

Amendatory Ordinance 1-1124

To the Honorable Iowa County Board of Supervisors:

Whereas a petition for a land use change has been made by John and Erin Edgington;

For land being in the W ½ of the SE ¼ of Section 15, Town 6N, Range 1E in the Town of Eden affecting tax parcels 010-0128 and 010-0129;

And, this petition is zone 80 acres from A-1 Agricultural to AB-1 Agricultural Business.

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

Whereas a public hearing, designated as zoning hearing number **3446** was last held on **October 31, 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.**

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 12, 2024**. The effective date of this ordinance shall be **November 12, 2024**.

Kristy K. Spurley
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Iowa County Clerk

Date: **11-12-2024**



IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

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Planning & Zoning Committee Recommendation Summary

Public Hearing held on October 31, 2024

Zoning Hearing 3446

Recommendation: **Approval**

Applicant(s): John & Erin Edgington

Town of Eden

Site Description: W1/2-SE of S15-T6N-R1E also affecting tax parcels 010-0128; 0129

Petition Summary: This is a request to zone 80 acres from A-1 Ag to AB-1 Ag Bus.

Comments/Recommendations

1. The reason for the requested zoning change is that the applicants are proposing to operate a Christmas tree sales operation, to include pumpkins, other produce and retail sales. The A-1 district doesn't provide for this scale of ag-related business, but it is a conditional use permit option in the AB-1 district as a business that directly supports the agricultural economy.
2. If approved, the AB-1 provides for agricultural cropping in addition to the uses approved by conditional use permit.
3. Per Section 11.0 of the Iowa County Zoning Ordinance, the following standards are to be considered when deciding on 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).

Town Recommendation: The Town of Eden is recommending approval.

Staff Recommendation: Staff recommends approval with the condition that the associated conditional use permit is approved.

3. Comments on Conditional Use Permit

1. The proposed uses are consistent with the purpose of the AB-1 district in that they would directly support the agricultural economy.
2. 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 Eden is recommending approval.

Staff Recommendation: Staff recommends approval with the condition that the zoning change is approved by the County Board.

