

ORDINANCE NO. 2021-4

**AN ORDINANCE TO REPEAL AND RE-CREATE CERTAIN SECTIONS OF
CHAPTER 30 OF THE VILLAGE CODE REGARDING LAND DIVISION DUE
TO AN UPDATE TO THE VILLAGE'S COMPREHENSIVE PLAN**

WHEREAS, the Village Board of the Village of Rochester found it to be in the best interest of the Village to update the Village's Comprehensive Plan in July 2020; and

WHEREAS, the Village Board accomplished this by adopting an amendment to the Comprehensive Plan entitled "Rochester Wisconsin Year 2050 Land Use Plan"; and

WHEREAS, the Comprehensive Plan amendment included an updated map which re-classified some land in non-sewer district areas to include the Suburban Residential classification; and

WHEREAS, as required by Wisconsin Statutes Section 236.45(4), this issue has been referred to the Plan Commission for report and recommendation and the Plan Commission has reported its recommendation to the Village Board; and

WHEREAS, upon due notice as required by Wisconsin Statutes Section 236.45(4), the Village Board conducted a public hearing on or about _____, 20____; and

WHEREAS, upon consideration of the recommendation from the Plan Commission and all information received in the public hearing, the Village Board finds it is in the best interest of the Village to update the Village Code to officially incorporate the changes made in the "Rochester Wisconsin Year 2050 Land Use Plan" amendment; and

NOW, THEREFORE, the Village Board of the Village of Rochester, Racine County, Wisconsin DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 30 of the Village of Rochester Municipal Code entitled, "Land Division," Article 1 entitled "General Provisions," Section 3 entitled, "Intent," Subsection A is hereby repealed and re-created as follows:

A. Guide growth and development consistent with the July 2020 map titled "Appendix A of the Rochester Wisconsin Year 2050 Land Use Plan" November 2009 "A Multi-Jurisdictional; Comprehensive Plan for Racine County: 2035" as amended from time to time (the "Village Comprehensive Plan").

SECTION 2: Chapter 30 of the Village of Rochester Municipal Code entitled, "Land Division," Article 2 entitled "Subdivision Procedure," Section 22 entitled, "Conceptual Plan," Subsection C.2. is hereby repealed and re-created as follows:

2. For development within, or within 200 feet of, a primary or secondary environmental corridor, that a qualified ecological service provider provide a habitat assessment and a plan to minimize adverse effects on vegetation and wildlife within the corridor. When the affected corridor land is owned by another party(s), the assessment and plan will be

waived if the other owner(s) do not grant permission. At the discretion of the Plan Commission, similar information may be required for isolated natural resources. These corridors and resources are identified in "[Appendix A of the Rochester Wisconsin Year 2050 Land Use Plan](#)" ~~A Multi-Jurisdictional; Comprehensive Plan for Racine County: 2035~~ on Map VI-1, as may be amended from time to time.

SECTION 3: Chapter 30 of the Village of Rochester Municipal Code entitled, "Land Division," Article 3 entitled "Subdivision Conceptual Plan," Section 33 entitled, "Subdivision Development Yield Analysis," Subsection A is hereby repealed and re-created as follows:

A. Conservation subdivision in non-sewer district: Development yield equals: Gross contiguous acres minus new and existing street right-of-ways; divide this number by [the minimum allowable acres per dwelling unit applicable to the subject property in Appendix A of the "Rochester Wisconsin Year 2050 Land Use Plan" and round down to the nearest whole number.](#)
~~3 and round to the nearest whole number.~~

SECTION 4: Chapter 30 of the Village of Rochester Municipal Code entitled, "Land Division," Article 3 entitled "Subdivision Conceptual Plan," Section 33 entitled, "Subdivision Development Yield Analysis," Subsection B.1. is hereby repealed and re-created as follows:

B. Conservation subdivision in sewer district:

1. Development yield must be consistent with densities specified in [Appendix A of the "Rochester Wisconsin Year 2050 Land Use Plan" -Map 7 in Appendix D of the November 2009 "A Multi-Jurisdictional; Comprehensive Plan for Racine County: 2035"](#) as amended from time to time, and the Rochester 40 or 60 percent open space requirement for conservation subdivisions.

SECTION 5: Chapter 30 of the Village of Rochester Municipal Code entitled, "Land Division," Article 3 entitled "Subdivision Conceptual Plan," Section 33 entitled, "Subdivision Development Yield Analysis," Subsection C is hereby repealed and re-created as follows:

C. Conventional subdivision in non-sewer district: Development yield equals: Gross contiguous acres minus new and existing street right-of-ways; divide this number by [the minimum allowable acres per dwelling unit applicable to the subject property in Appendix A of the "Rochester Wisconsin Year 2050 Land Use Plan" and round down to the nearest whole number.](#)
~~3 and round to the nearest whole number.~~

SECTION 6: Chapter 30 of the Village of Rochester Municipal Code entitled, "Land Division," Article 3 entitled "Subdivision Conceptual Plan," Section 33 entitled, "Subdivision Development Yield Analysis," Subsection D.1. is hereby repealed and re-created as follows:

D. Conventional subdivision in sewer district:

1. Development yield must be consistent with densities specified [in Appendix A of the "Rochester Wisconsin Year 2050 Land Use Plan" in Map 7 in Appendix D of the November 2009 "A Multi-Jurisdictional; Comprehensive Plan for Racine County: 2035"](#) as amended from time to time and the Rochester 20 percent open space requirement for conventional subdivisions.

SECTION 7: Chapter 30 of the Village of Rochester Municipal Code entitled, “Land Division,” Article 6 entitled “Minor Land Division – Certified Survey Map,” Section 63 entitled, “Conceptual Development Plan,” Subsection C. is hereby repealed and re-created as follows:

1. Non-sewer district: The maximum number of parcels that can be created in the non-sewer district, including the parent remnant, is called the development yield and shall equal: Gross contiguous acres minus new and existing street rights-of-way; divide this number by the minimum allowable acres per dwelling unit applicable to the subject property in Appendix A of the “Rochester Wisconsin Year 2050 Land Use Plan” and round down to the nearest whole number.

~~3 and round to the nearest whole number.~~

2. Sewer district: The maximum number of parcels which can be created in the sewer district is determined by densities specified in Appendix A of the “Rochester Wisconsin Year 2050 Land Use Plan”-Map 7 in Appendix D of the November 2009 “A Multi-Jurisdictional; Comprehensive Plan for Racine County: 2035”, as amended from time to time, and the Zoning chapters.

SECTION 8: Chapter 30 of the Village of Rochester Municipal Code entitled, “Land Division,” Article 6 entitled “Minor Land Division – Certified Survey Map,” Section 66 entitled, “CSM Information,” Subsection B.1. is hereby repealed and re-created as follows:

1. For development within or within 200 feet of a primary or secondary environmental corridor, that a qualified ecological service provider provide a habitat assessment and a plan to minimize adverse effects on vegetation and wildlife within the corridor. When the affected corridor land is owned by another party(s), the assessment and plan will be waived if the owner(s) does not grant permission. At the discretion of the Plan Commission, similar information may be required for isolated natural resources. These corridors and resources are identified in Appendix A of the “Rochester Wisconsin Year 2050 Land Use Plan”, as amended from time to time.~~“A Multi-Jurisdictional; Comprehensive Plan for Racine County: 2035” on Map VI-1.~~

SECTION 9: Chapter 30 of the Village of Rochester Municipal Code entitled, “Land Division,” Article 20 entitled “Definitions,” Section 201 entitled, “Definitions,”. is hereby repealed and re-created as follows:

“Comprehensive Plan” means the plan required by Wisconsin Statutes and currently adopted as the November 2009 “A Multi-Jurisdictional; Comprehensive Plan for Racine County: 2035.” as amended by the July 2020 “Rochester Wisconsin Year 2050 Land Use Plan” as amended from time to time (the “Village Comprehensive Plan”).

SECTION 10: CONTINUATION OF EXISTING 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 provisions is stayed pending the final resolution of such actions, including appeals.

SECTION 11: 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 ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 12: EFFECTIVE DATE

This ordinance shall take effect immediately upon passage and posting and/or publication as provided by law.

PASSED AND ADOPTED by the Village Board of the Village of Rochester on this ____ day of _____, 20__.

Edward Chart, Village President

Attest:

Sandra Swan, Village Clerk