

ORDINANCE 2023-10
AN ORDINANCE TO AMEND
SECTION 305-5 (A) & (B) FLOODPLAIN ZONING - GENERAL PROVISIONS
OF THE VILLAGE OF VERNON MUNICIPAL CODE

WHEREAS, the Village of Vernon has discussed amending the language in Section 305-5 (A) & (B) of the Floodplain Zoning Code regarding an ordinance specifically relating to General Provisions; and

WHEREAS, the Village Staff has amended Section 305-5(A) & (B) of the Floodplain Zoning Code regarding an ordinance specifically relating to General Provisions; and

WHEREAS, the Village of Vernon has requested to modify the language of Section 305-5 (A) & (B) regarding General Provisions; and

WHEREAS, the FEMA has requested to modify the language of Section 305-5 (A) & (B) of the Floodplain Zoning Code regarding an ordinance specifically relating to General Provisions; and

WHEREAS, the request to modify the General Provisions of the Floodplain Zoning Code has been reviewed by the Village's Planning Consultant, and has been referred to the Village Plan Commission for report and recommendation; and

WHEREAS, following Class 2 notice, the Village Board of the Village of Vernon held a public hearing concerning the recommendation of the Village Plan Commission, as provided in Section 62.23(7)(d) of the Wisconsin Statutes and Section 300-46A.(4) of the Village of Vernon Village Code; and

WHEREAS, the Village Board finds that this change to the Village 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 has determined that adoption of the ordinance will promote the public health, safety and general welfare of the community, and will be consistent with the Village of Vernon Comprehensive Plan.

NOW, THEREFORE, the Village Board of the Village of Vernon, Waukesha County, Wisconsin, DO HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Section 300-9B(2) of the Village of Vernon Municipal Code relating to Building Regulations specifically entitled "Offsets" is hereby amended as follows:

305-5 GENERAL PROVISIONS

A. AREAS TO BE REGULATED

This ordinance regulates all areas that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by DNR. Base flood

elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO zones. Regional Flood Elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.

B. OFFICIAL MAPS & REVISIONS

The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the Letter of Map Change process (see s. 8.0 Amendments) before it is effective. No changes to RFE's on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Village Clerk, Village of Vernon. If more than one map or revision is referenced, the most restrictive information shall apply.

(1) OFFICIAL MAPS: Based on the FIS:

(a) Flood Insurance Rate Map (FIRM), panel numbers 55133C0218G, 55133C0316G, 55133C0317G, 55133C0318G, 55133C0319G, 55133C0331G, 55133C0336G, 55133C0337G, 55133C0338G, 55133C0339G, 55133C0431G, 55133C0432G, 55133C0435G, 55133C0451G, 55133C0452G, 55133C0453G, and 55133C0454G dated November 5, 2014; with corresponding profiles that are based on the Flood Insurance Study (FIS), Waukesha County, Wisconsin, and Incorporated Areas, Flood Insurance Study Numbers 55133CV001C, 55133CV002C, 55133CV003C, prepared by the Federal Emergency Management Agency, dated November 5, 2014. Panel numbers 55133C0316H, 55133C0317H, 55133C0318H, 55133C0319H, 55133C0336H, 55133C0338H, 55133C0339H, 55133C0431H, 55133C0432H, 55133C0435H, 55133C0451H, 55133C0452H, 55133C0453H, and 55133C0454H, dated 10/19/2023;

(b) Flood Insurance Rate Map (FIRM), panel numbers 55133C0337G, dated 11/5/2014;

(c) Flood Insurance Study (FIS) for Village of Vernon (Waukesha County), 55133CV001D, 55133CV002D, 55133CV003D, 55133CV004D, and 55133CV005D, dated 10/19/2023.

Approved by: The DNR and FEMA

(2) OFFICIAL MAPS: Based on other studies. Any maps referenced in this section must be approved by the DNR and be more restrictive than those based on the FIS at the site of the proposed development.

(a) Mukwonago (Lower Phantom) Dam Failure analysis approved by the Department of Natural Resources on July 11, 2012, including:

[1] Map dated June 28, 2012 and titled "Inundation Map Hydraulic Shadow-Dam Failure"

[2] Floodway data table dated June 27, 2012 and titled "Mukwonago River, Waukesha Co., Wisconsin. Mukwonago Dam Hydraulic Shadow Floodway Data Table"

[3] Flood profiles dated June 27, 2012 and titled "Mukwonago River. Waukesha Co., Wisconsin. Mukwonago Dam Hydraulic Shadow Profile"

Approved by: The DNR and FEMA

SECTION 2: SEVERABILITY. Section 305-5 (A) & (B) of this ordinance are Hereby amended. 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: EFFECTIVE DATE. This ordinance shall take effect upon passage and posting by the Village Administrator Clerk as required, pursuant to s. 61.50 Wis. Stat.

Adopted this 13th day of September 2023 by the Village Board of the Village of Vernon, Waukesha County, Wisconsin:


Karen L. Schuh, Village President

Attest to posting on the 15 day of September 2023


Bradley Calder, Village Administrator/Clerk