



**VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN**

**ORDINANCE NO. 17-034**

**AN ORDINANCE TO RENAME SECTION 94.4.09(10) KEEPING OF FARM ANIMALS ON RESIDENTIAL LOTS TO KEEPING OF FARM ANIMALS ON RESIDENTIAL LOTS AND SCHOOL SITES, AMEND CHAPTER 94 ZONING TO REPLACE THE WORDS “SECTION 94.4.09(10) KEEPING OF FARM ANIMALS ON RESIDENTIAL LOTS” WITH “SECTION 94.4.09(10) KEEPING OF FARM ANIMALS ON RESIDENTIAL LOTS AND SCHOOL SITES” WHEREVER IT APPEARS IN CHAPTER 94 AND AMEND FIGURE 3.05 ALLOWABLE USES IN NON-RESIDENTIAL AND MIXED USE ZONING DISTRICTS TO ALLOW SAID USE AS A CONDITIONAL USE WITHIN THE INT INSTITUTIONAL ZONING DISTRICT.**

WHEREAS, the Village of Weston is authorized to prepare, amend and adopt a zoning ordinance under Wis. Stats. §§ 62.23 and 61.35; and

WHEREAS, the Village adopted a new Chapter 94 in March 2015, to serve as the Village’s general zoning ordinance and the Village’s extraterritorial zoning ordinance for the portions of the Town of Weston defined as the extraterritorial zoning area; and

WHEREAS, in administering this new Chapter 94, Village staff found some of the ordinance do not adequately address items that needed to be regulated in the Village and Town; and

WHEREAS, the Plan Commission has recommended enactment of the Zoning Ordinance amendments set forth below, for applicability within the Village limits; and

WHEREAS, the Joint Town and Village Extraterritorial Zoning Committee has recommended enactment of the Zoning Ordinance amendments set forth below, for applicability within the Extraterritorial Zoning limits of the Town of Weston; and

WHEREAS, the Joint Village and Town of Weston Extraterritorial Zoning Committee and Village Plan Commission have held a joint public hearing on this ordinance, on November 13, 2017, in compliance with Wis. Stat. § 62.23, and following such hearing the Board considered public comments and the recommendation of the Village Plan Commission and Joint Village and Town of Weston Extraterritorial Zoning Committee; and

WHEREAS, the Village Board finds the proposed amendment is reasonable, consistent with the Village Comprehensive Plan, and in the public interest;

NOW, THEREFORE, the Village Board of Weston, Marathon County, Wisconsin, does ordain as follows:

SECTION 1: Chapter 94 Zoning Ordinance is hereby amended to provide as follows:

**Section 94.4.09: Accessory and Miscellaneous Use Types**

**(10) Keeping of Farm Animals on Residential Lots and School Sites.**

The keeping or raising of farm animals on a residential lot or school sites, in zoning districts where allowed under Figure 3.04 and where such activity is clearly accessory to the principal residential use, as opposed to a principal “Agricultural Use.” Farm animals are as defined in Article 17. The animals may be kept for show, breeding, or products that are predominantly consumed or used by the residents of the same lot. Gardening and residential composting are allowed in all zoning districts.

**Performance Standards:**

1. All animals shall be kept within a completely enclosed, covered area to the rear of the residence.
2. Animal enclosure areas may not exceed 20 percent of the lot area.
3. Use shall meet all performance standards in Article 12, including odor standards in Section 94.12.15.
4. Any slaughtering shall take place in a completely enclosed building.
5. The use of mechanized farm equipment and on-site sale of food or fur are prohibited.
6. To be considered an accessory use within any RR zoning district:
  - a. The only permitted farm animals are up to 8 chickens, up to 8 ducks, and bees.
  - b. All animal enclosures and beehives shall meet the minimum interior side and rear setback requirements for detached accessory buildings per Figure 5.01(2).
  - c. No animal enclosure shall be located closer than 10 feet from the principal building.
  - d. The minimum lot size for the keeping of farm animals is two acres (three acres for bees).
  - e. The raising or keeping of farm animals shall be permitted at a density not to exceed one animal unit per every acre owned, not considering fractional amounts of acreage.
7. Within the AR and RM zoning districts:
  - a. The keeping or raising of hogs or fur-bearing animals as an accessory use to the principal residential use, as opposed to a principal “Agricultural Use,” shall not be permitted.
  - b. The raising or keeping of farm animals shall be permitted at a density not to exceed one animal unit per every acre owned, not considering fractional amounts of acreage. The definition of an animal unit is in Section 94.17.04. The Zoning Administrator may approve modifications and exceptions to this animal unit density standard if, each year the normal density standard is to be exceeded, the land owner provides conservation compliance documentation from Marathon County signifying that the keeping of a higher density of animal units is in compliance with all NR 151 Agricultural Runoff Performance Standards and Prohibitions.
  - c. Animal enclosures may be no closer than 50 feet from any lot line, except that beehives and poultry houses for not more than eight chickens or ducks need only meet the minimum setback requirement for detached accessory buildings in Figure 5.01(2).
8. The keeping of bees shall be governed by the following additional regulations:
  - a. No more than one beehive shall be kept for each 5,000 square feet of lot area.
  - b. The front of any beehive shall face away from the property line of the residential property closest to the beehive. A “flyway barrier” consisting of a solid fence of six feet in height or a dense hedge at least six feet in height shall be placed along the side of the beehive that contains the entrance to the hive, be located within five feet of the hive, and extend at least two feet on either side of the hive. No such flyway barrier shall be required if all beehives are located at least 25 feet from all property lines.

- c. A supply of fresh water shall be maintained in a location readily accessible to all bee colonies on the site throughout the day to prevent bees from congregating at neighboring swimming pools or other sources of water on nearby properties.
- d. No Africanized bees may be kept.

**Figure 3.05 Allowable Uses in Non-Residential and Mixed Use Zoning Districts**

P = Permitted Use		C = Conditional Use		T = Temporary Use		Empty Cell = Prohibited Use			
Land Use Category		Zoning District (see key at end of figure)							
(#)	Land Use Type	INT	B-1	B-2	B-3	BP	LI	GI	RM
(5)	Home Occupation		C						P
(6)	Residential Business		C						C
(7)	In-Home Suite								P
(8)	Accessory Dwelling Unit		C	C	C				C
(9)	Animal Fancier		C	C					P
(10)	Keeping of Farm Animals on Residential Lots <u>and School Sites</u>	<u>C</u>							P
(11)	Company Cafeteria	P	P	P	P	P	P	P	
(12)	Company Provided On-site Recreation or Child Care	P	P	P	P	P	P	P	
(13)	Indoor Sales Incidental to Storage or Light Industrial Land Use				P	P	P	P	C
(14)	Light Industrial Activities Incidental to Indoor Sales or Services				P	C	C		

Furthermore, all references to (10) *Keeping of Farm Animals on Residential Lots*, shall be amended in the ordinance to read (10) *Keeping of Farm Animals on Residential Lots and School Sites*.

**SECTION 2:** The amendment effectuated by this Ordinance shall apply within the municipal limits of the Village and within its extraterritorial zoning jurisdiction in the Town of Weston.

**SECTION 3: SEVERABILITY.** If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If an application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment. If any requirement or limitation attached to an authorization given under this Ordinance is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

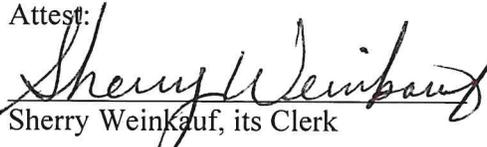
SECTION 4: EFFECTIVE DATE. This ordinance shall take effect upon approval and publication.

Dated the 20<sup>th</sup> day of November, 2017

WESTON VILLAGE BOARD

By:   
Barbara Ermeling, its President

Attest:

  
Sherry Weinkauff, its Clerk

APPROVED: 11/20/2017

PUBLISHED: 11/24/2017

## Notice of Newly Enacted Ordinances

Please take notice that the Village Board of Weston, Wisconsin enacted the following Ordinances on November 20, 2017:

Ordinance No. 17-034: An ordinance to rename Section 94.4.09(10) *Keeping of Farm Animals on Residential Lots* to *Keeping of Farm Animals on Residential Lots and School Sites*, amend Chapter 94 Zoning to replace the words “Section 94.4.09(10) *Keeping of Farm Animals on Residential Lots*” with “*Section 94.4.09(10) Keeping of Farm Animals on Residential Lots and School Sites*” wherever it appears in Chapter 94 and amend Figure 3.05 *Allowable Uses in Non-Residential and Mixed Use Zoning Districts* to allow said use as a conditional use within the INT Institutional zoning district.

Ordinance No. 17-036: An ordinance to amend Section 94.4.09(2) Detached Accessory Structure (for Residential Use) to exclude parcels exceeding 5 acres in area from performance standard 10.

The full text of the above Ordinances may be obtained at the office of the Village Clerk, 5500 Schofield Avenue, Weston, Wisconsin or through the Village’s website at <http://www.westonwi.gov>.

Dated this 20<sup>th</sup> day of November 2017  
Sherry Weinkauff, Village Clerk

Published: 11/24/2017

VILLAGE OF WESTON  
NOTICE OF PUBLIC HEARINGS



NOTICE IS HEREBY GIVEN that a public hearing will be held before the Village of Weston Plan Commission and Joint Town and Village of Weston Extraterritorial Zoning Committee, on Monday, November 13, 2017, at approximately, or shortly after, 6:00 p.m., at the Weston Municipal Center, 5500 Schofield Avenue, Weston, WI 54476, to take testimony relative to the following amendment to Chapter 94 Zoning:

1. Ordinance No 17-034: An ordinance to rename Section 94.4.09(10) *Keeping of Farm Animals on Residential Lots* to *Keeping of Farm Animals on Residential Lots and School Sites*, amend Chapter 94 Zoning to replace the words "Section 94.4.09(10) *Keeping of Farm Animals on Residential Lots*" with "Section 94.4.09(10) *Keeping of Farm Animals on Residential Lots and School Sites*" wherever it appears in Chapter 94 and amend Figure 3.05 *Allowable Uses in Non-Residential and Mixed Use Zoning Districts* to allow said use as a conditional use within the INT Institutional zoning district.

This proposal has the effect of changing the allowable uses of property within the Village. The amendment to the Non-Residential Zoning districts may affect any properties in those districts.

2. Ordinance No 17-035: 035 An ordinance amending Section 94.4.02(1) Single-Family Detached Residence and (2) Two-Family Residence to include structures which have been altered beyond 50% of the equalized assessed value of the structure and alterations to the elements listed in the performance standards of the respected codes.
3. Ordinance No 17-036: An ordinance to amend Section 94.4.09(2) Detached Accessory Structure (for Residential Use) to exclude parcels exceeding 5 acres in area from performance standard 10.

The hearing notice and applicable application materials are also available for public inspection on the Village of Weston website located at <http://westonwi.gov/421/Public-Hearing-Notices>. Proposed Ordinances can be found on the Village's website at <http://www.westonwi.gov/509/Proposed-Ordinances>.

Written testimony may be forwarded to the Village of Weston Plan Commission, Valerie Parker, Plan Commission and ETZ Committee Secretary, 5500 Schofield Avenue, Weston, WI 54476, or emailed to [vparker@westonwi.gov](mailto:vparker@westonwi.gov), by noon, on Tuesday, November 7, 2017, to be included in the meeting packet. All interested persons will be given an opportunity to be heard. Any person with questions or planning to attend needing special accommodations in order to participate should call Valerie Parker, Planning Technician, Planning and Development Department, at 715-241-2607.

Dated this 26<sup>th</sup> day of October 2017

Valerie Parker  
Plan Commission and ETZ Secretary

Published as a legal ad in the Wausau Daily Herald on Monday, October 30, 2017, and Monday, November 6, 2017.



**VILLAGE OF WESTON, WISCONSIN  
AGENDA ITEM COVER SHEET**

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**MTG/DATE:** Board of Trustees, November 20, 2017

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**FROM:** Jennifer Higgins, Zoning Administrator

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**DESCRIPTION:** Ordinance 17-034: An ordinance to rename Section 94.4.09(10) Keeping of Farm Animals on Residential Lots to Keeping of Farm Animals on Residential Lots and School Sites, amend Chapter 94 Zoning to replace the words “Section 94.4.09(10) Keeping of Farm Animals on Residential Lots” with “Section 94.4.09(10) Keeping of Farm Animals on Residential Lots and School Sites” wherever it appears in Chapter 94 and amend Figure 3.05 Allowable Uses in Non-Residential and Mixed Use Zoning Districts to allow said use as a conditional use within the INT Institutional zoning district.

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<b>ACTION:</b>	<input checked="" type="checkbox"/> <b>Approve</b>	<input checked="" type="checkbox"/> <b>Ordinance</b>	<input type="checkbox"/> <b>Proclamation</b>
	<input type="checkbox"/> <b>Deny</b>	<input type="checkbox"/> <b>Policy</b>	<input type="checkbox"/> <b>Report</b>
	<input type="checkbox"/> <b>Expenditure</b>	<input type="checkbox"/> <b>Procedure</b>	<input type="checkbox"/> <b>Resolution</b>

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**QUESTION:**  
Should the Board of Trustees approve Ordinance 17-034, as recommended by the Plan Commission/ETZ, renaming Section 94.4.09(10) Keeping of Farm Animals on Residential Lots to Keeping of Farm Animals on Residential Lots and School Sites, amend Chapter 94 Zoning to replace the words “Section 94.4.09(10) Keeping of Farm Animals on Residential Lots” with “Section 94.4.09(10) Keeping of Farm Animals on Residential Lots and School Sites” wherever it appears in Chapter 94 and amend Figure 3.05 Allowable Uses in Non-Residential and Mixed Use Zoning Districts to allow said use as a conditional use within the INT Institutional zoning district?

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**BRIEF:**  
The purpose of the amendment is to extend the use of keeping of farm animals on residential lots to institutional lots but limited to the keeping of bees for educational purposes with a conditional use.

D.C. Everest Middle School teacher, Steve Treankler, is pursuing a federal grant to purchase a single bee hive to give students a hands-on experience with raising bees and related the experience back to the classroom. This would be an extension of the STEM program at the school.

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**FISCAL IMPACT:** NONE

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**COMMITTEE:** Plan Commission & ETZ, October 9 and November 13, 2017.

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**REQUEST:** Approve Ordinance 17-034 under New Business.

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- Amendment to Zoning Regulation (Text Amendment) Determination
  - Draft Ordinance Number 17-034



AMENDMENT TO ZONING REGULATION (TEXT AMENDMENT) DETERMINATION  
PLANNING AND DEVELOPMENT  
PLAN COMMISSION / JOINT TOWN & VILLAGE EXTRATERRITORIAL ZONING COMMITTEE  
BOARD OF TRUSTEES

Ordinance No.: **17-034** Hearing Date: **NOVEMBER 13, 2017**

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Applicant: **Jennifer Higgins, Zoning Administrator, Village of Weston**

Title: **An ordinance to rename Section 94.4.09(10) Keeping of Farm Animals on Residential Lots to Keeping of Farm Animals on Residential Lots and School Sites, amend Chapter 94 Zoning to replace the words "Section 94.4.09(10) Keeping of Farm Animals on Residential Lots" with "Section 94.4.09(10) Keeping of Farm Animals on Residential Lots and School Sites" wherever it appears in Chapter 94 and amend Figure 3.05 Allowable Uses in Non-Residential and Mixed Use Zoning Districts to allow said use as a conditional use within the INT Institutional zoning district.**

Purpose: **The purpose of the amendment is to extend the use of keeping of farm animals on residential lots to institutional lots for the limited to the keeping of bees for educational purposes with a conditional use.**

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The Department of Planning and Development, Plan Commission and Board of Trustees of the Village of Weston, pursuant to the Village of Weston Zoning Code, Article 16 Processes, Section 94.16.02 Amendments to Zoning Regulations (Text Amendments), hereby makes the following findings and evaluation:

**DETERMINATION:**

1. Is the proposed text amendment consistent with the Comprehensive Plan, as is required by Wisconsin Statutes?  
**Yes, the proposed changes do not impact any consistency with the Comprehensive Plan.**
  2. Does the proposed text amendment further the purposes and intent of this Chapter and section to which the amendment is proposed?  
**Yes, this section continues to promote sound practice of keeping of farm animals (bees) on non-agricultural lots and extending the use to institutional zoning for educational purposes.**
  3. Does the amendment address any of the following deficiencies or omissions as compared to the current language of this Chapter?  
**A change has occurred in the land market, or other factors have arisen that require a new form of development, a new type of land use, or a new procedure to meet said change(s).**
  4. Does the proposed amendment maintain the desired compatibility with allowable land uses, land use intensities, and impact on resources of the affected zoning district(s)?  
**Yes, there is an impact on the allowable intensities within any the impacted zoning districts.**
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**BACKGROUND INFORMATION:**

D.C. Everest Middle School teacher, Steve Treankler, is pursuing a federal grant to purchase a single bee hive to give students a hands-on experience with raising bees and related the experience back to the classroom. This would be an extension of the STEM program at the school.

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Plan Commission Determination on 11/13/2017:	6-0 to approve
ETZ Determination on 11/13/17:	6-0 to approve
Board of Trustees Determination on 11/20/17:	7-0 to approve

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