

**AN ORDINANCE ADOPTING THE
VILLAGE OF NICHOLS COMPREHENSIVE PLAN 2010-2030**

Ordinance Number ~~Se-~~ **(S- Li- I**

WHEREAS pursuant to the provisions of Section 66.23(2) and (3) of the Wisconsin Statutes, the Village of Nichols is authorized to prepare and adopt a Comprehensive Plan for the Village's vision of the future growth and development of the community as defined in Section 66.1001(1)(a) and 66.1001(2) of the Wisconsin Statutes; and

WHEREAS the Village Board of the Village of Nichols, Wisconsin, has previously adopted written procedures designed to foster public participation in every stage of the preparation of the comprehensive plan as required by Section 66.1001(4)(a) of the Wisconsin Statutes; and

WHEREAS the Village of Nichols, through its Plan Commission and through community participation, with the assistance of Martenson and Eisele, Inc., has, between March of 2009 and November of 2009, prepared, developed and drafted a proposed Comprehensive Plan for the Village of Nichols; and

WHEREAS the Village of Nichols Plan Commission has, by majority vote of the entire Plan Commission, as recorded in its official minutes, adopted a resolution recommending to the Village Board the adoption of the document entitled "Village of Nichols Comprehensive Plan 2010-2030", a copy of which document is on file in the Office of the Village Clerk and, containing all of the elements required under the provisions of Section 66.1001(2) of the Wisconsin Statutes; and

WHEREAS the Village Board has held a public hearing to solicit further input on the proposed 2010-2030 Comprehensive Plan on December 8, 2009 as required under the provisions of Section 66.1001(4)(d) of the Wisconsin Statutes;

NOW, THEREFORE, THE VILLAGE BOARD OF THE VILLAGE OF NICHOLS, WISCONSIN, DOES ORDAIN AS FOLLOWS:

SECTION 1: That the "Village of Nichols Comprehensive Plan 2010-2030" be, and the same hereby is, authorized, adopted and approved as the comprehensive plan of the Village of Nichols, Wisconsin, pursuant to the provisions of Section 66.1001(4)(c) of the Wisconsin Statutes and shall serve as the Comprehensive Plan of the Village of Nichols, Wisconsin, from the effective date of this Ordinance.

SECTION 2: That a true, correct and complete copy of the Comprehensive Plan shall be maintained in the Office of the Village Clerk of the Village of Nichols and shall be available for public inspection during all regular business hours of that office.

SECTION 3: That the appropriate officers and officials of the Village of Nichols be, and the same hereby are, authorized to take all such other and further action as they shall deem necessary or appropriate under and pursuant to the provisions of Section 66.1001 of the Wisconsin Statutes to implement and carry out the terms and provisions

of the Comprehensive Plan for the effective growth and development of the Village of Nichols as envisioned under and pursuant to the Comprehensive Plan.

SECTION 4: That all ordinances or parts of ordinances in conflict herewith be, and the same hereby are, repealed.

SECTION 5: That this ordinance shall take effect immediately upon the passage and publication of the same as made and provided by law.

VILLAGE OF NICHOLS

By: _____ bt-t

Terrell, President

Passed and approved by the Village Board at its regular meeting on the 4 day of
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Sherryl Pues, Clerk

December, 2009.

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1.0 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE AND GENERAL PROVISIONS

1.1 STATUTORY AUTHORIZATION

This ordinance is adopted pursuant to the authorization in ss. 61.35 and 62.23, for villages and cities; 59.69, 59.692, and 59.694 for counties; and the requirements in s. 87.30, Stats.

1.2 FINDING OF FACT

Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare and tax base.

1.3 STATEMENT OF PURPOSE

This ordinance is intended to regulate floodplain development to:

- (1) Protect life, health and property;
- (2) Minimize expenditures of public funds for flood control projects;
- (3) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- (4) Minimize business interruptions and other economic disruptions;
- (5) Minimize damage to public facilities in the floodplain;
- (6) minimize the occurrence of future flood blight areas in the floodplain;
- (7) discourage the victimization of unwary land and homebuyers;
- (8) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
- (9) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

1.4 TITLE

This ordinance shall be known as the Floodplain Zoning Ordinance for Nichols, Wisconsin.

1.5 GENERAL PROVISIONS

(1) AREAS TO BE REGULATED

This ordinance regulates all areas that would be covered by the regional flood or base flood. **Note:** Base flood elevations are derived from the flood profiles in the Flood Insurance Study. Regional flood elevations may be derived from other studies. Areas covered by the base flood are identified as A-Zones on the Flood Insurance Rate Map.

(2) OFFICIAL MAPS & REVISIONS

The boundaries of all floodplain districts are designated as floodplains or A-Zones on the maps listed below and the revisions in the Village of Nichols Floodplain Appendix. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to regional flood elevations (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 Nichols. If more than one map or revision is referenced, the most restrictive information shall apply.

OFFICIAL MAPS : Based on the Outagamie County Flood Insurance Study (FIS) dated July 22, 2010, volume number 55087CV000A

- (a) Outagamie County Flood Insurance Rate Map (FIRM), panel numbers55087C0055D and 55087C0075D, dated **July 22, 2010**; with corresponding profiles that are based on the Flood Insurance Study (FIS)

(3) ESTABLISHMENT OF DISTRICTS

The regional floodplain areas are divided into three districts as follows:

- (a) The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters.
- (b) The Floodfringe District (FF) is that portion of the floodplain between the regional flood limits and the floodway.
- (c) The General Floodplain District (GFP) is those areas that have been or may be covered by floodwater during the regional flood.

(4) LOCATING FLOODPLAIN BOUNDARIES

Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in paragraphs (a) or (b) below. If a significant difference exists, the map shall be amended according to s. 8.0. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to s. 7.3(3) and the criteria in (a) and (b) below.

- (a) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
- (b) Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual on-site inspection and any information provided by the Department.