

ORDINANCE NO. 2023-01

**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, RACINE COUNTY, WISCONSIN, RELATING TO THE REZONING OF ±85 ACRES OF LAND FROM THE A-2 GENERAL FARMING AND RESIDENTIAL DISTRICT II TO THE C-2 UPLAND RESOURCE CONSERVATION DISTRICT, ON THREE UNADDRESSED PARCELS LOCATED TO THE WEST, NORTH AND PARTIALLY TO THE EAST OF THE PARCEL LOCATED AT 14700 50TH ROAD, SEC. 01, T3N, R21E, VILLAGE OF YORKVILLE, RACINE COUNTY, WISCONSIN (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-PARCEL CLUSTER SUBDIVISION; TNG 27, LLC, OWNER; NANCY WASHBURN/RAYMOND LEFFLER, APPLICANT/AGENT

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

- A. TNG 27, LLC (“Applicant”) 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 Plan Commission subsequently approved Resolution 2021-01 on March 8, 2021 recommending adoption by the Village Board of a conditional zoning ordinance.
- C. On December 14, 2020, the Village Board approved Ordinance 2021-02 approving the requested zoning amendment of the subject parcel, subject to various conditions to be satisfied by December 31, 2021.
- D. The December 31, 2021 date was extended by the Village Board, at the request of the Applicant, to June 30, 2022; Because the conditions were not satisfied by that date, the ordinance by its terms became null and void and the Applicant is reapplying for approval of the required rezoning ordinance
- E. The Yorkville Village Board approved the Applicant’s Final Plat for this Development on May 9, 2022.
- F. To accommodate this conservation subdivision, the Applicant has re-applied to rezone ±85 acres of land from the A-2 General Farming and Residential District II to the C-2 Upland Resource Conservation District, on three unaddressed parcels located to the west, north and partially to the east of the parcel located at 14700 50th Road, Sec. 01, T3N, R21E, Village of Yorkville, Racine County, Wisconsin (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 Final Plat as prepared by Pinnacle Engineering Group consisting of two pages, with last revision date of September 21, 2021, which is incorporated herein by reference as though fully set forth herein.
- G. On January 9, 2023, a duly noticed public hearing as to the proposed rezoning of the land identified above was held.

- H. On January 9, 2023, a Plan Commission recommendation in favor of the proposed rezoning was received, subject to the conditions set forth below.
- I. 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.
- J. 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.
- K. 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 satisfying all conditions that may be imposed by the Village and all other approving and objecting authorities in approving the final plat, and further subject to recording the final plat as approved by the Village on May 9, 2022, 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 aforementioned conditions by January 8, 2024, 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 subdivision, and shall reference said easement in the subdivision’s development agreement, restrictive covenants, and grant of conservation easement.
- L. 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.
- M. 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.
- N. 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 9th day of January, 2023.

VILLAGE OF YORKVILLE

Ayes: 4

By: /s/ Douglas Nelson
Douglas Nelson, President

Nays: 0

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

Abstentions: 0

Absences: 1

**NOTICE OF PUBLIC HEARING
VILLAGE OF YORKVILLE**

Notice is hereby given that the Village of Yorkville Plan Commission and Village Board will hold a public hearing at a joint meeting at 6:00 p.m. on Monday, January 9, 2023, in the Village Board Room at the Union Grove Municipal Center, 925 15th Avenue, Union Grove, to hear any public comments on the following requests. This location is handicap accessible. If you have other special needs, contact the Village of Yorkville Administrator/Clerk at 262-878-2123.

TNG 27, LLC
8338 Corporate Dr. #300
Mt. Pleasant, WI 53406
TNG 27, LLC, Applicant

Request 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, Village of Yorkville, Racine County, WI. These parcels are located to the west, north and partially to the east of the parcel located at 14700 50th Road. The purpose of this rezoning is to accommodate a 15-lot cluster residential development. This request was originally approved on March 8, 2021, extended on December 13, 2021, and expired on June 30, 2022.

TNG 27, LLC
8338 Corporate Dr. #300
Mt. Pleasant, WI 53406
TNG 27, LLC, Applicant

Request a conditional use for a 15-lot cluster residential development, SW¼ of Sec. 1, T3N, R21E, Village of Yorkville, Racine County, WI. These parcels are located to the west, north and partially to the east of the parcel located at 14700 50th Road. This request was originally approved on March 8, 2021, and will be reviewed in conjunction with the rezoning request listed above.

Applicant is subject to Article VI, Division 15.5, C-2 Upland Resource Conservation District (proposed) and Section 20-1337 Residential Uses, Chapter 20, Zoning, Racine County Code of Ordinances, as applicable to the Village of Yorkville.

Dates: December 22, 2022, and December 29, 2022

Michael McKinney
Administrator/Clerk

Village of Yorkville
Notice of Newly Enacted Ordinances

Please take notice that, on Monday, January 9, 2023, the Village Board of the Village of Yorkville adopted the following ordinances:

- Ordinance 2023-01, entitled "An Ordinance amending 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, Racine County, Wisconsin, relating to the rezoning of ±85 acres of land from the A-2 General Farming and Residential District II to the C-2 Upland Resource Conservation District, on three unaddressed parcels located to the west, north and partially to the east of the parcel located at 14700 50th Road, Sec. 01, T3N, R21E, Village of Yorkville, Racine County, Wisconsin (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-parcel cluster subdivision; TNG 27, LLC, Owner; Nancy Washburn/Raymond Leffler, Applicant/Agent".
- Ordinance 2023-02, entitled "An Ordinance repealing and recreating Section 20-1015 of the Code of Ordinances of the Village of Yorkville, Racine County, Wisconsin, relating to home-based businesses". This ordinance establishes criteria for operators of home-based businesses in dwelling units within appropriate zoning districts, permits and regulates the conduct of home-based businesses as an accessory use in a dwelling unit, whether owner- or renter-occupied, and allows residents of the community to use their residences as places to enhance or fulfill personal economic goals, under certain specified standards, conditions and criteria.

These ordinances take effect upon publication of this notice. The full text of these ordinances may be obtained from the Village of Yorkville Administrator/Clerk's office, 925 15th Avenue, Union Grove, Wisconsin 53182, or through the Village's website at www.villageofyorkville.com. The phone number for the Administrator/Clerk is (262) 878-2123.

Michael McKinney
Administrator/Clerk

Affidavit of Printing State of Wisconsin

County of Racine

City of Union Grove

Southern Lakes Newspapers, LLC, certifies that it is the publisher of the Westine Report; that such paper is a secular newspaper of general circulation in said county; that it is printed and published in the village/city, county and state aforesaid. It hereby further certifies that a notice, of which the attached notice is a true copy, has been legally published in said newspaper 1 time(s) for 1 consecutive week(s); That the first publication was on the 12th day of January, 2023; The last publication was on the 12th day of January, 2023.

Signed Heidi Schulz

By Heidi Schulz, for Southern Lakes Newspapers, LLC

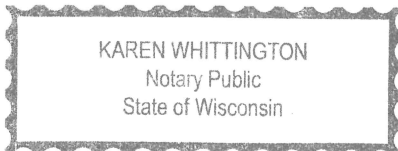
Subscribed and sworn to before me this

12 day of January 2023

Karen Whittington

Notary Public, State of Wisconsin

My commission expires 1/20/26



NOTICE OF NEWLY ENACTED ORDINANCES

Village of Yorkville

Please take notice that, on Monday, January 9, 2023, the Village Board of the Village of Yorkville adopted the following ordinances:

- Ordinance 2023-01, entitled "An Ordinance amending 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, Racine County, Wisconsin, relating to the rezoning of ±85 acres of land from the A-2 General Farming and Residential District II to the C-2 Upland Resource Conservation District, on three unaddressed parcels located to the west, north and partially to the east of the parcel located at 14700 50th Road, Sec. 01, T3N, R21E, Village of Yorkville, Racine County, Wisconsin (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-parcel cluster subdivision; TNG 27, LLC, Owner; Nancy Washburn/Raymond Leffler, Applicant/Agent".

- Ordinance 2023-02, entitled "An Ordinance repealing and recreating Section 20-1015 of the Code of Ordinances of the Village of Yorkville, Racine County, Wisconsin, relating to home-based businesses". This ordinance establishes criteria for operators of home-based businesses in dwelling units within appropriate zoning districts, permits and regulates the conduct of home-based businesses as an accessory use in a dwelling unit, whether owner- or renter-occupied, and allows residents of the community to use their residences as places to enhance or fulfill personal economic goals, under certain specified standards, conditions and criteria.

These ordinances take effect upon publication of this notice. The full text of these ordinances may be obtained from the Village of Yorkville Administrator/Clerk's office, 925 15th Avenue, Union Grove, Wisconsin 53182, or through the Village's website at www.villageofyorkville.com. The phone number for the Administrator/Clerk is (262) 878-2123.

Michael McKinney
Administrator/Clerk

(Published in Westine Report
Jan. 12, 2023
WNAXLP - 431458)