

**Oneida Tribe of Indians of Wisconsin
BUSINESS COMMITTEE**



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.



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UGWA DEMOLUM YATEHE
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the colony of Pennsylvania, a new nation, the United States was made possible.

BC RESOLUTION # 4-11-07 D

Emergency Adoption Amendments to Zoning and Shoreland Protection Law

- WHEREAS,** the Oneida Tribe of Indians of Wisconsin is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Tribe of Indians of Wisconsin; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV of the Oneida Tribal Constitution by the General Tribal Council; and
- WHEREAS,** the Zoning and Shoreland Protection Law (the "Law") governs the development of the Tribal land in order to protect the character and stability of residential, commercial, industrial, agricultural, and other areas within the Reservation, and to assure the orderly and beneficial development of such areas; and
- WHEREAS,** the Chief of Staff has submitted a request to amend the Law in order to allow a Joint Public Safety Building to be built on a site where municipal buildings are currently prohibited; and
- WHEREAS,** the Law requires both the Land Commission and Zoning Administrator review and make recommendations on amendments to the Zoning Law; and
- WHEREAS,** the Administrative Procedure Act (APA) authorizes the Oneida Business Committee to enact legislation on an emergency basis, to be in effect for a period of six (6) months, renewable for an additional six (6) months; and
- WHEREAS,** the Oneida Business Committee finds that adopting amendments to the Zoning and Shoreland Protection Law is an emergency situation which requires the immediate passage of amendments to the Zoning and Shoreland Protection Law; and
- WHEREAS,** emergency adoption of the amendments to the Zoning and Shoreland Protection Law is necessary for the preservation of the public health, safety, or general welfare of the reservation population, and that observance of the regular APA adoption requirements for passage of laws would be contrary to public interest.

NOW THEREFORE BE IT RESOLVED, that the following amendments to the Zoning and Shoreland Protection Law are adopted on an emergency basis.

69.8-1. Districts

.....
(g) Industrial (M-1)
.....

(2) Permitted Uses

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(S) Municipal buildings

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(5) Prohibited Uses

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~~(H) Municipal buildings except for sewage disposal plants and garbage incinerators.~~

~~(I) Public parks.~~

~~(J) Primary metal industries.~~

~~(K) Religious, public buildings, philanthropy and charitable institutions.~~

~~(L) Rolling mills.~~

~~(M) Schools except colleges and trade schools.~~

~~(N) The manufacture, processing, or distribution of petroleum or coal products.~~

~~(O) The manufacture, processing, or storage of explosives.~~

~~(P) The manufacture, processing, storage, or distribution of animals or animal by-products; rendering plants, meat packing, gelatin, glue, soap, or fertilizer manufacturing, slaughterhouse, etc.~~

~~(Q) Other similar uses as defined by the Zoning Administrator.~~

69.9-1 Conditional Uses

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(h)

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Municipal buildings Churches, Nursing Homes,			
Museum, Art Centers,	Buildings may occupy not over 40	R-1	
Community Centers,	percent of lot and must be set back an	R-2	
	additional one foot over the		R-3
	usual yard requirements for		R-4
	each one foot the building exceeds	C-1	
	usual height limits.		A-1

<u>Municipal Buildings</u>	<u>Buildings may occupy not over</u>	<u>R-1</u>	
	<u>40 percent of lot and must be set back</u>	<u>R-2</u>	
	<u>an additional one foot over the usual yard</u>	<u>R-3</u>	
	<u>requirements for each one foot the</u>		<u>R-4</u>
	<u>building exceeds usual height limits</u>		<u>A-1</u>
			<u>C-1</u>
			<u>M</u>

69.11-1. Administration and Enforcement

(c) Amendments. The Oneida Business Committee or the General Tribal Council may, from time to time, in the manner hereafter set forth, amend the regulations imposed in the districts or amend district boundary lines, provided that in all amendatory Laws adopted under the authority of this Section, due allowance shall be made for the Intent and Purposes of said changes according to Section 2 of this Law.

(1) Application. Amendments may be proposed by any governmental body, interested parties, or organizations. An application for such an amendment shall be filed with the Oneida Land Commission in such form and accompanied by such information as required by the Commission. Said application shall be reviewed and a written recommendation thereon shall be submitted to the Business Committee, within thirty (30) days of the receipt of such application.

(2) Public Hearing. The Business Committee shall hold a Public Hearing on each application for an amendment. Procedures for the Hearing shall follow the policies and procedures set forth in the Administrative Procedures Act. The time, place, and purpose of the Hearing shall be published in the Tribal newsletter and in at least one other newspaper of general circulation in the area. Said notice

shall appear on at least one occasion. The first such notice appearing not less than ten (10) days prior to the scheduled date of the Public Hearing.

(3) The Land Commission and Zoning Administrator Review. The Land Commission together with the Zoning Administrator shall, within 45 days of receiving an application for amendment prior to the Public Hearing on said application, make written findings of fact and shall submit the same together with its recommendations to the Business Committee. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Land Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

- (A) Existing uses of land and building with the general area of the property in question.
- (B) Zoning classification of property within the general area of the property in question.
- (C) Suitability of the property in question to the uses permitted under the existing zoning classifications.
- (D) Trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification.
- (E) The Land Commission may recommend the adoption of an amendment changing the zoning classification of the property in question to a less restrictive classification than that requested by the applicant.
- (F) The Land Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant.

(4) Business Committee

- (A) The Business Committee shall not act upon a proposed amendment to this Law until it shall have received a written report and recommendation from the Land Commission on the proposed amendment.
- (B) The Business Committee may grant or deny any application for an amendment, provided however, that in the event of a written protest against any proposed amendment to this Law having been duly signed and acknowledged by the lessees, assignees and owners of 20 percent or more of either of the acres of land included in such proposed change, or by the lessees, assignees and owners of 20 percent or more of the land immediately adjacent, extending in a radius of 1,200 feet therefrom, such changes of amendments shall not become effective except by the favorable vote of the concurring majority vote plus one member of the Business Committee.
- (C) If an application for a proposed amendment is not acted upon finally by the Business Committee within fourteen (14) days of the public hearing date, it shall be deemed to have been denied.
- (D) Fees-Any application for an Amendment or a Conditional Use Permit, filed by or on behalf of the owner or owners of the property affected, shall be accompanied by a fee of \$150.00. All fees shall be paid to the Tribal Treasurer or to his/her designated representative.

(5) Emergency Amendments. The Oneida Business Committee may adopt an emergency amendment in accordance with the Tribe's Administrative Procedures Act (APA) provided that the following also occurs:

- (A) The Oneida Business Committee shall notify the Land Commission and the Zoning Administrator in writing about the proposed emergency amendment prior to the Oneida Business Committee's consideration of the proposed emergency amendment. The notification shall include a copy of the proposed emergency amendment and the date, time, and place of the Oneida Business Committee meeting where the proposed emergency amendment will be considered.
- (B) The requirements of (2) (3) and (4) above are satisfied as soon as practicable after the adoption of any emergency amendment.

BE IT FINALLY RESOLVED, that the amendments shall be effective immediately and remain in effect for six (6) months unless extended by the Oneida Business Committee for an additional six (6) months.

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum. 6 members were present at a meeting duly called, noticed and held on the 11 day of April 2007; that the foregoing resolution was duly adopted at such meeting by a vote of 5 members for; 0 members against, and 0 members not voting; and that said resolution has not been rescinded or amended in any way.

A handwritten signature in black ink, appearing to read "Patricia Hoefl", written over a horizontal line.

Patricia Hoefl, Tribal Secretary,
Oneida Business Committee