

ORDINANCE NO. 2023-10

**AN ORDINANCE REZONING A PARCEL WITHIN THE VILLAGE OF ROCHESTER
IN CONFORMANCE WITH THE 2050 LAND USE PLAN**

WHEREAS, the Village of Rochester adopted the 2050 Land Use Plan and accompanying Map on July 13, 2020; and

WHEREAS, the Village of Rochester seeks to update the Zoning Map of the Village of Rochester to better reflect the recommendations of the 2050 Land Use Plan and the 2050 Land Use Plan Map; and

WHEREAS, the Village of Rochester seeks to align the zoning classifications of properties within the Western Racine County Sewerage District's Planned Urban Service Area with appropriate sewer-served zoning districts; 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 9/11, 2023 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 while the property cannot be developed under its current zoning, this change would reduce the number of permitted uses of the land and therefore the super majority requirement of Section 66.10015, Wisconsin Statutes, applies 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 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 176031914025020 (Map Exhibit 1), currently zoned A-2 (General Farming and Residential District) shall have its zoning classification amended to R-6 (Suburban Residential District (Sewered)).

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

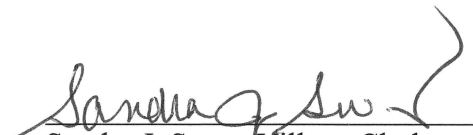
This ordinance shall take effect on September 11, 2023 after passage and posting and/or publication as provided by law.

Passed and adopted this 11 day of September, 2023.

VILLAGE OF ROCHESTER


Edward Chart, Village President

ATTEST:


Sandra J. Swan, Village Clerk