

## Amendatory Ordinance 3-1023

To the Honorable Iowa County Board of Supervisors:

**Whereas a petition for a land use change has been made by Jared Leonard and Dale Fitzsimons;**

For land being in the SE ¼ of Section 17, Town 5N, Range 4E in the Town of Waldwick affecting tax parcels 026-0080, 026-0081, 026-0082, and 026-0083,

**And, this petition is made to zone 4.1 acres from A-1 Agricultural to AR-1 Agricultural Residential and 35.9 acres to have the AC-1 Agricultural Conservancy overlay zoning district.**

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

Whereas a public hearing, designated as zoning hearing number **3371** was last held on **September 28, 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 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.

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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 **October 17, 2023**. The effective date of this ordinance shall be **October 17, 2023**.

  
Kristy K. Spurley  
Iowa County Clerk

Date:   10-17-2023



## IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

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### Planning & Zoning Committee Recommendation Summary

Public Hearing held on September 28, 2023

Zoning Hearing 3371

Recommendation: **Approval**

**Applicant(s):** Jared Leonard and Dale Fitzsimons

**Town of Waldwick**

**Site Description:** SE ¼ of S17-T5N-R4E also affecting tax parcels 026-0082; 0081; 0080; 0083

**Petition Summary:** This is a request to zone 4.1 acres from A-1 Ag to AR-1 Ag Res with 35.9 acres to have the AC-1 Ag Conservancy overlay zoning district.

#### Comments/Recommendations

1. The minimum lot size for the A-1 district is 40 acres, so rezoning is required in order for the proposed lot to be legally created.
2. If approved, the AR-1 lot would allow one single family residence, accessory structures and limited ag uses but no animal units as defined in the Iowa County Zoning Ordinance. The AC-1 overlay is required to comply with the town's residential density standard.
3. The associated certified survey map has not yet 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).

**Town Recommendation:** The Town of Waldwick 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.

