

ORDINANCE NO: 04-2022

**ORDINANCE ADOPTING AMENDMENTS TO CHAPTER 17
TOWN OF POLK MUNICIPAL CODE**

The Town Board of the Town of Polk, does hereby amend elements of the Zoning Ordinance, Chapter 17 of the Municipal Code of the Town of Polk, Washington County, Wisconsin, as identified in Exhibit A and summarized as follows:

SECTION 1. Authority to the Zoning Administrator to issue certain Temporary Use Permit Applications

SECTION 2. Regulations regarding Chickens in the R-1 Single Family Residential District

SECTION 3. Amend Setback of Adjacent Residences to Non-Metallic Mining Extraction or Pit Area

SECTION 3. The Town Clerk, Town Zoning Administrator, and Town Attorney are hereby authorized and directed to take all action necessary to incorporate this amendment into the Town of Polk's Zoning Ordinance.

SECTION 4. This Ordinance shall take effect upon passage by a majority vote of the full membership of the Town Board and publication or posting as required by law.

All other provisions of the Town of Polk's Zoning Ordinance remain in full force and effect.

ADOPTED this ^{20TH}14th day of ^{JULY}~~June~~, 2022



Town Chairman

Ayes 3 Noes _____ Absent _____

Published/Posted: _____

Attest:  _____

Town Clerk

EXHIBIT A

A. Chapter 17.2.05 Use Restrictions.

Amend Chapter 17.2.05.F.1, which currently reads as follows: *'The Plan Commission may authorize the establishment of certain temporary uses for a limited duration provided that such uses comply with the general and specific standards of this Section.'*

To read as: *'The Zoning Administrator may authorize the establishment of certain temporary uses for a limited duration provided that such uses comply with the general and specific standards of this Section.'*

Amend Chapter 17.2.05.F.1(g)(1), which currently reads as follows:

- g. Temporary Parking for Public Gatherings and similar events
 - 1) Transportation shall be required for all temporary parking areas not located on the parcel where the event shall occur or on an immediately abutting parcel, unless otherwise approved by the Plan Commission.

To read as:

- g. *'Temporary Parking for Public Gatherings and similar events*
 - 1) *Transportation shall be required for all temporary parking areas not located on the parcel where the event shall occur or on an immediately abutting parcel.'*

Amend Chapter 17.2.05.F.2(f) which currently reads:

- f. Off street parking shall accommodate the proposed temporary use as determined by the Plan Commission.

To read as:

- f. *'Off street parking shall accommodate the proposed temporary use.'*

B. Chapter 17.3.05 R-1 Single-Family Residential District.

Add the following to Chapter 17.3.05.A:

11. *'The keeping of chickens, subject to the following limitations and conditions:*

- a. *General.*
 - 1) *No more than four chickens may be kept.*
 - 2) *The keeping of roosters is prohibited.*
 - 3) *Chickens raised and kept on the property for food shall not be slaughtered in view of adjoining properties.*
 - 4) *Any henhouse and outdoor run that is abandoned or its use discontinued for the keeping of chickens for a period of 365 consecutive days shall be removed from the premises by the property owner.*
 - 5) *Modifications of a henhouse and outdoor run for use other than the keeping of chickens is prohibited.*
- b. *Enclosure requirements and prohibitions.*
 - 1) *Chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times.*
 - 2) *The enclosure shall be a predator-proof structure that is adequately ventilated to allow free movement of the fowl.*
 - 3) *The size of the henhouse shall provide a minimum of three sq. ft. per chicken.*
 - 4) *The structure shall not be greater than 100 sq. ft. in size.*
 - 5) *The maximum height of the enclosure, including the area of a covered run, shall not exceed six feet.*
 - 6) *The construction of the enclosure shall utilize a building design and materials suitable for a residential district.*

- 7) *The enclosure must include a floor.*
 - 8) *The use of dilapidated corrugated metal, dilapidated sheet metal, plastic, polymer or tarp-type material, pallets, scrap materials and/or similar materials shall be prohibited.*
 - 9) *The re-use of storage containers, vehicles or parts thereof, and similar objects for a henhouse/run is prohibited.*
- c. *Location.*
- 1) *The enclosure housing chickens shall be located at least 25 feet from any residential structure on an adjacent lot.*
 - 2) *No henhouse or outdoor run shall be located within 15 feet of any side or rear lot line, and/or sited to obstruct an existing drainage course or create a drainage problem for the property on which it is situated or for any neighboring property.*
 - 3) *No henhouse shall be located within the Street Yard or Primary Street Yard on a corner lot or double frontage lot*
- d. *Level of care.*
- 1) *Chickens shall be kept in a sanitary condition, be provided with fresh water and adequate amounts of food at all times.*
 - 2) *Chickens shall be secured within a henhouse during non-daylight hours.*
 - 3) *Chickens may not roam free outside of a henhouse or enclosed run, or roam off of the permitted property. A dog, cat, or other domesticated animal that kills a chicken off of the permitted property shall not, for that reason alone, be considered a dangerous or aggressive animal.*
 - 4) *All chicken waste shall be properly disposed of in a timely manner.*
 - 5) *All chickens shall be disease free.*
 - 6) *Chickens may not be kept in any manner that causes a nuisance, unhealthy condition, or public health threat.*
- e. *License Required.*
- 1) *An 'Application for License: Backyard Chickens' shall be completed and submitted to the Zoning Secretary.*
 - i. *The application shall include a diagram describing the location of the enclosure in relationship to lot boundaries.*
 - ii. *The license shall be issued only to the owner(s) of record of a residence located in the designated residential districts.*
 - iii. *The property owner/licensee shall reside on the premises regulated by the license.*
 - iv. *The propagation of chickens for commercial purposes or for any activity or purpose not related to the personal purpose of the license holder, including fertilizer production and/or the sale of eggs, shall be prohibited.*
 - v. *The license shall include the standards described in Subsection B above.*
 - vi. *The license shall be approved by and issued by the Zoning Administrator.*
 - 2) *Revocation. A license may be revoked by the Zoning Administrator, after prior notice to the licensee and an opportunity to be heard, for failure to comply with any of the provisions of this Section.*
 - i. *Once revoked, a license shall not be reissued for a two-year period.*
 - ii. *Any applicant whose application has been denied or license has been revoked under the provisions of this Chapter shall have the right to appeal said denial to the Town Board within 30 days of the denial or revocation.*
 - iii. *Any license holder who has his/her license revoked must promptly remove the chickens and henhouse/run from the subject property within 96 hours of revocation or decision on appeal.*
- f. *Registration Required. The owner, operator, or tenant shall register the premise where chickens are kept with the Wisconsin Department of Agriculture, Trade and Consumer Protection as required by state law and maintain such registration for so long as may be required.*

Remove Chapter 17.3.05.B.3

C. Chapter 17.3.11.G Lot Size, Bulk Restrictions, and Yard Requirements,

Amend Chapter 17.3.05.B.3 which currently reads:

Minimum Setback: Adjacent Residence: 500 feet from the perimeter of the actual pit or extraction area.

To read as follows to correct a scrivener's error:

Minimum Setback: Adjacent Residence: 200 feet from perimeter of actual pit or extraction area.