Amendatory Ordinance 5-1223

To the Honorable Iowa County Board of Supervisors:

Whereas a petition for a land use change has been made by William Neal;

For land being in the NW ¼ of the SE ¼ of Section 21, Town 6N, Range 2E in the Town of Linden affecting tax parcel 014-0057.A,

And, this petition is made to zone 2.73 acres from A-1 Agricultural to AR-1 Agricultural Residential and 1.0 acre from A-1 Agricultural to B-2 Highway Business.

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

Whereas a public hearing, designated as zoning hearing number **3383** was last held on **November 30, 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 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 **December 19, 2023.** The effective date of this ordinance shall be **December 19, 2023.**

Kristy K Spurley
Kristy K. Spurley
Iowa County Clerk

Date: _12-19-2023_

Planning & Zoning Committee Recommendation Summary

Public Hearing held on November 30, 2023   Zoning Hearing 3383

Recommendation: **Approval**

Applicant(s): William Neal   **Town of** Linden

Site Description: NW/SE of S21-T6N-R2E also affecting tax parcel 014-0057.A

Petition Summary: This is a request to zone 2.73 acres from A-1 Ag to AR-1 Ag Res and 1.0 acre from A-1 Ag to B-2 Hwy Bus.

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. Any division of a nonconforming lot requires compliance with the current ordinance. The proposal is to separate the existing residence on a 2.73-acre AR-1 lot and create a 1-acre B-2 lot for a Tourist Cottage (short-term rental use).
2. If approved, the AR-1 lot would allow one single family residence (existing), accessory structures and limited ag uses but no animal units as defined in the Iowa County Zoning Ordinance. The B-2 lot would allow cropping and any use approved by Conditional Use Permit (seeking Tourist Cottage).
3. The associated certified survey map has been submitted for 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 those services.
    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 Linden is recommending approval.

Staff Recommendation: Staff recommends approval of the zoning change with the conditions that the associated CUP is granted and the certified survey map is duly recorded within 6 months of County Board approval.

Staff recommends approval of the CUP with the following conditions:

1) The associated zoning change is approved by the County Board and CSM recorded.

2) The Tourist Cottage can only be used for short-term rental and not as a residence without subsequent zoning approval.