

Amendatory Ordinance No. 2-0720

To the Honorable Iowa County Board of Supervisors:

Whereas a petition for a land use change has been made by Terrill L. Rule on behalf of the Norm and Carol Rule Revocable Trust;

For land being part of the NE ¼ of the NE ¼ of Section 9-T5N-R2E of Section 9-T5N-R2E in the Town of Linden affecting tax parcel 014-0572.

And, this petition is made to rezone 1.69 acres from A-1 Agricultural to AR-1 Agricultural Residential;


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

Whereas a public hearing, designated as zoning hearing number **3116** was last held on **June 25, 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 with the condition that the associated certified survey map is duly recorded within 6 months of County Board approval.

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 **July 21, 2020**. The effective date of this ordinance shall be **July 21, 2020**.


Greg Klusendorf
Iowa County Clerk

Date: 7/22/20



IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

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Planning & Zoning Committee Recommendation Summary

Public Hearing Held on June 25, 2020

Zoning Hearing 3116

Recommendation: **Approval**

Applicant(s): Terrill L. Rule/Norm & Carol Rule Rev Trust

Town of Linden

Site Description: NE/NE S9-T5N-R2E also affecting tax parcel 014-0572

Petition Summary: This is a request to create a 1.69-acre lot by rezoning from A-1 Ag to AR-1 Ag Res.

Comments/Recommendations

1. Because the proposed lot does not meet the minimum 40-acre lot size to remain A-1 Ag, the AR-1 Ag Res district is being proposed.
2. If approved, the lot will be eligible for one single family residence (existing), accessory structures, and limited ag uses but no livestock type animal units.
3. 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 Linden is recommending meeting the minimum 2-acre recommended in its plan. However, at the time of this report, consideration may be to allow the 1.69 acres since it is the existing occupied yard, would not require taking agricultural land to enlarge to 2 acres, and the minimum 2 acres is a "recommendation" in the plan.

Staff Recommendation: Staff recommends approval of either size lot with the condition that the associated certified survey map is duly recorded within 6 months of the County Board approval.

