

2 **ORDINANCE: Adopt Chapter 23 (Town/County Zoning Ordinance) of the**
3 **General Code of Winnebago County, and Repealing**
4 **Chapter 17 (Zoning Ordinance) of the General Code of**
5 **Winnebago County**
6
7

8 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**
9

10 **WHEREAS**, on February 6, 1979, Winnebago County adopted a comprehensive revision of the town/county
11 ordinance and has made only minor amendments since that time; and
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13 **WHEREAS**, on March 21, 2006, Winnebago County adopted a county comprehensive plan pursuant to
14 §§ 59.69(2) and (3), and 66.1001(4)(c) and (d), Wis Stats; and
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16 **WHEREAS**, on November 15, 2011, Winnebago County amended the County Comprehensive Plan to
17 incorporate a Farmland Preservation Plan as required by § 19.10, Wis Stats; and
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19 **WHEREAS**, the County Comprehensive Plan is a broad-based vision for Winnebago County over the next
20 20-year period and includes various goals, objectives, and policies specifically relating to land use and development,
21 and a series of future land use maps that identify various land use districts; and
22

23 **WHEREAS**, Winnebago County recognizes that it needs to revise its zoning regulations for the following
24 reasons:
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- 26 • Sec. 66.1001(3), Wis Stats, provides that county zoning ordinances and shoreland zoning ordinances
- 27 must be consistent with an adopted development plan;
- 28 • The current zoning code is out of date, contains contradictory provisions, is not sufficiently clear in some
- 29 respects, and does not accurately reflect current practices;
- 30 • The current Zoning Code does not clearly articulate the role the various towns have in regulating land
- 31 use and development within their jurisdiction;
- 32 • The zoning regulations need to conform to the requirements relating to the livestock facility siting law;
- 33 • The zoning regulations need to conform to the new minimum requirements relating to certified farmland
- 34 zoning; and
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36 **WHEREAS**, pursuant to § 59.69(5)(d), Wis Stats, Winnebago County is authorized to repeal an existing
37 county zoning ordinance and reenact a comprehensive revision; and
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39 **WHEREAS**, Winnebago County established an advisory committee that has been actively involved in the
40 preparation, review, and adoption of a new town/county zoning code; and
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42 **WHEREAS**, the advisory committee prepared a proposed town/county zoning code with the assistance of
43 county staff and a consultant, and submitted same to the Winnebago County Planning and Zoning Committee for its
44 review and action; and
45

46 **WHEREAS**, regional meetings were held on December 15, 2011, and January 5, 2012, to solicit public
47 input regarding the proposed town/county zoning map in those towns currently under town/county zoning and those
48 that have expressed an interest in potentially adopting town/county zoning; and
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50 **WHEREAS**, on January 5, 2012, the Planning and Zoning Committee hosted an open house to solicit public
51 input regarding the proposed text and zoning map; and
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53 **WHEREAS**, based on input received during the open house and other means of public involvement, the
54 Planning and Zoning Committee made various revisions to the proposed town/county zoning code; and
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56 **WHEREAS**, on February 6, 2012, the Planning and Zoning Committee adopted a resolution relating to the
57 public hearing for the proposed town/county zoning code; and
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59 **WHEREAS**, the Winnebago County Clerk caused a public notice for the public hearing to be published on
60 February 16, 2012, and February 23, 2012, which contained a description of the property affected by the ordinance
61 and a statement that a map may be obtained from the Planning and Zoning Committee; and
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63 **WHEREAS**, on March 1, 2012, the Planning and Zoning Committee conducted a public hearing to accept
64 public input regarding the proposed zoning code; and
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66 **WHEREAS**, after the March 1, 2012, public hearing, the Planning and Zoning Committee made revisions it
67 considered appropriate to the proposed town/zoning code; and
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69 **WHEREAS**, on March 5, 2012, the Planning and Zoning Committee adopted a resolution recommending
70 that the Winnebago County Board of Supervisors adopt the revised proposed ordinance.
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73 **NOW, THEREFORE, BE IT ORDAINED** by the Winnebago County Board of Supervisors that it hereby
74 creates Chapter 23 of the General Code for Winnebago County entitled "Town/County Zoning," attached hereto as
75 Appendix B.
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78 **BE IT FURTHER ORDAINED** by the Winnebago County Board of Supervisors that pursuant to
79 § 59.69(5), Wis Stats, each of the towns in Winnebago County may adopt this ordinance by resolution. If a town
80 board adopts such resolution, the town clerk shall promptly file a certified copy of the approving resolution and a
81 duplicate copy of this ordinance with the Winnebago County Clerk. This ordinance shall become effective in that town
82 as of the date of the filing, which filing shall be recorded by the County Clerk in the Clerk's office, reported to the town
83 board and the Winnebago County Board, and printed in the proceedings of the Winnebago County Board. The
84 ordinance shall supersede any prior town ordinances in conflict therewith, or which is concerned with zoning, except
85 as provided by § 60.62, Wis Stats.
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87 In the event the Town of Black Wolf, Town of Nepeuskun, Town of Poygan, Town of Rushford, Town of
88 Utica, Town of Vinland, Town of Winneconne, or the Town of Wolf River elects to adopt the town/county zoning code,
89 the Planning and Zoning Committee is directed to work with the Town Board of such town to prepare a suitable
90 zoning map for that jurisdiction and submit it to the Winnebago County Board of Supervisors as a proposed
91 amendment to the town/county zoning map contained in Chapter 23 of the General Code of Winnebago County.
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94 **BE IT FURTHER ORDAINED** by the Winnebago County Board of Supervisors that Chapter 17 of the
95 General Code of Winnebago County, entitled "Zoning Ordinance," shall remain in effect in each of the towns currently
96 under county zoning for a period of up to one year from the date of adoption of this Ordinance by the Winnebago
97 County Board of Supervisors or until the town board approves this ordinance, whichever period is shorter. If the town
98 board fails to approve this ordinance within a year of the date of adoption of this Ordinance, neither Chapter 17 nor
99 Chapter 23 shall be in force in that town. Chapter 17 shall be removed from the General Code of Winnebago County
100 one year from the date this ordinance is adopted or when each of the towns currently under county zoning adopt this
101 ordinance, whichever event occurs first.
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104 **BE IT FURTHER ORDAINED** by the Winnebago County Board of Supervisors that when enacted, the
105 Winnebago County Clerk is directed to send a duplicate copy of this ordinance by registered mail to each town clerk
106 for consideration by the town board.
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109 **BE IT FURTHER ORDAINED** by the Winnebago County Board of Supervisors that all written and oral
110 interpretations issued by the Winnebago County Zoning Administrator that relate to Chapter 17 of the General Code
111 of Winnebago County shall continue until such time as such chapter is removed from the General Code of
112 Winnebago County as provided for above. Such interpretations shall not apply to the interpretation and
113 administration of Chapter 23 of the General Code of Winnebago County herein adopted.
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116 **BE IT FURTHER ORDAINED** by the Winnebago County Board of Supervisors that an ongoing
117 enforcement action relating to Chapter 17 shall continue under the enforcement provisions of Chapter 17 until such
118 time as such chapter is removed from the General Code of Winnebago County as outlined above, or the town board

119 of the town in which the violation occurred adopts this ordinance, at which time Chapter 23 shall control to the extent
120 applicable.
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123 **BE IT FURTHER ORDAINED** by the Winnebago County Board of Supervisors that pursuant to Section
124 ATCP 51.11(4), Wis Admin Code, the Winnebago County Planning Director shall send a copy of this code, within 30
125 days of adoption, to the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP), by mail,
126 fax, or email as follows:
127

128 Mail: Wisconsin Department of Agriculture
129 Trade and Consumer Protection
130 Agricultural Resource Management Division
131 Bureau of Land and Water Resources
132 PO Box 8911
133 Madison WI 53708-8911
134

135 Fax: (608) 224-4615
136

137 Email: ordinance@datcp.state.wi.us.
138
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140 **BE IT FURTHER ORDAINED** by the Winnebago County Board of Supervisors that the several sections of
141 this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of
142 competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section
143 or portion thereof directly specified in the decision and shall not affect the validity of other provisions, sections, or
144 portions of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances
145 whose terms conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.
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148 **BE IT FURTHER ORDAINED** by the Winnebago County Board of Supervisors that the codifier of this
149 ordinance is authorized to make revisions to the remainder of the General Code of Winnebago County relating to
150 cross references and the numbering of chapters, articles, sections, figures, tables, and the like.
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153 **BE IT FURTHER ORDAINED** by the Winnebago County Board of Supervisors that this ordinance shall be
154 effective as of April 29, 2012.
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157 Submitted by:
158

159 **PLANNING AND ZONING COMMITTEE**
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163 _____
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170 Committee Vote:
171 **5-0**
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173 Vote Required for Passage:
174 **Majority of Those Present**
175
176

177 Approved by the Winnebago County Executive this _____ day of March, 2012.
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179

180 _____
181 Mark L Harris
Winnebago County Executive