

Amendatory Ordinance No. 9-1299

To the Honorable Iowa County Board of Supervisors:

Whereas a petition for text amendments to the Iowa County Zoning Ordinance has been made by **the Iowa County Planning & Zoning Committee**;

Whereas notice of such petition has been properly advertised and notice has been given to the Clerks of the Towns of Iowa County and;

Whereas public hearings, designated as zoning hearing number **1592** have been held on **June 29, 1999, Aug. 30, 1999 and Nov. 29, 1999** in accord with said notice and as a result of said hearings, action has been taken by the Planning and Zoning Committee to **approve** said amendments,

Now therefore be it resolved that Sections 3.3, 3.35 and 12.0 of the Iowa County Zoning Ordinance be amended in accordance to the attached.

Richard Bullen

Steve Fog

Glenn I. Johnson

Dale Theiselt

Planning & Zoning Committee

I, the undersigned Iowa County Clerk, hereby certify that the above Amendatory Ordinance No. 9-1299 was X approved as recommended; _____ approved with amendment; _____ denied as recommended; _____ re-referred to the Planning & Zoning Committee by the Iowa County Board of Supervisors on Dec. 21, 1999. The effective date of this ordinance shall be December 21, 1999.

Gregory T. Klusewicz
Iowa County Clerk

December 22, 1999

Date

Replace Section 3.3 of the Iowa County Zoning Ordinance with the following:

3.3 Agricultural Districts A-1 Agricultural District

It is the intention of this section to encourage the maintenance of historically productive and/or presently productive agricultural lands, on parcels of land of sufficient size, as a means for preserving agriculture as the primary economic base of the County. The County may consider any existing Town Land Use Plan provisions in considerations for land use changes to this district.

In this district no new site development or construction will be permitted on prime soils defined as those soils classed I, II, or III according to the Iowa County Soil Survey 1958 (hereafter referred to as Soil Survey) or as later revised. The alteration of the natural landscape other than normal tillage or the land or the placement of a building on vacant or open land, excluding code-conforming septic systems, will be considered new site development. A site will not be considered new site development if the property contains buildings actively used with a current tax roll improvement value of at least \$5,000.00 existing on or before the effective date of this Ordinance or amendment thereof, where the new development is to be a part of the existing cluster. For the purposes of this section, the word 'cluster' or phrase 'existing cluster' shall refer to the conglomerate farm buildings which exist on or before the effective date of this Ordinance or amendment thereof. The intent is to provide the opportunity for an existing farm operation to expand within close proximity to the existing development.

New development may occur, regardless of Soil Survey classification, if one or more of the following is met:

1. The total area of Class I, II or III soils at the site of proposed new development is on land that is clearly visible as wooded on the Iowa County Soil Survey, 1958 series or as later revised.
2. The area of Class I, II or III soils at the site of proposed new development is an area of less than five (5) acres in area and not adjacent to pastureland or fieldland. Evidence of pastureland or fieldland shall be determined by an on-site inspection performed by Zoning Office personnel and the Town or Towns affected.
3. The area of Class I, II or III soils at the site of proposed new development is indicated at an intermittent drainage-way or waterway on the Soil Survey and is less than 150 feet in width.
4. The Soil Survey is accepted by the Iowa County Planning & Zoning Committee and Town Board of the Town or Towns affected to be inaccurate. The burden of proof of inaccuracy shall be the sole responsibility of the applicant and must, at a minimum include: 1.) the testimony of a certified soil scientist; 2.) a field investigation of the site by personnel of the Iowa County Zoning Office for the purpose of taking soil probes for depth of soil; and 3.) a determination by the Land Conservation Department that the site is not adequate for a sustainable yield of any crop common to the area or to be adequate forage for pasturing common

livestock. The process for appealing the Soil Survey shall be by written request to the Iowa County Zoning Office to be placed on the agenda of a regular meeting of the Iowa County Planning & Zoning Committee. The request shall not be accepted until adequate proof, as indicated above, is presented to the Zoning Office and a field investigation has taken place by Zoning Office personnel. The decision shall be a joint vote by the Board of the Town or Towns affected and Iowa County Planning & Zoning Committee.

In this district, new private driveways or roads, for new or existing access, shall not be permitted to cross or bisect Class I, II, or III soils, as classified by the Iowa County Soil Survey, unless all of the following conditions apply:

1. The access lane is aligned with existing natural vegetation, natural features, within 66 feet of fences or boundary lines;
2. The access lane will only cross a natural contour, i.e., a narrow spur or draw of agricultural land, such as a low area;
3. The access lane will be in harmony and conform with the surroundings and provide the safest access for residences and services; and
4. The access lane has received prior approval of the appropriate town board and jurisdictional authority of the accessed public road.

The minimum lot size in this district shall be 40 acres described by survey plat or metes and bounds. A 'forty forty' commonly described by metes and bounds that is found by survey description to be less than 40.0 acres, shall be considered to meet the minimum lot size of this district only if all four quarter quarter corners are identified as part of said survey description.

Permitted Principal Uses:

Apiculture, dairying, floriculture, forestry, generic farming, grazing, greenhouses, hatcheries, horticulture, livestock raising, nurseries, orchards, paddocks, pasturage, poultry raising, truck farming, viticulture, and aquaculture.

Farms, including the usual farm buildings, structures and dwelling(s), if in a cluster served by a common driveway, occupied by a person who or a family, at least one member of which earns a substantial part of his or her livelihood from farm operations on the parcel or is a parent or child of the operator of the farm.

Farmstead dwellings, when no longer used as a farm dwelling, may be rented for full-time residential use, meaning periods of 30 consecutive days or more, throughout the reasonable and properly maintained life of the structure. Part-time, meaning less than 30 consecutive days, or recreational residential renting of farm dwellings is prohibited in this district.

Utilities, with no minimum lot size, provided all structures and uses are not less than fifty (50) feet from any residential district lot line.

Conditional Uses: (Conditional uses are permitted only after a public hearing and approval by both the Zoning Committee and Town Board as specified in Section 4.0)

The Zoning Committee may deny the permit for the proposed conditional

use on the basis of its finding that the proposed use is not consistent or compatible with the existing or planned use of the area. The reasons for such denial shall be explained in writing, specifying in detail why the proposed use is inconsistent or incompatible. If the denial is based upon considerations of the planned, rather than existing use of the area, the plan for the area shall be clearly stated as well, providing guidance to the owner of the property as to uses that are deemed appropriate to the area.

Single family residence not located within the cluster of usual farm buildings not on prime soils which is to be occupied by a person who, or family, at least one member of which earns a substantial part of his or her livelihood from farm operations on the farm wherein located.

Non-residential agricultural structures located outside the cluster of farm buildings regardless of soil classification.

Veterinary establishments for farm animals, provided that all buildings, animal runways, manure disposal and exercise yards, be at least two hundred (200) feet distant from all property lines.

Roadside stands for the sale of farm products produced only on agriculture premises, provided, that any such stand shall be situated not less than thirty (30) feet from the street or road right-of-way line or lot lines and shall have adequate off-street parking facilities, in no event less than four (4) parking spaces; and provided the driveway and highway requirements of this Ordinance (Sections 6.4, 6.5) are met.

Airports, airstrips and landing fields, provided the site area is for a farm related activity.

Cemeteries, including mausoleums and crematories; provided that any mausoleum or crematory shall be located a minimum of two hundred (200) feet from all property lines and provided that any new cemetery shall contain a minimum area of five (5) acres.

Hospitals, clinics, sanitariums and charitable institutions for the treatment of diseases; nursing and convalescent homes; except correctional or penal institutions.

Cow pools, commercial breeding and feeding business, and the like. Commercial raising, propagation, or butchering of animals such as mink, rabbits, foxes, goats and pigs; the commercial production of eggs; and the hatching, raising, fattening, or butchering of fowl.

Cheese factories, creameries, condenseries and pea vineries, provided there is a satisfactory method of disposing of waste.

Household Occupation and Professional Home Offices.

Replace Section 3.35 of the Iowa County Zoning Ordinance with the following:

3.35 AR-1 Agricultural Residential District

Accessory buildings, including animal enclosures, shall be allowed as provided for in Section 7.2 of this Ordinance. The dwelling shall be considered the principal building. Building construction will not be allowed on land that is determined by the Zoning Committee to be prime soils, as defined in Section 3.3, unless specifically exempted by the Zoning Committee and the building site location will be considered as part of a land use change. Applicant is therefore required to file a plan showing building(s) location, roads, septic systems with replacement sites and any other change to the parcel with an application for an AR-1 District. The intention of this district is not to provide a residential area in the prime agricultural area of land but rather to allow an agricultural related use and a dwelling on a parcel that is not considered adequate to meet farm size or land type requirements.

The proposed lot shall be described by exact metes and bounds legal description or plat of survey. Once approved for the AR-1 district, any alteration of the lot description used for the land use change hearing shall cause the subsequent lot to be nonconforming and ineligible for development and zoning permits. Approval shall be required of the altered lot description and sought in the same manner as a conditional use (Section 4.0). The only exception is in cases where a lot is reduced in size by acquisition by a highway authority for the purposes of creating or enlarging a public highway.

Permitted Principal Uses:

Single family dwelling: The keeping of not more than two roomers or boarders by a resident family. Only one dwelling shall be allowed per lot and within this district the lot boundary shall be the same as the parcel or tract boundary as established or divided in a description for zoning approval.

One animal unit over six months of age and two animal units under six months of age shall be allowed for each five acres of land in the lot. An animal unit is defined as one cow or one horse or two pigs or two sheep or two goats or twenty five fowl. Other animal, fowl or fish types shall be considered on an individual basis on specific application.

Conditional Uses:

Two family dwellings.

Animal units exceeding those allowed as principal uses in this district or not covered by definition may be considered as a conditional use and be reviewed as a commercial feeding or breeding business as provided for in the A-1 District.

Household Occupation and Professional Home Offices.

Dimensions:

Lot Width	Minimum	100 feet
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Lot Area	Minimum	1 acre
Lot Area	Maximum	39.99 acres
Building Height	Maximum all buildings	35 feet
Yards Street	According to Section 6.0 all buildings	
Yards Rear	Minimum residence	40 feet
Yards Side	Minimum all buildings 10 feet or height of building whichever is greater	

Add the following to Section 12.0 Definitions, of the Iowa County Zoning Ordinance:

Cluster or Cluster of Farm Buildings: This refers to within 300 feet of any buildings on a farm in the A-1 Agricultural district that exist at the time of application for a zoning permit.

Prime Soils: This refers to those soils classified as Class I, II or III soils according to the Iowa County Soil Survey, 1958 series or as later revised.