

**RESOLUTION # 6-2010
ORDINANCE AMENDMENT #9-2009**

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 #9-2009, (copy attached) which was filed October 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 November 4, 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 Planning and Zoning Committee believed the wording, "in any
13 foreseeable manner", specified in Section 9.42 E of the Oneida County Zoning and
14 Shoreland Protection Ordinance, General Standards for approval of a Conditional Use
15 Permit was not reasonable and unobtainable by applicants; and

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

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

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

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

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30 with this ordinance shall be and are hereby repealed as far as any conflict exists.

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

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

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

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40 9.42 E GENERAL STANDARDS FOR APPROVAL OF CUP

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42 No application for a CUP shall be approved or conditionally approved, unless the
43 Committee finds that the following standards are fulfilled.

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1. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
2. The uses, values and enjoyment of neighboring property shall not ~~in any foreseeable manner~~ be substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.
3. The proposed conditional use is compatible with the use of adjacent land and any adopted local plans for the area.
4. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
5. Adequate utilities, access roads, drainage and other necessary site improvements have been or will be provided for the conditional use.
6. Adequate measures have been or will be taken to provide ingress and egress so as to minimize traffic congestion in the public streets.
7. The conditional use shall conform to all applicable regulations of the district in which it is located.
8. The conditional use does not violate shoreland or floodplain regulations governing the site.
9. Adequate measures have been or will be taken to prevent and control water pollution, including sedimentation, erosion and runoff.

The County Clerk shall, within seven (7) days after adoption of Ordinance Amendment #9-2009 by the Oneida County Board of Supervisors, cause a certified copy thereof to be transmitted by mail to all Town Clerks.

Approved by the Planning and Zoning Committee this 2nd day of December, 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

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Supervisor

Seconded by: _____

_____ Ayes

_____ Nays

_____ Absent

_____ Abstain

_____ Adopted

by the County Board of Supervisors this day of 2009.

_____ Defeated

Robert Brusio, Clerk

Andrew P. Smith, County Board Chair