follows:

- b. Gasoline stations, service stations, convenience stores with pumps, or any combination thereof may provide one ground sign. Wall signs and canopy signs may also be provided subject to total square footage limitations. Signs ~~advertising incidental products for sale~~ that are window signs or located on the gasoline pumps, and are not readable from the street right-of-way, will not require permits or be regulated in number.

SECTION 47: Chapter 35 of the Village of Rochester Zoning Code entitled “Planning and Zoning,” Section 35-176 entitled, “District Regulations for Signs,” Subsection C entitled, “Conservation and Park Districts” is hereby repealed and re-created as follows:

- C. Conservation and Park Districts. The following signs are allowed in Conservation and Park Districts, subject to the conditions herein specified.

1. No Permit Required.

- a. On-premises or off-premises recreational directory signs not to exceed two in number, indicating the direction and/or distance to a specific cottage, resort, residence, or recreation facility that is located within an agricultural, resource conservation or park district, not to exceed 12 square feet in display area on one side and 24 square feet on all sides, five feet in height and no closer than ten feet to any right-of-way or property line. ~~Such signs are tantamount to governmental signs to assist in identification of property and in the provision of emergency services.~~
- ~~b. Signs over show windows or doors of a nonconforming business establishment not to exceed two in number announcing, without display or elaboration, only the name and occupation of the proprietor and not to exceed a total of 20 square feet in area for all signs, and 20 feet in height.~~

~~e.b. Government Signs. Name, occupation, and warning signs not to exceed two square feet located on the premises.~~

~~d.c. Bulletin Boards for public, charitable or religious institutions not to exceed 24 square feet in area located on the premises.~~

~~2. Permit Required.~~

~~a. Public and private institutional and park names signs. Such signs may be erected as wall signs or ground signs and shall meet the requirements set forth for the business and industrial districts.~~

SECTION 48: Chapter 35 of the Village of Rochester Zoning Code entitled "Planning and Zoning," Section 35-176 entitled, "District Regulations for Signs," Subsection D entitled, "Agriculture and Urban Reserve Districts" is hereby repealed and re-created as follows:

- D. Agricultural and Urban Reserve Districts. The following signs are allowed in the Agricultural and Urban Reserve Districts with a permit:
1. ~~Historical marker designations, as defined herein, On-premises agricultural homestead signs, where the principal purpose of the sign is to identify the name and address of a farm operation and/or date of establishment,~~ which may not exceed 24 square feet in area on one side and 48 square feet in area on all sides, limited to one sign for any one farm, and such signs are located at least ten feet from the outer limits of the street right-of-way or any property line, and such signs do not exceed ten feet in height. Such signs may be exempt from the aforementioned height limit if painted upon the wall of an accessory structure. The size of such wall signs may exceed 24 square feet if done in an aesthetically pleasing manner that is approved through a site plan review by the Plan Commission.
 2. Temporary, non-illuminated, off-premises ~~agricultural directional~~ signs not to exceed four in number, ~~to serve a roadside stand operation indicating the direction and/or distance to an agricultural roadside stand,~~ not to exceed 12 square feet in display area on one side and 24 square feet in area on all sides, a maximum of five feet in height, at least ten feet from the outer limits of the street right-of-way and five feet from any other property line. Such signs must be removed within ten days of discontinuing operation of a roadside stand. Provided the sign(s) are relocated per the issued permit and the permit holder remains the same, the issued permit continues to be valid for successive years.
 3. ~~Agricultural signs~~ Signs pertaining to the sale of products actually grown on the farm or in connection with a roadside stand not to exceed 32 square feet in area on one side and 64 square feet on all sides for no more than two signs on any one farm, such signs are located at least ten feet from the outer limits of the street right-of-way or any property line, such signs do not exceed 15 feet in height, and such signs are located on the same premises as the products for sale.

4. Signs for agricultural businesses that are approved by conditional use shall be treated as commercial/industrial signs are allowed.

SECTION 49: Chapter 35 of the Village of Rochester Zoning Code entitled “Planning and Zoning,” Section 35-177 entitled, “Sign Regulations,” Subsection E entitled, “Location,” is hereby created as follows:

- E. **Location.** Unless explicitly stated otherwise in this Chapter, all signs must be set back at least five feet (5’) from the public right-of-way. Vision corners shall be maintained per Section 35-175 of this Chapter.

SECTION 50: Chapter 35 of the Village of Rochester Zoning Code entitled “Planning and Zoning,” Section 35-179 entitled, “Additional Sign Regulations and Modifications,” is hereby created as follows:

35-179 ADDITIONAL SIGN REGULATIONS AND MODIFICATIONS.

- A. **Temporary Signs.** Temporary signs shall be placed in conformance with this Code for no longer than 120 days, unless a longer time is expressly allowed by Wisconsin Statutes Section 12.04, or other applicable laws, in which case the shortest period required by such statute applies; or as follows.
 1. **Signs on Property Under Construction.** Temporary signs are permitted by the Zoning Administrator in any district for the duration of a building permit, where a building permit is in effect and construction is occurring. The Zoning Administrator may restrict the number, size, and location of temporary signs on any property to ensure safety for traffic and pedestrians.
 2. **Signs on Property Marketed for Sale or Lease.** Temporary signs may remain on a property for all time that the property is actively marketed, as defined herein, for sale or lease. Whether the property is being actively marketed for sale or lease shall be subject to the determination of the Zoning Administrator. Any such sign that would exceed 11 square feet in area shall require a permit, and such sign shall be treated as a permanent sign for purposes of permitting, but shall remain a temporary sign for purposes of removal once the marketing of the property is concluded. The sign must be removed no later than ten calendar days after the marketing of the property is concluded. The total sign area requirements of the district in which the sign is located shall apply. Certain provisions of this Code that would otherwise apply are waived for purposes of signs that are subject to this paragraph, as follows:
 - i. **Residential Parcels.** On lots that are zoned for residential use, and are used for residential use, the otherwise applicable sign limitations of this Chapter are modified as follows:
 - a. Such signs may be up to six feet in height.
 - b. A small sign, no larger than two square feet in area, may be attached to the sign, and the two square feet shall not count toward the total square footage of signage on the parcel.

- c. Up to an additional six square feet in signage is permitted during the time and within 72 hours of an open house marketing event.
 - d. The limitations on total signage square footage are doubled for parcels that front upon two or more streets, such as a corner lot.
 - e. Signs may be placed anywhere on the parcel, provided the placement is not in the public right-of-way or a vision corner.
 - ii. *Non-Residential Parcels.* On lots that are zoned for commercial, industrial or other non-residential use, and are used for commercial, industrial or other non-residential use, the otherwise applicable sign limitations of this Chapter are modified as follows:
 - a. Such signs may be up to 32 square feet in area.
 - b. The limitations on total signage square footage are doubled for parcels that front upon two or more streets, such as a corner lot.
 - c. Signs may be placed anywhere on the parcel, provided the placement is not in the public right-of-way or a vision corner.
- 3. Signs on Property Under Development. Temporary signs may remain on a property under some circumstances while the property is under development, subject to the following limitations. A sign permit is required for any development sign. A development sign shall be treated as a permanent sign for purposes of permitting, but shall remain a temporary sign for purposes of removal once the approval for the development sign expires. All development signs may remain on the lot for one year following the date the sign permit is granted, unless otherwise restricted in the grant of the sign permit. Prior to expiration of the sign permit or any extension thereof, upon request of the owner or developer, the Plan Commission may extend the sign permit for successive periods of up to one year each, if the Plan Commission finds the development is actively proceeding and the sign is not otherwise in violation of the standards of this Section. The development sign must be removed no later than thirty calendar days following the expiration of the permit unless specified otherwise by the Plan Commission. The total sign area requirements of the district in which the sign is located shall apply, except as follows: if during the process of development, the property is rezoned, the sign area calculations of the original zoning district shall continue to apply for the duration of the development; and if the property being developed includes multiple contiguous parcels, the calculation of sign area shall include all such contiguous parcels as though they were one parcel.
- B. Conflict of Laws. In the event that Wisconsin Statutes Section 12.04 would permit a sign that is larger than the size limitations described in this Section, such

sign, regardless of sign content, is allowed only for the period described in Wisconsin Statutes Section 12.04.

C. Maximum Sign Area Permitted by Zoning District.

1. Residential Districts (R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8 and R-9). The total sign area allowed on a lot that is zoned R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8 and R-9, shall be eleven (11) sq. ft., subject to such additional square footage as may be permitted by the standards of this Section.
2. Agricultural and Conservation Related Districts (A-1, A-2, A-3, A-4, UR, C-1, C-2, P-1, P-2, F-1, GFP, FF, SW, and SD). The total sign area allowed on a lot that is zoned A-1, A-2, A-3, A-4, UR, C-1, C-2, P-1, P-2, F-1, GFP, FF, SW, and SD shall be 11 square feet for every 200 lineal front feet of the lot line abutting a public roadway. In making this calculation, the lineal front feet of the lot line shall be rounded down to the nearest number divisible by 200. Notwithstanding the foregoing, if the lot abuts less than 200 feet of public roadway, the total sign area allowed on the lot is 11 square feet.
3. Business Districts (B-1, B-2, B-3, B-4, B-5 and B-6), Manufacturing Districts (M-1, M-2, M-3 and M-4). A campus/medical/aggregate business (5 or more businesses within a single building/property and way finding monument signs shall not exceed 18 feet in height nor have a maximum face size of 150 sq. ft. with no allowance for EMU/digital signs. The total sign area allowed on a lot that is zoned B-1, B-2, B-3, B-4, B-5, B-6, M-1, M-2, M-3 and M-4 shall be computed as either .5 sq. ft. x the lineal front foot of the lot line or .65 sq. ft. x the building or structure front foot, whichever is greater, to a maximum of 120 sq. ft. for retail and 80 sq. ft. for office, mixed use, or other uses, as allowed by the Plan Commission in its consideration of the site plan.

D. Non-Commercial Signs Permitted. Any sign authorized or otherwise permitted under this ordinance shall be allowed to contain non-commercial copy in lieu of any other copy.

E. Sign Ordinance Variances.

1. Purpose. Sign Ordinance variances are intended to allow flexibility in sign regulation while fulfilling the purpose of the ordinance. Nothing in this Section, however, is intended to permit the erection or maintenance of signs which create the potential of public harm or for which there is no public benefit or which are in conflict with the Village's Master Plan or relevant portions thereof.
2. Procedure.
 - i. Any applicant who desires a variance from any provision or requirement of this chapter may request an oral hearing before the Plan Commission by submitting a written request therefor to the Village Clerk not less than twenty-one (21) days before the next regularly scheduled meeting of the Plan Commission. A fee of \$850.00 shall be required of the applicant at

the time that a request for a hearing before the Plan Commission is made.

ii. The Plan Commission shall review such requests for variances using the following criteria:

a. Area Enhancements.

(1) The sign as proposed will not result in an undue concentration of signage which renders it difficult or confusing to read existing signs;

(2) The proposed sign is unique and of exceptional design or style, so as to enhance the area.

b. Site Difficulties. Unusual site factors preclude the construction of a sign in accordance with this chapter which would be visible to the roadway adjacent to the site frontage.

iii. Should the Plan Commission find that a variance should be granted, the application will be forwarded to the Zoning Administrator with directions to issue a permit in accordance with its decision. If the Plan Commission finds that a variance should not be granted, it shall inform the applicant of the reasons for such decision in writing within ten (10) days of the date of such decision. The decision of the Plan Commission shall be final.

F. Sign Ordinance Modification by Conditional Use. Additional sign square footage and alteration of otherwise applicable height, setback, offset or other standards of this Chapter may be granted by the Village Plan Commission in its consideration and grant of a conditional use pursuant to Section 35-100 of this Code. In considering this possible grant, the Plan Commission shall be guided by the purpose of this Section 35-170 along with the basis for approval described in Section 35-100, without consideration of the content of any such signage.

G. Abandoned Signs. All abandoned signs shall be prohibited. An abandoned sign is one which no longer correctly advertises a bona fide business, lessor, lessee, owner, product or activity conducted or product available on the premises where the sign is displayed, or a sign which has not been maintained in a safe, presentable, and good structural condition at all times, including replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of the sign. The owner shall be responsible for the repair or removal of any sign within 30 days after written notice from the Building Inspector of the abandonment of the sign.

H. Definitions.

1. Definition of government sign:

“Government Sign” means any sign that is owned, operated, or required by a governmental entity having jurisdiction, including, but not limited to, the signs designated in this chapter as government signs, and signs that are required

by applicable laws. Such signs include official traffic, fire and police signs, signals, devices, and markings of the State of Wisconsin and the Village or other public authorities, or posted notices required by law.

2. Definition of historical marker sign:

“Historical Marker” means a sign to commemorate one or more persons, an event, a former use of a place, a person or place of historic interest, a century farm, or similar designation. Historical markers are tantamount to government signs, to identify places of historic public interest.

3. Definition of private property hazard sign:

“Private Property Hazard Sign” which is defined as follows: a pylon sign that would serve the primary purpose of protecting the safety of pedestrians, drivers, and passengers, such as warning signs marking hazards on private property and signs directing traffic and parking on private property. Such signs serve a compelling interest in safety and are tantamount to government signs but located on private property.

4. Definition of actively marketed:

“Actively Marketed” means (1) proactive measures are being taken to connect and engage with potential customers, which may include listing with a real estate agent, publishing advertisements in a newspaper or other print publications, or engaging in online advertising activities, such as posting on a website; and (2) these actions are repeated, updated, and modified regularly to continue to seek engagement with potential purchasers. The mere fact of placing a sign on a lot does not itself demonstrate that the property is being actively marketed.

5. Definition of Projecting Signs

“Projecting Sign” means any sign that is wholly or partly dependent upon a building for support and which extends three (3) feet from the side of the building.

6. Definition of Semi-Flexible Canopy Structure

“Semi-Flexible Canopy Structures” means a structure made with flexible material, that is allowed as a permanent accessory structure” in the agricultural zoning districts and used for agricultural purposes and complies with the State of Wisconsin Uniform Dwelling Code and the Village of Rochester Building Code.

SECTION 51: Chapter 35 of the Village of Rochester Zoning Code entitled “Planning and Zoning,” Section 35-230 entitled, “Plan Commission Approval,” Subsection D. entitled, “Form of Submittal” is hereby repealed and re-created as follows:

D. Form of Submittal.

1. ~~Before issuing any applicable permit, the Zoning Administrator shall submit the necessary building, site and operational plans to the Plan Commission for its consideration. Such plans shall be in reasonable detail to enable the Commission to properly evaluate them, and shall specifically include the following:~~
 - a. ~~A site plan of the property accurately dimensioned showing the location of all existing and proposed structures and use area.~~
 - b. ~~Name of project.~~
 - c. ~~Owner's and/or developer's name and address.~~
 - d. ~~Architect and/or engineer's name and address.~~
 - e. ~~Date of plan submittal.~~
 - f. ~~Existing topography shown at a contour interval not less than two feet, (or where not readily available elevations at appropriate locations).~~
 - g. ~~Proposed changes in topography.~~
 - h. ~~The characteristics of soils related to contemplated uses.~~
 - i. ~~The type, size, location and dimensions of all structures including fences and walls.~~
 - j. ~~Location and number of parking, loading and storage areas.~~
 - k. ~~Primary building materials used in construction of all structures.~~
 - l. ~~Height of building(s).~~
 - m. ~~Location and size of existing and proposed sanitary sewers, septic tanks and disposal fields, holding tanks, storm sewers and water mains.~~
 - n. ~~Location of proposed solid waste (refuse and recycling) storage area.~~
 - o. ~~Location of pedestrian sidewalks and walkways.~~
 - p. ~~Existing and proposed public right-of-way widths.~~
 - q. ~~Location, type, height and intensity of proposed lighting.~~
 - r. ~~Location of existing trees, and extent and type of proposed plantings including type and extent of erosion control.~~
 - s. ~~A graphic delineation of any planned development staging.~~

- ~~t. Architectural plans, elevations, and perspective drawings and sketches illustrating the design and character of proposed structures.~~
- ~~u. Any other site or use information, such as 100-year interval flood lines, which will assist the Plan Commission in making a determination and recommendation on the proposal.~~

- a. A site plan of the property accurately dimensioned showing the location of all existing and proposed structures and use area showing conformance with 35-22 B. "Site Planning and Design Principles"; s. 35-22 C. "Building, Design, Layout and Construction Principles"; and 35-22 D. "Site Planning and Design Standards"
- b. Name of project.
- c. Owner's and/or developer's name, physical address, and email address.
- d. Architect and/or engineer's name, physical address, and email address.
- e. Date of plan submittal.
- f. Existing topography shown at a contour interval not less than two feet, or where not readily available elevations at appropriate locations.
- g. Proposed changes in topography showing conformance with Ch. 32 Post Construction Stormwater Management and Ponds; and Ch. 35-22 D. "Site Planning and Design Principles", subsections 2. and 3. "Open Space Requirements" and "Site Landscaping"
- h. The characteristics of soils related to contemplated uses.
- i. The type, size, location, height, and dimensions of all structures including fences and walls showing conformance with all provisions of the underlying zoning district, such as lot width and area, setbacks, yards, building heights, etc.; Ch. 35, s. 35-190 "Architectural Control"; 35-22 B. "Site Planning and Design Principles"; s. 35-22 C. "Building, Design, Layout and Construction Principles"; and 35-22 D. "Site Planning and Design Standards", subsections 2. and 3. "Open Space Requirements" and "Site Landscaping".
- j. Primary building materials used in construction of all structures showing conformance with Ch. 35, s. 35-190 "Architectural Control" and s. 35-22 "Principles and Standards for the Aesthetic Evaluation of Site and Building Projects", subsection C. "Building, Design, Layout and Construction Principles"
- k. Architectural plans, elevations, and perspective drawings and sketches illustrating the design and character of proposed structures.
- l. Location and number of parking stalls and loading and storage areas showing conformance with Ch. 35, s. 35-160 "Traffic, Parking & Access";

- s. 35-161 "Parking Requirements"; s. 35-162 "Driveways"; and s. 35-22 "Principles and Standards for the Aesthetic Evaluation of Site and Building Projects", subsection D. "Site Planning and Design Standards", subsection 4. "Parking area requirements"
- m. Location and size of existing and proposed sanitary sewers, septic tanks and disposal fields, holding tanks, storm sewers and water mains showing conformance with Ch. 10 "Public and Private Sewer Systems"; Ch. 32 "Chapter 32 Post Construction Stormwater Management and Ponds"; and Ch. 35-15 "Site Restrictions" subsection F. regulating private well construction.
- n. Location of proposed solid waste (refuse) and recycling storage areas showing conformance with for conformance with Ch. 35, s. 35-22 D. "Site Planning and Design Standards", subsection 9. "Location and Design of Loading Facilities and Waste Storage
- o. Location of pedestrian sidewalks and walkways showing conformance with Ch. 35, s. 35-22 D. "Site Planning and Design Standards", subsection 6. "Pedestrian Flows"
- p. Existing and proposed public right-of-way widths for conformance with Ch. 35, s. 35-160 "Traffic, Parking & Access"; and Ch. 30, s. 30-82 "Street Plans, Improvements and Standards".
- q. Location, type, height and intensity of proposed lighting showing conformance with Ch. 35, s. 35-22 D. "Site Planning and Design Standards", subsection 7. "Outdoor Lighting"
- r. Location of existing trees and extent, and type of proposed plantings including type and extent of erosion control showing conformance with Ch. 32 "Chapter 32 Post Construction Stormwater Management and Ponds"; and 35-22 D. "Site Planning and Design Principles", subsections 2. and 3. "Open Space Requirements" and "Site Landscaping"
- s. A graphic delineation of any planned development staging.
- t. Any other site or use information, such as 100 year internal flood lines, which will assist the Plan Commission in making a determination and recommendation on the proposal. Conditional uses in the shoreland-wetland and floodplain districts are required to submit plans showing conformance with Ch. 36, "Shoreland-Wetland and Shoreland Zoning Districts" and Ch. 37, "Floodplain Zoning"
- u. Operations plan data to be submitted with all plan review applications shall include at least the following:
- (1) Specific use of site and building(s).
 - (2) Hours of operations.
 - (3) Number of full and part time employees.

- (4) Estimate of daily truck and auto trips to the site.
- (5) Type of materials and equipment to be stored on site.
- (6) Method of handling solid and liquid waste disposal.
- (7) Method of exterior maintenance (site and buildings).
- (8) Method of site and building security other than local police.
- (9) Copies of all special use permits issued by state or county agencies.
- (10) Any other information which will assist the Plan Commission in making a determination and recommendation of the proposal.

SECTION 52: Chapter 35 of the Village of Rochester Zoning Code entitled “Planning and Zoning,” Section 35-240 entitled, “Notification – Public Hearings,” introductory language only, preceding Subsection A., is hereby repealed and re-created as follows:

Notice of any public hearing which the Plan Commission, Village Board or Zoning Board of Appeals is required to hold under the terms of this Ordinance shall specify the date, time and place of said hearing and shall state the matter to be considered at said hearing. Notice shall be provided as required by applicable state statutes, inclusive of Class 2 notice prior to consideration of Planning and Zoning changes by the Village Board, Conditional Use Permits by the ~~Village Board~~ Plan Commission, and Zoning Board of Appeals hearings, along with notice to neighboring municipalities, the owner or operator of an airport, or the DNR where applicable. The following notifications shall be required in addition to the notice required by statute:

~~SECTION 53: Chapter 37 of the Village of Rochester Village Code entitled “Floodplain Zoning,” Section 37-1 entitled, “Statutory Authorization, Finding of Fact, Statement of Purpose, Title, and General Provisions,” Section E. entitled, “General Provisions,” Subsection 2. entitled, “Official Maps and Revisions,” Subsection a. entitled, “Official Maps: Based on the FIS,” Subsection (1) entitled, “Flood Insurance Rate Map (FIRM), Panel Numbers:” is hereby repealed and re-created as follows:~~

- ~~(1) — Flood Insurance Rate Map (FIRM), panel numbers:~~
- ~~55101C0018D dated May 2, 2012~~
 - ~~55101C0038D dated May 2, 2012~~
 - ~~55101C0039D dated May 2, 2012~~
 - ~~55101C0132D dated May 2, 2012~~
 - ~~55101C0133D dated May 2, 2012~~
 - ~~55101C0134D dated May 2, 2012~~
 - ~~55101C0151D dated May 2, 2012~~
 - ~~55101C0152D dated May 2, 2012~~
 - ~~55101C0153D dated May 2, 2012~~
 - ~~55101C0154D dated May 2, 2012~~
- ~~with corresponding profiles that are unchanged in 2019 and based on the Flood Insurance Study (FIS) dated May 2, 2012 February 1, 2019, Volume Nos No. 55101CV001B A and 55101CV002A;~~

~~Approved by: The DNR and FEMA~~

~~SECTION 54:~~ SECTION 53: CONTINUATION OF PROVISIONS

The provisions of this ordinance, to the extent that they are substantively the same as those of the ordinances in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinances. In addition, the adoption of this ordinance shall not affect any action, prosecution or proceeding brought for the enforcement of any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance for the time that such provision was in effect, and the repeal of any such provisions is stayed pending the final resolution of such actions, including appeals.

~~SECTION 55:~~ SECTION 54: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinance whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

~~SECTION 56:~~ SECTION 55: EFFECTIVE DATE.

This ordinance shall be effective upon publication or posting as provided by law, ~~except as follows. Section 29 of this Ordinance that amends the Village Floodplain Zoning Ordinance, to update the flood insurance study reference shown therein is subject to prior review and approval by the Wisconsin Department of Natural Resources, and the Village Clerk shall submit a certified copy of the Ordinance with copies of the Notice of Public Hearing and Proof of Publication with affidavits, to the Wisconsin Department of Natural Resources for their review and approval.~~

Dated this ____ day of _____, 2019.

VILLAGE OF ROCHESTER

Edward Chart, Village President

ATTEST:

Sandra J. Swan, Village Clerk

This ordinance posted or published _____.
C:\MyFiles\Rochester\Ordinances\Ord re Update Zoning Code (revised) 2.18.19.docx



Jonathan Schattner <jschattner1@gmail.com>

Rochester Sign Ordinance

1 message

Doug Wheaton <Doug@wra.org>
To: Jonathan Schattner <jschattner1@gmail.com>

Thu, Mar 21, 2019 at 4:57 PM

Jon, following up, we would respectfully request changes to the proposed sign ordinance as shown in red font on the attached Word document.

These requested changes apply to the pages 53-54 of the full March 11th Village Board meeting packet as (pages 34-35 of the proposed ordinance as printed at bottom of pages), available online at <https://rochesterwi.us/wp-content/uploads/2019/03/March-11-2019-Board-Meeting-Materials.pdf>.

Under the proposed changes, the 11 square foot limit for signs without a permit would be moved under the residential section, so that it would not apply to non-residential properties.

The sentence referring to the formulas limiting permanent signage is deleted, as the sign limitations for both residential and non-residential properties would already be specified for temporary signs on properties for sale or lease, and the language referring to the aforementioned formulas are already included under the other subsection regarding signs on property under development.

With regard to residential parcels, the words "and are used for residential use" are deleted, in order to clarify that this subsection would also apply to residential properties for sale or lease that are vacant.

The smaller size limit that we discussed for non-residential parcels zoned B-1 in the Historic Preservation Overlay district is added.

A ten foot height limit is added for signs on non-residential parcels that are for sale or lease, except for parcels zoned B-1 in the Historic Preservation Overlay district, where the height limit would be seven feet.

Just let me know if you have any questions or would like to discuss.

Thank you for your time and consideration,

Doug

Village of Rochester – Proposed Sign Ordinance
Changes requested by the Lakes Area REALTORS Association

March 21, 2019

35-179 ADDITIONAL SIGN REGULATIONS AND MODIFICATIONS.

A. Temporary Signs. Temporary signs shall be placed in conformance with this Code for no longer than 120 days, unless a longer time is expressly allowed by Wisconsin Statutes Section 12.04, or other applicable laws, in which case the shortest period required by such statute applies; or as follows.

1. Signs on Property Under Construction. Temporary signs are permitted by the Zoning Administrator in any district for the duration of a building permit, where a building permit is in effect and construction is occurring. The Zoning Administrator may restrict the number, size, and location of temporary signs on any property to ensure safety for traffic and pedestrians.

2. Signs on Property Marketed for Sale or Lease. Temporary signs may remain on a property for all time that the property is actively marketed, as defined herein, for sale or lease. Whether the property is being actively marketed for sale or lease shall be subject to the determination of the Zoning Administrator. Any ~~such sign that would exceed 11 square feet in area shall require a permit, and~~ such sign shall be treated as a permanent sign for purposes of permitting, but shall remain a temporary sign for purposes of removal once the marketing of the property is concluded. The sign must be removed no later than ten calendar days after the marketing of the property is concluded. ~~The total sign area requirements of the district in which the sign is located shall apply.~~ Certain provisions of this Code that would otherwise apply are waived for purposes of signs that are subject to this paragraph, as follows:

i. Residential Parcels. On lots that are zoned for residential use, ~~and are used for residential use,~~ the otherwise applicable sign limitations of this Chapter are modified as follows:

~~a.~~ a. A sign exceeding 11 square feet in area shall require a permit.

~~a- b.~~ Such signs may be up to six feet in height.

~~b- c.~~ A small sign, no larger than two square feet in area, may be attached to the sign, and the two square feet shall not count toward the total square footage of signage on the parcel.

~~c- d.~~ Up to an additional six square feet in signage is permitted during the time and within 72 hours of an open house marketing event.

~~d.~~ e. The limitations on total signage square footage are doubled for parcels that front upon two or more streets, such as a corner lot.

~~e.~~ f. Signs may be placed anywhere on the parcel, provided the placement is not in the public right-of-way or a vision corner.

ii. Non-Residential Parcels. On lots that are zoned for commercial, industrial or other non-residential use, and are used for commercial, industrial or other non-residential use, the otherwise applicable sign limitations of this Chapter are modified as follows:

a. Such signs may be up to 32 square feet in area, except on properties zoned B-1 within the Historic Preservation Overlay district, where such signs may be up to 20 square feet.

b. Such signs may be up to ten feet in height, except on properties zoned B-1 within the Historic Preservation Overlay district, where such signs may be up to seven feet in height.

~~b.~~ c. The limitations on total signage square footage are doubled for parcels that front upon two or more streets, such as a corner lot.

~~c.~~ d. Signs may be placed anywhere on the parcel, provided the placement is not in the public right-of-way or a vision corner.

ORDINANCE NO. 2019-2

AN ORDINANCE TO UPDATE THE VILLAGE FLOODPLAIN ZONING
ORDINANCE TO INCORPORATE NEW FLOOD INSURANCE STUDY (FIS)
DATA

WHEREAS, the Village of Rochester has been notified by the State of Wisconsin Department of Natural Resources that a new Flood Insurance Study (FIS) has been completed, and the Village Code must be updated in its reference to the FIS even though no changes have been made to the Flood Insurance Rate Map as a result of the new study; and

WHEREAS, a public hearing was conducted by the Village Board of the Village of Rochester on _____, 2019 as required by Section 35-220 F. of the Village Code upon due notice as required by the same, and by Section 35-240 of the Village Code and other applicable laws; and

WHEREAS, the Village Board for the Village of Rochester, Racine County, Wisconsin finds that the public necessity, convenience, general welfare and good zoning practice require the amendments to the Village Code described herein.

NOW, THEREFORE, the Village Board of the Village of Rochester, Racine County, Wisconsin, DOES HEREBY ORDAIN as follows:

SECTION 1: Chapter 37 of the Village of Rochester Village Code entitled "Floodplain Zoning," Section 37-1 entitled, "Statutory Authorization, Finding of Fact, Statement of Purpose, Title, and General Provisions," Section E. entitled, "General Provisions," Subsection 2. entitled, "Official Maps and Revisions," Subsection a. entitled, "Official Maps: Based on the FIS," Subsection (1) entitled, "Flood Insurance Rate Map (FIRM), Panel Numbers:" is hereby repealed and re-created as follows:

- (1) Flood Insurance Rate Map (FIRM), panel numbers:
 - 55101C0018D dated May 2, 2012
 - 55101C0038D dated May 2, 2012
 - 55101C0039D dated May 2, 2012
 - 55101C0132D dated May 2, 2012
 - 55101C0133D dated May 2, 2012
 - 55101C0134D dated May 2, 2012
 - 55101C0151D dated May 2, 2012
 - 55101C0152D dated May 2, 2012
 - 55101C0153D dated May 2, 2012
 - 55101C0154D dated May 2, 2012
 with corresponding profiles that are **unchanged in 2019 and** based on the Flood Insurance Study (FIS) dated **May 2, 2012** ~~February 1, 2019~~, Volume ~~No.~~ **55101CV001B A and 55101CV002A;**

Approved by: The DNR and FEMA

SECTION 2: CONTINUATION OF PROVISIONS

The provisions of this ordinance, to the extent that they are substantively the same as those of the ordinances in force immediately prior to the enactment of this ordinance, are

intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinances. In addition, the adoption of this ordinance shall not affect any action, prosecution or proceeding brought for the enforcement of any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance for the time that such provision was in effect, and the repeal of any such provisions is stayed pending the final resolution of such actions, including appeals.

SECTION 3: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinance whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 4: EFFECTIVE DATE.

This Ordinance that amends the Village Floodplain Zoning Ordinance, to update the flood insurance study reference shown therein is subject to prior review and approval by the Wisconsin Department of Natural Resources, and the Village Clerk shall submit a certified copy of the Ordinance with copies of the Notice of Public Hearing and Proof of Publication with affidavits, to the Wisconsin Department of Natural Resources for their review and approval.

Dated this ____ day of _____, 2019.

VILLAGE OF ROCHESTER

Edward Chart, Village President

ATTEST:

Sandra J. Swan, Village Clerk

This ordinance posted or published _____.

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Planning Services

Request for Proposals

Amended Scope of Services

Village of Rochester, Wisconsin

Land Use Plan Update

~~February 28~~ March 22, 2019 (~~rev~~ revised, FINAL)

B. Scope of Services

1. Expectations.

The Plan will guide decisions affecting the physical development and redevelopment within the Village. The process for the Plan update will be critical to its success and must ensure that the final document reflects the desired vision for the community as determined by appointed / elected officials, citizens, landowners, business leaders, and other stakeholders through community participation. The Plan will be a guiding document that reflects the community's unique character and provides a clear process, together with specified objectives and policies, of how the Village can build upon its strengths. The updated Plan will help maintain collaborative and respectful relationships within the community and with surrounding neighbors, and establish or confirm existing policies and priorities for coordinated development and/or redevelopment and necessary infrastructure expansion.

2. Services.

The consultant team selected will provide a full range of municipal planning services required to update select portions of "A Multi-Jurisdictional Comprehensive Plan for Racine County: 2035" which are specific to the Village of Rochester including, but not necessarily limited to:

- a. Review, update and revise, as appropriate, the Village of Rochester's Land Use Plan Map and other supporting documentation for incorporation into "A Multi-Jurisdictional Comprehensive Plan for Racine County: 2050".
- b. Assist the Village in developing its own independent vision, goals, and objectives statement to be included in the Racine County Comprehensive Plan, including recommendations, and technical and supporting information.
- c. Re-evaluation of the existing Planned Land Use Map and categories, how they function with the existing zoning districts adopted by the Village, and any recommendations for potential future zoning district amendments.
- d. Effective coordination with staff and the Plan Commission to lead the process.
- e. An effective public participation process and schedule, to ensure community involvement in the Land Use Plan update process which includes an interactive website where citizens can view plan update progress and provide input.

- f. Plan presentations, public hearings and workshops are to be scheduled during the Land Use Plan update. The purpose of these meetings will be to provide an overview of the update process, present progress updates, and receive comments from citizens, elected officials, commission members, and staff. Final Land Use Plan Amendment document preparation and presentation of materials to the Plan Commission and Village Board.
- g. These are general requirements for the Plan update, and are not intended to be a comprehensive list of tasks and deliverables. It is expected that the chosen consultant team will provide the Village with more specific recommendations for approaches, tasks and deliverables based on their expertise from past work on comprehensive plan projects.

3. Community Involvement in Decision Making

The Village of Rochester values participation of citizens in every stage of decision making. Participation of citizens, land owners, business owners, appointed and elected officials, and other stakeholders throughout the community is paramount to success of the Plan update; therefore, the Village will place a strong emphasis in the selection process on choosing a consultant that has strong facilitation skills with respect to the public participation and meeting process. The selected consultant team will be responsible to provide a framework with their ideas for the most impactful ways to obtain public participation. Consultant will be responsible for organizing and either leading or co-leading public events with Village Staff.

Existing Plans and Maps

- A Land Use Plan Map for the Village of Rochester, November 2009
- A Multi-Jurisdictional Comprehensive Plan for Racine County: 2035 (adopted November 2009)
- Current Zoning Map for the Village of Rochester
- Current Zoning Code for the Village of Rochester
- Village of Rochester Park Needs Assessment: 2020 (currently under review)
- Sanitary Sewer System Map for the Village of Rochester, 2018
- Sanitary Sewer Study, Town of Rochester, November 1999
- Sanitary Sewer Study Update, Village of Rochester, January 2019
- Village of Rochester Storm Sewer Map, 2011
- Drainage Basins, Village of Rochester, Wisconsin (2011)

4. Deliverables.

A completed Plan update document that incorporates the required information outlined under the Services subparagraph above and the details of the Chapters below. Consultant team shall provide one (1) unbound copy and 25 bound copies of the final Plan document to the Village, including graphics. The consultant team shall also provide one (1) electronic submission of the Plan document, including attachments and other graphics, in an editable format commonly used by the Village Engineer.

The Village will also require that drafts of the Plan update document be provided for review at the completion of various key phases of the project. The timing and number of copies to be submitted will be mutually agreed upon between the consultant and Village staff as the project moves forward. It should be noted that most Village staff and the elected officials are used to accessing electronic documents in Rochester, but some paper copies will need to be available.

The following deliverables are desired in the document:

Chapter 1: Introduction. Describe the plan update including its purpose, uses, references and source information. Review the steps taken to update the plan, with an emphasis on detailing community involvement efforts and results.

Chapter 2: Issues & Opportunities. Detail the Village's vision statement, goals, policies, and objectives. Include population and other relevant data.

Chapter 3: Utilities and Community Facilities. Include existing sanitary sewer utility map. Discuss any benefits that may be derived from pursuing municipal water or sanitary sewer expansion agreements with abutting municipalities or expanding the planned sanitary sewer service area.

Chapter 4: Land Use. Review, update and revise as necessary. Provide an existing land use map, proposed land use map, chart with proposed acres per land use, with specific recommendations for each land use designation as well as a policy for amending the land use map.