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**Resolution # 36-2011**

**GENERAL CODE OF ONEIDA COUNTY, WISCONSIN  
ORDINANCE AMENDMENT # 4-2011**

**Ordinance Amendment offered by Supervisors of the Planning and Zoning Committee**

**WHEREAS**, the Planning and Zoning Committee received a request to allow churches in Business B-1 and B-2 (District 6 and 7); and

**WHEREAS**, in areas zoned Business B-1 and B-2 (Districts 6 and 7) there currently exist legal pre-existing churches; and

**WHEREAS**, the Planning and Zoning Committee and staff views this Ordinance Amendment as a correction; and

**WHEREAS**, at the Public Hearing there were no comments against the proposed changes and comments in support of the changes; and

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

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

**NOW, THEREFORE, THE ONEIDA COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:**

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existing ordinances, codes, resolutions, or portions thereof in conflict with this ordinance shall be and hereby are repealed as far as any conflict exists.

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

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

Section 4. additions noted by underline, deletions noted by strikethrough Chapter 9 of the Oneida County Zoning and Shoreland Protection Ordinance is amended as follows:

**Additions noted by underline; deletions noted by ~~strikethrough~~**

9.26 BUSINESS B-1 AND B-2 (DISTRICTS 6 AND 7) (#19-2001,83-2003,1-2005 & 28-2005, 11-2008, 7-2009)

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

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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.
- e. Churches, schools, libraries, community buildings and museums.

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)
- 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

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.

B. BUSINESS B-2 (DISTRICT 7)

1. Purpose

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).

2. Permitted Uses / Administrative Review Uses

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.

3. Conditional Uses

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

4. Minimum Lot Sizes

The minimum lot size requirements for the Business (B-2) District are contained in Appendix A, which is incorporated herein by reference. Except for public or private parks, wetland or floodplain designated areas shall not be included in calculating minimum lot size. 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.

The County Clerk shall, within seven (7) days after adoption of Ordinance Amendment #4-2011 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 8th day of June, 2011.

Vote Required: Majority = \_\_\_\_\_ 2/3 Majority = \_\_\_\_\_ ¾ Majority = \_\_\_\_\_

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

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

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Supervisor

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Supervisor

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Supervisor

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Supervisor

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Supervisor

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174 \_\_\_\_\_ Ayes

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176 \_\_\_\_\_ Nays

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178 \_\_\_\_\_ Absent

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180 \_\_\_\_\_ Abstain

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183 \_\_\_\_\_ Enacted

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185 by the County Board of Supervisors this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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187 \_\_\_\_\_ Defeated

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Mary Bartelt, Clerk

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Ted Cushing, County Board Chair

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