

VILLAGE OF ELM GROVE

13600 Juneau Boulevard
Elm Grove, WI 53122

LEGISLATIVE COMMITTEE

Wednesday, August 19, 2020 * 5:30 PM * Parkview Room

AGENDA

- 1. Call the meeting to order and roll call.**
- 2. Review and act on meeting minutes dated 6/9/20.**

Documents:

[LC060920md.pdf](#)

- 3. Review and make possible recommendations on draft ordinance §95-20 Chickens.**

Documents:

[Draft Chicken Ordinance 8-3-20 amended Plan Commission.pdf](#)

- 4. Other Business**
- 5. Adjourn**

Any person who has a qualifying disability as defined by the Americans with Disabilities Act who requires that the meeting or materials for the meeting has to be in an accessible location or format must contact the Village Clerk, Michelle Luedtke, at 262-782-6700 or 13600 Juneau Boulevard by 3:00 PM Friday prior to the meeting so that any necessary arrangements can be made to accommodate your request.

NOTICE: It is possible that members of, and possibly a quorum of, other governmental bodies of the Village may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to in the above notice.

**VILLAGE OF ELM GROVE
LEGISLATIVE COMMITTEE MINUTES
Tuesday, June 9, 2020**

Present: President Palmer. Via Zoom Chairman Domaszek, Trustee Haas, Barry Book, and Angie Jodie.
David De Angelis Village Manager, Mary S Stredni, Village Clerk, Tom Harrigan
Zoning/Planning Administrator and Assistant to the Village Manager, and Village Attorney Hector de la Mora.

1. Call meeting to order

Chairman Domaszek called the meeting to order at 5:35 p.m.

2. Minutes

Palmer and Haas moved and seconded to approve the May 12, 2020 minutes. Motion carried 4-0.
Angie Jodi joined via Zoom at 5:40 p.m.

3. Review and act on amendments to Chapter 335-22 B-1 Local Business District and Chapter 335-24 B-3 Mid-Rise Office District

Trustee Haas had the following changes to the draft provided for 335-22 B-1

Line 15 Remove the words 'or owned'

Line 32-34 Add to beginning of sentence 'Non-Restaurant' and add period after windows.
Remove 'except for'

Line 46 Discussion and agreement to change number of dwelling units from 12 to 8

Line 96 Add to beginning of sentence 'The lot will have a'

Line 97 Add to beginning of sentence 'The lot will have a'

Line 98 Add the word 'A' to the beginning of sentence

Attorney de la mora noted that on line 61 the word 'from' should be 'front'

Palmer and Domaszek moved and seconded to recommend approval to the Village Board the amended Chapter 335-22 B-1. Motion carried.

Trustee Haas had the following changes to the draft provided for 335-24 B-3

335-24 B (1) Permitted accessory uses. - remove the words 'or owned'

335-24 C (5) Multifamily residential units – change density from 12 to 8

335-24 E, F, G Change to match 335-22 B-1 lines 96, 97, 98

335-24 D (1) Change word 'from' to 'front'

Jodie and Domaszek moved and seconded to recommend approval to the Village Board with the amended changes Chapter 335-24 B-3. Motion carried

4. Review and discussion of PDO Ordinance 335-30

Discussion:

Under A Description and Purpose

Add the current paragraph of 'Intent'

Under C Criteria for Approval

Add maximum of 22 and get rid of complicated formula

Under C Criteria for Approval

As separate document have stormwater management plan

Page 5 (3) (b)

Include language 'area' in regard to school and need to

have applicant include information on 'area' schools

Harrigan will make the above changes to the document and send to the members of the Committee.

All Committee members will then incorporate their suggestions into the document.

Next meeting will be July 14, 2020 at 5:30 p.m.

6. No Other Business

7. Adjourn

Jodie and Domaszek moved and seconded to adjourn at 6:40 p.m. Motion carried.

Respectfully submitted,

Mary S Stredni, Village Clerk

1 95-20 Animals for the purpose of this section shall be defined as any animal, bird or fowl, and
2 fish for the purpose of food production or for keeping as a pet which is not specifically
3 prescribed in section §335-94, definition of household pet.

4
5 95-21 Chickens

6 A. Definitions. For purposes of this section, the following definitions shall apply.

7 CHICKEN — The common domestic fowl of the subspecies *Gallus gallus domesticus*. This does
8 not include other birds or domestic fowl, such as ducks, geese, or turkeys.

9 ROOSTER — A male chicken that is six months old or older.

10 B. Permit required. No person shall keep a chicken or chickens in the Village without obtaining a
11 permit. The permit process requires a completed application accompanied by the fee payment
12 prescribed in §1-16. as well as proof of registration of any chickens with the State of Wisconsin
13 Department of Agriculture, Trade and Consumer Protection.

14 C. Application Form.

15 (1) The applicant shall file a written application to the Village Zoning Administrator which
16 includes all of the following:

17 (a) A description and drawing that clearly represents the location where the chickens will
18 be kept on the lot and the location of the enclosure.

19 (b) A description and depiction of all fencing, coops or other structures to be used for
20 enclosing the chickens, which will require a separate review and approval of the building board
21 prior to issuance of any permit

22 (c) A description of the plan to ensure the proper maintenance and cleaning of the area
23 where the chickens will be kept;

24 (c) A description of the plan to ensure the proper feeding, shelter, and care of the
25 chickens.

26 (2) Action on application.

27 (a) The completed application shall be provided to the Zoning Administrator who shall
28 provide notice of the application, by regular mail, to the property owner (if not the applicant) and
29 to the owners of all properties that directly abut the subject property at any point, including those
30 properties that abut a path or right-of-way directly across from the yard on the subject property
31 where the chickens will be kept.

32 (b) If there are no written objections from such owners within 30 days from the date of
33 mailing of the notices, the application for the permit shall be deemed accepted by such owners
34 and the Zoning Administrator shall issue the permit if the application is otherwise compliant with
35 the Village Code, including approval from the Building Board.

36 (c) If there is an objection, there shall be a public hearing before the Plan Commission,
37 and the Plan Commission shall approve the application only upon finding that these standards are
38 met:

39 [1] Appropriate in the location proposed;

40 [2] Compatible with the neighborhood;

41 [3] In keeping with the residential character and quality of the Village.

42 (d) Any aggrieved party shall have the right to appeal the decision of the Plan
43 Commission to the Board of Appeals.

44 D. Keeping of chickens allowed. The keeping of up to four (4) chickens, with a permit, is
45 allowed on a single-family residential premises, subject to the following:

46 (1) No person shall keep any rooster.

47 (2) Slaughter of chickens is permitted for personal use only.

48 (3) Chickens shall be provided with fresh water at all times and
49 adequate amounts of feed.

50 (4) Chickens shall be provided with a sanitary and adequately sized covered enclosure, is at least
51 four (4) square feet in size per chicken and a run fenced shall be provided which does not exceed
52 an area of eight (8) feet by eight (8) feet. Fencing shall be a maximum three (3) feet in height and
53 be of solid wire, not braided wire, and properly fastened to the ground with stakes. All chickens
54 shall be contained in these areas at all times.

55 (5) Chicken coops shall be constructed in a workmanlike manner, be moisture-resistant and
56 either raised up off the ground or placed on a hard surface, such as concrete, patio block or
57 gravel. Each shall be considered a structure and a building permit. Prior to approval of the
58 building permit the Building Board shall review the plans and specifications utilizing the
59 following standards,

60 (a) Coops shall be treated as accessory structures for the purpose of location and
61 construction standards, per zoning code for the district with the following additions:

62 [1] The nearest point of the enclosure must be at least 30 feet away from any
63 residential structure, deck or patio on another lot;

64 [2] The enclosure, and all parts of the enclosure, are prohibited in any side yard;

65 [3] No part of the enclosure, can be closer to a side lot line than the closest
66 distance between that lot line and the principal structure on the lot.

67 [4] In no case shall any coop be located closer to the adjoining properties
68 principal structure than the permittees principal structure.

69 (b) Compatible with the surrounding structures

70 (6) Chicken coops and yards shall be constructed and maintained to prevent the collection of
71 standing water, and shall be cleaned of hen droppings, uneaten feed, feathers and other waste
72 daily and more often as is necessary to ensure the coop and yard do not become a health, odor or
73 other nuisance.

74 (7) In addition to compliance with the requirements of this section, no one shall keep chickens
75 that cause any nuisance, unhealthy condition, create a public health threat or otherwise interfere
76 with the normal use of property or enjoyment of life by humans or animals.

77 (8) The use shall at all times be conducted pursuant to the plans and representations made in the
78 application.

79 (9) Nothing herein shall be interpreted to authorize the conduct of a business or commercial use
80 on a residential property. No sales of eggs, chicks, or chickens shall be made from a residential
81 property.

82 (10) Costs that the Village may incur in inspection, investigation, testing, quarantine, isolation,
83 vaccination, humane euthanasia, or otherwise arising from the subject property owner's keeping
84 of chickens, may be charged to the property owner, and such charges that remain unpaid within
85 the time allowed may be imposed on the tax bill for the subject property as a special charge,
86 pursuant to § 66.0627, Wis. Stats., and Chapter 67, Article III, of this Code.

87 E. Public health requirements. Chickens shall be kept and handled in a sanitary manner to
88 prevent the spread of communicable diseases among birds or to humans.

89 (1) Any person keeping chickens shall immediately report any unusual illness or death of
90 chickens to the Waukesha County Health Department.

91 F. Effect of permit. The permit shall allow the applicant to keep up to four chickens on the
92 subject property in compliance with this section. A new permit is not required for the applicant
93 to raise new or replacement chickens on the property, provided that the total shall not exceed
94 four chickens at any time. The permit shall lapse automatically if no chicken is kept on the
95 property for any consecutive twelve-month period. The permit is not transferable from the
96 applicant to any other person, and does not run with the land to a new owner of the property. The
97 permit fee shall be established by the Village Board of Trustees and may be amended from time
98 to time.

99 G. Revocation. A permit is subject to revocation by the Village Manager or designee upon
100 failure to comply with any provisions of Subsection D or E. Once a permit is revoked, a permit
101 shall not be reissued to the applicant or for any property where the applicant resides or may
102 reside in the Village.

103 H. Duration. The permit issued pursuant to this section shall have a duration of one year, unless
104 the permit is revoked or lapses pursuant to the provisions of Subsection F or G, above, prior to
105 the expiration of said term.

106 I. Permit renewal. Permit renewals shall require an inspection by the zoning and planning
107 administrator or their designee prior to the issuance of any renewal. The fee for said renewal
108

109 shall be 50% of the original permit application fee as established from time to time by the
110 Village Board of Trustees.

111 I. Removal. The chickens shall be immediately removed from the property upon lapse,
112 revocation or expiration of the permit for keeping chickens. The enclosure in its totality,
113 including any fencing, covered enclosure, chicken coop, or any other structure or structural
114 elements, shall be completely removed from the property within 15 days of the lapse, revocation
115 or expiration of the permit for keeping of chickens.

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117 **§ 95-Violations and penalties.**

118 Any person who shall violate any provision of this article or any rule or regulation made under
119 this article shall be subject to a penalty as provided in § **1-16** of this Code.

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