

## Amendatory Ordinance No. 7-0221

To the Honorable Iowa County Board of Supervisors:

**Whereas a petition for a land use change has been made by Arnold and Teresa Knight;**

For land being parts of Sections 3 and 9, Town 5N, Range 5E in the Town of Brigham; affecting tax parcels 004-1124, 004-1146, 004-1144.A, 004-1232.01 and 004-1234.01;

**And, this petition is made to rezone 7.75 acres from A-1 Agricultural to AR-1 Agricultural Residential and 12.25 acres with the AC-1 Agricultural Conservancy overlay district;**

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

Whereas a public hearing, designated as zoning hearing number **3137** was last held on **January 26, 2021** 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.

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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 **February 16, 2021**. The effective date of this ordinance shall be **February 16, 2021**.

  
Kristy K. Spurley  
Iowa County Clerk

Date:   2-16-2021



## IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

222 N. Dodgeville Street, Suite 1223  
Dodgeville, WI 53533  
608-935-0333/608-553-7575/fax 608-935-0326  
[Scott.Godfrey@iowacounty.org](mailto:Scott.Godfrey@iowacounty.org)

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### Planning & Zoning Committee Recommendation Summary

Public Hearing Held on January 26, 2021

Zoning Hearing 3149

Recommendation: **Approval**

**Applicant(s):** Arnold & Teresa Knight

**Town of Brigham**

**Site Description:** S3&9-T5N-R5E also affecting tax parcels 004-1124; 1146; 1144.A; 1232.01; 1234.01

**Petition Summary:** This is a request to create a residential lot by rezoning 7.75 acres from A-1 Ag to AR-1 Ag Res with 12.25 acres zoned with the AC-1 Ag Conservancy overlay.

#### Comments/Recommendations

1. The proposed lot does not meet the minimum 40-acre lot size in the A-1 Ag district to remain zoned A-1 Ag.
2. If approved, the AR-1 lot would be eligible for one single family residence, accessory structures and limited ag uses, including up to 3 livestock type animal units. The AC-1 area is being proposed to meet the town's residential density and restricts any development that requires a zoning permit.
3. The associated certified survey map has not yet 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 Brigham is recommending approval.

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

