

Amendatory Ordinance No. 2-0320

To the Honorable Iowa County Board of Supervisors:

Whereas a petition for a land use change has been made by Robert R. Davenport;

For land being part of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 16-T8N-R5E in the Town of Arena; affecting tax parcel 002-0219.A.

And, this petition is made to rezone 1.243 acres from R-3 Mobile/Manufactured Home to R-1 Single Family Residential;

Whereas notice of such petition has been properly advertised and notice has been given to the **Clerk of the Town of Arena,**

Whereas a public hearing, designated as zoning hearing number **3087** was last held on **February 27, 2020** in accord with said notice, and as a result of said hearing action has been taken by the Iowa County Planning & Zoning Committee to **approve** said petition.

Now therefore be it resolved that official county zoning map be amended as recommended by the Iowa County Planning and Zoning Committee.

Respectfully submitted by the Iowa County Planning & Zoning Committee.

I, the undersigned Iowa County Clerk, hereby certify that the above Amendatory Ordinance was X approved as recommended _____ approved with amendment _____ denied as recommended _____ denied or _____ rereferred to the Iowa County Planning & Zoning Committee by the Iowa County Board of Supervisors on **March 11, 2020**. The effective date of this ordinance shall be **March 11, 2020**.


Greg Klusendorf
Iowa County Clerk

Date: 3/12/20



IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

Courthouse - 222 N. Iowa St. - Dodgeville, WI 53533
Telephone: (608) 935-0398 Fax: (608) 930-1205 Mobile: (608) 553-7575
e-mail: scott.godfrey@iowacounty.org

Planning & Zoning Committee Recommendation Summary

Public Hearing Held on Feb. 27, 2020

Zoning Hearing 3087

Recommendation: **Approval**

Applicant(s): Robert Davenport

Town of Arena

Site Description: SW/NW of S16-T8N-R5E also affecting tax parcel 002-0219.A

Petition Summary: This is a request to rezone an existing 1.243-acre lot from R-3 Mobile/Manufactured Home to R-1 Single Family Residential

Comments/Recommendations

1. This lot is in an area that was established as R-3 when zoning was originally adopted in the late 1960s due to that being the primary existing use at that time. The applicant would like to build a stick-built residence, which is not allowed in the R-3 district.
2. If approved, the lot will be eligible for one single family residence and accessory structures. This is the same use as is currently permitted with the exception that the residence would not have to be a mobile or manufactured home.
3. This lot was created in 2002 when a CUP was not required for dividing lots in the R-3 district. The adjacent lot to the south was created at that time too.
4. The lot has 49 feet of frontage with an easement to give it 50 feet of access to River Rd.
5. The Town does not feel this petition meets the standards of its Comprehensive Plan. However, the lot existing prior to the Plan being enacted and, since this is not creating a new residential lot, those provisions do not apply.
6. Per Section 11.0 of the Iowa County Zoning Ordinance, the following standards are to be considered when deciding a zoning change:
 1. The petition is consistent with the Iowa County Comprehensive Plan and the comprehensive plan of any Town affected by said petition.
 2. Adequate public facilities and services (including sewage and waste disposal, water, gas, electricity, schools, police and fire protection, and roads and transportation, as

- applicable) will be available as required by the petition while maintaining adequate levels of service to existing development.
3. Provisions of public facilities to accommodate the petition will not place an unreasonable burden on the ability of affected local units of government to provide the.
 4. The petition will not result in significant adverse impacts upon surrounding properties or the natural environment, including air, water, noise, stormwater management, soils, wildlife and vegetation.
 5. The land associated with the petition is suitable for the proposed development and said development will not cause unreasonable soil erosion or have an unreasonable adverse effect on rare or irreplaceable natural areas.
 6. The petition will not be used to legitimize a nonconforming use or structure.
 7. The petition is the minimum action necessary to accomplish the intent of the petition, and an administrative adjustment, variance, or Conditional Use Permit could not be used to achieve the same result.
 8. The petition will not result in illegal "spot zoning" (i.e. use is inconsistent with surrounding properties and serves only a private, rather than public interest).

Town Recommendation: The Town of Arena is recommending denial.

Staff Recommendation: Staff recommends approval on the basis that the petition is consistent with Section 11.0 of the zoning ordinance and the provisions of the comprehensive plan.

