

Ordinance No. 2012-02

An Ordinance to amend to 17.02 2. creating definitions for chicken coop and chicken run; to create Section 17.06 5. regarding the keeping of chickens on lands zoned R-1, R-1a, R-2, R-3, R-L and A-3; modification to 17.04 5. H. 2. a. regarding the keeping of chickens in the A-2 zoning district; and creation of 17.04 5. A. 2. b. (9); 17.04 5. B. 2. b. (9); 17.04 5. C. 2. b.(7); 17.04 5. D. 2. b.(8); 17.04 5. E. 2. b. (7); 17.04 5. I. 2. b. (9) allowing chickens as a permitted accessory use in those districts.

WHEREAS, there have been requests from citizens in the Town of Delafield to allow the keeping of chickens in residential districts, and

WHEREAS, Chapter 17 of the Town of Delafield Code of Ordinances does not explicitly allow chickens in residential districts, and

WHEREAS, the Town of Delafield Plan Commission has considered the effects of having chickens in residential districts and has recommended the development of a code to allow chickens in residential districts under certain conditions, and have conducted the necessary investigation and reported its recommendation to the Town Board pursuant to 17.10 5. D. of the Town of Delafield Zoning Code and

WHEREAS, upon due notice as required by Section 17.10 5. F. and Section 17.10 6. of the Town of Delafield Zoning code, the Town Board conducted a public hearing regarding the proposed amendments on December 6, 2011, and

WHEREAS, the Town Board of the Town of Delafield, having carefully reviewed the recommendation of the Plan Commission, having determined that all procedural requirements and notice requirements have been satisfied, and having given the matter due consideration, and having based its determination on the effect of the zoning amendment on the health, safety and welfare of the community , and having given due consideration to the municipal problems involved as well as the impact on surrounding properties as to noise, duct, smoke and odor, hereby determines that the zoning amendment will not violate the spirit or intent of the Zoning Code for the Town of Delafield, will not be contrary to the public health, safety or general welfare of the Town of Delafield, will not be hazardous, harmful, noxious, offense or a nuisance by reason of noise, duct, smoke, odor or other similar factors and will not for any other reason cause a substantial adverse effect on the property values and general desirability of properties affected by these zoning amendments, and further finds that these amendments will be consistent with the Town of Delafield Comprehensive Plan,

NOW, THEREFORE, the Town of Delafield Board of Supervisors DOES HEREBY ORDAIN AS FOLLOWS:

Part 1: Section 17.02 RULES AND DEFINITIONS, Section 2. SPECIFIC WORDS AND PHRASES is hereby amended to include the following:

Chicken coop. A covered enclosure used to keep chickens.

Chicken run. A covered, permeable, fenced in area allowed for chickens to run outside of the chicken coop.

Part 2: Section 17.06 ACCESSORY USES, ACCESSORY BUILDINGS AND OTHER STRUCTURES, Section 5. THE KEEPING OF CHICKENS is hereby created to read as follows:

17.06 5. KEEPING OF CHICKENS

Certain zoning districts describe within their use regulations that the keeping of chickens is allowed subject to the requirements of this section. In all such cases, the use is subject to all of the following requirements:

- A. No more than 8 chickens shall be allowed per lot.
- B. Roosters shall be prohibited.
- C. Owners shall acquire and maintain in effect an annual license from the Town of Delafield in accordance with Chapter 12 of the Town Code of Ordinances. The license shall apply to the individual applicant, to authorize keeping of chickens on the parcel that is subject to the application, and shall not be transferable to new persons or entities, or to new properties. The license shall apply to all chickens on the parcel, not to particular chickens which may change over the term of the license.
- D. Chickens shall be kept in a chicken coop and/or chicken run as defined in this code. Slaughtering may take place in an enclosed area on the property. No more than one chicken coop and run shall be allowed on any one property. The chicken coop shall be equal to or less than 50 square feet and shall not be included in the open space calculations, composite area of all accessory buildings or be included in the number of accessory buildings requirement of the district in which they are located.
- E. All chicken coops must meet double the required setback and offset provisions for structures in the district in which they are located; or if said doubled setbacks and offsets cannot be met due to lot dimensions, must be located the maximum distance as far off the property lines as is feasible. Chicken runs shall meet the required setback and offset provisions of the district in which it is located.
- F. No commercial activities shall be permitted by the homeowner, such as sale of eggs at a roadside stand, sale of live or dressed chickens, sale of live chicks, feathers, etc.
- G. Owners shall exercise proper care and control of the chickens to prevent them from becoming a public nuisance.
- H. Chicken coops and chicken runs shall be removed no later than 12 months after the keeping of chickens is no longer a use on the property.

Part 3: Section 17.04 ZONING DISTRICTS, Section 5 SPECIFIC DISTRICT, Subsection H. A-2 RURAL HOME DISTRICT, Subsection 2. USE REGULATIONS, Subsection a. Permitted Uses, Subsection (2) is hereby amended to read as follows:

- (2) The keeping of poultry, fowl and domestic livestock subject to the following conditions:

- (a) One large animal (those animals with a mature weight of 50 pounds or more) or two fowl (not including chickens which are governed by subsection (d) below) or two small animals, or combination thereof shall be allowed on lots of 3 acres. One additional large animal or equivalent fowl or small animal may be added per acre of land over 3 acres (2 fowl or 2 small animals equal 1 large animal).
- (b) If more large animals or equivalent fowl or small animal(s) or combination thereof is desired, beyond the maximum allowed on the lot per subsection a. (2) (a), above, they shall only be permitted as a Conditional Use under section 17.05. W. Keeping of Poultry or Livestock.
- (c) Notwithstanding the foregoing, the keeping of any type of animal that is described in Section 17.05 of this Code as a conditional use in the A-2 district, and the keeping of any animal under circumstances described in Section 17.05 as a conditional use in the A-2 district, is not a permitted use but is a conditional use as described therein.
- (d) Keeping of chickens is permitted, subject to the requirements of Section 17.06 5. of this code.

Part 4: Section 17.04 ZONING DISTRICTS, Section 5 SPECIFIC DISTRICT, Subsection A. R-1 RESIDENTIAL DISTRICT, Subsection 2. USE REGULATIONS, Subsection b. Permitted Accessory Uses, Subsection (9) is hereby created to read:

- (9) The keeping of chickens in accordance with Section 17.06 5.

Part 5: Section 17.04 ZONING DISTRICTS, Section 5 SPECIFIC DISTRICT, Subsection B. R-1a RESIDENTIAL DISTRICT, Subsection 2. USE REGULATIONS, Subsection b. Permitted Accessory Uses, Subsection (9) is hereby created to read:

- (9) The keeping of chickens in accordance with Section 17.06 5.

Part 6: Section 17.04 ZONING DISTRICTS, Section 5 SPECIFIC DISTRICT, Subsection C. R-2 RESIDENTIAL DISTRICT, Subsection 2. USE REGULATIONS, Subsection b. Permitted Accessory Uses, Subsection (7) is hereby created to read:

- (7) The keeping of chickens in accordance with Section 17.06 5.

Part 7: Section 17.04 ZONING DISTRICTS, Section 5 SPECIFIC DISTRICT, Subsection D. R-3 RESIDENTIAL DISTRICT, Subsection 2. USE REGULATIONS, Subsection b. Permitted Accessory Uses, Subsection (8) is hereby created to read:

- (8) The keeping of chickens in accordance with Section 17.06 5.

Part 8: Section 17.04 ZONING DISTRICTS, Section 5 SPECIFIC DISTRICT, Subsection E. R-L RESIDENTIAL LAKE DISTRICT, Subsection 2. USE REGULATIONS, Subsection b. Permitted Accessory Uses, Subsection (7) is hereby created to read:

(7) The keeping of chickens in accordance with Section 17.06 5.

Part 9: Section 17.04 ZONING DISTRICTS, Section 5 SPECIFIC DISTRICT, Subsection I. A-3 SUBURBAN HOME DISTRICT, Subsection 2. USE REGULATIONS, Subsection b. Permitted Accessory Uses, Subsection (9) is hereby created to read, to wit:

(9) The keeping of chickens in accordance with Section 17.06 5.

Part 10: Severability


The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

Part 11: Effective Date

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

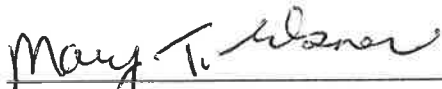
This ordinance passed this 14th day of February, 2012.

BY THE TOWN BOARD OF THE
TOWN OF DELAFIELD:



Paul L. Kanter, Town Chairman

ATTEST:



Mary T. Elsner, CMC, WCMC
Town Clerk