

Amendatory Ordinance No. 5-0519

To the Honorable Iowa County Board of Supervisors:

Whereas, the Iowa County Planning & Zoning Committee has been considering revisions to the Iowa County Zoning Ordinance that establish standards for residential kennels and commercial kennels;

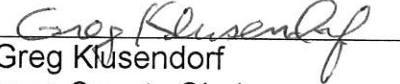
Whereas, the Committee has provided opportunity all fourteen Towns under county general zoning to review and comment;

Whereas, after holding several working meetings, the Committee held 2 public hearings with the last on April 25, 2019 on proposed revisions to said ordinance and took action to recommend adoption by the Iowa County Board of Supervisors;

Now Therefore Be It Resolved that the Iowa County Zoning Ordinance be revised as shown in Appendix A.

Respectfully submitted by the Iowa County Planning & Zoning Committee.

I, the undersigned Iowa County Clerk, hereby certify that this Amendatory Ordinance was X approved as recommended: _____ approved with amendment: _____ denied as recommended; _____ rereferred to the Iowa County Planning & Zoning Committee by the Iowa County Board of Supervisors on **May 21, 2019**. The effective date of this ordinance shall be **May 21, 2019**.


Greg Klusendorf
Iowa County Clerk

Date: 5/22/19

Appendix A

I. Revise Section 13.0 Definitions to include:

Commercial Kennel

Includes animal shelters, commercial kennel services, pet resorts or hotels, dog training centers, doggie day cares, animal rescue shelters, and principal uses where animals are bred for sale to other persons or entities. This use may include training, boarding, grooming, sales of food, sales of supplies, and other customary uses. All such uses may be defined or limited by conditional use permit. Does not include a residential kennel as defined in this Ordinance.

Use standards:

- a) The animals shall be securely detained on the applicant's property, whether by fencing, leash, restraint, or other humane means.
- b) Each animal shall be provided with an indoor containment area
- c) No excessive barking, cries, howling, or other noise shall be permitted. The term "excessive barking, cries, howling or other noise" includes but is not limited to the creation of any noise by a dog or cat that can be heard at the property line by any person and that occurs continuously or incessantly for a period of ten continuous minutes or intermittently for thirty minutes or more, except in instances where it can be demonstrated that such noise was associated with a person trespassing or threatening to trespass upon the private property where the kennel is situated or in instances where the animals are being teased or provoked.
- d) There shall be adequate exercise space for each animal
- e) Outdoor dog runs or exercise pens shall have the following setbacks:
 - i. located at least 20 feet from a lot line
 - ii. located at least 200 feet from an existing legal residence or other structure occupied at least 51% of the time on adjacent property – this setback may be reduced if the adjacent property owner agrees in writing
- f) All pens, yards, structures or areas where animals are kept shall be maintained in a nuisance free manner. Droppings and manure shall be removed and disposed of properly so not to attract insects or rodents, become unsightly or cause objectionable odors.
- g) The lot or parcel size shall be considered as to whether adequate in size for the proposed use and its proximity to adjacent legal uses for potential negative impacts.
- h) Within any farmland preservation zoning district, such uses shall be subject to the following limitations:
 - Be conducted by the owners or operators of the farm and employ not more than four additional persons
 - Require no buildings, structures, or improvements other than a preexisting farm residence, an agricultural accessory structure, or both
 - Not impair the current or future agricultural use of the farm or of the other farmland within the farmland preservation district

Residential Kennel

Includes the breeding and/or rearing, of between 3 and 6 dogs or cats combined owned by the owner of the affected property, in association with the residential or agricultural principal use of the land and related buildings or structures. A litter of pups or kittens, kept for less than 6 months from birth shall not contribute to the number limit, provided there is not more than a single litter per year per species, not animal, on the premises. This use may not include training, boarding, grooming, sales of food, or sales of supplies. Does not include commercial kennels as defined in this Ordinance.

Exceeding the animal number limits may be considered by conditional use permit provided all use standards listed below are complied with.

Use standards:

- a) All dogs and cats must be licensed by the appropriate town if the town maintains a licensing requirement, and regardless, the use shall be subject to all applicable town, county, and state regulations.
- b) The animals shall be securely detained on the applicant's property, whether by fencing, leash, restraint, or other humane means.
- c) Outdoor dog runs or exercise pens shall have the following setbacks:
 - i. located at least 20 feet from a lot line
 - ii. located at least 200 feet from an existing legal residence or other structure occupied at least 51% of the time on adjacent property – this setback may be reduced if the adjacent property owner agrees in writing
- d) No excessive barking, cries, howling, or other noise shall be permitted. The term "excessive barking, cries, howling or other noise" includes but is not limited to the creation of any noise by a dog or cat that can be heard at the property line by any person and that occurs continuously or incessantly for a period of ten continuous minutes or intermittently for thirty minutes or more, except in instances where it can be demonstrated that such noise was associated with a person trespassing or threatening to trespass upon the private property where the kennel is situated or in instances where the animals are being teased or provoked.
- e) All pens, yards, structures or areas where animals are kept shall be maintained in a nuisance free manner. Droppings and manure shall be removed and disposed of properly so not to attract insects or rodents, become unsightly or cause objectionable odors.
- f) The lot or parcel size shall be considered as to whether adequate in size for the proposed use and its proximity to adjacent legal uses for potential negative impacts.
- i) The limit of dogs or cats can be limited where a conditional use permit is required if the limitation is to mitigate potential negative impacts to adjacent legal land uses or due to the subject lot or parcel size.
- j) Within any farmland preservation zoning district, such uses shall be subject to the following limitations:
 - Be conducted by the owners or operators of the farm and employ not more than four additional persons
 - Require no buildings, structures, or improvements other than a preexisting farm residence, an agricultural accessory structure, or both
 - Not impair the current or future agricultural use of the farm or of the other farmland within the farmland preservation district

II. Revise Section 3.0 Zoning Districts to:

1. Provide for a Commercial Kennel as a Conditional Use Permit option in the A-1 Agricultural, AR-1 Agricultural Residential, AB-1 Agricultural Business, RB-1 Recreational Business, and B-2 Highway Business zoning district.

2. Provide for a Residential Kennel as a Permitted Principal Use in the A-1 Agricultural district on lots of 40 or more acres
3. Provide for a Residential Kennel as a Conditional Use Permit option in the A-1 Agricultural district on lots of less than 40 acres, and in the AR-1 Agricultural Residential, R-1 Single Family Residential, RH-1 Rural Hamlet, and R-2 Multi-Family Residential districts.