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

95-21 Chickens

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

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

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

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

C. Application Form.

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

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

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

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

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

(2) Action on application.

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

(b) If there are no written objections from such owners within 30 days from the date of mailing of the notices, the application for the permit shall be deemed accepted by such owners and the Zoning Administrator shall issue the permit if the application is otherwise compliant with the Village Code, including approval from the Building Board.
(c) If there is an objection, there shall be a public hearing before the Plan Commission, and the Plan Commission shall approve the application only upon finding that these standards are met:

1. Appropriate in the location proposed;
2. Compatible with the neighborhood;
3. In keeping with the residential character and quality of the Village.

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

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

1. No person shall keep any rooster.
2. Slaughter of chickens is permitted for personal use only.
3. Chickens shall be provided with fresh water at all times and adequate amounts of feed.
4. Chickens shall be provided with a sanitary and adequately sized covered enclosure, is at least four (4) square feet in size per chicken and a run fenced shall be provided which does not exceed an area of eight (8) feet by eight (8) feet. Fencing shall be a maximum three (3) feet in height and be of solid wire, not braided wire, and properly fastened to the ground with stakes. All chickens shall be contained in these areas at all times.
5. Chicken coops shall be constructed in a workmanlike manner, be moisture-resistant and either raised up off the ground or placed on a hard surface, such as concrete, patio block or gravel. Each shall be considered a structure and a building permit. Prior to approval of the building permit the Building Board shall review the plans and specifications utilizing the following standards,

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

1. The nearest point of the enclosure must be at least 30 feet away from any residential structure, deck or patio on another lot;
2. The enclosure, and all parts of the enclosure, are prohibited in any side yard;
3. No part of the enclosure, can be closer to a side lot line than the closest distance between that lot line and the principal structure on the lot.
4. In no case shall any coop be located closer to the adjoining properties principal structure than the permittees principal structure.

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

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

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

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

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

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

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

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

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

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

I. Permit renewal. Permit renewals shall require an inspection by the zoning and planning administrator or their designee prior to the issuance of any renewal. The fee for said renewal
shall be 50% of the original permit application fee as established from time to time by the Village Board of Trustees.

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

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