

**ORDINANCE NO. 2023-04**

**VILLAGE OF YORKVILLE  
RACINE COUNTY, WISCONSIN**

**AN ORDINANCE TO AMEND SECTION 28-7 AND CREATE SECTION 28-13 OF THE CODE OF ORDINANCES OF THE VILLAGE OF YORKVILLE, RACINE COUNTY, WISCONSIN, RELATING TO LAND SUITABILITY AND MUNICIPAL EXTRATERRITORIAL PLAT APPROVAL JURISDICTION**

**THE VILLAGE BOARD OF THE VILLAGE OF YORKVILLE, RACINE COUNTY, WISCONSIN, HEREBY DO ORDAIN AS FOLLOWS:**

1. That Section 28-7 of the Code of Ordinances for the Village of Yorkville be, and hereby is, amended to read as follows:

**“Sec. 28-7. Land Suitability.**

“No land shall be subdivided which is held to be unsuitable for any proposed use if identified as environmentally sensitive. Areas identified as environmentally sensitive include, but are not limited to:

- (1) All areas mapped as floodplain by the Federal Emergency Management Agency (FEMA), state department of natural resources, or other public or private entity.
- (2) All wetlands as defined in Wis. Admin. Code § NR 103.02(5), including buffers as required under Wis. Admin. Code Ch. NR 151.
- (3) All areas within 75 feet of the ordinary high-water mark of navigable streams and lakes, as identified by state department of natural resources.
- (4) All areas having slopes greater than 20 percent.
- (5) Areas that are known to provide habitat for rare, threatened, or endangered species.
- (6) Burial sites and Indian mounds.
- (7) Drainageways that contain running water during spring runoff, during storm events or when it rains. A 25-foot buffer from the edge of the drainageway shall be included.
- (8) Areas otherwise determined by the village board to be unsuitable for such use by reason of bad drainage, adverse earth or rock formation or topography, or any other feature likely to be harmful to the health, safety or welfare of the future residents of the community.

- (9) Areas not designated for land divisions by the village's land use plan.
- (10) Areas determined to be environmentally sensitive may be included as common open space in a conservation subdivision but shall not be included in the development yield analysis in section 28-122(a)(2) or in the net density calculation as defined in section 28-9 unless otherwise included or excluded in those sections. These lands shall be identified as an outlot or other designation that indicates the land is not available for land division.

The Village Plan Commission and Village Board in applying the provisions of this section shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use, after affording the subdivider an opportunity to present information regarding such suitability.”

2. That Section 28-13 of the Code of Ordinances for the Village of Yorkville be, and hereby is, created to read as follows:

**“Sec. 28-13. Extraterritorial Plat Approval Jurisdiction.**

- (1) Jurisdiction. The jurisdiction of this chapter extends throughout the extraterritorial plat approval jurisdiction authorized by ss 236.10(1)(b), Wis. Stats. All minor subdivisions and all major subdivisions in the extraterritorial plat approval jurisdiction shall be subject to the approval of the Village Board and Plan Commission in accordance with the requirements of §§ 28-7 “Land suitability,” 28-45 “Drainage,” 28-51 “Engineering, planning, legal and administrative costs; land division fee,” 28-82(c) and (d) “Easements, Maintenance Obligations” pertaining to drain tiles, 28-84 “Lots,” 28-87 “Drainage,” Article V “Preliminary Plat,” Article VI. “Final Plat,” Article VII. “Certified Survey Maps” with the exception of § 28-231 “Public Improvements,” and Article VIII. “Modifications or Waivers.”
- (2) Land Suitability. The Village Board and Plan Commission may consider the land suitability standards in section 28-7, especially those standards related to drainage, in its review of any plat or certified survey map within this area. The relationship of the Comprehensive Plan and Official Map to a proposed extraterritorial plat shall also be considered in determining a proposed plat or map should be approved or denied.
- (3) Special Exception. A special exception to the requirements of this section may be granted by the Plan Commission or Village Board as expressly provided in an intergovernmental agreement, cooperative plan, or extraterritorial zoning ordinance between the Village and appropriate town.
- (4) Application and Fees. No person shall divide any land located within the Village’s extraterritorial jurisdiction without first filing an application, meeting all submittal requirements, and paying the Village’s land division review fees contained in this chapter and the fee schedule. The timing for filing the application and paying the Village’s review fees shall be the same as otherwise required for land divisions within the Village.

3. This ordinance shall take effect upon adoption and publication as required by law.

Adopted by the Village Board of the Village of Yorkville, Racine County, Wisconsin, this 10<sup>th</sup> day of April, 2023.

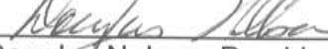
**VILLAGE OF YORKVILLE**


Ayes: 4

Nays: 0

Abstentions: 0

Absences: 1

By:   
Douglas Nelson, President

Attest:   
Michael McKinney, Administrator/Clerk

**Village of Yorkville**  
**Notice of Newly Enacted Ordinance**

Please take notice that, on Monday, April 10, 2023, the Village Board of the Village of Yorkville adopted Ordinance 2023-04, entitled "An Ordinance amending Section 28-7 and creating Section 28-13 of the Code of Ordinances of the Village of Yorkville, Racine County, Wisconsin, relating to land suitability and municipal extraterritorial plat approval jurisdiction". This ordinance includes further explanation of land suitability (and what land the Village considers unsuitable for development purposes) as well as the standards the Village would consider when reviewing land divisions in municipalities within its extraterritorial plat approval jurisdiction. This ordinance also establishes a process for requesting a special exception to the requirements of this ordinance.

This ordinance takes effect upon publication of this notice. The full text of this ordinance may be obtained from the Village of Yorkville Administrator/Clerk's office, 925 15<sup>th</sup> Avenue, Union Grove, Wisconsin 53182, or through the Village's website at [www.villageofyorkville.com](http://www.villageofyorkville.com). The phone number for the Administrator/Clerk is (262) 878-2123.

Michael McKinney  
*Administrator/Clerk*