

NOTICE OF MEETING

COMMITTEE: PLANNING & ZONING
DATE: June 8, 2011
PLACE: ONEIDA COUNTY COURTHOUSE – COMMITTEE ROOM #2,
TIME: 12:30 P.M. PUBLIC HEARING

ALL AGENDA ITEMS ASSUMED TO BE DISCUSSION / DECISION

1. Call to order.
2. Approve the agenda.
3. Public comments.

CONDUCT PUBLIC HEARING ON THE FOLLOWING:

4. **Ordinance Amendment #4-2011**, authored by the Planning and Zoning to amend Section 9.26, Business B-1 and B-2 (District 6 and 7) of the Oneida County Zoning and Shoreland Protection Ordinance 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 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.

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.

5. Approve meeting minutes of April 7 and April 27, 2011.

6. Approve future meeting dates: June 29, 2011.

- 7. Public comments.
- 8. Future agenda items.
- 9. Adjourn.

NOTICE OF POSTING

TIME: 2:00 PM DATE: June 2, 2011 PLACE: COURTHOUSE BULLETIN BOARD

SCOTT HOLEWINSKI, COMMITTEE CHAIRMAN

Notice posted by the Planning & Zoning Department. Additional information on a specific agenda item may be obtained by contacting the person who posted this notice at 715-369-6130.

NEWS MEDIA NOTIFIED VIA E-MAIL:

Northwoods River News	Date: 06/02/11	Time: Approx. 2:30 p.m.
Lakeland Times	Date: “	Time: “
Buyer’s Guide/Our Town	Date: “	Time: “
WXPR Public Radio	Date: “	Time: “
WERL/WRJO Radio	Date: “	Time: “

NEWS MEDIA NOTIFIED VIA FAX:

WHDG Radio Station	Date: 06/02/11	Time: Approx: 2:30 p.m.
WJFW-TV 12	Date: “	Time: “
Vilas County News	Date: “	Time: “
Tomahawk Leader	Date: “	Time: “
WLSL	Date: “	Time: “

Notice is hereby further given that pursuant to the Americans with Disabilities Act reasonable accommodations will be provided for qualified individuals with disabilities upon request. Please call Mary Bartelt at 715-369-6144 with specific information on your request allowing adequate time to respond to your request.

See reverse side of this notice for compliance checklist with the Wisconsin Open Meeting Law.

GENERAL REQUIREMENTS:

1. Must be held in a location which is reasonably accessible to the public.
2. Must be open to all members of the public unless the law specifically provides otherwise.

NOTICE REQUIREMENTS:

1. In addition to any requirements set forth below, notice must also be in compliance with any other specific statute.
2. Chief presiding officer or his/her designee must give notice to the official newspaper and to any members of the news media likely to give notice to the public.

MANNER OF NOTICE:

Date, time, place and subject matter, including subject matter to be considered in a closed session, must be provided in a manner and form reasonably likely to apprise members of the public and news media.

TIME FOR NOTICE:

1. Normally, a minimum of 24 hours prior to the commencement of the meeting.
2. No less than 2 hours prior to the meeting if the presiding officer establishes there is good cause that such notice is impossible or impractical.
3. Separate notice for each meeting of the governmental body must be given.

EXEMPTIONS FOR COMMITTEES & SUBUNITS

Legally constituted sub-units of a parent governmental body may conduct a meeting during the recess or immediately after the lawful setting to act or deliberate upon the subject which was the subject of the meeting, provided the presiding officer publicly announces the time, place and subject matter of the sub-unit meeting in advance of the meeting of the parent governmental body.

PROCEDURE FOR GOING INTO CLOSED SESSION:

1. Motion must be made, seconded and carried by roll call majority vote and recorded in the minutes.
2. If motion is carried, chief presiding officer must advise those attending the meeting of the nature of the business to be conducted in the closed session, and the specific statutory exemption under which the closed session is authorized.

SYNOPSIS OF STATUTORY EXEMPTIONS UNDER WHICH CLOSED SESSIONS ARE PERMITTED:

1. Concerning a case which was the subject of Judicial or quasi-judicial trial before this governmental body Sec. 19.85(1) (a)
2. Considering dismissal, demotion or discipline of any public employee or the investigation of charges against such person and the taking of formal action on any such matter; provided that the person is given actual notice of any evidentiary hearing which may be held prior to final action being taken and of any meeting at which final action is taken. The person under consideration must be advised of his/her right that the evidentiary hearing be held in open session and the notice of the meeting must state the same. Sec. 19.85(1) (b).
3. Considering employment, promotion, compensation or performance evaluation data of any public employee over which this body has jurisdiction or responsibility. Sec. 19.85(1)(c).
4. Considering strategy for crime detection or prevention. Sec. 19.85(1)(d).
5. Deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business whenever competitive or bargaining reasons require a closed session. Sec. 19.85(1)(e).
6. Considering financial, medical, social or personal histories or disciplinary data of specific person, preliminary consideration of specific personnel problems or the investigation of specific charges, which, if discussed in public, would likely have a substantial adverse effect on the reputation of the person referred to in such data. Sec. 19.85(1)(f), except where paragraph 2 applies.
7. Conferring with legal counsel concerning strategy to be adopted by the governmental body with respect to litigation in which it is or is likely to become involved. Sec. 19.85(1)(g).
8. Considering a request for advice from any applicable ethics board. Sec. 19.85(1)(h).

PLEASE REFER TO CURRENT STATUTE SECTION 19.85 FOR FULL TEXT

CLOSED SESSION RESTRICTIONS:

1. Must convene in open session before going into closed session.
2. May not convene in open session, then convene in closed session and thereafter reconvene in open session within twelve hours unless proper notice of this sequence was given at the same time and in the same manner as the original open meeting.

3. Final approval or ratification of a collective bargaining agreement may not be given in closed session.
4. No business may be taken up at any closed session except that which relates to matters contained in the chief presiding officer's announcement of the closed session.
5. In order for a meeting to be closed under Section 19.85(1)(f) at least one committee member would have to have actual knowledge of information which he or she reasonably believes would be likely to have a substantial adverse effect upon the reputation involved and there must be a probability that such information would be divulged. Thereafter, only that portion of the meeting where such information would be discussed can be closed. The balance of that agenda item must be held in open session.

BALLOTS, VOTES AND RECORDS:

1. Secret ballot is not permitted except for the election of officers of the body or unless otherwise permitted by specific statutes.
2. Except as permitted above, any member may require that the vote of each member be ascertained and recorded.
3. Motions and roll call votes must be preserved in the record and be available for public inspection.

USE OF RECORDING EQUIPMENT:

The meeting may be recorded, filmed, or photographed, provided that it does not interfere with the conduct of the meeting or the rights of the participants.

LEGAL INTERPRETATION:

1. The Wisconsin Attorney General will give advice concerning the applicability or clarification of the Open Meeting Law upon request.
2. The municipal attorney will give advice concerning the applicability or clarification of the Open Meeting Law upon request.

PENALTY:

Upon conviction, any member of a governmental body who knowingly attends a meeting held in violation of Subchapter IV, Chapter 19, Wisconsin Statutes, or who otherwise violates the said law shall be subject to forfeiture of not less than \$25.00 nor more than \$300.00 for each violation.

Prepared by Oneida County Corporation Counsel Office - 5/16/96