

Amendatory Ordinance 9-622

To the Honorable Iowa County Board of Supervisors:

Whereas a petition for a land use change has been made by Jewell Associates Engineers, Inc. and The House of Wyoming Valley Inc.;

For land being in the N ½ of the NW ¼ and NW ¼ of the NE ¼ of Section 15, Town 7N, Range 3E in the Town of Wyoming affecting tax parcels 028-0719, 028-0818, 028-0715.A;

And, this petition is made to rezone 8.33 acres from A-1 Agricultural & B-2 Highway Business to all B-2 Highway Business; and 1.75 acres from A-1 Agricultural to C-1 Conservancy.

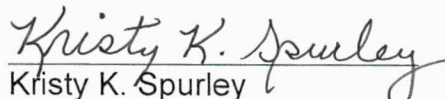
Whereas notice of such petition has been properly advertised and notice has been given to the **Clerk of the Town of Wyoming,**

Whereas a public hearing, designated as zoning hearing number **3270** was last held on **May 26, 2022** 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 with the Register of Deeds 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 **June 21, 2022**. The effective date of this ordinance shall be **June 21, 2022**.


Kristy K. Spurley
Iowa County Clerk

Date: 6-21-2022



IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

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Planning & Zoning Committee Recommendation Summary

Public Hearing Held on May 26, 2022

Zoning Hearing 3270

Recommendation: **Approval**

Applicant(s): Jewell Associates Engineers Inc. and The House of Wyoming Valley Inc.

Town of Wyoming

Site Description: N1/2-NW & NW/NE S15-T7N-R3E also affecting tax parcels 028-0719, 0818, 0715.A

Petition Summary: This is a request to correct a nonconforming B-2 Hwy Bus lot by zoning 8.33 acres from A-1 Ag & B-2 Hwy Bus to all B-2 Hwy Bus; 40.3 acres from A-1 Ag & B-2 Hwy Bus to all A-1 Ag; and a remnant 1.75 acres from A-1 Ag to C-1 Conservancy.

Comments/Recommendations

1. The original B-2 lot was approved in 1990, after which part of it was sold off to an adjoining neighbor, thus creating the nonconformity. In order to be eligible for a permit for a proposed storage building, the zoning needs to be made conforming.
2. This request includes a CUP for the B-2 lot to continue the current use of parking, shop, and accessory buildings in association with the House on the Rock business.
3. The associated certified survey map has 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).
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 Wyoming is recommending approval.

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

