

Amendatory Ordinance 5-0523

To the Honorable Iowa County Board of Supervisors:

Whereas a petition for a land use change has been made by Neil and Joni Ripp;

For land being in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 29, Town 5N, Range 4E in the Town of Waldwick affecting tax parcels 026-0286 and 026-0287.

And, this petition is made to zone 3.0 acres from A-1 Agricultural to AR-1 Agricultural Residential with 40 acres having the AC-1 Ag Conservancy overlay.

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 **3340** 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.

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 _____ 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: _____



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Planning & Zoning Committee Recommendation Summary

Public Hearing held on April 27, 2023

Zoning Hearing 3340

Recommendation: **Approval**

Applicant(s): Neil & Joni Ripp

Town of Waldwick

Site Description: NW/SE of S29-T5N-R4E also affecting tax parcels 026-0287; 0286

Petition Summary: This is a request to zone 3.0 acres from A-1 Ag to AR-1 Ag Res with 40 acres having the AC-1 Ag Conservancy overlay district.

Comments/Recommendations

1. The A-1 district has a minimum 40-acre lot size, so rezoning is required in order for the proposed 3-acre lot to be legally created. The AC-1 overlay is required by the Town of Waldwick's 1:40 residential density standard.
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 by the Iowa County Zoning Ordinance. The AC-1 overlay district prohibits any development that would require a zoning permit.
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).

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.

