

3 **ORDINANCE: Adopt a 10-Year Update of Winnebago County’s Comprehensive Plan and Amend**  
4 **Chapter 22 of the General Code of Winnebago County**

7 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

8 **WHEREAS**, on March 21, 2006, the Winnebago County Board of Supervisors (“Board”) adopted a  
9 comprehensive plan pursuant to §§ 59.69 and 66.1001, Wis Stats; and

10 **WHEREAS**, § 66.1001, Wis Stats, requires an update of an adopted comprehensive plan every 10 years;  
11 and

12 **WHEREAS**, the Board desires to have an up-to-date comprehensive plan that fully complies with §§ 59.69  
13 and 66.1001, Wis Stats; and

14 **WHEREAS**, the process to prepare the 10-year update was formally initiated in 2014 when the Board  
15 adopted a public participation plan which outlined the way citizens, local units of government, and others could be  
16 involved in the preparation, review, and adoption of the 10-year update; and

17 **WHEREAS**, the Winnebago County Planning and Zoning Committee has prepared a 10-year update of  
18 Winnebago County’s 2006 comprehensive plan; and

19 **WHEREAS**, the Planning and Zoning Committee, by a majority vote of the entire Committee as recorded in  
20 its official minutes of February 1, 2016, has adopted a resolution recommending to the County Board the adoption of  
21 the document entitled “A Multi-Jurisdictional Comprehensive Plan for Winnebago County: 2016-2035,” and

22 **WHEREAS**, on January 27, 2016, the Winnebago County Planning and Zoning Committee conducted a  
23 public hearing in compliance with § 59.69(3)(d), Wis Stats, and on February 9, 2016, the Winnebago County Board of  
24 Supervisors is conducting a public hearing in compliance with the requirements of § 66.1001(4)(c) and (d), Wis Stats;  
25 and

26 **WHEREAS**, the Board has determined that the provisions included in the adopted public participation plan  
27 have been followed.

29 **NOW THEREFORE**, the Winnebago County Board of Supervisors does ordain as follows:

31 **SECTION 1. COMPREHENSIVE PLAN AMENDMENT**

32 The Winnebago County Board of Supervisors hereby adopts the comprehensive plan entitled “A Multi-Jurisdictional  
33 Comprehensive Plan for Winnebago County: 2016-2035;” which consists of three documents as follows:

- 34 Volume 1: Background Document (attached hereto as Exhibit A)
- 35 Volume 2: Policy Document (attached hereto as Exhibit B)
- 36 Volume 3: Farmland Preservation Plan (Volume 3 remains unchanged)

38 **SECTION 2. DISTRIBUTION OF ORDINANCE**

39 The Planning Director for Winnebago County is directed to send a copy of this ordinance to those entities  
40 enumerated in § 66.1001(4)(b), Wis Stats

42 **SECTION 3. REPEAL AND RECREATE CHAPTER 22**

43 The County Board of Winnebago County hereby repeals and recreates Chapter 22 of the Winnebago County  
44 General Code to read as follows:

**Chapter 22**  
**Winnebago County Comprehensive Plan**

**22.01 Authority:** Pursuant to sections 59.69(2) & (3) and s. 66.1001, Wis. Stats, Winnebago County is authorized and mandated to prepare and adopt a comprehensive plan which allows the county to enact or amend in the following ordinances as enumerated in s. 66.1001(3), Wis. Stats., including but not limited to: local subdivision regulation under s. 236.45 or 236.46, Wis. Stats; County zoning ordinance enacted or amended under s. 59.69, Wis. Stats.; zoning of shorelands or wetlands in shorelands under s. 59.692, Wis. Stats.; and town zoning ordinances that are approved by the County Board and enacted and amended under s. 60.61 or 60.62, Wis. Stats.

**22.02 Applicability:** Pursuant to s. 59.69(3)(a), Wis. Stats., this ordinance shall be applicable to all lands within Winnebago County which are in unincorporated areas and in those areas within incorporated areas whose governing bodies by resolution agree to having their areas included in the county development plan.

**22.03 Official Copy:** The County Clerk shall maintain a copy of the adopted comprehensive plan and any amendments made thereto. Such copy shall be made available to the public upon request during normal office hours.

**22.04 Interpretation in Relationship to Other Laws:** This ordinance shall apply and take precedence in all situations where it is more restrictive than another ordinance. The provisions of this ordinance shall be interpreted as minimum requirements and shall be liberally construed in favor of this ordinance. This ordinance shall not be deemed to limit or repeal any other powers granted to Winnebago County by the Wisconsin Statutes or the Wisconsin Administrative Code. Winnebago County acknowledges those intergovernmental agreements relating to the location of boundaries which exist at the time of the adoption of this Ordinance. Both prior to and subsequent to January 1, 2010, it is the intent of Winnebago County to recognize said agreements to the extent that said Agreements are not contrary to nor in violation of the General Code of Winnebago County, the Wisconsin Administrative Code or Wisconsin or Federal statutes. Nothing contained within this ordinance shall be construed so as to require Winnebago County to enforce any such intergovernmental agreement.

**22.05 Severability and Nonliability:** If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

**22.06 Plan-Ordinance Consistency:** All of the following enacted or amended ordinances and related plans and procedures shall be consistent with the adopted comprehensive plan, including the future land uses identified in the plan:

- (1) Pursuant to s. 66.1001(3), Wis. Stats., the Winnebago County Zoning Ordinance (Chapter 23 of the County General Code).
- (2) Pursuant to s. 66.1001(3), Wis. Stats., major land divisions as defined in the Winnebago County Subdivision Ordinance (Chapter 18 of the County General Code);
- (3) Pursuant to s. 66.1001(3), Wis. Stats., all Town zoning ordinances and amendments thereto that are required to be approved by the County Board.
- (4) Pursuant to s. 66.1001(3), Wis. Stats., the Winnebago County Shoreland Ordinance (Chapter 27 of the County General Code)
- (5) Farmland Preservation Plan prepared and adopted in accordance with ch. 91, Wis. Stats.
- (6) Where the adopted comprehensive plan and those adopted ordinances enumerated in this section are in conflict, the remedy shall be as identified in this ordinance, the adopted comprehensive plan for changes to the plan, or those ordinances cited in sections s. 22.06 (1) to (7) above for changes to the affected ordinance(s). This includes the future land use map in the comprehensive plan and the adopted zoning map of the County Zoning Ordinance.
- (7) Lots of record existing at the time of implementation of this ordinance are exempt from any lot size parameters that may be identified in the adopted comprehensive plan, however the proposed use shall be in compliance with the uses shown on the future land use map in the adopted comprehensive plan.

**22.07 Amendments, Revisions, and Updates:** All amendments, revisions, and updates to the plan or adoption of a new plan shall be in accordance with s. 66.1001(4), Wis. Stats.

104 **22.08 Fees:** The Winnebago County Board of Supervisors may establish a fee for submitting a petition to amend the  
105 adopted comprehensive plan.  
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107 **22.09 Inclusion and Adherence to City and Village Plans:** Pursuant to s. 59.69(3)(b), Wis. Stats., the county  
108 development plan shall include the master plan of any city or village that was adopted under s. 62.23(2) or (3), Wis.  
109 Stats., and the official map of such city or village that was adopted under s. 62.23(6), Wis. Stats. in the county,  
110 without change to said plan. In addition, pursuant s. 59.69(3)(e), Wis. Stats, master plans for cities and villages  
111 adopted under s. 62.23(2), Wis. Stats., and (3) and an official map that is established under s. 62.23(6), Wis. Stats.  
112 shall control in the unincorporated territory of the county, whether or not such action occurs before the adoption of a  
113 county development plan. The future land use map for the City of Oshkosh shall only apply in the extraterritorial  
114 jurisdictional area of the City. As such, when the City of Oshkosh expands the extraterritorial jurisdiction via  
115 annexation or boundary agreement, the County's future land use map will change accordingly to reflect the change in  
116 extraterritorial jurisdictional area, without need for a formal plan amendment. Property outside of the extraterritorial  
117 jurisdiction of the City of Oshkosh shall be regulated by the County's future land use map, until such time as this  
118 boundary changes due to an annexation and/or attachment of town property through a boundary agreement between  
119 the City of Oshkosh and respective town. Application for development activity pursuant to s. 22.06 shall require a  
120 written statement of plan compliance from the applicable city or village. Only proposed zoning changes and major  
121 land divisions shall be required to be in compliance with the plan in these areas.  
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123 **22.10 Implementation Actions:** The adopted comprehensive plan may include recommendations for various  
124 implementation activities. Prior to commencing work on any major implementation action, the Winnebago County  
125 Planning Director shall confer with the Winnebago County Planning and Zoning Committee to determine if specific  
126 authorization is required or recommended. If it is determined authorization is necessary or recommended, such work  
127 must be approved by the Planning and Zoning Committee and if required, or if requested by said Committee, by the  
128 Winnebago County Board of Supervisors.  
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130 **22.11 Violations and Penalties:**

- 131 (1) It shall be unlawful to construct or use any structure, land, or water in violation of any provisions of this  
132 ordinance. In case of any violation, the County Board of Supervisors, the County Zoning Administrator,  
133 Town Board, or any property owner aggrieved by such violation may institute appropriate action or  
134 proceedings to enjoin a violation of this ordinance.  
135 (2) If the County Zoning Office shall determine at any time that the ordinance, laws, orders, plans and  
136 specifications are not being complied with, said office is authorized to post a stop work order at the site of  
137 the work. When such order has been posted, it shall have the effect of causing the original permit or  
138 approval(s) to be revoked and in all cases, it shall be unlawful for any further work to proceed until the  
139 permit or required approval(s) are issued or reinstated. It shall further be unlawful to remove such stop work  
140 order without the direct authorization of the County Zoning Office.  
141 (3) Penalties: Any person, firm, or corporation, who fails to comply with the provisions of this ordinance as  
142 enumerated in s. 22.06 (1) to (7), above, or any order of the County Zoning Administrator issued in  
143 compliance with s. 22.06 (1) to (7), or who violates, disobeys, neglects, omits or refuses to comply with or  
144 who resists enforcement of s. 22.06 (1) to (7) shall be subject to the penalties as provided in s. 25.04 of the  
145 Winnebago County General Code.  
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147 **SECTION 4. EFFECTIVE DATE OF ORDINANCE**

148 This ordinance amendment shall take effect on **March 20, 2016** following passage by a majority vote of the  
149 members-elect of the County Board and publication as required by law.  
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152 Adopted this  day of **February** 2016.  
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154 **BE IT FURTHER ORDAINED** by the Winnebago County Board of Supervisors that a complete copy of the  
155 County Comprehensive Future Land Use Plan is available online at [http://www.co.winnebago.wi.us/planning-and-](http://www.co.winnebago.wi.us/planning-and-zoning/comprehensive-plan/draft-comprehensive-plan)  
156 [zoning/comprehensive-plan/draft-comprehensive-plan](http://www.co.winnebago.wi.us/planning-and-zoning/comprehensive-plan/draft-comprehensive-plan).  
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Respectfully submitted by:  
**PLANNING AND ZONING COMMITTEE**

Committee Vote: **5-0**  
Vote Required for Passage: **Majority of Those Present**

Approved by the Winnebago County Executive this \_\_\_\_ day of \_\_\_\_\_, 2016.

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Mark L Harris  
Winnebago County Executive