

Amendatory Ordinance 1-0624

To the Honorable Iowa County Board of Supervisors:

Whereas a petition for a land use change has been made by Town of Brigham and the Bethel Cemetery Association;

For land being in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 34, Town 7N, Range 5E in the Town of Brigham affecting tax parcels 004-0289.03, 004-0291.02, 004-0289.02, and 004-0292,

And, this petition is zone 1.15 acres from A-1 Agricultural and H-1 Historical.

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

Whereas a public hearing, designated as zoning hearing number **3422** was last held on **May 23, 2024** 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 of County Board approval.

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 **June 18, 2024**. The effective date of this ordinance shall be **June 18, 2024**.

Kristy K. Spurley
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Iowa County Clerk

Date: 6-18-2024



IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

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Planning & Zoning Committee Recommendation Summary

Public Hearing held on May 23, 2024

Zoning Hearing 3422

Recommendation: **Approval**

Applicant(s): Town of Brigham and Bethel Cemetery Association

Town of Brigham

Site Description: SE/NW S34-T7N-R5E also affecting tax parcels 004-0289.03; 0291.02; 0289.02; 0292

Petition Summary: This is a request to enlarge a legal nonconforming cemetery by zoning 1.15 acres from A-1 Ag to H-1 Historical.

Comments/Recommendations

1. This is a legal nonconforming lot (due to lot size) and use (existing cemetery). The intent is to enlarge the cemetery outside the current lot boundaries which requires bringing it into conformity through a zoning change and CUP approval.
2. Platting of the cemetery isn't necessary due to a statutory exemption for cemeteries under the responsibility of a religious institution. There is a lot layout with the application.
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 Brigham is recommending approval as is party to the application.

Staff Recommendation: Staff recommends approval of both the zoning change with the condition that the associated certified survey map is duly recorded within 6 months after County Board approval.

