

**AN ORDINANCE REZONING SEVERAL PARCELS WITHIN THE VILLAGE OF
ROCHESTER FROM A-3 TO A-2 ZONING DISTRICT**

WHEREAS, the Village of Rochester received an application to rezone parcel IDs 176031907004000 and 176031907003000 from the property owners, Michael and Michelle Toll, requesting to amend the zoning classification of each parcel from A-3 to A-2; and

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

WHEREAS, rezoning the two requested parcels would leave parcel IDs 176031907015000, 176031918010000, 176031918007000, and 176031918008000 as the only A-3 zoned properties in that general vicinity; and

WHEREAS, the intent of the A-3 zoning district is to hold large areas of land as agricultural use in anticipation of future urban development, and smaller parcels do not meet this intent; and

WHEREAS, the Village of Rochester has chosen to rezone Parcel IDs 176031907015000, 176031918010000, 176031918007000, and 176031918008000 from A-3 to A-2 as this 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 September 9, 2024 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.

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 properties located in the Village of Rochester are subjected to the zoning changes described herein:

Parcel IDs 176031907004000 and 176031907003000 (Map Exhibit 1), currently zoned A-3 (General Farming District – Holding District) shall have their zoning classifications amended to A-2 (General Farming and Residential District).

Section 2: 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 properties located in the Village of Rochester are subjected to the zoning changes described herein:

Parcel IDs 176031907015000, 176031918010000, 176031918007000, and 176031918008000 (Map Exhibit 2), currently zoned A-3 (General Farming District – Holding District) shall have their zoning classifications amended to A-2 (General Farming and Residential District).

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 September 9, 2024 after passage and posting and/or publication as provided by law.

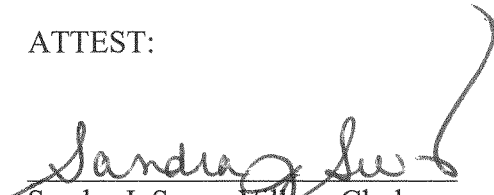
Passed and adopted this 9th day of September, 2024.

VILLAGE OF ROCHESTER



Nick Ahlers, Village President

ATTEST:



Sandra J. Swan, Village Clerk