

**RESOLUTION #88-2008
ORDINANCE AMENDMENT #1-2008**

1 Ordinance Amendment offered by Supervisors of the Planning and Zoning Committee.

2
3 Resolved by the Board of Supervisors of Oneida County, Wisconsin:

4
5 **WHEREAS**, the Planning & Zoning Committee, having considered Ordinance
6 Amendment #1-2008, (copy attached) which was filed August 12, 2008, to amend the
7 Oneida County Zoning and Shoreland Protection Ordinance, and having given notice
8 thereof as provided by law and having held a public hearing thereon September 3, 2008
9 pursuant to Section 59.69(5), Wisconsin Statutes, and having been informed of the facts
10 pertinent to the changes which are as follows:

11
12 **WHEREAS**, the Board of Adjustment has been changed from a three (3) to five
13 (5) member Board requiring a majority affirmative vote of three (3) members; and

14
15 **WHEREAS**, Chapter 17.04 was clarified to allow the Board of Adjustment to hear
16 and decide appeals involving the Zoning, Floodplain and Private Onsite Wastewater
17 Treatment System Ordinance; and

18
19 **WHEREAS**, all Towns were provided with written notice of said changes and no
20 Town objected; and

21
22 **WHEREAS**, the Planning & Zoning Committee has carefully studied the
23 proposed changes after listening to comments made at the public hearing and
24 recommends approval; and

25
26 And being duly advised of the wishes of the people in the area affected as follows:

27
28 **NOW THEREFORE, THE ONEIDA COUNTY BOARD OF SUPERVIORS DOES**
29 **ORDAIN AS FOLLOWS:**

30
31 Section 1: Any existing ordinances, codes, resolutions, or portion thereof in conflict
32 with this ordinance shall be and are hereby repealed as far as any conflict exists.

33 Section 2: This ordinance shall take effect the day after passage and publication as
34 required by law.

35 Section 3: If any claims, provisions, or portions of this ordinance are adjudged
36 unconstitutional or invalid by a court of competent jurisdiction, the remainder of the
37 ordinance shall not be affected thereby.

38 Section 4: Additions noted by underline; deletions noted by ~~striketrough~~.
39 Chapter 9 of the Oneida County Zoning & Shoreland Protection Ordinance is amended
40 as follows:

41
42 **Chapter 17, BOARD OF ADJUSTMENT (Rep. & recr. #30-2006)**
43

44 **17.01 GENERAL PROVISIONS.**
45 **17.01 – 17.02 to remain unchanged.**

46
47 **17.03 MEETINGS.**

48
49 **1-5 to remain unchanged.**

50
51 (6) **VOTING a-b to remain unchanged**

52
53 (c) Decision. Each action of the Board shall be taken by majority
54 affirmative vote of at least ~~two~~ three of the members. A tie vote
55 shall cause the action to fail. The action of the majority shall be the
56 action of the entire Board, which speaks as a single entity.

57
58 **Remainder of 17.03 unchanged.**

59
60 **17.04 POWERS AND DUTIES OF THE BOARD.**

61
62 (1) **GENERAL POWERS.** The powers and duties of the Board are identified in
63 applicable sections of the state statutes and in the Zoning Ordinance. The
64 Board shall have the following general powers:
65 (a) To hear and decide appeals where it is alleged there is error in any order,
66 requirement, decision, interpretation or determination made by an
67 administrative official, the Director or the Planning and Zoning Committee in
68 the enforcement of ~~§59.97, §59.69 or §87.30(b)~~ or 145.20 Wis. Stats., or of
69 any part of the Zoning, Floodplain or Private Onsite Wastewater Treatment
70 System Ordinance.

71
72 **Remainder of Chapter 17 unchanged.**

73
74 The County Clerk shall, within seven (7) days after adoption of Ordinance Amendment
75 #1-2008 by the Oneida County Board of Supervisors, cause a certified copy thereof to
76 be transmitted by mail to all the Wisconsin Department of Natural Resources and to all
77 the Town Clerks. .

78
79 Approved by the Planning and Zoning Committee this 17th day of September, 2008.

80
81 Vote Required: Majority = _____ 2/3 Majority = _____ 3/4 Majority = _____

82
83 The County Board has the legal authority to adopt: Yes _____ No _____ as reviewed by the
84 Corporation Counsel, _____, Date: _____

85
86
87 Offered and passage moved by: _____
88 Supervisor

89
90 _____

91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124

Supervisor

Supervisor

Supervisor

Supervisor

Seconded by: _____

_____ Ayes

_____ Nays

_____ Absent

_____ Abstain

_____ Adopted

by the County Board of Supervisors this day of 2008.

_____ Defeated

Robert Brusio, Clerk

Andrew P. Smith, County Board Chair