

AN ORDINANCE TO ADOPT THE WINNEBAGO COUNTY COMPREHENSIVE PLAN

The provisions of this ordinance are enacted pursuant to s. 66.1001(4)(c) & (d), Wis. Stats. The following provisions shall apply:

SECTION 1: Definitions:

- 1.1 Pursuant to s. 66.1001(1)(a), Wis. Stats., Comprehensive Plan means:
 1. For a County, a development plan that is prepared or amended under s. 59.69(2) or (3).
 2. For a city or a village, or for a town that exercises village powers under s. 60.22(3), a master plan that is adopted or amended under s. 62.23(2) or (3).
- 1.2 For the purposes of this ordinance, "Winnebago County Comprehensive Plan" shall also be referred to as "WCCP", "plan", or "county development plan".
- 1.3 For the purposes of this ordinance, "local" shall mean town, city or village.
- 1.4 For the purposes of this ordinance, "Committee" shall mean the "Winnebago County Planning and Zoning Committee".

SECTION 2: 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 engage in the following actions and procedures 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.

SECTION 3: 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.

SECTION 4: 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.

SECTION 5. 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.

SECTION 6: Plan-Ordinance Consistency: Commencing July 1, 2006, all of the following actions and procedures shall be consistent with the WCCP, including the future land uses identified in the plan:

- 6.1 Pursuant to s. 66.1001(3), Wis. Stats., the Winnebago County Zoning Ordinance (Chapter 17 of the County General Code), including shoreland and wetland requirements detailed therein;
- 6.2 Pursuant to s. 66.1001(3), Wis. Stats., the Winnebago County Subdivision Ordinance (Chapter 18 of the County General Code);
- 6.3 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.

- 6.4 County Private Sanitary Ordinance (Chapter 16, County General Code).
- 6.5 County Access Control Ordinance (Chapter 17 of the County General Code).
- 6.6 Farmland Preservation Plan prepared and adopted in accordance with Chapter 91, Wis. Stats.
- 6.7 Applications for development activity, including but not limited to, permits for principal uses, public hearing items, certified survey maps, and subdivision plats that fall under the authority and jurisdiction of County ordinances as enumerated in this section. Permits for additions to principal uses and accessory structures are exempt. Where the application for development activity is in conflict with the adopted future land uses in the WCCP and/or the adopted ordinances enumerated in this section, the applicant may pursue the remedy as identified in this ordinance or the adopted WCCP for changes to the plan, and/or those ordinances cited in sections 6.1 to 6.6 above for changes to the affected ordinance(s).
- 6.8 Where the adopted WCCP and those adopted ordinances enumerated in this section are in conflict, the remedy shall be as identified in this ordinance, the adopted WCCP for changes to the plan, or those ordinances cited in sections 6.1 to 6.6 above for changes to the affected ordinance(s). This includes the future land use map in the WCCP and the adopted zoning map of the County Zoning Ordinance.
- 6.9 Lots of record existing at the time of implementation of this ordinance shall be exempt from lot size parameters that may be identified in the WCCP, however the proposed use shall be in compliance with the uses shown on the WCCP future land use map.
- 6.10 Petitions for amendment to the text and/or future land use map of the WCCP shall be in accordance with those procedures detailed in the Section VII (Intergovernmental Cooperation) of the WCCP and **Exhibit 1**, attached hereto.

SECTION 7: Amendments, Revisions, Updates to County Plan: Prior to January 1, 2010, any newly adopted local plans or any amendments, revisions or updates to local existing plans will be considered for inclusion into the WCCP without amendment by the Winnebago County Board subject to necessary Committee and County Board approval subject to inclusion of sufficient finding of fact. Commencing January 1, 2010, Winnebago County shall review proposed local plans, amendments, revisions or updates to existing local plans in relationship to their compliance with the policies identified in the WCCP as a basis for approval or denial. Both prior to and after January 1, 2010, all amendments, revisions, and updates to existing plans or adoption of new plans shall be in accordance with s. 66.1001(4), Wis. Stats., and the procedures detailed in **Exhibit 1**, attached hereto.

SECTION 8: Fees: Fees for filing a petition for amendment to the WCCP shall be as established by the Winnebago County Board of Supervisors.

SECTION 9: Inclusion and Adherence to City and Village Plans: Pursuant to s. 59.69(3)(b), Wis. Stats., the county development plan shall include the master plan of any city or village that was adopted under s. 62.23(2) or (3), Wis. Stats. and the official map of such city or village that was adopted under s. 62.23(6), Wis. Stats. in the county, without change to said plan. In addition, pursuant s. 59.69(3)(e), Wis. Stats, master plans for cities and villages adopted under s. 62.23(2) and (3) and an official map that is established under s. 62.23(6) shall control in the unincorporated territory of the county, whether or not such action occurs before the adoption of a county development plan.

SECTION 10: Implementation Actions: Prior to the commencement of any implementation action as specified in Section VIII (Implementation) of the WCCP, authorization to proceed must be approved by the Planning and Zoning Committee and if required, or if requested by said Committee, by the Winnebago County Board.

SECTION 11: Written Procedures for Public Participation: This ordinance acknowledges and confirms that the Winnebago County Board has adopted and followed written procedures designed to foster public participation in every stage of the preparation of the WCCP as required by s. 66.1001(4)(a), Wis. Stats.

SECTION 12: Committee Action: Pursuant to s. 66.1001(4)(b), Wis. Stats., the Planning and Zoning Committee, by a majority vote of the entire Committee as recorded in its official minutes of November 11, 2005, has adopted a resolution recommending to the County Board the adoption of the document entitled "Winnebago County Comprehensive Plan", including all maps and descriptive materials contained therein.

SECTION 13: Public Hearings: This ordinance hereby acknowledges and confirms that the Winnebago County Planning and Zoning Committee has held at least one public hearing on the WCCP in compliance with s. 59.69(3)(d), Wis. Stats., and the County Board of Winnebago County has held at least one public hearing on this ordinance in compliance with the requirements of s. 66.1001(4)(c) and (d), Wis. Stats.

SECTION 14: County Board Adoption: Pursuant to s. 66.1001(4)(c), Wis. Stats. the County Board of Winnebago County, Wisconsin, does, by the enactment of this ordinance, formally adopt the document entitled, "Winnebago County Comprehensive Plan", including all maps and descriptive materials contained therein, and on file at the Winnebago County Clerks office.

SECTION 15: Violations and Penalties:

- 15.1 It shall be unlawful to construct or use any structure, land, or water in violation of any provisions of this ordinance. In case of any violation, the County Board of Supervisors, the County Zoning Administrator, Town Board, or any property owner aggrieved by such violation may institute appropriate action or proceedings to enjoin a violation of this ordinance.
- 15.2 If the County Zoning Office shall determine at any time that the ordinance, laws, orders, plans and specifications are not being complied with, said office is authorized to post a stop work order at the site of the work. When such order has been posted, it shall have the effect of causing the original permit or approval(s) to be revoked and in all cases, it shall be unlawful for any further work to proceed until the permit or required approval(s) are issued or reinstated. It shall further be unlawful to remove such stop work order without the direct authorization of the County Zoning Office.
- 15.3 Penalties: Any person, firm, or corporation, who fails to comply with the provisions of this ordinance, or any order of the County Zoning Administrator issued in compliance with this ordinance, or who violates, disobeys, neglects, omits or refuses to comply with or who resists enforcement of any provisions indicated in this ordinance shall be subject to the penalties as provided in Section 25.04 of the Winnebago County General Code.

SECTION 16: Effective Date of Ordinance: This ordinance shall take affect on July 1, 2006 following passage by a majority vote of the members-elect of the County Board and publication as required by law.

EXHIBIT 1

Application Procedures – Amendment to Winnebago County Comprehensive Plan

APPLICATION PROCESS: The Plan Amendment Process (flow chart) shown in Exhibit 2 attached, shall be considered as the standard steps in the approval process for plan amendments. The following provides additional details that shall be adhered to in regard to processing plan amendment applications.

(1) **INITIATION.** A petition for amendment to the WCCP may be made by any property owner in the area to be affected by the amendment, by the Town Board of any Town wherein the ordinance is in effect; by any member of the County Board or by the County Planning and Zoning Committee.

(2) **PETITIONS.** Petitions for any change to the boundaries of the future land use map in the WCCP or amendments to the text of the plan and this ordinance shall be filed with the Winnebago County Planning & Zoning Office, describing the premises to be rezoned or the text to be amended, list the reasons justifying the petition, specify the proposed use or text amendment and have attached the following:

(a) Plot plan drawn to a scale not less than 1 inch to 400 feet showing the area proposed to be amended, its location and its dimensions, the location and classification of adjacent future uses and the location and existing use of all properties within 300 feet of the area proposed to be amended, and the parcel number(s) of the parcel(s), or portions thereof that are affected.

(b) Additional information required by the County Planning and Zoning Committee.

(c) Plan amendment fee receipt from the County Planning and Zoning Office equal to the fee as established by the Winnebago County Board.

(d) See (1) and (2) below

(1) Application shall allow appropriate County staff to enter upon the property for the purpose of placement and removal of a “notice of hearing” sign upon the property, viewing the property prior to hearing, and conducting an inspection to determine compliance with the terms and conditions, if any, of the petition for amendment.

(2) For the purpose of this section, the location and timing of placement and removal of the sign shall be determined by Winnebago County. The sign shall not be moved or removed by anyone other than County staff.

(3) **PROCEDURES.**

(a) The County Planning and Zoning Committee shall review all proposed changes and amendments within its jurisdiction. Such petition shall be filed

with the County Planning and Zoning office on forms provided by said office. Immediate notice of the petition shall be sent to the County Supervisor of any affected district. Petitions shall be referred directly to the Planning and Zoning Committee for its consideration, report and recommendation to the County Board.

(4) PUBLIC HEARING. Upon receipt of such petition by the Planning and Zoning Committee, it shall call a public hearing thereon in accordance with the adopted Public Hearing Schedule. Notice of the time and place of such hearing shall be given by publication in the County of a Class 2 notice, under Ch. 985. A copy of such notice shall be mailed by certified mail to the Town Clerk of each Town affected by the proposed amendment and all property owners within 300 ft. of the subject site shall be notified by first class mail with an Affidavit of Mailing at least 10 days prior to the date of such hearing. If a zoning change is also being proposed, both applications for change may be processed and reviewed concurrently.

(5) RECOMMENDATIONS.

(a) Planning and Zoning Committee Action: As soon as possible after such public hearing, the Planning and Zoning Committee shall act on such petition in accordance with Sec. 66.1001(4)(b)Wis. Stats., either approving, modifying and approving, or disapproving the same by resolution. If its action is favorable to granting the requested change or any modification thereof, it shall cause an ordinance to be drafted in accordance with Sec. 66.1001(4)(c) Wis. Stats., effectuating its determination and shall submit such proposed ordinance directly to the County Board with its recommendations. If the Planning and Zoning Committee, after its public hearing, disagrees with the action taken by the affected town, it shall refer the petition back to the Town Board for reconsideration. After reconsideration and resubmittal by the Town Board, the Planning and Zoning Committee shall act on the petition for change. If the Planning and Zoning Committee recommends denial of the petition, it shall report its recommendation directly to the County Board with its reasons for such action. Proof of publication of the notice of the public hearing held by the Planning and Zoning Committee and proof of the giving of notice to the Town Clerk of such hearing shall be attached to either such report. Notification of Town Board resolutions and findings filed with County Zoning Office shall be attached to either such report.

- (b) County Board Hearing and Action: Upon receipt of such report, the County Board shall hold a Public Hearing on the ordinance in accordance with s. 66.1001(4)(c)&(d), Wis. Stats. The County Board then may adopt the ordinance as drafted by the Planning and Zoning Committee or with amendments, or it may deny the petition for amendment, or it may refuse to deny the petition as recommended by the Planning and Zoning Committee, in which case it shall re-refer the petition to the Planning and Zoning Committee with directions to draft an ordinance to effectuate the petition and report the same back to the County Board which may then adopt or reject such ordinance.
- (c) Appeal of County Board Decision: Any person or entity aggrieved by a decision of the County Board regarding this ordinance may appeal its decision to the Circuit Court of Winnebago County.
- (d) Reapplication: Denial of a petition for amendment to the plan per this ordinance does not preclude an applicant from reapplying for a petition to amend the plan provided that not less than 1 year has expired from date of denial of any previous petition for amendment. Reapplication shall be treated as a new application, including all required fees and associated approvals.

