

Amendatory Ordinance 10-0823

To the Honorable Iowa County Board of Supervisors:

Whereas a petition for a land use change has been made by MV Real Estate LLC aka Martin Limmex;

For land being in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 22, Town 8N, Range 3E in the Town of Wyoming affecting tax parcel 028-0248.02,

And, this petition is made to zone 8.79 acre from AR-1 Agricultural Residential to RB-1 Recreational Business.

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 **3364** was last held on **July 27, 2023** 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 the 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 **August 15, 2023**. The effective date of this ordinance shall be **August 15, 2023**.


Kristy K. Spurley
Iowa County Clerk

Date: 8-15-2023



IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

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Planning & Zoning Committee Recommendation Summary

Public Hearing held on July 27, 2023

Zoning Hearing 3364

Recommendation: **Approval**

Applicant(s): MV Real Estate – Martin Limmex

Town of Wyoming

Site Description: SE/NE of S22-T8N-R3E also affecting tax parcel 028-0248.02

Request: This is a request to zone 8.79 acres from AR-1 Ag Res to RB-1 Rec Bus and includes a Conditional Use Permit request to allow animal units; horse stable with boarding, grooming and training; associated single family residence that may be rented out short-term part of the year; and an art gallery on said lot.

Comments/Recommendations

1. The proposed uses, other than the single family residence, are not permitted in the existing AR-1 Ag Res district.
2. If approved, the only permitted use would be agricultural cropping with all other uses approved by CUP.
3. There is no land division, so no need for a new certified survey map.
4. Per 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).
6. According to the Town of Wyoming June 7, 2023 Board minutes, the following was agreeable to the town:
- 1) The short-term rental of the house be only part of the year (Recreational Residential Rental)
 - 2) The horse stable uses are for guests renting the house versus open to the public.
 - 3) There was no discussion of an art gallery.
7. 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 as outlined in item 6 above.

Staff Recommendation: Staff recommends approval of the zoning change and CUP with the following conditions:

1. The short-term rental be only part of the year and not a full-time use, thus considered Recreational Residential Rental.
2. The maximum number of guest for the short-term rental be limited to the sizing of the septic system based on 2 persons per bedroom. The current system is sized for up to 3 bedrooms, so 6 guests would be the current limit.
3. The use of the horse stable is only for registered guests of the short-term rental.

