

ORDINANCE NO. 03-2018

ORDINANCE TO CREATE CHAPTER 70 IN THE MUNICIPAL CODE, VILLAGE OF NORTH PRAIRIE, WISCONSIN, ENTITLED ZONING ORDINANCE FOR THE VILLAGE OF NORTH PRAIRIE FOR THE PURPOSE OF INCORPORATING THE ZONING ORDINANCE INTO THE MUNICIPAL CODE.

WHEREAS, on October 14, 2004, village ordinances were codified and subsequently adopted as the Municipal Code of the Village of North Prairie, Wisconsin; and

WHEREAS, a Comprehensive Zoning Ordinance (dated January 5, 1999) and Official Zoning Map was adopted by the Village of North Prairie Village Board on January 14, 1999 after Joint Public Hearings by the Plan Commission and Village Board held on December 10, 1998 and January 12, 1999 to meet the changing needs of the Village of North Prairie and these regulations were adopted under the authority granted by Sections 61.35, 61.351, 62.23(7) and 87.30 of the Wisconsin Statutes.; and

WHEREAS, the Comprehensive Zoning Ordinance and Official Zoning Map has been subsequently amended numerous times after being duly noticed with public hearings on September 14, 2001, April 10, 2003, April 14, 2005, December 10, 2005, February 9, 2006 October 9, 2008, May 12, 2011 and August 10, 2017; and

WHEREAS, the Comprehensive Zoning Ordinance and Official Zoning Map were not incorporated into the Municipal Code when the village ordinances were codified; and

WHEREAS, the Village Board intends that Ordinance No. 03-2018 be created to incorporate the Zoning Ordinance for the Village of North Prairie into Chapter 70 of the Municipal Code of the Village of North Prairie; and

WHEREAS, this amendment was initiated by the Village Board pursuant to Section 12.2 of the Village Zoning Ordinance, and was properly referred to the Village Plan Commission and the Village Plan Commission has recommended that the Zoning Ordinance be codified as proposed; and

WHEREAS, upon due notice as required by Section 13 of the Village Zoning Ordinance, the Village Board held a public hearing as required by Section 12.5 of the Zoning Ordinance on _____, 2018; and

WHEREAS, the Village Board finds that this change to the Village Zoning Code 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 Prairie having determined that all procedural requirement and notice requirements have been satisfied, having given the matter due consideration, hereby finds that it is necessary and appropriate to incorporate the Village Zoning Ordinance into the Village Municipal Code.

NOW, THEREFORE, The Village Board of the Village of North Prairie, Waukesha County, State of Wisconsin, DO ORDAIN AS FOLLOWS:

SECTION 1. ZONING CODIFICATION.

The Zoning Ordinance and Official Zoning Map for the Village of North Prairie in its entirety with the latest revision date of August 10, 2017 (collectively, the “Zoning Code and Map”) is hereby amended as follows: The Zoning Code and Map is hereby incorporated into the Municipal Code of the Village of North Prairie as Chapter 70, and shall have the title, “Zoning”.

SECTION 2: 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 3: 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 4: EFFECTIVE DATE

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

This ordinance passed this _____ day of _____, 20____.

Gary K. Nickerson, Village President

Attest:

Rhoda Bagley, Village Clerk