

## Amendatory Ordinance 2-0124

To the Honorable Iowa County Board of Supervisors:

**Whereas a petition for a land use change has been made by Brandon and Rachelle Dilley;**

For land being in the SE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 19, Town 8N, Range 5E in the Town of Arena affecting tax parcel 002-0273.B01,

**And, this petition is made to zone 1.0 acres from R-1 Single Family Residential 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 Arena,**

Whereas a public hearing, designated as zoning hearing number **3390** was last held on **December 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.**

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 **January 16, 2024**. The effective date of this ordinance shall be **January 16, 2024**.

  
Kristy K. Spurley  
Iowa County Clerk

Date:   1-16-2024





## IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

222 N. Iowa Street, Suite 1223

Dodgeville, WI 53533

608-935-0333/608-553-7575/fax 608-935-0326

[Scott.Godfrey@iowacounty.org](mailto:Scott.Godfrey@iowacounty.org)

---

### Planning & Zoning Committee Recommendation Summary

Public Hearing held on December 28, 2023

Zoning Hearing 3390

Recommendation: **Approval**

**Applicant(s):** Brandon & Rachelle Dilley

**Town of Arena**

**Site Description:** SE/NW of S19-T8N-R5E also affecting tax parcel 002-0273.B01

**Petition Summary:** This is a request to zone 1.0 acre from R-1 Single Family Residence to AR-1 Ag Res to make it eligible for chickens.

#### Comments/Recommendations

1. This lot was zoned R-1 SF Res when zoning was originally adopted as part of an area of existing residential development. The R-1 district doesn't provide for animal units, as defined in the Iowa County Zoning Ordinance, which includes chickens. The applicants want to have up to 25 chickens (1 animal unit) as a Conditional Use Permit associated with this petition. The AR-1 district allows animal units.
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, without a Conditional Use Permit.
3. There is no land division proposed, so a certified survey map is not required.
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 Arena is recommending approval of both the zoning change and Conditional Use Permit.

**Staff Recommendation:** Staff recommends approval of the zoning change. Staff recommends approval of the Conditional Use Permit with the condition that the animal unit consists only hen chickens due to being in an area of smaller, residential lots.

