

VILLAGE OF EMPIRE

ORDINANCE NO. 121

AN ORDINANCE TO AMEND SECTION 3.18 AND SECTION 3.19 OF ARTICLE 3 OF THE VILLAGE OF EMPIRE ZONING ORDINANCE TO AMEND THE PROVISIONS FOR REGULATION OF STREETS, PRIVATE ROADS, DRIVEWAYS AND SIDEWALKS INSIDE THE VILLAGE.

THE VILLAGE OF EMPIRE ORDAINS:

Section 1. Amendment of Section 3.18 of Article 3 of the Village of Empire Zoning Ordinance.

Section 3.18 of Article 3 of the Village of Empire Zoning Ordinance is hereby amended to read as follows:

Section 3.18 – Streets, Private Roads, and Driveways.

1. Where a public street, private road or right-of-way easement in existence prior to the effective date of this provision has no recorded width, the width will be considered to be twenty (20) feet for the purpose of establishing setbacks.
2. No person, firm or corporation shall hereafter divide any land without providing access to such divided lands by public right-of-way or permanent private easements.
3. No fence shall be approved which constitutes a fire hazard by itself or which restricts access by the fire department to multiple properties, or which will constitute a hazard to vehicular or pedestrian traffic.
4. All public streets, private roads, alleys and private driveways created after the effective date of this provision shall meet the following dimensions:
 - a. The right-of-way width shall be 50 feet of all public streets and private roads in residential and commercial districts.
 - b. The paved width shall be 20 feet of all public streets and private roads in residential districts and 30 feet in commercial districts
 - c. The green space at the side of a public street or private road shall be a minimum of 4 feet wide.
 - d. In all districts the right-of-way width of an alley shall be 20 feet, and the width of the paved portion of said alley shall be 12 feet.

- e. Private driveways shall be at least twelve (12) feet wide to reduce fire hazard and to facilitate access to all dwellings by the fire department.
- 5. Private roads with only one connection to a county road, Village Street, state highway or an approved private road meeting the requirements of this Ordinance shall not be longer than one thousand (1,000) feet.
- 6. No private road shall serve more than sixteen (16) lots without two (2) points of access to another public road or street, or to an approved private road.
- 7. A private driveway shall be no longer than one thousand (1,000) feet and serve no more than 3 lots, parcels or site condominium units.
- 8. There shall be a green space between the paved portion of a street and the sidewalk which is at least four (4) feet in width. Trees shall be planted within the green space. Such trees shall be non-invasive deciduous trees and shall be planted every twenty (20) feet minimum. Such trees shall, at the time of planting, have minimum caliper of three (3) inches and a minimum height of fifteen (15) feet.
- 9. All public streets, private roads, alleys and private driveways shall be constructed in accordance with the construction specifications adopted from time to time by the Village Council.

Section 2. Amendment of Section 3.19 of Article 3 of the Village of Empire Zoning Ordinance.

Section 3.19 of Article 3 of the Village of Empire Zoning Ordinance is hereby amended to read as follows:

Section 3.19 - Sidewalks.

- 1. All plans for new development within the MR, CR Districts and any PUD development must include provisions for the construction of sidewalks, which shall be constructed at the time streets and utilities are constructed. All plans for new development of a principal use in other districts shall only be required to designate a proposed sidewalk area on the submitted land use permit.
- 2. Sidewalks may or may not be placed parallel to the road or street used for vehicular travel, but should provide connection to facilities such as schools, parks, shopping and any adjoining public trails. All sidewalks shall be connected to existing or planned streets and pedestrian or bicycle pathways in the area.

3. Sidewalks shall be constructed on both sides of a street where the abutting lots are less than one hundred (100) feet in width, but on only one side of the street where the abutting lots are one hundred (100) or more feet in width.
4. In order to ensure public safety, special measures, such as crosswalks, crossing signals and other such facilities may be required in the vicinity of uses which generate a considerable amount of pedestrian traffic.
5. In order to facilitate pedestrian access from roads to schools, parks, recreational trails, play areas or nearby roads to new subdivisions or shopping areas, the dedication of perpetual unobstructed easements at least twenty (20) feet wide may be required by the Planning Commission. In heavy traffic areas, the Planning Commission may require the construction by the applicant of sidewalks on such easements.
6. In instances where sidewalk construction may be premature in the MR, CR and PUD Districts (no points of connection are possible) the Planning Commission may, in its discretion, require only the dedication of easements for future construction, and funds placed in an escrow account to cover the future sidewalk construction.
7. The proposed sidewalk location shall be delineated on any site plan required by this Ordinance for the MR, CR and PUD Districts, along with easement width, walk dimensions, materials and construction timetable.
8. All sidewalks shall be constructed in accordance with the construction specifications adopted from time to time by the Village Council.

Section 3. Penalties and Sanctions.

Any violation of the terms of this ordinance shall be subject to the penalties and sanctions provided for in the Village of Empire Zoning Ordinance.

Section 4. Effective Date.

This ordinance shall take effect seven (7) days after publication in the manner provided by law.

At a regular meeting of the Village Council of the Village of Empire held on March 24, 2009, adoption of the foregoing Ordinance was moved by Emerson Hilton and supported by Sam Barr.

Voting for: Sam Barr, Linda Payment, Emerson Hilton, David Diller and Susan Carpenter

Voting against: none

The Village President declared the ordinance adopted.

Susan A. Carpenter
Village President

CERTIFICATION

The foregoing is a true copy of Ordinance No. 121 which was enacted by the Village Council of the Village of Empire at a regular meeting held on March 24 2009.

Patricia Zoyhofski
Village Clerk