

ORDINANCE AMENDMENT #7-2009

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

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

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5 **WHEREAS**, the Planning & Zoning Committee, having considered Ordinance
6 Amendment #7-2009, (copy attached) which was filed April 15, 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 June 3, 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:

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12 **WHEREAS**, the Town of Minocqua requested that in Business B-1 and B-2
13 (District 6 and 7) multi-tenant buildings of four or fewer units require an Administrative
14 Review Perm (ARP) while five or more units require a Conditional Use Permit (CUP);
15 and

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17 **WHEREAS**, Planning and Zoning staff agreed with said request, it is similar to
18 how the Department is permitting multi-family units in multiple family residential (District
19 3); and

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

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

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

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30 **NOW THEREFORE, THE ONEIDA COUNTY BOARD OF SUPERVIORS DOES**
31 **ORDAIN AS FOLLOWS:**

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34 with this ordinance shall be and are hereby repealed as far as any conflict exists.

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

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

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

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44 9.26 BUSINESS B-1 AND B-2 (DISTRICTS 6 AND 7) (#19-2001,83-2003,1-2005 & 28-
45 2005,11-2008)

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A. BUSINESS B-1 (DISTRICT 6)

1. Purpose

The purpose of the Business District (B-1) is to provide an area for general retail and commercial business use.

2. Permitted Uses

Subject to section 9.26(A) (4) (c) below, the following are permitted uses in the Business District (B-1):

- a. All the permitted uses of District 3 Multiple Family Residential
- b. Any retail business use to the extent lawfully existing and operating in District B-1 on the effective date of this ordinance
- c. Any office, professional and service use customary in a business district to the extent lawfully existing and operating in District B-1 on the effective date of this ordinance
- d. Any amusement enterprise uses such as theaters, bowling and amusement parlors to the extent lawfully existing and operating in District B-1 on the effective date of this ordinance
- e. Warehouses accessory to retail or service establishments

3. Administrative Review Uses

- a. Any new retail business that does not have a drive-through or drive-in component and does not have any outdoor operations (other than customer or employee parking)
- b. Any new office, professional and service establishment customary in a business district that does not have a drive-through or drive-in component and does not have any outdoor operations (other than customer or employee parking)
- c. All the Administrative Review Uses of District 3 Multiple Family Residential
- d. Multi-tenant use involving an existing building with 4 units or less

4. Conditional Uses

- a. Any new amusement enterprise such as theaters, bowling and amusement parlors, that do not have a drive-through or drive-in component and do not have any outdoor operations (other than customer or employee parking)

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- b. Any retail business, office, professional or service establishment that involves a drive-through or drive-in component or has any outdoor operations (other than customer or employee parking)
 - c. Mall and multi-tenant buildings
 - d. Hotels, motels, and resorts (with 5 or more units)
 - e. Any permitted use or administrative review use in this district, which is located on property adjacent to or across the street from a residential district
 - f. Dog kennel and/or cat boarding facilities
 - g. Animal shelters, as defined in Wis Stats., 173.40(c).
 - h. Wildlife rehabilitation centers pursuant to Wis. Administrative Code NR19 or facilities subject to a federal permit
 - i. Veterinary clinics or animal hospitals
 - j. Communication structures located on existing government structures, or on existing sanitary district owned facilities
 - k. Co-location on a legal pre-existing communication structure
 - l. Multi-tenant use involving an existing building with 5 or more units

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5. Minimum Lot Sizes

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The minimum lot size requirements for the Business (B-1) District are contained in Appendix A, which is incorporated herein by reference. For any lot or tract of land that does not meet the minimum size requirements for this district as set forth in Appendix A, see Section 9.75 of this ordinance.

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B. BUSINESS B-2 (DISTRICT 7)

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1. Purpose

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The purpose of the Business District (B-2) is to provide an area for some additional types of commercial businesses than those allowed in Business District (B-1).

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2. Permitted Uses / Administrative Review Uses

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All the same provisions pertaining to permitted uses and administrative review uses as set forth above in section 9.26(A) for Business District (B-1) are incorporated herein by reference.

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3. Conditional Uses

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- a. All the conditional uses of Business District (B-1)
 - b. Any permitted use or administrative review use in this district, which is located on property adjacent to a residential district

- 134 c. Mall and multi-tenant buildings
- 135 d. Hotels, motels, and resorts (with 5 or more units)
- 136 e. Mobile home, manufactured home and house trailer parks, only in
- 137 accordance with the provisions of section 9.52 and provided they
- 138 otherwise comply with this ordinance
- 139 f. Light industry
- 140 g. Structures used in communications subject to Section 9.54

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142 4. Minimum Lot Sizes

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144 The minimum lot size requirements for the Business (B-2) District are

145 contained in Appendix A, which is incorporated herein by reference.

146 Except for public or private parks, wetland or floodplain designated areas

147 shall not be included in calculating minimum lot size. For any lot or tract of

148 land that does not meet the minimum size requirements for this district as

149 set forth in Appendix A, see Section 9.75 of this ordinance.

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151 The County Clerk shall, within seven (7) days after adoption of Ordinance Amendment

152 #7-2009 by the Oneida County Board of Supervisors, cause a certified copy thereof to

153 be transmitted by mail to all Town Clerks.

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155 Approved by the Planning and Zoning Committee this 5th day of August, 2009.

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157 Vote Required: Majority = _____ 2/3 Majority = _____ 3/4 Majority = _____

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159 The County Board has the legal authority to adopt: Yes _____ No _____ as reviewed by the

160 Corporation Counsel, _____, Date: _____

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163 Offered and passage moved by: _____

164 Supervisor

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166 Supervisor

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170 Supervisor

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172 Supervisor

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174 Supervisor

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176 Supervisor

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178 Seconded by: _____

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181 _____ Ayes

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183 _____ Nays

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185 _____ Absent

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187 _____ Abstain

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190 _____ Adopted

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192 _____ by the County Board of Supervisors this _____ day of _____ 2009.

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194 _____ Defeated

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Robert Brusco, Clerk

Andrew P. Smith, County Board Chair

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P&Z.ordinance.amendment