
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

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

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SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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

Absent: None

APPROVED:

Village President Edwin P. Hettermann

(SEAL)

ATTEST:

Village Clerk Claudett Sofiakis

Passed: 4-19-23
Approved: 4-19-23
Published: 4-19-23

EXHIBIT A

- 16.9 <u>THE KEEPING OF CHICKENS</u>: 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 Johnsburg. 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 Johnsburg Planning and Zoning Commission, consistent with the requirements of the Village of Johnsburg 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.

- M. No person shall maintain a chicken coop until it is properly permitted under all conditions set forth in this section. All chicken coop permits will require Registration with the Illinois Department of Agriculture Livestock Management Program (Copy of Registration required).
- N. The Village reserves the right to deny a permit to anyone currently owing money to the Village. Permits can also be denied in the event that someone has active enforcement actions against their property.
- O. For any violation of this section, the violator shall be subject to an initial \$200 fine assessed for each day the violation continues. Any offense subsequent to the first offense shall result in a fine of \$400 for each day the violation continues. Any continued violation for the same offense shall result in a fine of \$750 and the Village shall have the authority to revoke the conditional use permit.

CONDITIONAL USE CHART

CONDITIONAL USES	ZONING										
	B1	B2	B3	B5	C1	PR	11	12	OTHER		
ADULT ENTERTAINMENT					-	1	C	C	OTTEN		
AIRPORT; RESTRICTED LANDING AREA							C	C			
AIRPORT; COMMERCIAL (L)							_	-	A1-C		
ALCOHOLIC BEVERAGES; PACKAGE SALES*				С					/X1-0		
ALCOHOLIC BEVERAGES; CONSUMPTION ON											
PREMISES OF SALE (L)*		С	С	С	l c						
AMPITHEATERS		_	C		c			_			
AMUSEMENT PARK (L)			Č		C						
ARENA; ENCLOSED			C		C						
ATHLETIC FIELD					C	C	С	C	A1, E1-5, R1-3 C		
AUDITORIUM <300 SEATING CAPACITY			С		C	-	0	-	A1, E1-5, K1-3 C		
AUTOMATED TELLER MACHINES (ATM)	C	С	C		C						
AUTOMOBILE:	+ -		-								
CAR WASH		c	c		С						
OUTDOOR SALES LOT		-	Č		C						
PARKING LOT OR GARAGE COMMERCIAL			ç		C						
RENTALS			c		c						
REPAIR SHOP			c		C						
BAIT SHOP	1			С							
BANK, SAVINGS AND LOAN ASSOC, CREDITUNION	C	C			С						
BATH AND KITCHEN DISPLAY CENTER	+			С							
BEACH: COMMERCIAL									A1 C F1 F C		
BED AND BREAKFAST	С	С	С	С					A1 C, E1-5 C		
BUSINESS MACHINE: SALES, REPAIR, SVC	+ -	-		C	_				A1-2 C, E1-5 C, R1-3C		
CAMP: DAY					-		_		A1 C, E3-5 C		
CAMP: COMMERCIAL					-				A1 C, E5 C		
CAMPGROUND								_	A1 C		
CEMETERY											
CHURCH: PLACE OF WORSHIP	1								A1-2 C, E1-5 C, R1-3 C		
CLINIC: VETERINARY SMALL ANIMALS				С					A1 C, E1-5 C, R1-3 C		
CONTRACTOR'S SALES OFFICE				-				-			
W/ INSIDE STORAGE OF VEHICLES AND EQUIPMENT			c		c						
DAY CARE CENTER	1 c l	С	C		c	c	С	С	E1-5 C, R1-3 C		
DORMITORIES, ROOMING/BOARDING HOUSES			-		-	-	C	U	R3 C		
DRUG STORES				С				-	13.0		
EARTH MATERIALS; EXTRACTION AND PROCESS				-			С	С	A1 C		
ELECTRICAL DISTRIBUTION CENTER (UTILITY)	C	С	С		С	С	C	C	A1-2 C, E1-5 C, R1-3 C		
FAIRGROUNDS(L)	+ -				-	-	0	U	A1 C		
FUNERAL HOME (SERVICES ONLY)	C								AT C		
FUNERAL HOME WITH UNDERTAKING	1										
ESTABLISHMENT (INCLUDING EMBALMING AND											
CREMATORY SERVICES) WITH ATTACHED	1 1										
RESIDENCE FOR THE CARETAKER OF PREMISES											

GAME BREEDING AND SHOOTING PRESERVE								T	A1 C
GOLF COURSE, COUNTRY CLUB (L)									A1 C, E1-5 C, R1 C
GOLF DRIVING RANGE AND/OR MINI GOLF							+	+	A1 C
GROUP HOMES						1	+	+	A1-2 C, E1-5 C, R1-3 C
GUN AND AMMUNITION SALES/FIREARM RANGES					С		+	_	A1-20, E1-50, R1-30
HALFWAYHOUSES					+	+	+	+	A1 2 C F4 # 2 P1 2 P
HALFWAY HOUSES WHERE LICENSING IS NOT						+	-	+	A1-2 C, E1-5 C, R1-3 C
REQUIRED OR SPACING CANNOT BE MET	- 1								D4 0 0
HELIPORT		_	C		C	-	-	+-	R1-3 C
HOMES, INSTITUTIONS, SPECIALIZED CARE FAC.			10	+	- C	C	С	C	
HOSPICES	_		_	+-	_	-	_	_	A1 C, E1-5 C, R1-3 C
HOSPITALS		_	-	-	_				A1-2 C, E1-5 C, R1-3 C
NSIDE STORAGE OF EQUIPMENT AND	_	С	С		С				A1 C, E1-5 C, R1-3 C
VEHICLES IN EXISTING STRUCTURES									A-1 C
AVAILABLE TO ADEQUATELY HOUSE ALL								1	1
EQUIPMENT AND VEHICLES OF THE									
PARTICULAR RUGINEGO ANDANTAN			1						
PARTICULAR BUSINESS. ANY NEW			1						
CONSTRUCTION TO HOUSE EQUIPMENT		1							
AND VEHICLES SHALL REQUIRE AN		1	1			1		1	
ADDITIONAL SPECIAL USE PERMIT FROM		1	1				1	1	
THE VILLAGE									\dashv
OTEL (L)				C			_	+	
ANITORIAL SERVICES	C	1		1	1	-	-		
EEPING OF CHICKENS		11.58	2 222	1 866	e sussess	100.50			
ENNEL; COMMERCIAL		0.000	2000		-			3 3555	E-3 C, E-5 C
ANDCAPE WASTE COMPOSTING FACILITY ****	_		-	-	С		-	-	A1 C
BRARY; PUBLIC	C	 	-	-	-		_		A1 C
OTEL		C	C	-	С	С		_	
IUSEUM (L)	 -	-	-	C					
UTSIDE STORAGE WITH SCREENING	C	С	C		С	C			
UTSIDE STORAGE WITH SCREENING	С	С	С		C	C	C	C	
LIMPING OURRUSES & TOTAL		C	C		C	С	С	С	
LUMBING SUPPLIES & FIXTURE SALES		C							
OSTAL STATION	C	C	С	С	C		С	С	A1 C
UBLIC SAFETY TRAINING AREA								_	A1 C
AIL COMMUTER STATION & YARD					C				AIC
AILROAD FREIGHT TERMINAL					-		С	С	
ECYCLING CENTER			С		С		C	C	14.0
ECYCLING PROCESSING FACILITY			<u> </u>		-				A1 C
ETIREMENT COMMUNITY							С		A1 C
DADSIDE SALES STAND:		-	-						E1-5 C, R1-3 C
PRODUCE GROWN ON PREMISES			1						CORN.
CHOOLS:	_	-	-						E1-E5 C
COLLEGE, UNIVERSITY/JUNIOR									
PRE SCHOOL THROUGH GRADE 12			1				1		1
COMMERCIAL OR TRADE									
ECOND HAND STORE		С	С						
ERVICE CONTRACTOR'S HOME OFFICE	C	C	С	С	C				
HOOTING DANGE (INDOORS HOME OFFICE									A-1C, A-2 C, E-5 C
HOOTING RANGE (INDOOR)							С	С	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
HORT TERM RENTALS	C	С		С					
GNAGE FOR SCHOOLS AND CHURCHES]E1 E B1 4 A4 2 C
MALL WIND ENERGY SYSTEMS	С	С	С	С	С	С	С	_	E1-5, R1-4, A1-2 C
ONE, MARBLE & GRANITE GRINDING & CUT	C	С	C	- 0		·	U	С	A1-2 C, E1-5 C, R1-4 C, SD (
ORAGE, COMMERCIAL EQUIP. & VEHICLES	1	-		_					
ORES, WHOLESALE			С	_					A1 C, A2 C
TTOO SHOP	С	0		_	С				
VERN; NIGHCLUB (L)	-	С	С	С	С				
EATERS; DRIVE IN MOVIE	+	С	С		С				
WERS >100'	+-								A1 C
WERS<110'	C	С	С		C	C	С	С	
UCKING TERMINALS	C	С	С		C	С	С	С	
ILITY FACILITY NON EXERCISE							С		
ILITY FACILITY, NON-EXEMPT	C	С	С		С	С	C	С	A1-2 C, E1-5 C, R1-3 C
AREHOUSE, MINI STORAGE					С				2, 2, 2, 0, 1(1-3)
O (L)			С		C				A1 C
			10000						AT U
CONDITIONAL USE TEMPORARYUSE		1		1		1	18		

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 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.

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.

Claudett Sofiakis, Village Clerk

Village of Johnsburg, McHenry County, Illinois

(SEAL)