

**Amendatory Ordinance No. 2-0818**

To the Honorable Iowa County Board of Supervisors:

**Whereas**, the Wisconsin Legislature enacted 2017 Wisconsin Act 67 effective November 27, 2017 relating, in part, to the standards for decision-making on conditional use permits per §59.69(5e) WI Stats.;

**Whereas**, as a result of said Act, Section 4.0 of the Iowa County Zoning Ordinance was deemed by the Iowa County Planning & Zoning Committee to require revision in order to be consistent with this new State law;

**Whereas**, after holding several working meetings, the Committee held a public hearing on July 26, 2018 on proposed revisions and took action to recommend adoption by the Iowa County Board of Supervisors;

**Now Therefore Be It Resolved** that Section 4.0 of the Iowa County Zoning Ordinance be replaced as shown in Appendix A.

Respectfully submitted by the Iowa County Planning & Zoning Committee.

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I, the undersigned Iowa County Clerk, hereby certify that this Amendatory Ordinance was X approved as recommended; \_\_\_\_\_ approved with amendment; \_\_\_\_\_ denied as recommended; \_\_\_\_\_ rereferred to the Iowa County Planning & Zoning Committee by the Iowa County Board of Supervisors on **August 21, 2018**. The effective date of this ordinance shall be **August 21, 2018**.

  
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Greg Klusendorf  
Iowa County Clerk

Date: 8/22/18

# Appendix A

Revisions to Section 4.0 of the Iowa County Zoning Ordinance as follows:

## **SECTION 4.0 CONDITIONAL USES**

A conditional use is a use that may be considered in a particular zoning district if it is adaptable to the limitations of a particular site or made to be complimentary to adjacent land uses. Conditional uses are generally not acceptable everywhere within a zoning district and, when approved, may be restricted by conditions reasonable to the proposed use. The granting of a conditional use is not guaranteed and shall only be granted if consistent with the purpose and requirements of this Ordinance. Conditions may be imposed that are related to the requested use and reasonable to ensure compliance with the purpose of this Ordinance.

### **4.1 Permit**

The Committee may authorize the Office to issue a Conditional Use Permit (CUP) for conditional uses after review and approval at a public hearing, provided that such conditional uses or structure are in accordance with the provisions and intent of this Ordinance. The approval requirements in Section 4.4 must be complied with.

### **4.2 Application**

Application for a conditional use permit shall be made on forms supplied by the Office. Review of each application shall involve an administrative review by the Office followed by a public hearing before the Committee. Review and approval by the full County Board is not required.

### **4.3 Fee**

The application fee for a conditional use hearing shall be set by County Board resolution and shall be considered separate from any required subsequent hearing fee or permit fee.

### **4.4 Review, Action, Revocation**

The applicant shall provide the opportunity for the Office to review the site, existing and proposed structures, architectural plans, neighboring use, parking areas, driveway locations, highway access, traffic generation, and circulation, drainage, sewerage and water systems, and the proposed operation.

The town or towns in which the affected property is located shall be provided the opportunity to provide a recommendation as part of the application process. The purpose of this recommendation is to solicit compatibility with any town plan or regulation that may be affected by the proposed use.

In reviewing a requested conditional use permit, the Committee shall consider the following requirements:

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 from the proposed conditional use.
4. Any adverse impacts resulting from the use will be mitigated 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.

Conditions may be imposed by the Committee upon its finding that these are necessary to fulfill the purpose and intent of this Ordinance, provided they are consistent with 59.69(5e) Stats. If the applicant meets or agrees to meet the conditions and provides substantial evidence in support, the conditional use permit shall be approved.

Compliance with all other provisions of this Ordinance, such as lot width and area, yards, height, parking, loading, traffic and highway access, shall be required of all conditional uses.

A Conditional Use Permit shall remain in effect and transfer with the property unless a termination date or condition is imposed by the Committee.

The denial of a conditional use permit may be appealed within 30 days of the Committee decision by the applicant to the circuit court under the procedures contained in 59.694(10) WI Stats. Any other appeal may be made within 30 days of the decision of the Committee to the Iowa County Board of Adjustment following the procedures of Section 10 of this Ordinance.

Any conditional use permit may be revoked if it is found that the use is not being conducted in compliance with the plans and specifications submitted with the application and as subsequently approved, or if the use is being conducted in violation of the conditions imposed at approval. The revocation process shall involve the Committee holding a public hearing after providing written notice to the permittee of the conditional use permit citing the violation or compliance issues with the permit. Once notified in writing by the County, the permittee shall be allowed to present evidence on his/her behalf in writing and may attend the public hearing to provide testimony. After the public hearing, the Committee may revoke or modify the conditional use permit.

**SECTION 4.0 CONDITIONAL USES**

A conditional use is a use that may be considered in a particular zoning district if it is adaptable to the limitations of a particular site or made to be complimentary to adjacent land uses. Conditional uses are generally not acceptable everywhere within a zoning district and, when approved, may be restricted by conditions reasonable to the proposed use. The granting of a conditional use is ~~discretionary not guaranteed~~ and shall only be granted if ~~it can be tailored to a particular site without harm to the~~ consistent with the objectives purpose and requirements of this Ordinance. Conditions may be imposed that are related to the requested use and reasonable to ensure compliance with the intentions purpose of this Ordinance.

**4.1 Permit**

The ~~Commission Committee~~ may authorize the Office to issue a Conditional Use Permit (CUP) for conditional uses after review and approval at a public hearing, provided that such conditional uses or structure are in accordance with the provisions and intent of this Ordinance. The approval criteria requirements in Section 4.4 must be complied with ~~and the uses must not be hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the area.~~

**4.2 Application**

Application for a conditional use permit shall be made on forms supplied by the Office. Review of each application shall involve an administrative review by the Office followed by a public hearing before the Commission Committee. Review and approval by the full County Board is not required.

**4.3 Fee**

The application fee for a conditional use hearing shall be set by County Board resolution and shall be considered separate from any required subsequent hearing fee or permit fee.

**4.4 Review, Action, Revocation and Approval**

The applicant shall provide the opportunity for the Office to review the site, existing and proposed structures, architectural plans, neighboring use, parking areas, driveway locations, highway access, traffic generation, and circulation, drainage, sewerage and water systems, and the proposed operation.

~~Any development within five hundred (500) feet of the existing or proposed rights-of-way of freeways, expressways, interstate and controlled access traffic ways and within fifteen hundred (1500) feet of their existing or proposed interchange or turning lane rights-of-way shall be specifically reviewed by the highway agency that has jurisdiction over the traffic way. The Commission Committee may request such review and await the Highway Agency's recommendations for a period not to exceed sixty (60) days before taking final action.~~

~~Any conditional use permit request shall require a recommendation from the town or towns in which the affected property is located~~ The town or towns in which the affected property is located shall be provided the opportunity to provide a recommendation as part of the application process. The purpose of this recommendation is to solicit compatibility with any town plan or regulation that may be affected by the proposed use.

In reviewing a requested conditional use permit, the Commission Committee should shall consider the following requirements:

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 (hourse 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 ~~and services 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.

Conditions may be ~~imposed~~required by the ~~Commission~~Committee upon its finding that these are necessary to fulfill the purpose and intent of this Ordinance, ~~such as but not limited to~~provided they are consistent with 59.69(5e) Stats. If the applicant meets or agrees to meet the conditions and provides substantial evidence in support, the conditional use permit shall be approved.

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| 1. <del>Landscaping</del>                                    | 8. <del>operational control</del>           |
| 2. <del>architectural design</del>                           | 9. <del>hours of operation</del>            |
| 3. <del>type of construction</del>                           | 10. <del>improved traffic circulation</del> |
| 4. <del>construction commencement and completion dates</del> | 11. <del>deed restrictions</del>            |
| 5. <del>Financial sureties</del>                             | 12. <del>highway access restrictions</del>  |
| 6. <del>Lighting</del>                                       | 13. <del>increased yards</del>              |
| 7. <del>Fencing or planting screens</del>                    | 14. <del>parking requirements</del>         |
|  | 15. <del>permit expiration</del>            |

Compliance with all other provisions of this Ordinance, such as lot width and area, yards, height, parking, loading, traffic and highway access, shall be required of all conditional uses.

A Conditional Use Permit shall ~~expire twelve months after its approval date or at such alternative time specified as a condition to approval, unless:~~

1. ~~Substantial work on any related structure has commenced. Substantial work shall consist, at a minimum, of a foundation, framing, roofing and at least 50% enclosure for buildings and at least 51% completion of any other structure;~~
2. ~~A Certificate of Compliance has been issued;~~
3. ~~The use is established; or~~

~~The Conditional Use Permit is renewed, for a period not to exceed one year, following the application process within this Section, remain in effect and transfer with the property unless a termination date or condition is imposed by the Committee.~~

~~The denial of a conditional use permit may be appealed within 30 days of the Committee decision by the applicant to the circuit court under the procedures contained in 59.694(10) WI Stats. Any other appeal may be made within 30 days of the decision of the Committee to the Iowa County Board of Adjustment following the procedures of Section 10 of this Ordinance.~~

~~Any conditional use permit may be revoked if it is found that the use is not being conducted in compliance with the plans and specifications submitted with the application and as subsequently approved, or if the use is being conducted in violation of the conditions imposed at approval. The revocation process shall involve the Committee holding a public hearing after providing written notice to the permittee of the conditional use permit citing the violation or compliance issues with the permit. Once notified in writing by the County, the permittee shall be allowed to present evidence on his/her behalf in writing and may attend the public hearing to provide testimony. After the public hearing, the Committee may revoke or modify the conditional use permit.~~