

Amendatory Ordinance 2-0523

To the Honorable Iowa County Board of Supervisors:

Whereas a petition for a land use change has been made by Marc Nelson, Terry Lyght and Donald Hastings;

For land being in the E ½ of the NE ¼ of Section 13, Town 6N, Range 3E and W ½ of the NW ¼ of S18-Town 6N, Range 3E in the Town of Dodgeville affecting tax parcels 008-0202.03, 008-0203.01, and 008-015.04.

And, this petition is made to zone 3.83 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 Dodgeville,**

Whereas a public hearing, designated as zoning hearing number **3336** was last held on **April 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** 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.

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 **May 16, 2023**. The effective date of this ordinance shall be **May 16, 2023**.



Kristy K. Spurley
Iowa County Clerk

Date: 5-16-2023



IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

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Planning & Zoning Committee Recommendation Summary

Public Hearing held on April 27, 2023

Zoning Hearing 3336

Recommendation: **Approval**

Applicant(s): Marc Nelson, Terry Lyght & Donald Hastings

Town of Dodgeville

Site Description: E1/2-NE S13-T6N-R3E and W1/2-NW S18-T6N-R4E also affecting tax parcels 008-0202.03; 0203.01; 1015.04

Petition Summary: This is a request to zone 3.83 acres from A-1 Ag to C-1 Conservancy.

Comments/Recommendations

1. This 3.83-acre lot was created when Mr. Nelson sold property to Messrs. Lyght & Hastings simply because it only touches the rest of the formers' land at a point, thus not being legally contiguous.
2. The A-1 district has a minimum 40-acre lot size so the 3.83 acres either requires rezoning or additional land be transferred to create contiguity.
3. If approved, the C-1 lot would allow open space uses but no development that requires a county permit. The majority of the lot is encumbered by mapped wetland and shoreland zoning, which would prohibit most development.
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).

Town Recommendation: The Town of Dodgeville 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.

