
ORDINANCE NO. 2022-23-2

*An Ordinance Denying Amendments to Section 16, Conditional Uses
of the Johnsborg Zoning Ordinance, Regarding the Keeping of Chickens
as a Conditional Use in the E-3 and E-5 Zoning Districts*

AN ORDINANCE PASSED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF JOHNSBURG
AT A REGULAR MEETING ON JUNE 7, 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

ORDINANCE NO. 2022-23-2

An Ordinance Denying Amendments to Section 16, Conditional Uses of the Johnsburg Zoning Ordinance, Regarding the Keeping of Chickens as a Conditional Use in the E-3 and E-5 Zoning Districts

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, a request had been made by the corporate authorities of the Village of Johnsburg (the "Village") that the Village's Planning and Zoning Commission, sitting as a Special Zoning Commission after conducting the necessary public hearing, make recommendations regarding proposed text amendments to Section 16 Conditional Uses of the Village of Johnsburg Zoning Ordinance related to the keeping of chickens as a conditional use in the E-3 and E-5 zoning districts as follows:

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 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.

WHEREAS, A PUBLIC HEARING was held by the Special Zoning Commission, on May 11, 2022, after due notice in the manner provided by law; and

WHEREAS, THE SPECIAL ZONING COMMISSION, after hearing testimony and evidence presented at a public hearing held on May 11, 2022 and deliberating on the proposed amendments following the public hearing, made the following findings of fact related to the proposed text amendment regulating the keeping of chickens as a conditional use in the E-3 and E-5 zoning districts as described herein:

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. At the public hearing, 2 persons 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 deliberated following the hearing and after reviewing all testimony and evidence provided prior to making a recommendation to the Village Board.

WHEREAS, THE SPECIAL ZONING COMMISSION recommended denial of the proposed text amendment to Section 16 Conditional Uses of the Johnsburg Zoning Ordinance regarding the Keeping of Chickens as a conditional use on residentially zoned property in the E-3 and E-5 zoning districts 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 findings of fact related to the proposed text amendments; and

WHEREAS, THE VILLAGE BOARD met on June 7, 2022 to consider the Commission's recommendation to deny the proposed text amendments and findings of fact; and

WHEREAS, THE VILLAGE BOARD concurred with the recommendation and findings of fact for text amendments; and

WHEREAS, THE VILLAGE BOARD at the June 7, 2022 meeting, approved an Ordinance Denying Amendments to Section 16 Conditional Uses of the Johnsburg Zoning Ordinance, regarding the keeping of chickens as a conditional use on residentially zoned property in the E-3 and E-5 zoning districts.

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 16 Conditional Uses, 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, Klemstein and Letzter and President Hettermann

Voting Nay: Trustees Frost, Curry and Hagen

Abstain: None

Absent: None

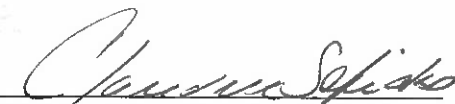
APPROVED:



Village President Edwin P. Hettermann

(SEAL)

ATTEST:



Village Clerk Claudett Sofiakis

Passed: June 7, 2022

Approved: June 7, 2022

Published: June 7, 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 7th day of June 2022 the foregoing Ordinance entitled *An Ordinance Denying Amendments to Section 16, Conditional Uses of the Johnsburg Zoning Ordinance regarding the Keeping of Chickens as a Conditional Use in the E-3 and E-5 Zoning Districts*, was duly passed by the President and Board of Trustees of the Village of Johnsburg.

The pamphlet form of Ordinance No. 2022-23-2 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 7th day of June, 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 7th day of June, 2022.



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

(SEAL)