

Amendatory Ordinance 5-1123

To the Honorable Iowa County Board of Supervisors:

Whereas a petition for a land use change has been made by Richard Erickson;

For land being in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 28, Town 7N, Range 2E in the Town of Highland affecting tax parcel 012-0214,

And, this petition is made to zone 5.56 acres from A-1 Agricultural to AR-1 Agricultural Residential.

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

Whereas a public hearing, designated as zoning hearing number **3376** was last held on **November 1, 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 **November 14, 2023**. The effective date of this ordinance shall be **November 14, 2023**.


Kristy K. Spurley
Iowa County Clerk

Date: 11-14-2023



IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

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Planning & Zoning Committee Recommendation Summary

Public Hearing held on November 1, 2023

Zoning Hearing 3376

Recommendation: **Approval**

Applicant(s): Richard Erickson

Town of Highland

Site Description: SW/NE of S28-T7N-R2E also affecting tax parcel 012-0214

Petition Summary: This is a request to zone 5.56 acres from A-1 Ag to AR-1 Ag Res.

Comments/Recommendations

1. This lot was created before the minimum 40-acre lot size was established for the A-1 district, which makes it legal nonconforming. As such, only those legal uses that existed at that time (1978) are allowed to continue. Since this is vacant land, a residence cannot be built unless made to meet the 40-acre lot size or rezoned.
2. If approved, the AR-1 lot would allow one single family residence, accessory structures and limited ag uses including up to 3 animal units as defined in the Iowa County Zoning Ordinance.
3. The lot was created prior to the certified survey map requirement.
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 Highland is recommending approval.

Staff Recommendation: Staff recommends approval.

