



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 18-012

AN ORDINANCE TO AMEND SECTION 94.17.04 DEFINITIONS.

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 has found Sec. 94.17.04 does not adequately address the definition of farm animal in the Village and Town; and

WHEREAS, the Village Humane Officer has requested Village Staff update the definition of farm animal in the Zoning Ordinance; and

WHEREAS, Village Staff is proposing amendments to Chapter 94 Zoning to provide an updated definition of farm animal; 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 April 9, 2018, 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 94.17.04: Definitions

Farm animal: Any animal that is customarily raised for a profit on a farm and/or to supplement household food supplies or income, and that has the potential for causing a nuisance or public health concerns if not properly maintained. Includes bovine animals, equine animals, goats, poultry, sheep, swine, farm raised deer, farm raised game birds, camelids, ratites, farm raised fish, and bees, but does not include pot-bellied pigs. Refer to Wis. Admin. Code ATCP § 51 for applicable definition related to certain livestock facilities covered by those rules. Also referred to as “livestock” for purposes of this Zoning Ordinance.

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.

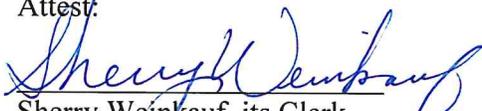
Dated the 16th day of April, 2018

WESTON VILLAGE BOARD

By:


Barbara Ermeling, its President

Attest:


Sherry Weinkauff, its Clerk

APPROVED: 4-16-18

PUBLISHED: 4-18-18

Notice of Newly Enacted Ordinances

Please take notice that the Village Board of Weston, Wisconsin enacted the following ordinances on April 16, 2018:

1. Ordinance No. 18-008: An Ordinance Adopting The 2018 Official Zoning Map and Official Extraterritorial Zoning Map for the Village of Weston.
2. Ordinance No. 18-011 Amending Section 94.13.04(4) Variable Message Signs.
3. Ordinance No. 18-012 Amending Section 94.17.04 Definitions.
4. Ordinance No. 18-013 Amending Chapter 14, Article II., Building and Construction Codes; Article III., Administration and Enforcement; and Article V. House and Building Numbering

The amendments effectuated by these Ordinances shall apply within the municipal limits of the Village and within its extraterritorial zoning jurisdiction in the Town of Weston.

The full text of the newly enacted 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/499/Adopted-Ordinances>.

Dated this 17th day of April, 2018
Sherry Weinkauff, Village Clerk

Published: 4/18/2018

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Dated this 17th day of April, 2018

Sherry Weinkauff, Village Clerk

Published: April 18 WNXALP

CONFIRMATION



435 E. Walnut
Green Bay, WI 54301
(888)774-7744

VILLAGE OF WESTON
5500 SCHOFIELD AVE
WESTON WI 54476-4333

<u>Account</u>	<u>AD#</u>	<u>Net Amount</u>	<u>Tax Amount</u>	<u>Total Amount</u>	<u>Payment Method</u>	<u>Payment Amount</u>	<u>Amount Due</u>
GWM-1081606	0002867715	\$23.05	\$0.00	\$23.05	Credit Card	\$0.00	\$23.05

Sales Rep: mrome

Order Taker: sbeaton

Order Created 04/17/2018

<u>Product</u>	<u># Ins</u>	<u>Start Date</u>	<u>End Date</u>
GWM-WDH-Wausau Daily Herald	1	04/18/2018	04/18/2018
GWM-WDHW-Wausau Daily Herald Digital	28	04/18/2018	05/15/2018

* ALL TRANSACTIONS CONSIDERED PAID IN FULL UPON CLEARANCE OF FINANCIAL INSTITUTION

Text of Ad: 04/17/2018

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- Dated this 17th day of April, 2018
Sherry Weinkauff, Village Clerk
Published: April 18 WNXALP

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

MTG/DATE: Board of Trustees – 4/16/18

FROM: Jennifer Higgins, Director of Planning & Development

DESCRIPTION: **Ordinance No. 18-012 – An Amendment to Section 94.17.04 Definitions.**

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

QUESTION:

Should the Board of Trustees approve an amendment to the Definitions section of the zoning ordinance in regard to farm animals?

BRIEF:

In June 2016, staff brought the animal ordinance and some issues the Humane Officer was having in enforcing it to the CLPS Committee (now Public Safety Committee). They suggested staff work with the Humane Officer to update the ordinance. Changes were made to Chapter 10, the Animal Ordinance, in August 2017 however it was just brought to our attention that we needed to make the proposed change to the zoning code for consistency in enforcement of the two codes. It was just determined, after a discussion with the Humane Officer, that we also needed to make a revision to this section of the zoning code to remove pygmy goats as an exempt animal under the farm animal definition.

A public hearing was held before the PC/ETZ on 4/9/18. No one spoke in opposition.

RECOMMEND: Director recommends approval of Ordinance No. 18-012 as recommended by the PC/ETZ.

COMMITTEE: Public Hearing held with PC/ETZ on 4/9 – no one spoke in opposition.
Plan Commission endorsed Ordinance on 4/9/18
ETZ Committee endorsed Ordinance on 4/9/18.

REQUEST: **Approve Ordinance No. 18-012 as presented.**

Is there an additional briefer with this agenda item?

Are there additional reference documents which have been attached to this report?

VILLAGE OF WESTON, WISCONSIN AGENDA ITEM BRIEFER

1. Policy Question:

Should the Board of Trustees approve amendments to the zoning code to change the definition of farm animals?

2. Purpose:

The purpose of asking this question is to receive guidance and feedback from Village policymakers regarding the “policy question” written out above.

3. Background:

In administering this new Chapter 94, Village staff has found Sec. 94.17.04 does not adequately address the definition of farm animal in the Village and Town. The Village Humane Officer has requested Village Staff update the definition of farm animal in the Zoning Ordinance so that she can adequately deal with an ongoing farm animal issue that she is having.

4. Issue Analysis:

Staff took the request to CLPS (Public Safety) back in June 2017. Changes were made to Chapter 10, the Animal Ordinance, however it was just brought to our attention that we needed to make the proposed change to the zoning code for consistency in enforcement of the two codes.

5. Fiscal Impact:

Staff Billable time, public hearing noticing and other publishing fees.

6. Legal Impact:

It is legal and consistent with past policy practice.

7. Prior Review:

Public Safety (CLPS) 6/26/17.

Public Hearing held before the PC/ETZ on 4/9. Both ETZ and PC recommended approval of changes to ordinance at their 4/9/18 meetings.

8. Policy Choices:

Within 120 days of submittal of a complete application, the BOT must, per Sec. 94.16.02(8):

1. Approve the ordinance as recommended by the PC/ETZ and direct staff to publish in the WDH.
2. Modify the ordinance and direct staff to publish in the WDH. (please note, this requires an affirmative vote of $\frac{3}{4}$ or greater of the full Village Board due to it not conforming with the PC/ETZ recommendation)

3. Deny the ordinance. (please note, this requires an affirmative vote of $\frac{3}{4}$ or greater of the full Village Board due to it not conforming with the PC/ETZ recommendation).

9. Recommendation:

I recommend the BOT approve the ordinance as requested and direct staff to send to the WDH for publication. (Option #1).

10. Attachments:

Draft Ordinance No. 18-012: An Ordinance to Amend Sec. 94.17.04 *Definitions*. (shows proposed changes to ordinance. Ordinance number will be given prior to putting on the BOT agenda.)

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, April 9, 2018, 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 proposed amendments to Chapter 94 Zoning:

1. Section 94.17.04 Definitions.
2. Section 94.13.04(4) Variable Message Signs.

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, Jennifer Higgins, Director of Planning & Development, 5500 Schofield Avenue, Weston, WI 54476, or emailed to jhiggins@westonwi.gov, by noon, on Tuesday, April 3, 2018, 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 or email Jennifer Higgins 715-359-6114.

Dated this 22nd day of March 2018

Valerie Parker
Plan Commission and ETZ Secretary

DAILY HERALD media

A GANNETT COMPANY

STATE OF WISCONSIN
BROWN COUNTY

WESTON VILLAGE OF
5500 SCHOFIELD AVE
WESTON WI 544764333

VOUCHER APPROVAL

Account Number: 10-06-56910 - 321-000
Description: PC Pub Hearings Notice
April mtg - Zoning Text Amend.
Approved by [Signature] 4/16/18 \$25.97
Initials Date

10-06-56925-321-000
ETZ Pub Hearings notice
April mtg - Zoning Text Amend

I, being duly sworn, doth depose and say I am an authorized representative of The Wausau Daily Herald, a newspaper at Wausau Wisconsin and that an advertisement of which the annexed is a true copy, taken from said paper, which published therein on:

\$25.96

Account Number: GWM-WES425
Order Number: 0002815223
No. of Affidavits: 1
Total Ad Cost: \$51.93
Published Dates: 03/26/18, 04/02/18

(Signed) Sam Beaton (Date) 4/12/18

Legal Clerk

Signed and sworn before me

[Signature]

My commission expires 9-19-21



WESTON VILLAGE OF
Re: NOTICE OF PUBLIC HEARINGS

VILLAGE OF WESTON

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Dated this 22nd day of March 2018

Valerie Parker
Plan Commission and ETZ Secretary
RUN: March 26, April 2, 2018 WNAXLP

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

MTG/DATE: Plan Commission/ETZ – 4/09/18

FROM: Jennifer Higgins, Director of Planning & Development

DESCRIPTION: Proposed Amendments to Section 94.17.04 Definitions.

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

QUESTION:

Should the Plan Commission/ETZ recommend to the Board of Trustees an amendment to the Definitions section of the zoning ordinance in regard to farm animals?

BRIEF:

In June 2016, staff brought the animal ordinance and some issues the Humane Officer was having in enforcing it to the CLPS Committee (now Public Safety Committee). They suggested staff work with the Humane Officer to update the ordinance. Changes were made to Chapter 10, the Animal Ordinance, in August 2017 however it was just brought to our attention that we needed to make the proposed change to the zoning code for consistency in enforcement of the two codes. It was just determined, after a discussion with the Humane Officer, that we also needed to make a revision to this section of the zoning code to remove pygmy goats as an exempt animal under the farm animal definition.

RECOMMEND: Director recommends the Plan Commission & ETZ to approve the amendment as presented and forward the amendments on to the Village Board for their final approvals via the draft Ordinance.

COMMITTEE: Public Safety (CLPS) recommended staff work with the Humane Officer on amending the ordinance at their 6/26/17 meeting.

REQUEST: Plan Commission & ETZ approval of the proposed amendments as presented and direct staff to forward the amendments on to the Village Board for their final approvals at their 3/16/18 meeting.

Is there an additional briefer with this agenda item?

Are there additional reference documents which have been attached to this report?

VILLAGE OF WESTON, WISCONSIN

AGENDA ITEM BRIEFER

1. Policy Question:

Should the Plan Commission & ETZ Committee recommend amendments to the zoning code to change the definition of farm animals?

2. Purpose:

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5. Fiscal Impact:

Staff Billable time, public hearing noticing and other publishing fees.

6. Legal Impact:

It is legal and consistent with past policy practice.

7. Prior Review:

Public Safety (CLPS) 6/26/17.

8. Policy Choices:

Within 45 days of the Public Hearing, the PC/ETZ must, per Sec. 94.16.02(6):

1. Grant the amendment as requested and forward the amendment on to the Village Board for final approvals.
2. Modify the amendment and forward the amendment on to the Village Board for final consideration.
3. Deny the request and forward the amendment on to the Village Board for their consideration.

9. Recommendation:

I recommend the PC/ETZ grant the amendment as requested and forward the amendment on to the Village Board for their final approvals.

10. Attachments:

Public Hearing Notice

Draft Ordinance No. 18-XXX: An Ordinance to Amend Sec. 94.17.04 *Definitions*. (shows proposed changes to ordinance. Ordinance number will be given prior to putting on the BOT agenda.)