

ORDINANCE NO. 07-2020**AN ORDINANCE TO AMEND THE ZONING ORDINANCE BY ESTABLISHING AN ENVIRONMENTAL CORRIDOR OVERLAY DISTRICT TOGETHER WITH RELATED STANDARDS AND REQUIREMENTS FOR THE VILLAGE OF NORTH PRAIRIE**

WHEREAS, The Village of North Prairie, Waukesha County, Wisconsin, adopted a comprehensive amendment to the Zoning Ordinance on January 5, 1999; and has subsequently amended the same from time to time since then; and

WHEREAS, the Village of North Prairie Plan Commission considered protections of natural resources for parcels located within Environmental Corridors and Isolated Natural Resource Areas and determined that various development restrictions should be made; and

WHEREAS, at a duly noticed public meeting held on August 12, 2020, the Plan Commission recommended to the Village Board adoption of the recommended changes, finding the changes to be fair and equitable, while maintaining the health, welfare and safety of the general public; and

WHEREAS, the Village Board, on October 8, 2020, held a duly noticed Public Hearing to consider the amendment; and

WHEREAS, the Village Board finds that this change to the Village Zoning Code can be interpreted to be a down zoning ordinance because it may decrease the development density of land or reduce the permitted uses of land, and therefore the super majority requirement of Section 66.10015, Wisconsin Statutes, applies to this ordinance, requiring a vote in favor by two-thirds of the members-elect of the Village Board for passage and adoption; and

WHEREAS, the Village Board for the Village of North Prairie, after careful review and upon consideration of the recommendation of the Plan Commission of the Village of North Prairie and having given the matter due consideration having determined that all procedural requirements and notice requirements have been satisfied, and having based its determination on the effect of the adoption of the ordinance on the health, safety and welfare of the community and the preservation and enhancement of property values in the community, and having given due consideration to the municipal problems involved hereby determine that the ordinance amendment will serve the public health, safety and general welfare of the Village of North Prairie, will enhance property values in the Village and will not be hazardous, harmful, noxious, offensive or a nuisance, and will not unduly limit or restrict the use of property in the Village or for any other reason cause a substantial adverse effect on the property values and general desirability of the Village.

NOW, THEREFORE, the Village Board of the Village of North Prairie, Waukesha County, Wisconsin, do ordain as follows:

SECTION 1. The Zoning Ordinance for the Village of North Prairie, Section 4 entitled "Zoning Districts," Subsection 4.14 entitled "Environmental Corridor Overlay District" is hereby created to read as set forth in Exhibit 1, attached hereto and incorporated herein by reference.

SECTION 2. Insert the following term and definition in Section 14.2 in alphabetical order.

Invasive species shall mean an "invasive species" as defined in Wisconsin Statutes Section 23.22(1)(c), and as may be further regulated and defined by the Wisconsin Department of Natural Resources or other state agency.

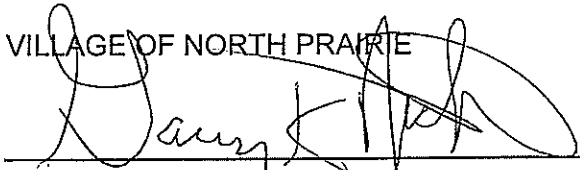
SECTION 3. SEVERABILITY

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 this 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

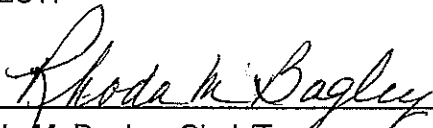
This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Adopted by a vote in favor by two-thirds of the members-elect of the Village Board, or more, this 8th day of October, 2020.

VILLAGE OF NORTH PRAIRIE


Gary K. Nickerson, Village President

ATTEST:



Rhoda M. Bagley, Clerk/Treasurer

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Exhibit 1

4.14 ENVIRONMENTAL CORRIDOR (EC) AND ISOLATED NATURAL AREA OVERLAY DISTRICTS

A. Purpose

The Environmental Corridor (EC) and Isolated Natural Area overlay districts are established to preserve, protect, enhance and restore significant woodlands, wildlife habitat, scenic overlooks and any slopes exceeding 12 percent, while also affording an opportunity to use the sites for residential purposes.

B. Description

The Environmental Corridor (EC) overlay district includes those lands designated as primary and secondary environment corridor and isolated natural area by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) in 2015.

C. Boundary Interpretation

Where questions arise as to the exact location or boundary of an Environmental Corridor (EC) overlay district, the zoning administrator is authorized to use his or her best judgment to establish the boundary of the district. If the location of the district is not readily evident to the zoning administrator, he or she shall request a field investigation by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) staff biologist or his or her designee.

If the zoning administrator or SEWRPC staff determine that the area in question was incorrectly mapped as an environmental corridor, this section shall not apply to such area. As soon as is practical after such determination, the zoning administrator shall submit an application to amend the zoning map consistent with the procedures and requirements in this chapter.

D. Establishment of a Building Envelope

A building envelope, not exceeding 20,000 square feet, may be created in an Environmental Corridor (EC) or Isolated Natural Area overlay district with the approval of the Plan Commission to accommodate permitted development including buildings, septic systems, yard areas, patios, swimming pools, and driveways.

E. Vegetation Management and Grading Inside of a Building Envelope

- (1) Vegetation within an approved building envelope may be removed to the extent deemed necessary by the landowner.
- (2) Grading and filling is permitted with Plan Commission approval but only to the extent needed to construct permitted buildings and other improvements.

E. Vegetation Management and Grading Outside of a Building Envelope

- (1) Vegetation outside of an approved building envelope, if any, may be managed to control invasive plant species and to facilitate other forest management objectives, provided such activities are approved by the Plan Commission. Dead, diseased, or dying vegetation may be removed at the discretion of the landowner.

- (2) Grading and filling outside of an approved building envelope, if any, is prohibited, except when approved by the Plan Commission based on a demonstrated need.

F. Permitted Uses

- (1) Principal buildings permitted in the underlying zoning district are permitted within the building envelope, consistent with the standards and requirements set forth in this section.
- (2) A single garden shed less than 150 square feet may be permitted with approval of the Plan Commission. All other accessory buildings are prohibited.

G. Lot Area

Lots shall have a minimum area of 120,000 square feet.

H. Partial Districts

For parcels which lie partially within and partially outside the Environmental Corridor (EC) and Isolated Natural Area overlay districts, every effort shall be made for any land disturbance to occur outside of the Districts.

I. Modifications

Any modifications or adjustments to the above provisions must be approved by the Plan Commission.