

Amendatory Ordinance No. 2-1120

To the Honorable Iowa County Board of Supervisors:

Whereas a petition for a land use change has been made by Stephen and Cheryl Delventhal;

For land being part of the E ½ of the SE ¼ of Section 12-T8N-R1E in the Town of Pulaski; affecting tax parcel 022-0398.

And, this petition is made to rezone 2.6 acre from AR-1 Agricultural Residential to B-2 Highway Business and 30.834 acres from AR-1 Agricultural Residential to AB-1 Agricultural Business;

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

Whereas a public hearing, designated as zoning hearing number **3131** was last held on **October 22, 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 **November 10, 2020**. The effective date of this ordinance shall be **November 10, 2020**.


Greg Klusendorf
Iowa County Clerk

Date: 11/11/20



IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

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Planning & Zoning Committee Recommendation Summary

Public Hearing Held on October 22, 2020

Zoning Hearing 3131

Recommendation: **Approval**

Applicant(s): Stephen & Cheryl Delventhal

Town of Pulaski

Site Description: E ½ - SE of S12-T8N-R1E also affecting tax parcel 022-0398

Petition Summary: This is a request to divide an existing AR-1 Ag Res lot into two lots and zone 2.809 acres to B-2 Hwy Bus and 30.685 acres to AB-1 Ag Bus.

Comments/Recommendations

1. If approved, the B-2 lot would be eligible for those uses approved by Conditional Use Permit. The requested uses are: a Home Décor Shop with associated residence, to include sales of local produce, lawn/garden décor, plants, and locally produced honey, jam, syrup, etc.
2. If approved, the AB-1 lot would be eligible for those uses approved by Conditional Use Permit. The requested use is Agritainment, to include a corn or sunflower maze.
3. The associated certified survey map has not been submitted for formal review.
4. 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 Pulaski is recommending approval.

Staff Recommendation: Staff recommends approval of the zoning change with the condition that the associated certified survey map is duly recorded within 6 months of County Board approval. Staff further recommends approval of the requested Conditional Uses with the following conditions:

1. The residence on the B-2 lot must be occupied by the owner of the business or someone affiliated with it.
2. No parking shall be permitted on the public road unless approved by the Town of Pulaski.
3. Only those uses outlined in an email from the applicants dated September 29, 2020 (3:12pm) shall be allowed and any additional uses will require revision of the Conditional Use Permit.
4. Portable toilets shall be provided for the Agritainment events with the number of toilets determined by the Iowa County Sanitarian and a copy of the service agreement provided to the County. These toilets shall be removed at the conclusion of the event and shall not remain year-round.

