

Amendatory Ordinance 4-0823

To the Honorable Iowa County Board of Supervisors:

Whereas a petition for a land use change has been made by Ivey Construction, Inc. and James T. Accola;

For land being in the W ½ of the NW ¼ of Section 31, Town 6N, Range 3E in the Town of Dodgeville affecting tax parcels 008-1378 and 008-1379,

And, this petition is made to zone 67.94 acres from A-1 Agricultural and AB-1 Agricultural Business to AB-1 Agricultural Business.

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 **3358** 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 3358

Recommendation: **Approval**

Applicant(s): Ivey Construction Inc. and James T. Accola

Town of Dodgeville

Site Description: W1/2-NW of S31-T6N-R3E also affecting tax parcels 008-1378; 1379

Petition Summary: This is a request to rezone 67.94 acres from AB-1 Ag Bus & A-1 Ag to all AB-1 Ag Bus. This includes a Conditional Use Permit request for nonmetallic mining.

Comments/Recommendations

1. This is a request to enlarge an existing nonmetallic mining site from 20 acres to about 68 acres by adding land currently zoned A-1 Ag.
2. If approved, the lot would only allow cropping as a permitted use. Nonmetallic mining is being proposed as a Conditional Use Permit.
3. If approved, there will need to be a revision to the Nonmetallic Mining Reclamation Plan incorporating the enlarged area. This will come before the Committee at a future meeting.
4. There is no need for a certified survey map.
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).

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 Dodgeville is recommending approval of both the zoning change and CUP.

Staff Recommendation: Staff recommends approval of the zoning change. Staff recommends approval of the CUP with the conditions that the zoning change is approved by the County Board and associated reclamation plan revision is approved within 12 months.

