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**ORDINANCE NO. 21-22-36**

*An Ordinance Petitioning the Village of Johnsburg  
Planning and Zoning Commission for Amendments to Section 16 Conditional Uses,  
of the Johnsburg Zoning Ordinance*

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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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WHEREAS, the Corporate Authorities wish to refer and submit for consideration and recommendation by the Planning and Zoning Commission, (the "Commission"), proposed zoning text amendments to Section 16, Conditional Uses, adding Section 16.9 The Keeping of Chickens and Amendments to the Conditional Use Chart as set forth in Exhibit A;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Johnsburg, McHenry County, Illinois, as follows:

SECTION 1: The Corporate Authorities hereby propose that the Commission conduct the appropriate public hearing and make recommendations to the Village Board for Zoning Ordinance text amendments to include but not be limited to those set forth in Exhibit A

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SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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 Letzter, Foreman, Klemstein & Frost*  
Voting Nay: *Trustees Corry & Hagen*  
Abstain: *none*  
Absent: *none*

APPROVED:

*Edwin P. Hettermann*  
Village President Edwin P. Hettermann

(SEAL)

ATTEST: *Claudett Sofiakis*  
Village Clerk Claudett Sofiakis

Passed: *4-19-22*  
Approved: *4-19-22*  
Published: *4-19-22*

## *EXHIBIT A*

16.9 **THE KEEPING OF CHICKENS**: The Keeping of Chickens on residential properties in the E-3 and E-5 districts shall only be allowed as a conditional use in accordance with the terms of this Section.

16.9-1 Conditional Use Required for the Keeping Chickens – A conditional use permit is required to house chickens on properties utilized in residential capacity in the Village of Johnsborg. No conditional use permit for the keeping of chickens shall be issued unless authorized by the Board of Trustees following a public hearing before the Village of Johnsborg Planning and Zoning Commission, consistent with the requirements of the Village of Johnsborg Zoning Code. Said conditional use permit may be sought on properties zoned E-3 and E-5 only provided that such property is a minimum of 3 acres in size with a lot width measuring 225 feet or greater and that the following conditions are met:

- A. Chickens shall be limited to Hens, the female of the chicken species *Gallus gallus domesticus*.
- B. No more than six (6) hens shall be allowed
- C. No hens shall be allowed on lots improved with multi-family dwellings, including duplexes.
- D. No roosters shall be allowed.
- E. Hens shall be kept in an enclosed outdoor coop (an accessory structure used for the purpose of keeping live chickens) so as to offer protection from weather elements and from predators and trespassers. The coop shall meet the following requirements:
  - 1. Coops shall be built and kept in such a manner large enough to provide at least three (3) square feet per hen and allow the hens easy ingress and egress to an enclosed chicken run. Coops shall not exceed 10 feet (10') in height to the eaves measured from the average grade and shall be anchored on all four corners to frost depth.
  - 2. Coops shall be freestanding and covered with uniform materials and shall be maintained intact with all parts secure. The structure shall contain insulated walls and/or an insulated blanket which shall cover the structure during the winter months. Any repairs shall maintain consistency with the original structure in appearance and condition. The coop must be replaced, removed, or repaired upon evidence of deterioration.
  - 3. Coops shall be connected to an enclosed chicken yard or run to provide at least ten (10) square feet of outdoor space per hen. The chicken run may be constructed of wire mesh material in the immediate run area provided that the yard is enclosed with a fence constructed in accordance with Section 7.2-4 Residential Fencing. If

no such perimeter fence exists, then the chicken yard must be surrounded by a fence constructed in accordance with Section 7.2-7 Dog Pounds, Runs. The chicken yard shall abut the chicken coop both of which shall only be permitted in rear yards not closer than 100 feet to any lot line. Such fencing enclosures shall not exceed six (6) feet in height nor shall it exceed more than a total of 50 lineal feet measuring all four sides. Only one such pound, run or enclosure is permitted per zoning lot and hens shall not be allowed to roam outside of the fenced yard. Hens must be returned to the secured chicken coop each night.

4. Chicken yards with electric fences, snow fences, chicken wire, hog and farm-type fences are prohibited. Chicken runs shall not exceed seventy-eight (78) square feet inclusive of the chicken coop.
5. Coops and chicken yards must be kept in a safe and sanitary condition at all times and must be cleaned on a regular basis so as to prevent offensive odors from being reasonably detectable from adjacent properties.
6. Coops and chicken runs shall be located at least one hundred feet (100') from any lot line. In addition, chicken coops shall not be located between the principal building and any improved alley, easement for purposes of ingress or egress, or road right of way.

G. No outdoor slaughter of hens is allowed. No commercial activity will result from the keeping of chickens on residential the property. The sale of eggs on residentially zoned lots is prohibited.

H. Food for hens must be stored in a rodent proof container. No storage of chicken manure is permitted.

I. This section is not intended to apply to geese or ducks, nor to indoor birds kept as pets, such as, but not limited to, parrots or parakeets, nor to the lawful transportation of fowl through the corporate limits of the village. Neither shall it apply to poultry kept an agricultural capacity in the A-1 zoning district.

J. A building permit is required to construct a coop and chicken run. A building permit fee of \$100 shall be collected prior to the issuance of the building permit. Additional fees shall apply for the issuance of a building permit to construct perimeter fencing.

J. No exterior lighting shall be allowed to focus upon a coop. The chicken coop and run shall be adequately ventilated.

K. In addition to acquiring a conditional use permit, residents maintaining chickens in accordance with this Section must register with the Village and pay a \$50 registration fee annually.





## CERTIFICATION

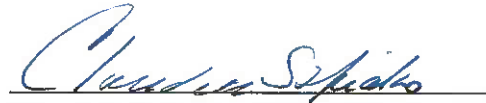
I, CLAUDETT SOFIAKIS, do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of Johnsburg, McHenry County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village of Johnsburg.

I do further certify that at a regular meeting of the President and Board of Trustees of the Village of Johnsburg, held on the 19<sup>th</sup> day of April, 2022 the foregoing Ordinance entitled *An Ordinance Petitioning the Village of Johnsburg Planning and Zoning Commission for Amendments to the Village's Zoning Text* was duly passed by the President and Board of Trustees of the Village of Johnsburg.

The pamphlet form of Ordinance No. 2021-22-36, 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 19<sup>th</sup> 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 19<sup>th</sup> day of April, 2022.

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

(SEAL)