



# TOWN OF RIB MOUNTAIN

Where Nature, Family & Sport Come Together

## AGENDA ITEM COVER SHEET

**MEETING/DATE:** Plan Commission, October 13, 2021

**ITEM:** Docket #2021-030: Discussion and direction regarding the text amendment to Section 17.056(8) Accessory Land Uses for the addition of the "Keeping of Farm Animals on Residential Lots" use.

**FROM:** Jared Wehner, Director of Community Development

## BACKGROUND

Town Resident, Emily Ramthun, 150241 Thunderbird Lane, had submitted a petition of 60 residents who are in favor of allowing chickens on residential lots. This issue has come up in neighboring communities. The City of Wausau has allowed backyard chickens since 2017.

**PREVIOUS ACTIONS:** Plan Commission discussed this matter on July 13, 2021.

**STAFF COMMENTS:** Staff is in favor of allowing for the keeping of chickens on residential lots. A change in the ordinance should also consider other animals that would have negligible impacts on neighbors, such as ducks and bees. The current version of the code does not allow for these animals to be kept on residential lots.

Given the average lot size in Rib Mountain to be over a 1/3 acre, the impact from this use on the neighbors would be negligible in most circumstances.

Traditionally, the Code has allowed for these "outlying" uses through conditional use; however, since Act 71 of 2017, conditional uses are under heavy scrutiny by the State. It is suggested that Plan Commission review the performance standards closely and incorporate any overall concerns within these performance standards.

That being stated, the Plan Commission should come up with standards that they are comfortable with as to allow this use as a "Permitted Use-by-Right" as to not create an onerous process or place a heavy burden on Staff.

**ATTACHMENTS:** Proposed code section 17.056(8)(y) *Keeping of Farm Animals on Residential Lots*, Request and petition from Emily Ramthun.

## POSSIBLE ACTIONS TO BE TAKEN

**IF THE PLAN COMMISSION IS COMFORTABLE WITH THE PROPOSED AMENDMENTS TO THE ACCESSORY USE SECTION OF THE ZONING CODE, THEN IT IS REQUESTED THAT A DATE FOR THE PUBLIC HEARING BE SET, BY A MOTION.**

**REQUESTED ACTION:** Set hearing date or give direction to staff as to how to proceed.

**FURTHER ACTION(S):** Public Hearing [TBD]

## 17.056(8) Accessory Land Uses

(y) Keeping of Farm Animals on Residential Lots. The keeping of farm animals is clearly accessory to a principal residential use on the same parcel, as opposed to the husbandry use as described in Section 17.056(2)(b). The animals associated with this use may be kept for show, breeding, or products that are predominately consumed or used by the residents on the same parcel.

1. Permitted by Right {All residential and agricultural districts}.
  - a. Animals that are permitted under this section are limited to chickens, ducks, pigeons (other similar fowl), rabbits, pot belly pigs or other similarly-sized animals that have low-impact on neighboring parcels as determined by the Zoning Administrator or designee.
  - b. A property may not contain more than four (4) hens, ducks, or pigeons (or other similar fowl). For lots larger than a half-acre, then an additional two (2) animals may be permitted per additional quarter-acre of the lot with a maximum of eight (8) animals.
  - c. Roosters and geese are prohibited.
  - d. All animals and activities associated with this use shall be kept within the rear yard. Animals are not permitted to roam about the yard or right-of-way.
  - e. On parcels a half-acre or smaller, the rear yard shall be enclosed by a 6-foot-tall fence which is at least 90% opaque. On larger parcels the area in which the animals are to be kept shall be fenced to contain said animals and shall be screened from the view of the right-of-way and neighboring parcels. All fencing standards in Section 17.190 shall apply.
  - f. Coops or other related structures shall meet the minimum setback of an accessory structure within the associated zoning district in which the activity is taking place. All enclosures shall be kept in a safe and sanitary condition. Other standards listed in Section
  - g. The wall height of any structure used in association with this use shall not exceed 6 feet.
  - h. The slaughtering of animals is prohibited on parcels zoned SR-2, SR-3, SR-4, MR-4, and UR-8. On properties zoned ER-1, CA-5, RR, OR, RA-1, and RA-2, then slaughtering is permitted, but shall not occur in the front yard.
  - i. The use of mechanized farm equipment and on-site sale of food or fur is prohibited on residentially zoned properties.
  - j. All properties shall be registered with the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP).
  - k. A permit is required and is subject to the fee listed in the Schedule of Fees. Permits are non-transferable.
2. Special Use {Not Applicable}
3. Conditional Use {Not Applicable}

## Sample Small Flock Ordinance for Poultry

- No more than 4 hens to fall under guidelines of "small flock"
- No roosters shall be allowed due to proximity to neighbors and noise level in populated areas, to avoid a public nuisance
- No slaughtering on residential premise and to be done at licensed butcher's facility
- Hens are to be confined to not allow free grazing. They must be protected from wildlife in a fenced-in run or coop
- Coops and runs are to be kept clean so there is no perceptible odor at property lines
- Coop and runs must be no closer than 10ft from adjacent property lines and no closer than 25ft to any residential structure on adjacent lot
- Coop and runs are to not be in the front yard
- Coops and runs need to be large enough to require 3sq ft per chicken and no more than 24 sq ft in size
- Coops should be workmanlike, moisture resistant and either raised off the ground or on a hard surface; secure and impermeable from rodent and predators; provide adequate ventilation, sun, shade, and protection from severe weather
- Feed for hens must be stored in an impermeable container
- Waste should be disposed in a sanitary manner
- A yearly license fee is required to allow the keeping of hens

## Fast Facts About Hens & Proposal

### Purpose:

- allow residences to live a greener lifestyle
- cut down on table scraps ending up in landfills
- natural insect/bug control (including flies, ticks, mosquitoes, and more)
- provide healthier eggs for families than store bought
- hens waste gives gardeners high quality fertilizer
- provide food security to low-income families
- aid an educational experience to young and old

### Concerns:

- Noise
  - o Hens make soft quiet peeps during the day, much quieter than a child or dog.
- Filth/Smell
  - o Just as dogs and cats are a owner's responsibility to be picked up after, hens require the same. If the coop and run are properly cared for there is no odor or smell.
- Neighbors
  - o Hens would be restricted to certain areas of the yard and at a determined distance from neighboring property lines.
- Rodents
  - o Having food properly stored and the hens secured in their coop from dawn to dusk rodents would not be an issue.

### Rib Mountain Vs. Larger Cities

- Larger and more populated cities than Rib Mountain have approved having backyard chickens, some include:
  - o Wausau, WI
  - o Appleton, WI
  - o Madison, WI
  - o Milwaukee, WI
  - o Minneapolis, MN
  - o Seattle, WA
  - o New York City, NY