

Amendatory Ordinance No. 2-1121

To the Honorable Iowa County Board of Supervisors:

Whereas a petition for a land use change has been made by the Town of Clyde;

For land being in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 36, Town 8N, Range 2E in the Town of Clyde affecting tax parcel 006-0443.A;

And, this petition is made to rezone 2.185 acres from A-1 Agricultural to B-3 Heavy Business and 15.331 acres from A-1 Agricultural to C-1 Conservancy;

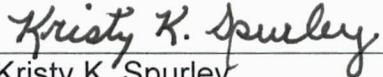
Whereas notice of such petition has been properly advertised and notice has been given to the **Clerk of the Town of Clyde,**

Whereas a public hearing, designated as zoning hearing number **3208** was last held on **October 21, 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.

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 9, 2021**. The effective date of this ordinance shall be **November 9, 2021**.



Kristy K. Spurley
Iowa County Clerk

Date: 11-9-2021



IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

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Planning & Zoning Committee Recommendation Summary

Public Hearing Held on October 21, 2021

Zoning Hearing 3208

Recommendation: **Approval**

Applicant(s): Town of Clyde

Towns of Clyde

Site Description: NE/NW of S36-T8N-R2E also affecting tax parcel 006-0443.A

Petition Summary: This is a request rezone 2.185 acres from A-1 Ag to B-3 Heavy Bus and 15.331 acres from A-1 Ag to C-1 Conservancy.

Comments/Recommendations

1. The existing lot is nonconforming A-1 Ag as it was created by land division in 1986 at which time the minimum 40-acre lot size for the A-1 district was in place.
2. The town intends to keep the 2.185 acres and continue operating an existing waste transfer site, which will be reviewed by Conditional Use Permit under this application as a "Governmental Use" in the B-3 district. The 15.331 acres is to be sold.
3. If approved, the C-1 district would allow only open space uses and no development that requires a zoning permit. Almost 9 acres of the 15.331 acres are mapped as floodplain.
4. The associated certified survey map has been submitted for formal review.
5. 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).
5. Per Section 4.0 of the Iowa County Zoning Ordinance, the following standards are to be considered for a CUP:
 1. The proposed use complies with all applicable provisions of this Ordinance.
 2. The proposed use is compatible with adjacent legal uses in terms of scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust and other external impacts).
 3. There are no significant anticipated measurable adverse impacts to the surrounding legal uses and environment resulting from the proposed conditional use.
 4. Any adverse impacts resulting from the use will be mitigated or offset to the maximum practical extent.
 5. Public safety, transportation, services and utility facilities exist or will be available to serve the subject property while maintaining sufficient levels of service for existing development.
 6. Adequate assurances by the applicant of continuing maintenance are provided.
 7. The proposed use is consistent with the Iowa County Comprehensive Plan.

Town Recommendation: The Town of Clyde is recommending approval.

Staff Recommendation: Staff recommends approval of the rezoning with the condition that the associated certified survey map is duly recorded within 6 months of the County Board approval. Staff also recommends approval of the CUP with the condition that the permit terminates if the 2.185 acres is no longer owned by the Town of Clyde.

