

Amendatory Ordinance 3-1024

To the Honorable Iowa County Board of Supervisors:

Whereas a petition for a land use change has been made by Barry Rowe and Mark Gibbens;

For land being Lots 1-3 of CSM 167 in Section 17, Town 5N, Range 4E in the Town of Waldwick affecting tax parcels 026-0790, 026-0791 and 026-0792;

And, this petition is zone 5.34 acres, 5.11 acres and 5.12 acres from A-1 Agricultural to AR-1 Agricultural.

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

Whereas a public hearing, designated as zoning hearing number **3442** was last held on **September 24, 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 **October 15, 2024**. The effective date of this ordinance shall be **October 15, 2024**.



Kristy K. Spurley
Iowa County Clerk

Date: 10-15-2024



IOWA COUNTY OFFICE OF PLANNING & DEVELOPMENT

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Planning & Zoning Committee Recommendation Summary

Public Hearing held on September 24, 2024

Zoning Hearing 3442

Recommendation: **Approval**

Applicant(s): Barry Rowe and Mark Gibbens

Town of Waldwick

Site Description: Lots 1-3 of CSM 167 in S17-T5N-R4E also affecting tax parcels 026-0790; 0791; 0792

Petition Summary: This is a request to zone 5.34, 5.11 and 5.12 acres from A-1 Ag to AR-1 Ag Res.

Comments/Recommendations

1. These lots were created by a certified survey map recorded in 1978, prior to the enactment of the minimum 40-acre lot size for the A-1 district. That means the lawful uses existing at that time may continue. The proposal now to build a residence on each lot would require either a conditional use permit or rezoning, with the latter being this petition.
2. If approved, each lot would be eligible for one single-family residence, accessory structures and limited ag uses, including up to 3 animal units as defined in the zoning ordinance.
3. The 40-acre residential density in the Town of Waldwick Comprehensive Plan only applies to land divisions proposed after the plan's enactment in 2005. These lots were created in 1978 so are exempt from the density requirement.
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 Waldwick is recommending approval

Staff Recommendation: Staff recommends approval

