

VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 23-018

AN ORDINANCE TO AMEND SECTIONS 94.4.09 (10) KEEPING OF FARM ANIMALS ON RESIDENTIAL LOTS AND SCHOOL SITES AND 94.3.04 ALLOWABLE USES IN RURAL, OPEN SPACE AND RESIDENTIAL ZONING DISTRICTS IN THE VILLAGE OF WESTON AND THE EXTRATERRITORIAL ZONING AREA OF THE TOWN OF WESTON.

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

WHEREAS, the Village recreated Chapter 94 in March 2015 to serve as the Village's 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, the Village was petitioned by a resident to amend the zoning ordinance to allow for backyard chickens in residential, small lot zoning districts; and

WHEREAS, a survey of the public was released by Village staff which showed the majority of respondents were in favor of allowing backyard chickens on residential lots; and

WHEREAS, the Joint Town and Village of Weston Extraterritorial Zoning Committee and the Village Plan Commission held a joint public hearing on this Ordinance, on October 9, 2023, in compliance with Wis. Stat. § 62.23; and

WHEREAS, following such hearing, the Village Plan Commission has recommended enactment of the zoning ordinance amendments contained herein for applicability within the Village limits; and

WHEREAS, following such hearing, the Joint Town and Village of Weston Extraterritorial Zoning Committee has recommended enactment of the zoning ordinance amendments contained herein for applicability within the extraterritorial zoning area; and

WHEREAS, following such hearing the Village Board considered public comments and the recommendations of said Commission and Committee; and

WHEREAS, the Village Board finds the proposed amendments contained herein are 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: Section 94.4.09 (10) Keeping of Farm Animals on Residential Lots and School Sites of the Village of Weston Municipal Code is hereby amended to provide as follows:

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

The keeping or raising of farm animals on a developed residential lot or school site, 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 **and are not part of this land use category.**

Performance Standards:

- a. All animals shall be kept **at all times** within a completely enclosed **and covered enclosure** to the rear of the residence and **meeting minimum detached accessory building setbacks in Figure 5.01(2) or 5.02(2) as applicable in the zoning district.**
- b. Animal enclosure areas may not exceed 20 percent of the lot area **except in residential districts.**
- c. Use shall meet all performance standards in Article 12, including odor standards **for residential districts**, in Section 94.12.15, **and with all applicable standards in Chapter 10 if within the Village.**
- d. Any slaughtering shall take place in a completely enclosed building, **except that slaughtering is prohibited in residential districts.**
- e. The use of mechanized farm equipment and on-site sale of **animals**, food **including eggs, fertilizer**, or fur are prohibited.
- f. To be considered an **allowed** accessory use within any RR zoning district:
 - i. The only permitted farm animals are up to 8 chickens, up to 8 ducks, and bees.
 - ii. No animal enclosure shall be located closer than 10 feet from the principal building.
 - iii. The minimum lot size for the keeping of farm animals is two acres (three acres for bees).
- g. **To be considered an allowed accessory use within any residential zoning district:**
 - i. **The principal use of the lot must be a Single-Family Detached Residence and lot area shall not be less than 15,000 square feet.**
 - ii. **The only permitted farm animals are up to 5 chickens; no roosters are permitted.**
 - iii. **In addition to the setback requirements in a. above, no enclosure shall be closer than 75 feet from any pre-existing dwelling on any lot.**
 - iv. **Chickens may be kept in only one enclosure per lot, which shall include a covered coop and may include an attached contiguous run. The enclosure shall be large enough to provide at least 3 square feet of space per chicken but shall not exceed 30 square feet in size. Between sunrise and sunset, chickens may be outside of the coop into the run. Chickens must be secured in the coop between sunset and sunrise.**
 - v. **Proof of WI DATCP livestock registration shall be required. <https://wiid.org>**
 - vi. **License Required. No person shall keep chickens without first obtaining a valid license issued by the Village of Weston. License shall be valid for one year from April 1 through March 31 and renewed annually. Failure to obtain a license by**

said date or prior to acquiring chickens may result in a penalty subject to Section 94.16.19. Prior to license issuance, the interested party shall first obtain site plan approval through an application, site inspection, and fee pursuant to Section 94.16.09 and 94.15.18 to demonstrate compliance with i-v.

vii. Following the procedure in Section 94.16.19, the village may revoke any license, impose other penalties and abatement based on the Humane Officers finding of violation to any applicable ordinance requirement, approved plan, or condition of site plan or license approval.

h. Within the AR, and RM zoning districts:

i. 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.

ii. 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.

iii. 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).

i. The keeping of bees shall be governed by the following additional regulations:

i. No more than one beehive shall be kept for each 5,000 square feet of lot area.

ii. 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.

iii. 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.

iv. No Africanized bees may be kept.

SECTION 2: Section 94.3.04 Allowable Uses in Rural, Open Space and Residential Zoning Districts of the Village of Weston Municipal Code is hereby amended to provide as follows:

P = Permitted Use		C = Conditional Use			T = Temporary Use					
P/C = Use allowance varies-see Sec. 94.4.0#		Empty Cell = Prohibited Use								
Land Use Category		Zoning District (see key at end of figure)								
(#)	Land Use Type	FP	AR	RR-2; RR-5	PR	SF-L	SF-S	2F	MF	MH
Accessory and Miscellaneous Land Uses (see Section 94.4.09 for descriptions/standards for each use)										
(1)	Detached Accessory Structure (For Non-Residential Use)	P	P	P	P	P	P	P	P	
(2)	Detached Accessory Structure (For Residential Use)	P	P	P		P	P	P	P	P
(3)	Family Day Care Home (4-8 children)	P	P	P		P	P	P	P	P
(4)	Intermediate Day Care Home (9-15 children)	C	C	C		C	C	C	C	C
(5)	Home Occupation	P	P	P		P	P	P	C	C
(6)	Residential Business	C	C	C		C	C	C		
(7)	In-Home Suite		P	P		C	C	P	P	
(8)	Accessory Dwelling Unit		C	C		C	C	C	C	
(9)	Animal Fancier	P	P	P		C	C			
(10)	Keeping of Farm Animals on Residential Lots and School Sites	P	P	P		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
(11)	Company Cafeteria									
(12)	Company Provided On-Site Amenities									
(13)	Indoor Sales Incidental to Storage or Light Industrial Land Use		C							
(14)	Light Industrial Activities Incidental to Indoor Sales or Services									
(15)	Outdoor Display Incidental to Indoor Sales or Service									
(16)	Outdoor Alcohol Area		P/C							
(17)	Small Exterior Communication Device	P	P	P	P	P	P	P	P	P
(18)	Large Exterior Communication Device	C	C	C	C	C	C	C	C	C
(19)	Geothermal Energy System (GES)	P	P	P	P	P	P	P	P	P
(20)	Small Wind Energy System	P	P	P	P	P	P	P	P	P
(21)	Small Solar Energy System	P	P	P	P	P	P	P	P	P
(22)	Outdoor Solid Fuel Furnace	P	P	C						
(23)	Private Lake (Pond)	P	P	P	C	C	C	C	C	C
(24)	Vehicle Course or Track	P	P	C	C					
(25)	Donation Drop-Off Box or Vending Machine				P				C	C

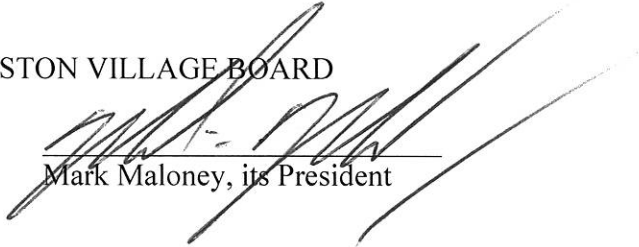
SECTION 3: The amendments effectuated by this Ordinance shall apply within the municipal limits of the Village and within its extraterritorial zoning area in the Town of Weston.

SECTION 4: 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.

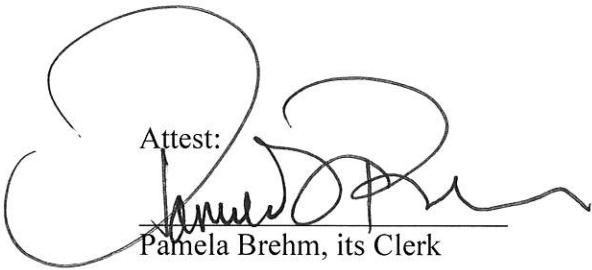
SECTION 5: EFFECTIVE DATE. This Ordinance shall take effect upon approval and publication.

Dated the 16th of October 2023

WESTON VILLAGE BOARD

By: 
Mark Maloney, its President

Attest:


Pamela Brehm, its Clerk

APPROVED: 10/16/23

PUBLISHED: 10/20/23