

CITY OF STOUGHTON, 381 E. Main Street, Stoughton, WI 53589

ORDINANCE OF THE COMMON COUNCIL

Amending the City of Stoughton Municipal Zoning Ordinance Section 78-105(5)(a)2b and Appendix C

Committee Action: Recommend approval 7 - 0 with the Mayor voting.

Fiscal Impact: N/A

File Number: O - 27 - 2014

Date November 25, 2014 First Reading

Introduced: December 9, 2014 Second Reading

The Common Council of the City of Stoughton do ordain as follows:

1. 78-105 (5) Industrial Districts:
 - (a) Planned Industrial (PI) District:
 1. Description and purpose: This district is intended to permit both large and small scale industrial and office development at an intensity which is consistent with the overall desired suburban community character of the community. Beyond a relatively high minimum green space ratio (GSR), the primary distinguishing feature of this district is that it is geared to indoor industrial activities which are not typically associated with high levels of noise, soot, odors and other potential nuisances for adjoining properties. In order to ensure a minimum of disruption to residential development, development within this district shall take access from a collector or arterial street.

Rationale: This district is intended to provide a location for suburban intensity light industrial land uses such as assembly operations, storage and warehousing facilities, offices, and light manufacturing which are protected from potential nuisances associated with certain development permitted within the GI District. In addition, land uses shall comply with the minimum performance standards presented in article VII.
 2. List of allowable principal land uses: (per article II)
 - a. Principal land uses permitted by right: (per subsection 78-202(1))
 - Cultivation (per subsection 78-206(2)(a))
 - Selective cutting (per subsection 78-206(2)(f))
 - Passive outdoor public recreation (per subsection 78-206(3)(a))
 - Active outdoor public recreation (per subsection 78-206(3)(b))
 - Public services and utilities (per subsection 78-206(3)(e))
 - Office (per subsection 78-206(4)(a))
 - Personal or professional services (per subsection 78-206(4)(b))
 - Indoor maintenance service (per subsection 78-206(4)(e))
 - Indoor storage or wholesaling (per subsection 78-206(5)(a))

Light industrial (per subsection 78-206(7)(a))

Indoor commercial entertainment (per section 78-206(4)(h), specifically health or fitness centers and all forms of training studios (dance, art, martial arts, etc.)

- b. Principal land uses permitted as conditional use: (per subsection 78-202(2))

Clear cutting (per section 78-206(2)(g))

Community gardens (per section 78-206(2)(h))

Market gardens (per section 78-206(2)(i))

Indoor sales or service (per section 78-206(4)(c))

Group day care center (9+ children) (per section 78-206(4)(m))

Personal storage facility (per section 78-206(5)(c))

Airport/heliport (per section 78-206(6)(b))

Distribution center (per section 78-206(6)(d))

Communication tower (per section 78-206(7)(c))

Commercial animal boarding (per section 78-206(4)(j))

2. Amend Appendix C to indicate commercial animal boarding as a conditional use within the PI – Planned Industrial District.
3. This ordinance shall be in full force and effect from and after its date of publication.

Dates

Council Adopted: _____

Mayor Approved: _____

Published: _____

Attest: _____

Donna Olson, Mayor

Cit Clerk, Lana Kropf

TO: Mayor Olson, Michael Stacey, Todd Krcma, Scott Truehl, Matt Hanna,
Ron Christenson, Greg Jenson, Eric Hohol, Rodney Scheel, Bob Kardasz
FROM: Jordan Tilleson and Nicole Hines JT NH
DATE: October 8, 2014
SUBJECT: Petition to change zoning restriction

Dear Stoughton Planning Commission Members,

We are writing to you to ask that you reconsider the zoning restriction for lot #14 located in the Stoughton Business Park North, on which we have made a full-price offer to purchase. Currently lot #14 is zoned Planned Industrial and we would like to request the zoning restriction be changed to either Rural Holding or Exurban Residential.

As Stoughton residents and dog owners, we know there to be a need for a dog day care center in our town that is currently not being fulfilled. We drive 1 hour round-trip twice a day, for a total of 2 extra hours driving time, to bring our dog to east Madison to attend dog day care. This is because there is not a closer dog day care center to our home. Stoughton has already made great strides in meeting the needs of dog owners, as evidenced by the excellent dog park located within Viking Park. However, the dog park alone does not meet all of the needs of dog owners in Stoughton. Because of this, residents are bringing their business to other nearby towns, such as the Hound Huddle in Oregon, WI, in order to meet their need for a dog day care. By changing the zoning restriction to Rural Holding or Exurban Residential on lot #14, Stoughton will have the opportunity to see continued business growth and development by allowing us to build a dog day care center.

Changing the zoning restriction will allow us to build a dog day care center and add another thriving business to our town. We know that having a dog day care located in a business park will not only be convenient to the residents of Stoughton, but that this model has proven to work well with several other local dog day care centers. The Dog Den is located on Jonathon Drive in an industrial park in east Madison and the Dog Haus is located on Atlas Avenue in an industrial park in Monona. We are confident that we can build a dog day care center in Stoughton Business Park North while remaining mindful and respectful of our neighbors and their business needs.

We appreciate your consideration. Please do not hesitate to contact us with any questions. We can be reached by phone at 608-877-0643 or via email at Jordan.tilleson@gmail.com or Nicole.j.hines@gmail.com.

Respectfully,
Jordan Tilleson and Nicole Hines



78-206 (4)(j)

Commercial animal boarding.

Description: Commercial animal boarding facility land uses include land uses which provide short-term and/or long-term boarding for animals. Examples of these land uses include commercial kennels and commercial stables. Exercise yards, fields, training areas, and trails associated with such land uses are considered accessory to such land uses and do not require separate consideration.

1. *Regulations:*

- a. Each animal shall be provided with an indoor containment area.
- b. The minimum permitted size of horse or similar animal stall shall be 100 square feet
- c. Special events such as shows, exhibitions, and contests shall only be permitted when a temporary use permit has been secured. (See Section 78-906.)

2. *Parking requirements:* One space per every 1,000 square feet of gross floor area.

<u>COMMUNITY</u>	<u>ZONING DISTRICT</u>	<u>PERMITTED/CONDITIONAL</u>	<u>KENNEL/PET BOARDING</u>
DEFOREST	B-2, B-3, A-B	C	animal boarding
FITCHBURG	B-H	P	kennel
	RD	C	commercial animal operation
FORT ATKINSON	NO INFORMATION		
MCFARLAND	C-G	C	kennels/pet boarding
	C-H	C	
MIDDLETON	B-3	P	kennels
	I	C	
MONONA	NO INFORMATION		
OREGON	Commercial	P	
			*dog kennels prohibited
SUN PRAIRIE	RH-35ac	C	commercial animal boarding
	NC, SC, UC, SI	C	household pet boarding
VERONA	SC, UC	C	commercial animal boarding

Sun Prairie

- Commercial **Animal Boarding**. Description: Commercial **animal boarding** facility land uses include land uses which provide short-term and/or long-term **boarding** for **animals**. Examples of these land uses include commercial kennels and commercial stables. Exercise yards, fields, training areas, and trails associated with such land uses are considered accessory to such land uses and do not require separate consideration.
 1. Permitted by right: Not applicable.
 2. Special use regulations: Not applicable.
 3. Conditional use regulations (RH-35ac): - rural holding zoning district
 - a. A maximum of one **animal** unit per acre of fully enclosed outdoor area shall be permitted, and a maximum of five dogs, cats or similar **animals** per acre of fully enclosed outdoor area, shall be permitted.
 - B. The minimum permitted size of horse or similar **animal** stall shall be one hundred (100) square feet.
 - c. The following setbacks shall be required in addition to those of the zoning district:
 - i. No activity area, including pastures or runs, shall be located closer than ten (10) feet to any property line.
 - ii. Any building housing **animals** shall be located a minimum of three hundred (300) feet from any residentially zoned property.
 - iii. A vegetative strip at least one hundred (100) feet wide shall be maintained between any corral, manure pile, or manure application area and any surface water or well in order to minimize runoff, prevent erosion, and promote nitrogen absorption.
 - d. Special events such as shows, exhibitions, and contests shall only be permitted when a temporary use permit has been secured. (See Section 17.44.040.)
 - e. Shall comply with Section 17.44.050, standards and procedures applicable to all conditional uses.
- Household Pet **Boarding** Facility. Description: A commercial establishment in which household pets are housed overnight for a fee or compensation.
 1. Permitted by right: Not applicable.
 2. Special use regulations: Not applicable.
 3. Conditional use regulations (NC, SC, UC, SI): neighborhood commercial, suburban commercial, urban commercial, suburban industrial
 - a. Location. Household pet **boarding** facilities shall be located inside of an enclosed structure. No outdoor **boarding** facilities shall be permitted.
 - b. Total area requirements must allow for one hundred (100) square feet per household pet. This area requirement per household pet shall be calculated by using the total area that will be occupied by the household pets, including area within the building and outdoor play area.
 - c. Outdoor space must be completely fenced with a six-foot high solid wooden (or other approved material which will absorb the sound) fence. The fence shall be no closer than thirty (30) feet to any property used, zoned, or planned for residential use and no closer than fifteen (15) feet to any property used, zoned, or planned for nonresidential use.
 - d. Noise levels shall not exceed sixty-five (65) decibels as measured at the property line adjacent to any property used, zoned, or planned for residential, office, commercial, institutional, or park use and seventy (70) decibels as measured at the property line to any property used, zoned, or planned for industrial, storage, or transportation use. (See Section 17.36.090, Noise Standards.)
 - e. Any building housing household pets shall be located a minimum of three hundred (300) feet from any property used, zoned, or planned for residential, office, commercial, institutional, or park use, or be adequately soundproofed to comply with Section 17.36.090, Noise Standards, and be located a distance from the property line of ten (10) feet minimum or in accordance with the required structure setbacks for that zoning district, whichever is greater.
 - f. Facility shall provide a bufferyard with a minimum opacity of eight-tenths along all borders of the outdoor play area adjoining property used, zoned, or planned for residential use, and four-tenths with a minimum of two plant units per one hundred (100) feet of lot width along all borders of the outdoor play area bordering property used, zoned, or planned for nonresidential use. The bufferyard shall include a minimum ten (10) foot vegetative strip around the outside of the fence line.
 - g. **Animal** waste must be picked up immediately, bagged and deposited in a sealed container to prevent odor from impacting neighboring properties. **Animal** waste containers must be stored at least fifteen (15) feet from any property line and meet all dumpster screening standards for commercial land uses.
 - h. The city wastewater pollution control facility staff shall be permitted to inspect the operation for compliance with waste disposal standards.
 - i. Property owner's permission is required as part of the conditional use permit application.
 - j. A caretaker shall be present at all times that household pets are present.
 - k. Shall comply with Section 17.44.050, standards and procedures applicable to all conditional uses.

Fitchburg

DIVISION 4. - B-H HIGHWAY BUSINESS DISTRICT

- Sec. 22-310. - Permitted uses.

For the B-H Highway Business District, permitted uses are as follows:

- (1) Ambulance service.
- (2) Animal hospital and kennel. (074-075)
- (3) Car and truck wash. (754)

- **Sec. 22-345. - Conditional uses.**

For the RD Rural Development District, conditional uses are as follows:

- (1) All uses conditional in the R-L district.
- (2) Horticultural specialties. (018)
- (3) Commercial animal operation. (075)

Verona

Commercial Animal Boarding.

(1) **Description.** Commercial animal boarding facility land uses include land uses which provide short-term and/or long-term boarding for animals. Examples of these land uses include commercial kennels and commercial stables. Exercise yards, fields, training areas, and trails associated with such land uses are considered accessory to such land uses and do not require separate consideration. Animal boarding facilities and activities which, except for parking are completely and continuously contained indoors, are subject to a separate set of regulations [see Subsection (j)(4), below].

(2) **Permitted by Right.** Not applicable.

(3) **Conditional Use Regulations (SC, UC).**

- a. All activities, except vehicle parking, shall be completely and continuously contained indoors — including animal exercising and display areas.
- b. The minimum permitted size of horse or similar animal stall shall be 100 sf.
- c. Special events such as shows, exhibitions, and contests shall only be permitted when a temporary use permit has been secured. (See Section 13-1-364.)
- d. Shall comply with Section 13-1-363, standards and procedures applicable to all conditional uses.

(4) **Parking Regulations.** One space per every 1,000 sf of gross floor area.

McFarland

Kennels/pet boarding – conditional use in the commercial districts of C-G and C-H.

Oregon

Commercial Land Uses-

Commercial Animal Boarding

Description: Commercial animal boarding facility land uses include land uses which provide short-term and/or long-term boarding for animals. Examples of these land uses include commercial kennels and commercial stables. Exercise yards, fields, training areas, and trails associated with such land uses are considered accessory to such land uses and do not require separate consideration.

1. Regulations:

- a. Each animal shall be provided with an indoor containment area.
- b. The minimum permitted size of horse or similar animal stall shall be 100 square feet
- c. Special events such as shows, exhibitions, and contests shall only be permitted when a temporary use permit has been secured. (See Section 17-906.)

7) DOG KENNELS PROHIBITED. No person shall operate or maintain a dog kennel within the Village limits. The term "dog kennel" as used herein means an establishment where dogs are kept for sale, breeding or sporting purposes. An establishment is presumed to be a kennel if more than 3 dogs are kept or maintained therein.

DeForest

Conditional use in the business district of B-2 (general business), B-3 (highway business) and A-B (Ag. Business)

Middleton

Kennels -

Permitted in B-3

Conditional use in I-district

former 1.8 acres parcel to the west of their parcel has been incorporated into the Walmart parcel and has been included in the updated landscaping plans. Mr. Christianson indicated the entire site (except the additional 1.8 acres) will be provided with irrigation.

Mr. Hanna provided input and discussion with the applicant regarding plant selections near the pharmacy drive through. Plant growth may grow into driveway areas, but appropriate trimming is anticipated so no negative impact should be observed for drivers.

Walmart officials reported the western retaining wall was able to be reduced by 67 feet with the modified grading plan they presented. Some plant shifting (without reduction in numbers) to accommodate easement areas may occur.

Mr. Hohol expressed appreciation for their efforts to incorporate the second pedestrian island, incorporation of the 1.8 acre area into their parcel, and various landscape revisions made based on Planning Commission recommendations.

Motion by Hohol, seconded by Truehl to recommend approval of Ordinance 0-30-14 for the Specific Implementation Plan (SIP) for Walmart within Kettle Park West incorporating the 3 updated Grading Plan dated 11-5-2014, Colored Landscaping Plan dated 11-10-2014 and Colored Landscape Island Detail dated 11-10-2014. Motion carried unanimously.

7. R-130-14: Request by Mike Wendorf for conditional use permit (CUP) approval to open an Indoor Commercial Entertainment use (Fitness center) at 225 Hoel Avenue.

- **Public Hearing** – Mayor Olson opened the public hearing. No one spoke regarding the project and the hearing was closed.
- **Recommendation to Council**

Scheel indicated the applicant and potential future owner have been in discussions with Stoughton Utilities to understand the expectation for providing public sewer and water to this facility as part of this repurposing.

Mr. Hanna spoke positively regarding the repurposing of this facility since it seems to have been recently underutilized.

Motion by Truehl, seconded by Hanna to recommend the Common Council approve R-130-14 to allow the property at 225 Hoel Avenue to be used as a Fitness Center. The property owner is directed to work with the Stoughton Utilities to understand the public sewer and water connection requirements. Motion carried unanimously.

8. O-27-14: Proposed ordinance amendments to the City of Stoughton Municipal Code of Ordinances, Chapter 78, Section 78-105(5)(a)2b and to Appendix C. This ordinance is related to allowing commercial animal boarding as a conditional use within the Planned Industrial district.

- **Public Hearing** – Mayor Olson opened the public hearing. No one spoke regarding the project and the hearing was closed.

- **Recommendation to Council**

Motion by Hohol, seconded by Krcma to recommend the Common Council approve 0-27-14 to allow commercial animal boarding as a conditional use within Planned Industrial Districts.

Motion carried unanimously.

9. O-31-14: Proposed ordinance amendment to the City of Stoughton Municipal Code of Ordinances, Chapter 6, Section 6-14, Kennels.

- **Recommendation to Council**

Motion by Hohol, seconded by Hanna to recommend the Common Council approve 0-31-14 with “as pets or” being removed from the draft. Motion carried unanimously.

10. Request by Kim Goldsmith for conditional use permit (CUP) approval to open an Indoor Commercial Entertainment use (restaurant) at 168 W. Main Street.

- **Public Hearing.** Mayor Olson opened and closed the Public Hearing with no one registered to speak since the Applicant has requested to terminate this request. No action taken.

11. Request for site plan approval to construct an O'Reilly Auto Parts Store at 1512 US Highway 51 & 138.

Mr. Jensen excused himself for this item since he works for a competitor.

Motion by Hohol, seconded by Truehl to approve the site and building plans subject to the staff review letter dated October 1, 2014. Motion carried unanimously without Jensen voting.

12. R-141-14: Request by Matt Wingrove for Certified Survey Map (CSM) approval to split the property at 830 Dunkirk Avenue to create an additional residential parcel.

- **Recommendation to Council**

Motion by Hohol, seconded by Krcma to recommend the Common Council approve R-141-14 creating two parcels through the proposed Certified Survey Map. The Commissioners highlighted the potential flood plain limitations that may affect development of this lot. Motion carried unanimously.