
ORDINANCE NO. 2021-22-11

***An Ordinance Denying Amendments to Section 10.6, Regarding
The Keeping of Chickens, of the Johnsburg Zoning Ordinance***

AN ORDINANCE PASSED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF JOHNSBURG
AT A REGULAR MEETING ON APRIL 19, 2022
PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF JOHNSBURG

President

Edwin P. Hettermann

Board of Trustees

Tom Curry
Beth Foreman
Kyle Frost
Josh Hagen
Greg Klemstein
Scott Letzter

Village Administrator

Claudett Sofiakis

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An Ordinance Denying Amendments to Section 10.6, Regarding The Keeping of Chickens, of the Johnsburg Zoning Ordinance

WHEREAS, Section 10.6, The Keeping of Chickens, of the Johnsburg Zoning Ordinance, prohibits the keeping of chickens and other farm animals in residential districts with the exception of the E-3 and E-5 zoning districts which allow for the keeping of horses; and

WHEREAS, Taylor Espinosa, (the "Petitioner") of 4706 Lake Dawnwood Drive, filed with the Village Clerk of the Village of Johnsburg, McHenry County, Illinois, an application to amend Section 10.6, the Keeping of Chickens, of the Johnsburg Zoning Ordinance to allow for the keeping of chickens on residential properties; and

WHEREAS, the applicant requested that the Planning and Zoning Commission for the Village of Johnsburg, acting in its capacity as a Special Zoning Commission, recommend the adoption of amendments to Section 10.6, The Keeping of Chickens, of the Johnsburg Zoning Ordinance, which would allow for the keeping of chickens on residentially zoned property and regulate the activity; and

WHEREAS, A PUBLIC HEARING was held by the Special Zoning Commission, on July 14, 2021 after due notice in the manner provided by law; and

WHEREAS, the Petitioner presented her request to the Special Zoning Commission and testimony was provided by eight individuals at the public hearing in support of the proposed text amendment; and

WHEREAS, THE SPECIAL ZONING COMMISSION met again on August 18, 2021 to further deliberate the request for text amendment; and

WHEREAS, the Petitioner and two members of the public attended the August 18, 2021 meeting; and

WHEREAS, THE SPECIAL ZONING COMMISSION, after hearing testimony and evidence presented at a public hearing held on July 14, 2021, deliberating on the proposed amendments following the public hearing and again at a meeting held on August 18, 2021, made the following Recommendation and Findings of Fact related to the proposed text amendment regulating the keeping of chickens on residentially zoned properties in the Village of Johnsburg:

1. With respect to the existing uses allowed in residential zoning districts, the proposed amendment is not believed to be compatible and is expected to have adverse impacts on neighboring properties. The use of properties in residential zoning districts for agriculturally based activities such as the keeping of chickens is inconsistent with uses currently allowed in those districts. The activity can adversely impact the public's health,

safety and welfare and is known to be associated with undesirable odors, attracting predators, and increased risks of contact salmonella exposure.

2. With respect to the issue as to what extent property values may be diminished, neighboring property values may be diminished as the keeping of chickens on residential properties is likely to be considered undesirable by adjacent property owners because of the aforementioned impacts associated with the activity.
3. With respect to the issue of the relative gain to the public as compared to the hardship imposed upon individual property owners, the proposed text amendment does not provide a gain to the community and it will likely impose undo hardships on adjacent property owners.
4. As to the suitability of the keeping of chickens in residential zoning districts, the use is not suitable as residential districts are not intended to be utilized for agricultural purposes.
5. As to the community need for the use proposed by the text amendment, the community does not need nor largely desire the use. A petition signed by 53 households in the Village was presented in support of the request representing only 2.26% of the Village. At the public hearing, 8 persons (representing 6 households) provided testimony in support of the request.
6. Relative to the care toward which the legislative body considered the proposed text amendments, the Planning and Zoning Commission provided for the necessary hearing to insure that the public had ample opportunity to provide testimony and evidence relative to the proposed text amendment. The Commission then deliberated following the hearing and again during a second meeting reviewing all testimony and evidence provided by the applicant prior to making a recommendation to the Village Board.

WHEREAS, THE SPECIAL ZONING COMMISSION recommended denial of the proposed text amendment to Section 10.6 of the Johnsbury Zoning Ordinance regarding the Keeping of Chickens on residentially zoned property and made a report of same to the Village Board; and

WHEREAS, THE VILLAGE BOARD has reviewed the minutes put forth by the Special Zoning Commission, as well as their Recommendation and Finding of Fact for Text Amendments; and

WHEREAS, THE VILLAGE BOARD met on September 7, 2021 to perform a First Read of the Petitioner's request for text amendment and the Special Zoning Commission's recommendation to deny said request;

WHEREAS, THE VILLAGE BOARD concurred with the Recommendation and Finding of Fact for Text Amendments; and

WHEREAS, THE VILLAGE BOARD met again on September 21, 2021 to take action on the petitioner's request and the Planning and Zoning Commission's recommendation to deny said request and said Ordinance was not passed;

WHEREAS, THE VILLAGE BOARD held a meeting on April 19, 2022 at which they approved a Motion to Reconsider Ordinance 21-22-11;

WHEREAS, THE VILLAGE BOARD at the April 19, 2022 meeting, approved an Ordinance Denying Amendments to Section 10.6 Regarding the Keeping of Chickens of the Johnsburg Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the VILLAGE OF JOHNSBURG, McHenry County, Illinois, as follows:

SECTION 1: In light of the circumstances described above, the request to amend Section 10.6, The Keeping of Chickens, of the Johnsburg Zoning Ordinance be denied.

SECTION 2: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.


SECTION 4: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Voting Aye: Trustees Foreman, Letzter, Hagen, Klemstein and Frost

Voting Nay: Trustee Curry

Abstain: None

Absent: None

APPROVED: 

Village President Edwin P. Hettermann

(SEAL)

ATTEST: 
Village Clerk Claudett Sofiakis

Passed: April 19, 2022

Approved: April 19, 2022

Published: April 19, 2022

CERTIFICATION

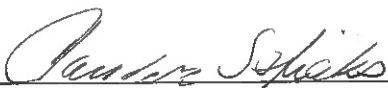
I, CLAUDETT SOFIAKIS do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of Johnsburg, McHenry County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village of Johnsburg.

I do further certify that at a regular meeting of the President and Board of Trustees of the Village of Johnsburg, held on the 19th day of April 2022 the foregoing Ordinance entitled *An Ordinance Denying Amendments to Section 10.6, The Keeping of Chickens, of the Johnsburg Zoning Ordinance*, was duly passed by the President and Board of Trustees of the Village of Johnsburg.

The pamphlet form of Ordinance No. 2021-22-11 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was available in the Village Hall, commencing on the 19th day of April, 2022, and will continue for at least 10 days thereafter. Copies of such Ordinance are also available for public inspection upon request in the office of the Village Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

Given under my hand and seal of the Village of Johnsburg, this 19th day of April, 2022.



Claudett Sofiakis, Village Clerk
Village of Johnsburg,
McHenry County, Illinois

(SEAL)