

**PLAN COMMISSION AGENDA**

May 7<sup>th</sup>, 2019 7PM

- 1.) Consider request from Glen and Carla Kastenschmidt to rezone a 2.447 acre parcel from residential to Farmland Preservation District.

Posted Tuesday, April 23, 2019

Tonya Bruins, Clerk

Duane asked that I would include copies of the following Sections for review from the Zoning Ordinances of the Town of Alto. You can find a complete copy of the Town of Alto Zoning ordinances on [townofalto.com](http://townofalto.com) under Government<Ordinances<Zoning Ordinances.

#### Section 7. Farmland Preservation District (FP)

7.1 Purposes. The purposes of the FP District are to:

- (A) Preserve productive agricultural land for food and fiber production;
- (B) Preserve productive farms by preventing land use conflicts between incompatible uses and controlling public service costs;
- (C) Maintain a viable agricultural base to support agricultural processing and service industries;
- (D) Prevent conflicts between incompatible uses;
- (E) Reduce costs of providing services to scattered non-farm uses;
- (F) Pace and shape growth;
- (G) Implement the provisions of the County Farmland Preservation Plan as adopted and periodically revised; and
- (H) Comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits.

7.2 Land Included Within this District. This district is generally intended to include prime agricultural lands historically exhibiting high crop yields, which generally consist of Class I, II, and III soil capability classes established by the Soil Conservation Service, USDA. This district also includes other lands which are integral parts of productive farm operations.

7.6 Minimum Lot, Height and Yard Requirements.

(a) Minimum Lot Size:

- (1) 35 acres for all uses, except as provided in Section 7.8, below.

7.8 Minimum Lot Size, Height and Yard Requirements for Special Exceptions.

(A) The minimum lot size, height, and yard requirements for special exception uses shall be as specified in the special exception permit, but in no case shall be less than 50 feet from a lot line and shall be set back at least the distance specified in Section 11 of this Ordinance.

7.10 Standards for Rezoning. The Town may rezone land out of the Farmland Preservation District if the Town finds all of the following, after a public hearing:

- (A) The land is better suited for a use not allowed in the Farmland Preservation zoning district.
- (B) The rezoning is consistent with any applicable comprehensive plan.
- (C) The rezoning is substantially consistent with the County's certified Farmland Preservation Plan.
- (D) The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

6.3 Dimensions of Building Sites.

(a) Minimum Area and Width for Each Dwelling.

(1) The minimum lot area for a one family unit shall be one (1) acre for lots not served by public sanitary sewer and 16,000 square feet for lots served by public sanitary sewer; and the minimum lot width shall be 100 feet at the building line; on riparian lots, minimum lot width shall be 75 feet at the water's edge. For a two family unit, the minimum lot size shall be one (1) acre for lots not served by public sanitary sewer and 25,000 square feet for lots served by public sanitary sewer.

12.1 General. A "Special Use" is a use which is necessary or desirable for the public welfare, but which is potentially incompatible with the uses normally permitted in the Zoning districts established herein. It is hereby declared the policy and purpose of this Ordinance to employ the Special Use as a flexible means of permitting certain exceptions to the districts established and the rules and regulations adopted herein, in cases where the public benefit of such uses outweighs the potential harm, and under such conditions imposed as are necessary to protect the public health, safety and welfare and individual property rights. Special Use standards for the Farmland Preservation District and General Agricultural Districts are detailed in Section 7 and 8 of this Ordinance.

12.2 Standards for Special Use Permits. Special Use Permits may be authorized by the Board of Appeals in accordance with the procedure set forth in Section 13 when it appears:

(A) That it is reasonably necessary for the public convenience at that location.

(B) That it is designed, located and proposed to be operated so that it will not be injurious to the district in which it shall be located or otherwise detrimental to the public welfare.

(C) That it conforms to the applicable regulations and standards and preserves the essential character of the district in which it shall be located.

(D) That in the case of an existing non-conforming use, will make such use more compatible with its surroundings.