

ORDINANCE NO. 2024-1

AN ORDINANCE TO REPEAL AND RECREATE SECTION 8.16, ENTITLED
"FLOODPLAIN OVERLAY DISTRICTS". OF THE VILLAGE OF NORTH BAY
CODE OF ORDINANCES

WHEREAS, the Wisconsin Department of Natural Resources and Federal Emergency Management Agency are requiring municipalities to update their floodplain zoning ordinances to incorporate new provisions; and

WHEREAS, if the Village of North Bay does not adopt the floodplain zoning regulations set forth in the attached Exhibit A in compliance with minimum Wisconsin Department of Natural Resources and Federal Emergency Management Agency standards, the Village of North Bay would not be able to participate in the National Flood Insurance Program (NFIP) and policy holders within the Village of North Bay municipal boundaries would not be able to obtain flood insurance; and

WHEREAS, the floodplain zoning regulations in Section 8.16 include provisions for all development activities within a regulated floodplain to protect life, health, and property in floodplain areas; and

WHEREAS, the floodplain zoning regulations in Section 8.16 include references to updated Flood Insurance Rate Maps and Flood Insurance Study, as well as Wisconsin Department of Natural Resources Flood Storage Maps; and

WHEREAS, Section 8.15 of the Village Code requires all ordinance amendments regarding the Village zoning ordinance to follow the procedures outlined in Section 62.23 of the Wisconsin Statutes; and

WHEREAS, the Village Board has initiated the adoption of the proposed floodplain zoning regulations in Section 8.16 and has referred the matter to the Village Plan Commission for report and recommendation pursuant to Wisconsin Statutes Section 62.23(7)(d)(2); and

WHEREAS, the Plan Commission duly considered the matter at their meeting of February 5th, 2024, and recommended approval of the proposed changes; and

WHEREAS, pursuant to Wisconsin Statutes Section 62.23(7)(d)(1)b the Village Board held a duly noticed public hearing on _____ regarding the proposed amendments to the Village Floodplain Ordinance; and

WHEREAS, at the _____ public hearing the Village Clerk presented information on the proposed Floodplain Zoning Ordinance; and

WHEREAS, the Floodplain Zoning Ordinance was provided to the Village in this form by the Wisconsin Department of Natural Resources, by Crystal vonHoldt, and is being adopted unmodified except for numbering of the paragraphs, to fit within the numbering conventions of the Village of North Bay Municipal Code for codification purposes; and

WHEREAS, the Village Board finds that this change to the Village Floodplain Zoning Ordinance 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 of the Village of North Bay, having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, and having based its determination on the effect of the granting of such ordinance on the health, safety and welfare of the community, hereby determine that the recreated ordinance will not violate the spirit or intent of the Village Code, and will not be contrary to the public health, safety or general welfare of the Village of North Bay.

NOW, THEREFORE, the Village Board of the Village of North Bay, Racine County, Wisconsin, DO ORDAIN as follows:

SECTION 1: Section 8.16, entitled "Floodplain Overlay Districts" of the Village of North Bay Municipal Code is hereby created as shown in Exhibit A, attached hereto and incorporated herein by reference.

SECTION 2. SEVERABILITY. The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision 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 3: 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 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication.

Passed and adopted this _____ day of _____, 2024.

VILLAGE OF NORTH BAY

By: _____
Mark Schall, Village President

Attest:

Dori Panthofer, Village Clerk

Published and posted this _____ day of _____, 2024.