

1 RESOLUTION # 64-2023
2 ORDINANCE AMENDMENT #01-2023
3 CHAPTER 9 OF THE ONEIDA COUNTY ZONING AND SHORELAND PROTECTION
4 ORDINANCE, ARTICLE 4, SECTION 9.43 Home Occupations
5

6 **Resolution to amend 9.43 Home Occupations.**

7
8 Ordinance Amendment offered by the Planning and Development Committee.
9

10 Resolved by the Board of Supervisors of Oneida County, Wisconsin:
11

12 **WHEREAS**, the Planning & Development Committee, having considered
13 Ordinance Amendment #01-2023, which was filed May 18, 2023 (copy attached) to
14 amend Section 9.43 of the Oneida County Zoning and Shoreland Protection Ordinance,
15 and having given notice thereof as provided by law and having held a public hearing
16 thereon May 17, 2023 and pursuant to Section 59.69(5), Wisconsin Statutes, and having
17 been informed of the facts pertinent to the changes which are as follows:
18

19 **WHEREAS**, the Planning and Development Committee and staff observed a
20 need to be more flexible for owner or residential tenant-occupied businesses in a
21 residential district and;
22

23 **WHEREAS**, tradespersons requested to utilize entire detached accessory
24 structures for their owner-occupied business for equipment or storage and;
25

26 **WHEREAS**, all other provisions of Section 9.43 Home Occupations still apply
27 and;
28

29 **WHEREAS**, the Planning and Development Committee held a public hearing and
30 nobody spoke in favor or opposition of the proposed changes and;
31

32 **WHEREAS**, the Planning and Development committee has carefully studied the
33 proposed changes after listening to comments made at the public hearing and
34 recommends approval.
35

36 **NOW, THEREFORE, THE ONEIDA COUNTY BOARD OF SUPERVISORS**
37 **DOES ORDAIN AS FOLLOWS:**
38

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40 conflict with this ordinance shall be and hereby are repealed as far as any conflict exists.

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

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

46 Section 4. Chapter 9 of the General Code of Oneida County, Wisconsin, is
47 amended as follows [additions noted by underline, deletions noted by strikethrough]:
48

49 9.43 HOME OCCUPATIONS
50

51 A. Purpose

52
53 The purpose of this section is to provide limited and reasonable accommodation
54 for owner or residential tenant-occupied businesses in a residential district
55 without the necessity of obtaining a rezoning into a commercial district, while also
56 balancing the interests of the residential users.
57

58 B. Home Occupation Standards

59
60 A home occupation is an allowed accessory use in all residential districts,
61 subject, however, to review and approval by the Zoning Administrator and
62 compliance with the provisions of this ordinance. The following special
63 standards shall be complied with:
64

- 65 1. The home occupation shall be conducted only within the enclosed area of
66 the dwelling unit or an attached or detached garage.
- 67 2. There shall be no exterior alterations that change the character of the
68 dwelling unit or an attached or detached garage. Nor shall there be any
69 visible evidence from the exterior of the dwelling unit or an attached or
70 detached garage that indicates it is being utilized for any purpose other than
71 that of a dwelling unit or an attached or detached garage, other than those
72 signs permitted in the district.
- 73 3. No storage or display of materials, goods, supplies, or equipment related to
74 the operation of the home occupation shall be visible outside any structures
75 located on the premises.
- 76 4. The home occupation must not create smoke, odor, glare, noise, dust,
77 vibration, fire hazard, small electrical interference, electrical emissions, any
78 nuisance not associated with the normal residential use in such a district, or
79 other fire or safety hazards that are noticeably out of character with those
80 normally associated with the typical residential use of such a district.
- 81 5. The home occupation shall not require the use of commercial vehicles for
82 more than occasional delivery of materials to or from the property, and traffic
83 generated by the home occupation may not exceed that which is normally
84 associated with the typical residential use of such a district.
- 85 6. The sale of goods from the location of the home occupation shall be limited
86 to items produced on-site, and the sale of personal care and home care
87 products made off-site, such as Tupperware, Shaklee, Amway and Avon, or
88 other similar products that are customarily sold from a residence, as
89 determined by the Zoning Administrator.
- 90 7. A home occupation shall not occupy more than ~~25%~~ 50% of the total floor
91 area of the dwelling unit (excluding the garage). If a an attached or detached
92 garage or other accessory structure is used for a home occupation, ~~no more~~
93 ~~than 25% of the total~~ the entire floor area of the attached or detached garage
94 or accessory structure ~~shall~~ can be occupied by the home occupation.
- 95 8. Persons employed at the home occupation site shall be limited to resident
96 family members and not more than one (1) non-resident employee at any
97 given time.
- 98 9. Under no circumstances shall a vehicle repair or bodywork business qualify
99 as a home occupation.

- 100 10. The home occupation must be clearly secondary and incidental to the
101 residential use of the property.
102 11. The home occupation must not unreasonably interfere with residential
103 occupancy of other parcels in the neighborhood.
104 12. Signage for the home occupation is governed by the sign regulations of this
105 ordinance.
106 13. Garage sales as a type of home occupation are allowed in all residential
107 districts provided that not more than three (3) such sales are held at a single
108 dwelling unit per calendar year and that each sale shall not exceed four (4)
109 consecutive days in duration.
110 14. Day care is allowed as a home occupation on residential premises.
111 Standards may be imposed, and conditional use approval may be required,
112 however, consistent with ~~see~~ s. 66.304, Wis. Stats., if applicable.
113 15. No production of items on-site shall be conducted if that production is of a
114 type typically permitted only in the industrial zoning districts.
115 16. For home occupations conducted by a residential tenant, the property
116 owner's written permission is required as part of the compliance checklist
117 required below.
118

119 C. Home Occupation Compliance Checklist / Review Fee
120

121 Prior to commencing any home occupation in a residential district, a compliance
122 checklist shall be completed on a form approved by the Committee and available
123 from the Department. The compliance checklist shall be signed by the owner
124 and/or residential tenant of the property on which the home occupation takes
125 place. The completed compliance checklist shall be filed with the Department,
126 along with the review fee as periodically designated by the County Board. The
127 completed checklist shall be reviewed by the Zoning Administrator to determine
128 compliance with the requirements of this ordinance. If the proposed home
129 occupation complies, the Zoning Administrator shall approve the home
130 occupation and sign the checklist. If the proposed home occupation does not
131 comply with this ordinance, the Zoning Administrator shall not approve the home
132 occupation and shall not sign the checklist.
133

134 D. Continuing Compliance
135

136 If, at any time, the Zoning Administrator believes that any of the above standards
137 or other provisions of this ordinance are being violated, the general enforcement,
138 violation and penalty provisions of this ordinance shall apply.
139

- 140 9.44 [Reserved for future use]
141 9.45 [Reserved for future use]
142 9.46 [Reserved for future use]
143 9.47 [Reserved for future use]
144 9.48 [Reserved for future use]
145 9.49 [Reserved for future use]
146

197 20 Ayes

198

199 0 Nays

200

201 1 Absent

202

203 0 Abstain

204

205

206 X Enacted

207

208 by the County Board of Supervisors this 20th day of June, 2023.

209

210 _____ Defeated

211

212


213

214

215



Tracy Hartman, Clerk



Scott Holewinski, County Board Chair

Consent Agenda

Cushing / Timmons

Supervisors	AYE	NAY	ABS	ABSTAIN
Jensen	X			
Fried	X			
Roach	X			
Fisher	X			
Kelly	—	—	X	
Ryden	X			
Oettinger	X			
Condado	X			
Briggs	X			
Winkler	X			
Newman	X			
Rio	X			
Showalter	X			
Schreier	X			
Almekinder	X			
Sorgel	X			
Timmons	X			
Cushing	X			
Schultz	X			
Harris	X			
Holewinski	X			
TOTALS	20		1	
TAGS				

Amended Resolution # 42 – 2023: Offered by the Supervisors of the Land Records Committee to convey excess county lands Part of Pl-145-6 to Amy Ruth Steele and Part of Pl-145-6 to the Town of Pine Lake.
 Resolution # 62 – 2023: Offered by the Supervisors of the Land Records Committee to convey tax foreclosed property PL-572-9 to Jacqueline M. Skubal.
 Resolution # 63 – 2023: Offered by the Social Services Committee to amend Resolution 74-2017 Children’s Community Option Program (CCOP).
 Resolution # 64 – 2023: Ordinance Amendment # 01 – 2023: Offered by the Supervisors of the Planning and Development Committee to amend Chapter 9 of the Oneida County Zoning and Shoreland Protection Ordinance, Article 4, Section 9.43 Home Occupations.
 Resolution # 65 – 2023: Offered by the Supervisors of the Administration Committee to Request Local Fiscal Recovery Fund (CLFRF) allocated to Oneida County through the American Rescue Plan Act (ARPA) for the Purpose of the Courthouse Annexed Roof Replacement.
 Resolution # 66 – 2023: Offered by the Supervisors of the Forestry, Land and Recreation Committee to grant an access license across County Lands located in the Town of Lynne, Oneida County, to Camp Chick-A-Dee, LLC to access their property.
 Resolution # 67 – 2023: Rescission Motion # 05 – 2023: Offered by the Supervisors of the Planning and Development Committee to rescind a resolution from District #02 Single-Family to District #1 A Forestry on property described as Government Lot 6 and Part of Government Lot 5, Section 19, T39N, R4E, P1W, T46S and T47 S66-1, Town of Minnequa, Oneida County, Wisconsin.
 Appointments to Committees, Commissions and other Organizations:
 Confirm appointment of Robb Jensen as the County Appointed Lake Commissioner for both Squash and Crescent Lake Districts as approved by the CUW committee.
 Re-Appoint Joan Hauer to the ADRC Committee for a 3-year term to expire in April, 2026.
 Re-Appoint Sue Clafin to the Housing Authority for a 5-year term to expire in August, 2028
 Appoint Dan Chronister to the Board of Adjustment as the second alternate for a 3-Year Term to expire in July 2026.

MAY 18 2023

ONEIDA COUNTY CLERK

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT THE Oneida County Planning & Development Committee will hold a public hearing on Wednesday, May 17, 2023 at 2:00 p.m. in the 3rd Floor Board Room, at The Minocqua Center, 415 Menominee St, Minocqua, WI 54548 on the following:

Conditional Use Permit application by Ben Semler, applicant, and Maple North LLC, owner, to operate an outdoor chainsaw wood carving business on the following described property; Strasburg Heights, Lot 1, Part of the NE ¼ and SW ¼, Section 26, T39N, R6E, 7714 US Highway 51, PIN# MI 5494, Town of Minocqua.

Conditional Use Permit application by Lindsey Frank, applicant, and Torcor LLC, owner, to provide outdoor seating at a deli on the following described property; Part of Government Lot 3, Section 10, T38N, R6E, 6823 Highway 51, PIN# HA 123-3, Town of Hazelhurst.

Conditional Use Permit application by Andrew Teichmiller, applicant, and Bitterroot LLC, owner, to operate a bicycle and paddle sports retail and rental shop with outdoor storage and displays, and to build an addition onto the existing building on the following described property; Rose Brown's 1st Addition, Lot 6 & Part of Lot 5, Block 2, Section 1, T39N, R6E, PIN# WR 719, 1301 1st Avenue, Town of Woodruff.

Conditional Use Permit application by Aaron Kowles, applicant and owner, to operate an excavation service business with outdoor equipment storage on the following described property: Part of the NW ¼ of the NW ¼, Section 5, T36N, R7E, PIN# WB 66, 8763 County K, Town of Woodboro.

Rezone Petition #05-2023 by Gregg Walker, applicant, and Big D LLC, owner, to rezone from District #02 Single Family to District #1-A Forestry for property described as Government Lot 6 and Part of Government Lot 5, Section 13, T39N, R4E, PIN#'s MI 695 and MI 696-1, Town of Minocqua.

Ordinance Amendment #01-2023 authored by the Planning and Development Committee to amend Chapter 9, Article 4 Conditional Used and Structures/Home Occupations, Section 9.43 Home Occupations and Article 10 Definitions of the Oneida County Zoning & Shoreland Protection Ordinance.

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

Section 9.43 remains the same except:

9.43 HOME OCCUPATIONS

A. Purpose

The purpose of this section is to provide limited and reasonable accommodation for owner or residential tenant-occupied businesses in a residential district without the necessity of obtaining a rezoning into a

commercial district, while also balancing the interests of the residential users.

B. Home Occupation Standards

A home occupation is an allowed accessory use in all residential districts, subject, however, to review and approval by the Zoning Administrator and compliance with the provisions of this ordinance. The following special standards shall be complied with:

1. The home occupation shall be conducted only within the enclosed area of the dwelling unit or an attached or detached garage.
2. There shall be no exterior alterations that change the character of the dwelling unit or an attached or detached garage. Nor shall there be any visible evidence from the exterior of the dwelling unit or an attached or detached garage that indicates it is being utilized for any purpose other than that of a dwelling unit or an attached or detached garage, other than those signs permitted in the district.
3. No storage or display of materials, goods, supplies, or equipment related to the operation of the home occupation shall be visible outside any structures located on the premises.
4. The home occupation must not create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference, electrical emissions, any nuisance not associated with the normal residential use in such a district, or other fire or safety hazards that are noticeably out of character with those normally associated with the typical residential use of such a district.
5. The home occupation shall not require the use of commercial vehicles for more than occasional delivery of materials to or from the property, and traffic generated by the home occupation may not exceed that which is normally associated with the typical residential use of such a district.
6. The sale of goods from the location of the home occupation shall be limited to items produced on-site, and the sale of personal care and home care products made off-site, such as Tupperware, Shaklee, Amway and Avon, or other similar products that are customarily sold from a residence, as determined by the Zoning Administrator.
7. A home occupation shall not occupy more than ~~25%~~ 50% of the total floor area of the dwelling unit (excluding the garage). If a an attached or detached garage or other accessory structure is used for a home occupation, ~~no more than 25% of the total~~ the entire floor area of the attached or detached garage or accessory structure shall can be occupied by the home occupation.
8. Persons employed at the home occupation site shall be limited to resident family members and not more than one (1) non-resident employee at any given time.
9. Under no circumstances shall a vehicle repair or bodywork business qualify as a home occupation.

10. The home occupation must be clearly secondary and incidental to the residential use of the property.
11. The home occupation must not unreasonably interfere with residential occupancy of other parcels in the neighborhood.
12. Signage for the home occupation is governed by the sign regulations of this ordinance.
13. Garage sales as a type of home occupation are allowed in all residential districts provided that not more than three (3) such sales are held at a single dwelling unit per calendar year and that each sale shall not exceed four (4) consecutive days in duration.
14. Day care is allowed as a home occupation on residential premises. Standards may be imposed, and conditional use approval may be required, however, consistent with ~~see~~ s. 66.304, Wis. Stats., if applicable.
15. No production of items on-site shall be conducted if that production is of a type typically permitted only in the industrial zoning districts.
16. For home occupations conducted by a residential tenant, the property owner's written permission is required as part of the compliance checklist required below.

C. Home Occupation Compliance Checklist / Review Fee

Prior to commencing any home occupation in a residential district, a compliance checklist shall be completed on a form approved by the Committee and available from the Department. The compliance checklist shall be signed by the owner and/or residential tenant of the property on which the home occupation takes place. The completed compliance checklist shall be filed with the Department, along with the review fee as periodically designated by the County Board. The completed checklist shall be reviewed by the Zoning Administrator to determine compliance with the requirements of this ordinance. If the proposed home occupation complies, the Zoning Administrator shall approve the home occupation and sign the checklist. If the proposed home occupation does not comply with this ordinance, the Zoning Administrator shall not approve the home occupation and shall not sign the checklist.

D. Continuing Compliance

If, at any time, the Zoning Administrator believes that any of the above standards or other provisions of this ordinance are being violated, the general enforcement, violation and penalty provisions of this ordinance shall apply.

- 9.44 [Reserved for future use]
- 9.45 [Reserved for future use]
- 9.46 [Reserved for future use]
- 9.47 [Reserved for future use]
- 9.48 [Reserved for future use]

9.49 [Reserved for future use]

Article 10 remains the same except:

Business, Service: Commercial establishment devoted to the performance of work for others, not the production of a tangible commodity. Examples of service business include, but are not limited to offices for physicians, accountants or attorneys.

~~**Service Business:** Commercial establishment devoted to the performance of work for others, not the production of a tangible commodity. Examples of service business include, but are not limited to offices for physicians, accountants or attorneys.~~

~~**Light Industry:** Those industries that have very little or no air, water, or noise pollution, such as, assembly plants for bug zappers, assembly plants for computers, assembly plants for coin machines, machine shops and woodworking shops.~~

Light Industry: The assembly, fabrication or processing of goods and materials using processes that ordinarily do not create unreasonable noise, smoke, fumes, odors, glare or other health and safety hazards outside of the building or property where such assembly, fabrication or processing takes place.

Copies of the foregoing documents are available for public inspection during normal business hours at the Planning & Zoning Office, Oneida County Courthouse, 2nd Floor, Rhinelander, Wisconsin 54501 or phone 715-369-6130. The Oneida County Zoning and Shoreland Protection Ordinance is available online at www.co.oneida.wi.us.

Anyone having interest may attend and be heard. Interested parties who are unable to attend may send written comments to the undersigned.

Dated this 27th day of April, 2023.



/s/Scott Holewinski, Chairman
Oneida County Planning & Development Committee
PO Box 400
Rhinelander WI 54501