

ORDINANCE NO. 2021-02

**VILLAGE OF YORKVILLE
RACINE COUNTY, WISCONSIN**

AN ORDINANCE TO AMEND THE RACINE COUNTY CODE OF ORDINANCES AS ADOPTED BY THE VILLAGE OF YORKVILLE UNDER SECTION 55-1(A) OF THE CODE OF ORDINANCES OF THE VILLAGE OF YORKVILLE RELATING TO THE REZONING OF ±85 ACRES OF LAND FROM A-2 GENERAL FARMING AND RESIDENTIAL DISTRICT II TO C-2 UPLAND RESOURCE CONSERVATION DISTRICT, SW¼ OF SEC. 1, T3N, R21E., LOCATED WEST, NORTH AND EAST OF 14700 50TH ROAD (PARCEL ID #'S 194-03-21-01-006-040, 194-03-21-01-006-030 AND 194-03-21-01-006-010) TO ACCOMMODATE A 15-LOT CONSERVATION RESIDENTIAL DEVELOPMENT; DIVERSIFIED LAND DEVELOPERS, LLC, OWNER; TNG 27, LLC, APPLICANT

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

- A. TNG 27, LLC (“Applicant”) has proposed a 15-lot conservation subdivision known as Yorkshire Highlands (“Development”).
- B. On December 14, 2020 a duly-noticed public hearing as to the proposed rezoning of the land identified below was held, and the matter was tabled to allow for the submission by the Applicant of additional information as referenced in the official minutes for the December 14, 2020 Joint Village Board/Plan Commission meeting.
- C. On March 8, 2021, a Plan Commission recommendation in favor of the proposed rezoning was received, subject to the conditions set forth below.
- D. To accommodate its proposed conservation subdivision, the Applicant has applied to rezone ±85-acres from A-2 General Farming and Residential District II to C-2 Upland Resource Conservation District; SW¼ of Sec. 1, T3N, R21E, for property is located west, north and east of 14700 50th Road (Parcel ID #'s 194-03-21-01-006-040, 194-03-21-01-006-030 and 194-03-21-01-006-010). The property to be rezoned is shown and legally described on the Applicant’s Preliminary Plat as prepared by Pinnacle Engineering Group consisting of two pages, with last revision date of February 26, 2021, which is incorporated herein by reference as though fully set forth herein. This request to rezone the above-described land is conditionally approved for the following reasons:
 - 1. This rezoning will not adversely affect surrounding property values and is consistent with existing adjacent land uses.

2. The proposed rezoning appears to fit with adjacent uses, as the proposed ±85-acres that are being requested to be zoned to the C-2 Upland Resource Conservation District are adjacent to Stonecrest Shores Subdivision to the west and other Agricultural, Rural Residential and Open Land uses to the north, east and south.
 3. The proposed rezoning is in compliance with the Agricultural, Rural Residential and Open Land designation for the subject properties in the Village's adopted comprehensive plan and land use map as contained in the document entitled "2020-2050 Village of Yorkville Comprehensive Plan."
 4. The Village of Yorkville Plan Commission has recommended approval of the rezoning request.
- E. That in order to update the zoning map of the Racine County Zoning Code as adopted by the Village of Yorkville under Section 55-1(a) of the Code of Ordinances of the Village of Yorkville, the Village Board needs to adopt an ordinance.
- F. That the zoning map be, and hereby is, conditionally amended as set forth above. That this ordinance is null and void if the following conditions are not complied with:
1. **Land Division.** Subject to the Development being divided by subdivision plat in the manner described at the public hearing held on December 14, 2020, as further refined in subsequent meetings of the Plan Commission and Village Board, and further subject to satisfying any and all conditions that are imposed by the Village in approving the preliminary plat, and satisfying all conditions that may be imposed by the Village and all other approving and objecting authorities in approving the final plat (if approved), and further subject to recording the final plat as approved by the Village (if approved) in the office of the Racine County Register of Deeds.
 2. **Village Engineer's Recommendations.** Subject to compliance with all of the recommendations of the Village Engineer as set forth in his letters dated December 7, 2020 and January 27, 2021.
 3. **Drain Tile Study.** Subject to compliance with all recommendations of the Plan Commission and Village Board relative to the Existing Agricultural Drain Tile Investigation Plan as prepared by Huddleston McBride and dated December 17, 2020, as set forth in detail in the Village Engineer's recommendations set forth above.
 4. **Subject to Acceptance.** Subject to the Applicant acknowledging in writing that they have received a copy of this conditional approval,

that they understand and accept the same, and that upon failure to satisfy these conditions this approval is void, and the same is deemed to not have been approved, and the Owner and Applicant will therefore need to re-commence the application process.

5. **Time to Satisfy Conditions.** Subject to the Owner and Applicant satisfying all of the aforementioned conditions by December 31, 2021, unless extended by the Village Board.
 6. **Conditional Use Permit.** Subject to the applicant receiving approval from the Village for a Conditional Use Permit (“CUP”) for a 15-lot cluster residential development, and agreeing to comply with all of the conditions of the CUP approval.
 7. **Stormwater and Recreational, Non-Motorized Multi-Purpose Easement.** The applicant shall establish a 75-foot-wide stormwater and recreational, non-motorized multi-purpose easement along the subject properties’ entire frontage on the East Branch of the Root River Canal, shall depict said easement on the final plat for this proposed subdivision, and shall reference said easement in the subdivision’s development agreement, restrictive covenants and grant of conservation easement.
- G. That upon satisfaction of all of the above conditions, the Village Clerk shall cause the official Zoning Map of the Village of Yorkville to be amended to reflect the revision to the zoning classification adopted herein.
- H. 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.
- I. This ordinance shall take effect upon adoption and publication as provided by law, and subject to the conditions stated above. This ordinance is null and void and original district zoning shall be in effect with no further notice if said conditions are not complied with on the terms and conditions stated herein.

Adopted by the Village Board of the Village of Yorkville, Racine County, Wisconsin, this 8th day of March, 2021.

VILLAGE OF YORKVILLE

Ayes: 5

Nays: 0

Abstentions: 0

Absences: 0

By: /s/ Douglas Nelson
Douglas Nelson, President

Attest: /s/ Michael McKinney
Michael McKinney, Administrator/Clerk