Item #2:
Referral To PCZBA: Zoning Amendment To Allow Chickens

RECEIVED
JUL 06 2011
VILLAGE OF LONG GROVE

July 6, 2011
1612 RFD
Long Grove, IL 60047

Ms. Maria Rodriguez
Village President
Village of Long Grove
3110 RFD
Long Grove, IL 60047

Dear Ms. Rodriguez,

To my disbelief, I have been informed that the Village of Long Grove plans to vote on a proposal that will allow the raising of fowl on residential property in the Village. I want state that I am strongly opposed to this proposal. I live in Le Savanne, a nice, quiet and lovely **residential sub-division**, not a **farm**. My next door neighbor just erected a back yard chicken coop and I now have a chicken or chickens living in a chicken coop that I can see from my front door. This Chicken coop is an eye sore and sooner than later, I will be faced with the possibility of a noxious odor coming from the coop as well as the cackling of the chickens living in it. Allowing this to continue within a few hundred feet of my front door will have a negative impact on the quality of my life as well as the value of my property.

There is a place for raising chickens (farms) and not in a sub-division like Le Savanne. Please remove this proposal from the slate or vote against it when it comes up for a vote.

Sincerely,

Neil E. Blumenthal

MEMORANDUM

TO: VILLAGE OF LONG GROVE PRESIDENT AND TRUSTEES

- Maria Rodriquez
- Eduardo Acuna
- Joseph Barry
- John Marshall
- Karen Schmitt
- Charlie Wachs
- Joanne Weber

RECEIVED
MAY 20 2011
VILLAGE OF LONG GROVE

FROM: JOHN EMRICH

DATE: MAY 18, 2011

IN RE: Clarifying or amending Village code for backyard chickens

I would like to work with the Village Board to either clarify, or amend, the Village Code as it pertains to the keeping of hens (female chickens) as pets in the Village of Long Grove. I believe the existing code below is mistakenly being used to prevent the keeping of chickens in Long Grove as pets because the code appears to me to exist to regulate *business* practices (see terms in **bold** below, my emphasis):

5-9-10: EXPANDED AGRICULTURAL USES:

(A) Purpose: The purpose of this section is to **regulate business uses**, **business** developments, and **business activities** under the definition of expanded agricultural use contained in section 5-12-13 of this title. These regulations shall apply within any zoning district which permits agricultural uses.

5-12-13 Definition

EXPANDED AGRICULTURAL USES: The raising of livestock and poultry, research and experimental farms and all activities incidental thereto, greenhouses, nurseries, apiaries, dog kennels, and the **on the premises selling of the products raised thereon**.

If you disagree with my assessment, and still believe the keeping of chickens as pets is governed by the above business codes (and not solely by the existing general nuisance laws), then I would ask for an audience with you to work through an amendment.

Background

As you may know, the keeping of hens as pets is a rapidly growing trend across the country, including most recently the city of Evanston. It is an activity legally protected in many other towns, cities and villages across the Greater Chicago area:

Chicago, Decatur, Downers Grove, Galesburg, Jacksonville, Lombard, Loves Park, Mount Prospect, Naperville, Normal, Oak Park, Pana, Plainfield, Saint Charles, Springfield, Westmont, and Worth (and Madison, Wisconsin).

Why would people want to keep hens? Hens are known by experienced chicken owners as "pets...with benefits." They are great pets because they are peaceful, friendly, curious, beautiful and interesting. They make less noise, waste and smell than dogs (which are universally larger in size and allowed to roam much more freely). Chickens have benefits because they naturally (without human intervention or the need for a rooster) produce a fantastic by-product, eggs for human consumption. Anyone that has tasted eggs from a grass-grazed hen will tell you, the taste is unlike anything available in the highest-end grocery stores (and much cheaper!). Moreover, recent studies have confirmed that the nutritional content of eggs from grass-grazed hens is also superior to that of store-bought eggs. Lastly, the "waste" product from hens, unlike that from dogs or cats, is considered a precious resource by organic gardeners because of its high nitrogen content.

Code Options

If the code, in your opinion, would require amendment, I have included examples from existing codes across the Greater Chicago area that address the major areas that might be of concern to Village residents.

The number of chickens:

- Maximum number of chickens: 2 hens per quarter acre up to 8, and no roosters (hens are a social animal, and it would be inhumane to keep only one. Roosters make more noise than hens, and don't produce eggs.)

Chicken housing (the coop):

- The focus is on maintaining a clean, humane coop, not being a noise nuisance, and not keeping chickens for slaughter.
- Must be of a "humane" and adequate size for the animals, also, must be clean and sanitary.
- All coops, hutches, doghouses, kennels, pens, enclosures, or area which any animal or fowl is kept MUST be maintained in a sanitary manner

without the accumulation of dirt, offal, or urine, and in such a manner as to prevent any disagreeable odor.

- No pen, coop, building, or other enclosure used for the purpose of housing fowl shall be erected or maintained within fifty feet of any property line of a neighbor's property.
- There must be 4 square feet of coop and run per hen, and hens must be able to easily get from coop to run, and be protected from weather and cold. Notice must be given to all neighbors prior to getting the hens. Chickens cannot be slaughtered within city limits.
- All feed for fowl or livestock shall be kept in containers that are rodent-proof until put out for consumption of fowl or livestock, or be kept inside.

"Intent" is important, in Chicago and Long Grove:

- No person shall own, keep or otherwise possess, or slaughter any sheep, goat, pig, cow or the young of such species, poultry, rabbit, dog, cat, or any other animal.

Long Grove code:

- General nuisance laws and building codes apply.

I thank you for your time and consideration in this matter. Hens are kept in public schools all over the country for educational purposes, so though there are a lot of myths in circulation about health risks involving poultry, the willingness of public schools to keep chickens indoors should give you confidence that I or any other knowledgeable individual can quickly dispel with research-based facts any of those concerns. Lastly, the keeping of chickens as pets is not only consistent with Long Grove's history as a rural farming community, but it would be incongruous to allow a horse on only two acres of property and not a handful of hens on an acre.

I look forward to working with you on this important matter of personal liberty.

John Emrich
Long Grove, IL
847.738.9800

without your attendance or I can wait until the June 28th meeting when you are available to attend if you would prefer.

Thanks,
Dave

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From: John Emrich [mailto:jemrich@me.com]
Sent: Thursday, May 26, 2011 2:53 PM
To: David Lothspeich
Cc: John Emrich
Subject: Re: Village Zoning Code Re: Chickens

Thanks so much, Dave. So, if I understand your guidance correctly, my best choice for direction would be to seek an "amendment to the Expanded Agricultural special use provisions" such that this amendment would offer the Village the opportunity to grant the appropriate designation on a case by case basis, is that correct? And that would be what I/we would present to the Village Board for consideration? So, still an amendment to the code, but not as broad sweeping as what you referred to as a "general amendment"...

I'm sure my presence at the meeting would be requested and/or expected? I am unfortunately out of town Jun 11-18, and then in town for the following 7 weeks.
Let me know if I got things right in my first paragraph (which sounds great, thank you), and then if so, what I need to do about the issue of attendance (I'll be in the backwoods of Idaho, so not able to come back into town just for the meeting).

Thanks again. I didn't cc: the others, just for this question of clarification, but if you want me to copy them too on each communication I will do that. Your call.

John

On May 26, 2011, at 2:40 PM, David Lothspeich wrote:

John,

Thank you for the email. As I mentioned in my voicemail to you, I'm copying HOA President Spina on my correspondence with you so as to keep all informed on this matter. If there are items that you wish to discuss outside of this process please feel free to contact me directly at 847-634-9440.

In regards to your inquiry (attached) re: Village Code provisions (excerpts copied below) for the keeping of chickens, the interpretation of Village Planner Hogue is correct in that the Village Code as written does not allow for the keeping of chickens (poultry) on residential properties regardless of the reasons as to why the chickens are kept (pets, farm animals, etc.). The Village Code is written as an inclusive

code and specifically identifies all permitted uses (principal and accessory) for each district and clearly does not allow for this use in any zoning districts except as an "Expanded Agricultural Use".

Your property at 4979 is zoned R2 PUD as part of the Prairie Trails Subdivision. As a property in the Prairie Trails PUD, while the average development density is one lot for every two acres including the common open space, the acreage for your property from deed is 0.9195 acres or 40,053 sq. feet. The Village Code allows for "Agricultural Uses" as a permitted use for residential properties such use is limited to the "growing of crops". The Village Code allows for "Expanded Agricultural Uses" that allows for various additional uses including "the raising of livestock and poultry" as a special use for residential properties that meet various requirements including being a minimum of 10 acres in size. Since your property is significantly less than the minimum acres required, it does not meet the minimum standards required to apply for a special use permit to allow for an Expanded Agricultural Use.

Based upon this information, the Village Zoning Code only allows for the keeping of chickens on properties that have an Expanded Agricultural Use special use permit but properties less than 10 acres cannot apply for such permit. Accordingly, in order to be permitted to keep chickens on your property you would need to submit an application to amend the Village Zoning Code. An amendment to the Village Zoning Code would be required in order to allow the requested you. Since the Zoning Code provisions are applicable village-wide, a general amendment to allow chickens on all residential properties would likely raise more concerns than an amendment to the Expanded Agricultural special use provisions that allows for the consideration of this designation on a case by case basis.

Procedurally I would recommend that your request be reviewed by the Village Board for direction to Staff. If the Village Board is open to considering amending the Code, then we can work at the Committee level with a Trustee to develop a recommendation to present to the Village Board for consideration. If this approach is agreeable with you, your inquiry/rquest will be presented to the Village Board during their upcoming meeting on June 14, 2011. Please let me know your preference.

Thanks,
Dave

Village Of Long Grove Code Excerpts Re: Poultry

5-2-2: INTERPRETATION OF DISTRICT SEQUENCE:

(A) General Rule: This title rejects as outdated and inappropriate the concept of hierarchical and cumulative zoning districts and, except as noted below, is based on the concept that each district should be designed to accomplish a specific purpose, to encourage a particular type of development, and to protect that development from being encroached upon by incompatible types of development.

(B) Special Rule: Within the foregoing philosophy, however, it is recognized that when different districts are juxtaposed, their differing characters may require special treatment to ameliorate incompatibilities that might otherwise result. For this limited purpose, this title recognizes the concept of "more restrictive" and "less restrictive" districts. For this purpose, **the districts established by this title shall be considered "more restrictive" or "less restrictive" in accordance with the following rules**:

1. The open space district shall be deemed to be more restrictive than any other district.
2. **The residential districts shall be deemed to be more restrictive than any nonresidential district except the open space district.**
3. **The R1 district shall be deemed to be the more restrictive residential district and the R3 district shall be deemed to be the least restrictive residential district.**
4. The office districts shall be deemed to be more restrictive than the business districts. (Ord. 2007-O-04, 4-24-2007)

5-3-1: PURPOSES:

Long Grove's unique qualities are drawn from its residential core. The essential character of the village results from its large residential lot sizes as well as its abundant, natural vegetation and limited accessibility via a pattern of quiet rural roads and streets. The residential district regulations are intended to perpetuate the overall character of the village by preserving established residential areas and encouraging new development consistent with the rural character of the village's residential core.

Three (3) zoning districts are provided for residential development. The residential districts (R1, R2, and R3 districts), together with the regulations permitting planned unit developments, provide ample opportunity for the development and preservation of various housing types consistent with the existing character of the village. (Ord. 2007-O-04, 4-24-2007)

5-3-2: PERMITTED USES:

The following uses and no other are permitted as of right in the residential districts:

(A) Single-family detached dwellings.

(B) **Agriculture**, subject to the following limitations:

1. **Use: The growing of crops shall be permitted as of right in the residential districts. Any other agricultural use shall require a special use permit pursuant to section 5-3-6 of this chapter.**

2. **Minimum Acres Required: Commercial agriculture uses shall require a minimum of ten (10) contiguous acres of lot area within the village.**

3. Location Of Buildings Or Structures: In all tracts of land devoted to agriculture uses, no building or other structure shall be situated or otherwise located within the setback area required by the terms of the zoning classification within which the lot is located. For example, if the lot is zoned in the R1 district, no buildings or other structures may be situated within one hundred feet (100') of the front yard as measured from the lot lines.

(C) Open space. (Ord. 2007-O-04, 4-24-2007)

5-3-6: SPECIAL USES:

The following uses may be permitted in the residential districts subject to the issuance of a special use permit as provided in section 5-11-17 of this title and subject to the additional standards hereinafter set forth:

(A) Schools, elementary and high, including playgrounds and athletic fields incidental thereto, but only subject to the special procedures and standards for public assemblies set forth in section 5-9-12 of this title.

(B) Religious facilities, but only subject to the special procedures and standards for public assemblies set forth in section 5-9-12 of this title.

(C) Recreational clubs, excluding commercially operated driving ranges or miniature golf courses.

(D) Planned unit developments, but only subject to the special procedures and standards set forth in section 5-11-18 of this title.

(E) Utility service uses, including electric substations and above and below ground distribution systems, water filtration plants, pumping stations, and reservoirs, and sanitary sewage treatment facilities, subject to the following additional standards:

1. Structure Appearance And Screening: All buildings and structures either shall have exteriors which give the appearance of a single-family residential structure or shall comply with the screening requirements applicable to nonresidential uses abutting a residential district pursuant to section 5-9-7 of this title.

2. Safety Fencing: All such uses shall be fenced where any hazard to the safety of human or animal life is present.

3. Service And Storage Prohibited: No service or storage yard or building shall be permitted.

(F) Public service uses, including, without limitation, the following:

1. Fire and police stations.

2. School bus shelters.

(G) **Expanded agricultural uses, subject to the limitations of section 5-9-10 of this title**.

(H) B&B's, subject to the limitations of section 5-9-11 of this title and provided that no such B&B shall be allowed in the R3 district.

(I) Nursing homes.

(J) Parks.

(K) Personal wireless services antennas, but only subject to the special procedures and standards contained in section 5-9-6 of this title. (Ord. 2007-O-04, 4-24-2007)

5-3-3: ACCESSORY STRUCTURES AND USES:

Accessory structures and uses are permitted in the residential districts subject to the provisions of section 5-9-1 of this title. (Ord. 2007-O-04, 4-24-2007)

5-12-13: DEFINITIONS:

When used in this title, the following terms shall have the meanings herein ascribed to them:

AGRICULTURE: **The growing of crops**. See definition of Expanded Agricultural Uses for other agricultural uses.

EXPANDED AGRICULTURAL USES: The raising of livestock and **poultry**, research and experimental farms and all activities incidental thereto, greenhouses, nurseries, apiaries, dog kennels, and the on the premises selling of the products raised thereon.

5-9-10: EXPANDED AGRICULTURAL USES:

(A) Purpose: The purpose of this section is to regulate business uses, business developments, and business activities under the definition of expanded agricultural use contained in section 5-12-13 of this title. These regulations shall apply within any zoning district which permits agricultural uses.

(B) Procedure: A special use permit must be obtained to operate expanded agricultural uses on a lot. The procedures and requirements for special uses contained in section 5-11-17 of this title shall apply.

(C) Uses: The following uses are allowed as expanded agricultural uses:

1. **Raising of livestock and poultry, and all activities incidental thereto**.

2. Nurseries, including the business of landscape architect and landscape contracting. Permitted nursery uses include the following:

(a) Office and design facilities.

(b) Storage facilities for nursery and landscape contracting equipment such as trucks, tractors, hand tools and the like, storage of plant materials, including materials purchased from other nurseries and related materials such as soil, sand, gravel, brick, concrete blocks, peat moss, grass seed, fertilizer, stone, tile, lumber and boulders.

(c) On site sales of plants grown on the lot.

(d) On site or off site sale of landscape contracts for the furnishing and installing of plants and related materials and for related services such as tree trimming and maintenance. The burning of waste materials brought onto the premises shall be prohibited.

3. Experimental farms.

(D) Property Use Allocation For Expanded Agricultural Uses:

1. Nonaccessory Use Property: Eighty percent (80%) of the total contiguous land must be used for raising of stock or open air nursery plantings. No buildings or other structures shall be permitted on this nonaccessory use property.

2. Accessory Use Property: Accessory use property is limited to twenty percent (20%) of the total contiguous land and shall include property used for storage facilities, office facilities, design facilities, other buildings, and parking. Property not within the village may not be used in calculating the portion of the property which can be devoted to accessory use. On all property, no building or other structure shall be located within the setback area required by the terms of

the zoning classification within which the property is located. Buildings shall be completely enclosed. The following uses shall be permitted on accessory use property:

(a) Storage Of Materials: The on site storage of tools, spare parts and incidental materials. Space required for the on site storage or placement of these materials shall be considered accessory use property. Fencing shall be required to avoid view from roads and adjacent lot owners. Fencing location and description shall be detailed through the expanded agricultural use permit application. Owners shall be encouraged to utilize berms and/or landscaping to achieve the necessary buffer effect.

(b) Employee, Customer, And Vendor Parking: Property used for employee, customer, and vendor parking as well as roadways is considered accessory use property.

(c) Storage Or Parking Of Vehicles: The on site storage or parking of trucks, tractors, and related machinery property used for the above is considered accessory use property whether the storage or parking is in open air or inside facilities, subject to the following limitations:

(1) The actual number of vehicles in open air storage or in overnight parking is limited in relation to the amount of contiguous property. The maximum number permitted in open air is:

Contiguous Acres	Vehicles
10 - 15	20
16 - 25	30
26 - 45	50
46 - 100	70
100+	80

Vehicles stored in inside facilities are not subject to the above calculation.

(2) For open air storage or parking, fencing shall be required to avoid view from roads and adjacent lot owners. Fencing location and description shall be detailed through an expanded agricultural use permit application which is required.

(d) Temporary Parking: No temporary parking or storage of trucks, trailers or other vehicles is permitted greater than one hour in duration on nonaccessory use property.

(e) Office Facilities: The property used for office facilities shall be considered accessory use property. In no event shall permitted land use exceed either of the following:

(1) Twenty percent (20%) of the total contiguous land used for permitted expanded agricultural uses.

(2) Five thousand (5,000) square feet.

(f) Vehicle Maintenance: The maintenance activity or repair of trucks, trailers and related

machinery is to be performed off site or inside on site building facilities. Property used for on site vehicle maintenance shall be considered accessory use property. On site maintenance activities are limited to the hours of Monday through Saturday eight o'clock (8:00) A.M. to five o'clock (5:00) P.M.

(g) Framed Greenhouses, Warehouses, Other Buildings: The property required for greenhouses, warehouses, temporary growing structures commonly known as cold frames, or other buildings shall be considered accessory use property.

(h) Bulk Materials Stockpiles: These materials include soil, sand, peat, fertilizer, mulch, stone and related materials. The property required for these uses shall be considered accessory use property and stockpiles shall be screened. Fencing location and description shall be detailed through an expanded agricultural use permit application.

(i) Plants And Nursery Stock: On the premises selling of living plants and nursery stock grown on the property is permitted. However, the sale of stock or other plants grown off site is prohibited. When plants or nursery stock have been removed from their growing location, any staging, storage or sales area shall be considered accessory use property.

(E) Business License Required: A business license is required for expanded agricultural uses as set forth in title 3, chapter 1 of this code. A license will only be issued when compliance exists with this section.

(F) Existing Use: Any existing uses which come within the definition of permitted expanded agricultural uses may continue subject to the provisions hereof. All such existing uses shall either terminate within seven (7) years of adoption of this section, or a special use permit for the expanded agricultural use shall be secured therefor within said seven (7) year period. No existing uses as defined in the expanded agricultural use definition may be expanded or altered without a special use permit for the expanded agricultural use having been secured therefor.

(G) Other Limitations:

1. Sales Of Material Or Stock Prohibited: The on site retail (consumer) sales of materials or stock other than those grown on the site is prohibited.

2. Minimum Acres Required: Expanded agricultural uses shall require a minimum of ten (10) contiguous acres of lot area within the village.

3. Location Of Buildings Or Structures: In all tracts of land devoted to expanded agricultural uses, no building or other structure shall be situated or otherwise located within the setback area required by the terms of the zoning classification within which the lot is located. For example, if the lot is zoned in the R1 district, no buildings or other structures may be situated within one hundred feet (100') of the front yard as measured from the lot lines. (Ord. 2007-O-04, 4-24-2007)

10-4-7: WILD ANIMALS:

No person shall possess, keep or maintain any wild, dangerous, nondomesticated animal or animals (ferae naturae) including wild animals native to the state of Illinois; provided however, that persons licensed by the state of Illinois or the Federal Government may possess wild animals in accordance with the terms of the license issued; and further provided, that none of the foregoing shall prohibit commerce in **poultry** for agricultural and foodstuff purposes. (Ord. 80-O-20, 11-25-1980)