

Amendatory Ordinance 1-0923

To the Honorable Iowa County Board of Supervisors:

Whereas a petition for a land use change has been made by David McCarthy;

For land being in the SW $\frac{1}{4}$ of Section 23, Town 7N, Range 1E in the Town of Highland affecting tax parcel 012-0836.01,

And, this petition is made to reduce a 24.348-acre AR-1 Agricultural Residential lot to 17.708 acres and to zone 6.64 acres from AR-1 Agricultural Residential to B-2 Highway Business.

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

Whereas a public hearing, designated as zoning hearing number **3366** was last held on **August 24, 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** 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 _____ 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 **September 19, 2023**. The effective date of this ordinance shall be **September 19, 2023**.

Kristy K. Spurley
Iowa County Clerk

Date: _____



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Planning & Zoning Committee Recommendation Summary

Public Hearing held on August 24, 2023

Zoning Hearing 3366

Recommendation: **Approval**

Applicant(s): David McCarthy

Town of Highland

Site Description: SW1/3 of S23-T7N-R1E also affecting tax parcel 012-0836.01

Petition Summary: This is a request to zone reduce a 24.348-acre AR-1 lot to 17.708 acres and rezone 6.64 acres from AR-1 Ag Res to B-2 Hwy Bus. It includes a Conditional Use Permit request for a vehicle parts sales business on the B-2 lot. The associated Conditional Use Permit to operate a vehicle parts sales business was conditionally approved by the committee contingent upon the zoning change taking effect.

Comments/Recommendations

1. It was found that a vehicle parts sales business was being operated out of an accessory structure on the AR-1 lot. This is not a use allowed in the AR-1 district so the business would either need to cease or the required zoning approval be granted to the B-2 district as an "unclassified or unspecified" use...a use not specifically listed in the district but similar in character to the principal or conditional uses in the district (see Section 2.6 of the Iowa County Zoning Ordinance).
2. If approved, the reduced AR-1 lot would retain the existing uses and the B-2 lot would require a Conditional Use Permit for the proposed vehicle parts sales.
3. The associated certified survey map has not yet been submitted for formal review.
4. The applicant is aware of the need for State licensing through the WDOT for the vehicle parts sales.
5. 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).

6. 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 - zoning change: The Town of Highland is recommending approval of the zoning change and approval of the CUP with the following conditions:

1. No sales of vehicles, just parts
2. No vehicles stored outside the building
3. No walk-in customers

Staff Recommendation - zoning change: Staff recommends approval of the zoning change with the conditions that the associated CUP is approved and that the associated certified survey map is duly recorded within 6 months of County Board approval. Staff recommends approval of the CUP with the following conditions:

1. No sales of vehicles, just parts
2. No dismantled or inoperable vehicles stored outside the building
3. No walk-in customers - online or off-premise sales only
4. The required State licensing be obtained and maintained

If others than the owner or their immediate family members are employed, potable water and a code compliant septic system will be required.

