

Amendatory Ordinance 1-0921

To the Honorable Iowa County Board of Supervisors:

Whereas a petition for a land use change has been made by Paula Griffiths;

For land being in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 16, Town 5N, Range 2E in the Town of Linden affecting tax parcel 014-0709;

And, this petition is made to rezone 7.44 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 **3194** was last held on **August 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.**

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 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 **September 21, 2021.** The effective date of this ordinance shall be **September 21, 2021.**



Kristy K. Spurley
Iowa County Clerk

Date: 9-21-2021



IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

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Planning & Zoning Committee Recommendation Summary

Public Hearing Held on August 26, 2021

Zoning Hearing 3194

Recommendation: **Approval**

Applicant(s): Paula Griffiths

Town of Linden

Site Description: NE/NE of S16-T5N-R2E also affecting tax parcel 014-0709

Petition Summary: This is a request to rezone an existing 7.44-acre lot from A-1 Ag to AR-1 Ag Res to make it a conforming lot eligible for permits.

Comments/Recommendations

1. This is currently a nonconforming A-1 Ag lot created by Land Contract in 1999 when the minimum 40-acre lot size was in effect. The applicant plans to build an addition on the existing residence and a permit cannot be issued unless the lot is made to be conforming.
2. If approved, the lot would be eligible for one single family residence, accessory structures and limited ag uses, including up to 3 livestock-type animal units.
3. Since this does not involve a land division, there is no associated certified survey map.
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 Linden recommends approval.

Staff Recommendation: Staff recommends approval as it would make the existing use conforming and it is consistent with the Comprehensive Plan.

