

## ORDINANCE NO. 2025-2

**AN ORDINANCE REZONING ONE PARCEL WITHIN THE VILLAGE OF  
ROCHESTER FROM B-1 TO P-2 ZONING DISTRICT**

**WHEREAS**, the Village of Rochester received as a donation the property at 705 S. Front St., Rochester, WI, parcel ID 176031911336000, on November 5, 2024; and

**WHEREAS**, the terms of the donation indicate that the property is to be used to create the Kate Shaffer Riverside Park; and

**WHEREAS**, the donated property is currently zoned B-1 (Central Business District), which does not allow for parks as a principal use; and

**WHEREAS**, the Village of Rochester intends to rezone the property to P-2 (Recreational Park District) so that the purpose and intent of the donation may be fulfilled; and

**WHEREAS**, the proposed zoning change does not conflict with the Village of Rochester 2050 Land Use Plan or other nearby zoning districts and land uses; and

**WHEREAS**, the Village Board has the power to enact zoning ordinances in accordance with Section 62.23(7), Wisconsin Statutes; 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 April 14, 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 may be considered a down zoning ordinance because this change would reduce the number of permitted uses of the land, but because this rezoning ordinance is requested by the property owner, 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.

**NOW, THEREFORE**, the Village Board of the Village of Rochester, Racine County, Wisconsin, does hereby ordain as follows:

**Section 1:** Chapter 35 of the Municipal Code of the Village of Rochester, Racine County, Wisconsin, Planning and Zoning, Section 35-30, Zoning Map, is hereby amended such that the following property located in the Village of Rochester is subjected to the zoning change described herein:

Parcel ID 176031911336000 (Map Exhibit 1), currently zoned B-1 (Central Business District) shall have its zoning classification amended to P-2 (Recreational Park District).

**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 provision 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 shall take effect on APRIL 14, 2025 after passage and posting and/or publication as provided by law.

Passed and adopted this 14TH day of APRIL, 2025.

VILLAGE OF ROCHESTER

  
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Nick Ahlers, Village President

ATTEST:

  
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Daniel Colwell, Village Clerk