

**RESOLUTION #23-2009**

**ORDINANCE AMENDMENT #4-2009**

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 #4-2009, (copy attached) which was filed January 29, 2009 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 February 18, 2009  
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 **WHEREAS**, the Planning and Zoning Committee through Resolution #2-2009 is  
12 proposing to allow the expansion of Adult Oriented Businesses by 100 percent of the  
13 footprint; and

14 **WHEREAS**, the Planning and Zoning Committee wanted to be consistent in the  
15 treatment of all legal pre-existing uses and structures both in the non-shoreland and  
16 Shoreland areas; and

17 **WHEREAS**, this Ordinance Amendment would allow 100 percent expansion of  
18 the building foot print of a legal pre-existing use; and

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

21 **WHEREAS**, the Planning & Zoning Committee has carefully studied the  
22 proposed changes after listening to comments made at the public hearing two (2) in  
23 support and zero (0) against, and recommends approval; and

24  
25 **NOW THEREFORE, THE ONEIDA COUNTY BOARD OF SUPERVIORS DOES**  
26 **ORDAIN AS FOLLOWS:**

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29 with this ordinance shall be and are hereby repealed as far as any conflict exists.

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

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

35 Section 4: Additions noted by underline; deletions noted by ~~strikethrough~~.  
36 Chapter 9 of the Oneida County Zoning & Shoreland Protection Ordinance is amended  
37 as follows:

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39 9.50 LEGAL PRE –EXISTING STRUCTURES AND USES IN NON-SHORELAND  
40 AREAS (#25-2004)

41 Subsection A & B to remain unchanged

42 C. Legal Pre-Existing Uses  
43

44 1. ~~No expansion:~~ A legal pre-existing use of a structure or premise  
45 shall

46 ~~not be~~ may be expanded or enlarged upon issuance of an  
47 administrative review permit. ~~No such use shall be~~  
48 ~~expanded within a structure which, on the date the use~~  
49 ~~became legal pre-existing, was only partially devoted to such~~  
50 ~~use.~~ No structural alteration, addition or repair to any  
51 building or structure with a legal pre-existing use, over the  
52 life of the building or structure shall exceed 100 percent of its  
53 building footprint at the time it became legal pre-existing  
54 unless it is permanently changed to conform to the  
55 requirements of this ordinance and provided that the  
56 requirements of Section 9.50 and 9.99 are met.

57  
58 **The remainder of Subsection to remain unchanged**

59 **PART C**

60 **9.99 SHORELAND USES AND STRUCTURES**

61 **Section A & B to remain unchanged**

62 C. Legal Pre-Existing Uses  
63

64 A legal pre-existing use of a structure or premises shall ~~not~~  
65 ~~be~~ may be expanded or enlarged upon issuance of an  
66 administrative review permit. ~~No such use shall be~~  
67 ~~expanded within a structure which, on the date the use~~  
68 ~~became legal pre-existing, was only partially devoted to such~~  
69 ~~use.~~ No structural alteration, addition or repair to any  
70 building or structure with a legal pre-existing use, over the  
71 life of the building or structure shall exceed 100 percent of its  
72 building footprint at the time it became legal pre-existing  
73 unless it is permanently changed to conform to the  
74 requirements of this ordinance and provided that the  
75 requirements of Section 9.50 and 9.99 are met.

76  
77 **The remainder of Subsection to remain unchanged.**

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The County Clerk shall, within seven (7) days after adoption of Ordinance Amendment #4-2009 by the Oneida County Board of Supervisors, cause a certified copy thereof to be transmitted by mail to all Town Clerks and the Wisconsin Department of Natural Resources.

Approved by the Planning and Zoning Committee this 4th day of March, 2009.

Vote Required: Majority = \_\_\_\_\_ 2/3 Majority = \_\_\_\_\_ 3/4 Majority = \_\_\_\_\_

The County Board has the legal authority to adopt: Yes \_\_\_\_\_ No \_\_\_\_\_ as reviewed by the Corporation Counsel, \_\_\_\_\_, Date: \_\_\_\_\_

Offered and passage moved by: \_\_\_\_\_  
Supervisor  
\_\_\_\_\_  
Supervisor  
\_\_\_\_\_  
Supervisor  
\_\_\_\_\_  
Supervisor  
\_\_\_\_\_  
Supervisor

Seconded by: \_\_\_\_\_

\_\_\_\_\_ Ayes  
\_\_\_\_\_ Nays  
\_\_\_\_\_ Absent  
\_\_\_\_\_ Abstain  
\_\_\_\_\_ Adopted  
\_\_\_\_\_ Defeated

by the County Board of Supervisors this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

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Robert Bruso, Clerk

Andrew P. Smith, County Board Chair

P&Z.ordinance.amendment