

## ORDINANCE NO. 2025-1

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF  
THE VILLAGE OF ROCHESTER ZONING CODE  
TO CORRECT AND CLARIFY MINOR ERRORS**

**WHEREAS**, the Village of Rochester seeks to update certain sections of the Village of Rochester Zoning Code for the sake of clarification, consistency, and to remedy oversights within the Village of Rochester Zoning Code; and

**WHEREAS**, the Code inadvertently contains errors that may cause confusion if read literally; and

**WHEREAS**, the Village Board seeks to eliminate this confusion by correcting the errors; and

**WHEREAS**, this zoning amendment was initiated pursuant to Section 35-220 B. of the Village of Rochester Zoning Code; and

**WHEREAS**, the matter was duly referred to the Village of Rochester Plan Commission for report and recommendation pursuant to Section 35-220 D. of the Village of Rochester Zoning Code, and the Plan Commission has reviewed the matter and offered its recommendation to the Village Board; and

**WHEREAS**, a public hearing was conducted by the Village Board of the Village of Rochester on MARCH 10, 2025 as required by Section 35-220 F. of the Village of Rochester Zoning Code, upon due notice as required by Section 35-240 of the Village of Rochester Zoning Code and Section 62.23(7)(d), Wisconsin Statutes; and

**WHEREAS**, the Village Board finds that this change to the Village of Rochester Zoning Code is not a down zoning ordinance because it does not decrease the development density of land and it does not reduce the permitted uses of land, and therefore the super majority requirement of Section 66.10015, Wisconsin Statutes, does not apply to this ordinance; and

**WHEREAS**, the Village Board for the Village of Rochester finds that the public necessity, convenience, general welfare, and good zoning practice require the amendment to the Village Code described herein; and

**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 35-29 entitled "Zoning Districts" is hereby amended as follows:

Within the list of zoning districts after the text “R-9 Suburban Country Estates Residential District (Unsewered)” and before the text “B-1 General Business District” is added the following zoning district classification:

#### **R-10 Residential Farming District**

Within the list of zoning districts after the text “B-6 Water-oriented Business District” and before the text “M-1 Limited Industrial District” is added the following zoning district classification:

#### **B-7 Mixed-Business Use District**

**Section 2:** Chapter 35 of the Village of Rochester Zoning Code entitled “Planning and Zoning,” Section 35-34 entitled “R-4 Multiple-Family Residential District,” Subsection A. entitled “Uses,” Paragraph 1. entitled “Permitted Principal Uses” is hereby repealed and re-created to read as follows:

##### **1. Permitted Principal Uses:**

Multiple-family dwellings at a maximum density of three to eight units per structure on lots served by public sanitary sewer. All R-4 Multiple Family Residential development is subject to Village Plan Commission approval of building site and operational plans.

**Section 3:** Chapter 36 of the Village of Rochester Zoning Code entitled “Shoreland-Wetland and Shoreland Zoning Districts,” Article 50 entitled “Enforcement,” Section 36-500 entitled “Violations and Penalties,” Subsection C. entitled “Penalties,” Paragraph 2. entitled “Double Fees, Injunctions and Suspension or Revocation” is hereby repealed and re-created to read as follows:

2. Double Fees, Injunctions and Suspension or Revocation. In addition to the penalties set forth in subsection 1., the penalties for commencing work without a permit, for violation of this Chapter or the violation of a Zoning Permit or Conditional Use Permit set forth in s. 35-100.K. of this Municipal Code shall apply, including double fees, injunctions and suspension or revocation of zoning and conditional use permits.

#### **Section 3: 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 provision is stayed pending the final resolution of such actions, including appeals.

#### **Section 4: 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 5: EFFECTIVE DATE**

This ordinance shall take effect on MARCH 10, 2025 after passage and posting and/or publication as provided by law.

Passed and adopted this 10TH day of MARCH, 2025.

VILLAGE OF ROCHESTER



Nick Ahlers, Village President

ATTEST:

  
Daniel Colwell, Village Clerk