

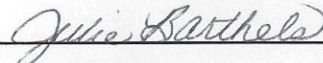
Town of Nekimi

3790 Pickett Road
Oshkosh, WI 54904

CERTIFICATION OF RESOLUTION

I, Julie Barthels, Town of Nekimi Clerk, certify that the attached is a true and correct copy of Resolution No. 2012-12, "Resolution Respecting Adoption of Winnebago County Zoning Ordinance" which was passed by the Town of Nekimi Board on December 17, 2012.

Signed and dated this 15th day of January, 2013



Julie Barthels
Town of Nekimi Clerk

TOWN OF NEKIMI

Resolution 2012- 12

Resolution Respecting Adoption of Winnebago County Zoning Ordinance

The Town Board of the Town of Nekimi, Winnebago County, Wisconsin do adopt and resolve as follows:

WHEREAS, the Town of Nekimi desires to promote the health, safety, convenience and general welfare of the residents of the Town and to encourage planned and orderly land use and development, and;

WHEREAS, the County Board of Winnebago, Wisconsin has adopted a zoning ordinance for the physical development and zoning of territory within Winnebago County, and;

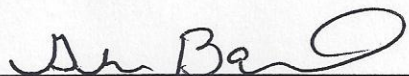
WHEREAS, said Winnebago County Zoning Ordinance may become effective in the Town of Nekimi upon approval of the same by the Town Board;

NOW, THEREFORE, be it resolved that:


Pursuant to Section 59.69(5)(c) Wisconsin Statutes, the Town Board of the Town of Nekimi hereby approves the Winnebago County Zoning Ordinance and therefore adopts Winnebago County ordinance number 364-32012 and shall take all required actions to make said zoning ordinance applicable within the Town of Nekimi.

This resolution shall take effect on the date of filing with the Clerk for Winnebago County a certified copy of this resolution, together with a copy of Winnebago County ordinance number 364-32012 Ordinance (attached as Exhibit A).

Dated: 12/17/2012



Glen Barthels, Town Chairman

ATTEST: 

Julie Barthels, Town Clerk

A certified copy of Resolution 2012- 12 was filed with the Winnebago County Clerk on 1-15-2013. Copies of Resolution 2012- 12 were posted in the Town of Nekimi at the Town Hall and Town Website by the Town Clerk on 1-15-2013.

ORDINANCE: Adopt Chapter 23 (Town/County Zoning Ordinance) of the General Code of Winnebago County, and Repealing Chapter 17 (Zoning Ordinance) of the General Code of Winnebago County

TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:

WHEREAS, on February 6, 1979, Winnebago County adopted a comprehensive revision of the town/county ordinance and has made only minor amendments since that time; and

WHEREAS, on March 21, 2006, Winnebago County adopted a county comprehensive plan pursuant to §§ 59.69(2) and (3), and 66.1001(4)(c) and (d), Wis Stats; and

WHEREAS, on November 15, 2011, Winnebago County amended the County Comprehensive Plan to incorporate a Farmland Preservation Plan as required by § 19.10, Wis Stats; and

WHEREAS, the County Comprehensive Plan is a broad-based vision for Winnebago County over the next 20-year period and includes various goals, objectives, and policies specifically relating to land use and development, and a series of future land use maps that identify various land use districts; and

WHEREAS, Winnebago County recognizes that it needs to revise its zoning regulations for the following reasons:

- Sec. 66.1001(3), Wis Stats, provides that county zoning ordinances and shoreland zoning ordinances must be consistent with an adopted development plan;
- The current zoning code is out of date, contains contradictory provisions, is not sufficiently clear in some respects, and does not accurately reflect current practices;
- The current Zoning Code does not clearly articulate the role the various towns have in regulating land use and development within their jurisdiction;
- The zoning regulations need to conform to the requirements relating to the livestock facility siting law;
- The zoning regulations need to conform to the new minimum requirements relating to certified farmland zoning; and

WHEREAS, pursuant to § 59.69(5)(d), Wis Stats, Winnebago County is authorized to repeal an existing county zoning ordinance and reenact a comprehensive revision; and

WHEREAS, Winnebago County established an advisory committee that has been actively involved in the preparation, review, and adoption of a new town/county zoning code; and

WHEREAS, the advisory committee prepared a proposed town/county zoning code with the assistance of county staff and a consultant, and submitted same to the Winnebago County Planning and Zoning Committee for its review and action; and

WHEREAS, regional meetings were held on December 15, 2011, and January 5, 2012, to solicit public input regarding the proposed town/county zoning map in those towns currently under town/county zoning and those that have expressed an interest in potentially adopting town/county zoning; and

WHEREAS, on January 5, 2012, the Planning and Zoning Committee hosted an open house to solicit public input regarding the proposed text and zoning map; and

WHEREAS, based on input received during the open house and other means of public involvement, the Planning and Zoning Committee made various revisions to the proposed town/county zoning code; and

WHEREAS, on February 6, 2012, the Planning and Zoning Committee adopted a resolution relating to the public hearing for the proposed town/county zoning code; and

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
62

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
65

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
68

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.
71

72
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.
76

77
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.
86

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.
92

93
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.
102

103
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.
107

108
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.
114

115
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

of the town in which the violation occurred adopts this ordinance, at which time Chapter 23 shall control to the extent applicable.

BE IT FURTHER ORDAINED by the Winnebago County Board of Supervisors that pursuant to Section ATCP 51.11(4), Wis Admin Code, the Winnebago County Planning Director shall send a copy of this code, within 30 days of adoption, to the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP), by mail, fax, or email as follows:

Mail: Wisconsin Department of Agriculture
Trade and Consumer Protection
Agricultural Resource Management Division
Bureau of Land and Water Resources
PO Box 8911
Madison WI 53708-8911

Fax: (608) 224-4615

Email: ordinance@datcp.state.wi.us.

BE IT FURTHER ORDAINED by the Winnebago County Board of Supervisors that the several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of other provisions, sections, or portions of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

BE IT FURTHER ORDAINED by the Winnebago County Board of Supervisors that the codifier of this ordinance is authorized to make revisions to the remainder of the General Code of Winnebago County relating to cross references and the numbering of chapters, articles, sections, figures, tables, and the like.

BE IT FURTHER ORDAINED by the Winnebago County Board of Supervisors that this ordinance shall be effective as of April 29, 2012.

Submitted by:

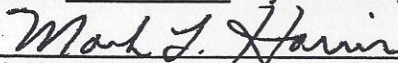
PLANNING AND ZONING COMMITTEE

Committee Vote:

5-0

Vote Required for Passage:
Majority of Those Present

Approved by the Winnebago County Executive this 27th day of March, 2012.



Mark L Harris
Winnebago County Executive

Winnebago County
Summary Report For Vote Number 364
03-20-2012

Committee
 March 20, 2012

Type
 Ordinance

Requirement
 1/2 Majority Based on Members

Description

Ordinance No. 364-32012: Adopt Chapter 23 (Town/County Zoning Ordinances) of the General Code of Winnebago County, and Repealing Chapter 17 (Zoning Ordinance) of the General Code of Winnebago County.

Seat	District	Attend	Voter	Vote	Aye	Nay	Abs
4	1	Yes	Thomas Konetzke	Aye	X		
6	2	Yes	Nancy Barker	Aye	X		
21	3	Yes	James Engelbert	Aye	X		
32	4	Yes	Paul Eisen	Aye	X		
15	5	Yes	Shiloh Ramos	Aye	X		
14	6	Yes	Donald Miller	Aye	X		
22	7	Yes	Bill Roh	Aye	X		
33	8	Yes	Lawrence Smith	Aye	X		
8	9	Yes	Tom Widener	Aye	X		
2	10	Yes	Tim Hamblin	Aye	X		
40	11	Yes	David Albrecht	Aye	X		
10	12	Yes	Maribeth Gabert	Aye	X		
19	13	Yes	Ronald Grabner	Aye	X		
11	14	Yes	Claud Thompson	Aye	X		
9	15	Yes	Kathleen Lennon	Aye	X		
25	16	No	Marrisa Reynolds	No Vote			
31	17	Yes	Jef Hall	Aye	X		
37	18	Yes	Bill Wingren	Aye	X		
27	19	Yes	Alfred Jacobson	Aye	X		
12	20	Yes	Mike Norton	Aye	X		
26	21	Yes	Bob Warnke	Aye	X		
1	22	Yes	Ken Robl	Aye	X		
13	23	Yes	Harold Singstock	Aye	X		
34	24	Yes	Kenneth Neubauer	Aye	X		
38	25	Yes	Stan Kline	Aye	X		
35	26	Yes	Susan Locke	Aye	X		
18	27	Yes	Guy Hegg	Aye	X		
16	28	Yes	Jerry Finch	Aye	X		
23	29	Yes	Joanne Sievert	Aye	X		
17	30	Yes	Chuck Farrey	Aye	X		
7	31	Yes	Jeanette Diakoff	Aye	X		
39	32	Yes	Patrick Brennand	Aye	X		
28	33	Yes	Thomas Egan	Aye	X		
5	34	Yes	Tom Ellis	Aye	X		
20	35	Yes	Douglas Nelson	Aye	X		
24	36	Yes	Lawrence Kriescher	Aye	X		

Narrative

Submitted by: Planning & Zoning Committee

Adopted - On this 20 day of March 2012 by a vote of (35)-Aye, (0)-Nay, (0)-Abstain, with (1)-Absent

Attest: _____

Sue Ertmer, County Clerk