

Item #6:
Ordinance Approving Code Amendments To Allow Chickens

VILLAGE OF LONG GROVE

ORDINANCE NO. 2011-O-__

**AN ORDINANCE AMENDING THE VILLAGE CODE
REGARDING THE KEEPING OF CHICKENS**

Adopted by the
President and Board of Trustees
of
the Village of Long Grove
this ____ day of _____, 2011

Published in pamphlet form by direction
and authority of the Village of Long Grove,
Lake County, Illinois
this ____ day of _____, 2011

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**AN ORDINANCE AMENDING THE VILLAGE CODE
REGARDING THE KEEPING OF CHICKENS**

WHEREAS, currently the Village Code of the Village of Long Grove (the "**Village**") authorizes the keeping of chickens only as an expanded agricultural use; and

WHEREAS, there are environmental benefits associated with the keeping of chickens, including the chickens' ability to provide a local, sustainable, and environmentally friendly food source through eggs, and nitrogen rich plant fertilizer; and

WHEREAS, the Village Board has received requests to authorize the keeping of a limited number of chickens on properties in Village residential districts for residents' personal use and enjoyment; and

WHEREAS, after public hearings held by the Long Grove Plan Commission/Zoning Board of Appeals (the "**PCZBA**"), the PCZBA has recommended, and the Long Grove Board of Trustees has determined, that it would be in the best interests of the Village and its residents to amend the Village Code to authorize the keeping of chickens in residential zoning districts subject to certain conditions;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Long Grove, County of Lake, State of Illinois, as follows:

SECTION ONE. Recitals. The foregoing recitals are incorporated into this Ordinance as findings of the President and Board of Trustees.

SECTION TWO. Amendment of Section 5-12-13 of the Village Code. The definition of "Expanded Agricultural Uses" in Section 5-12-13, entitled "Definitions," of Chapter 12, entitled "Applicability and Interpretation," of Title 5, entitled "Zoning Regulations," is hereby amended and shall hereafter be and read as follows:

EXPANDED AGRICULTURAL USES: The raising of livestock and poultry (except for chickens as an accessory use in residential zoning districts as provided for in this code), 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.

SECTION THREE. Amendment of Section 5-9-1(D) of the Village Code. Subsection D, entitled "Special Regulations Applicable To Particular Accessory Structures And Uses," of Section 5-9-1, entitled "Accessory Structures and Uses," of Chapter 9, entitled "District Regulations of General Applicability," of Title 5, entitled "Zoning Regulations," is hereby amended to add a new Paragraph 10 and shall hereafter be and read as follows:

10. Chickens: The keeping of chickens (but no other poultry or fowl) shall be permitted only as accessory to a residential use on the same lot, subject to the provisions of sections 10-4-17 of the Village Code. Notwithstanding section 5-3-12 of the Village Code, chicken enclosures may be located within 20 feet (20') of a principle structure. All chicken enclosures must meet the minimum setback requirements of either (i) 30 feet or (ii) the setback distance required for the principal structure on the lot as prescribed by the underlying zoning requirements, whichever is greater, for front, side, and rear yards.

SECTION FOUR. Amendment of Section 5-9-10(C) of the Village Code. Paragraph 1 of Subsection C, entitled "Uses," of Section 5-9-10, entitled "Expanded Agricultural Uses," of Chapter 9, entitled "District Regulations of General Applicability," of Title 5, entitled "Zoning Regulations," is hereby amended and shall hereafter be and read as follows:

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

1. Raising of livestock and poultry, and all activities incidental thereto, except that chickens may also be kept as an accessory use in residential zoning districts subject to the provisions of sections 5-9-1 and 10-4-17 of the Village Code.

SECTION FIVE. Amendment of Section 10-4-16 of the Village Code. Section 10-4-16, formerly entitled "Applicability," of Chapter 4, entitled "Animal Care Regulations," of Title 10, entitled "Police Regulations," is hereby amended to now be titled "Pre-existing Uses" and shall hereafter be and read as follows:

10-4-16: APPLICABILITY PRE-EXISTING USES :

(A) Persons who, at the time of passage date hereof, ~~own of Ord. 80-O-20, owned~~ and ~~board~~boarded animals and ~~have had~~ more animals than allowed by this chapter shall be allowed to maintain the ~~present~~then current number of animals. Persons who, at the time of passage date hereof, ~~own of Ord. 80-O-20, owned~~ and ~~board~~boarded animals in shelters which do not conform with requirements of this chapter shall be allowed to continue to board the animals in the shelters; provided, that said persons do not increase the number of animals in any nonconforming shelter above the number presently kept in said shelters. All persons otherwise subject to this section shall fully comply with all other provisions of this chapter.

(B) Any person who, at the time of passage date hereof, ~~of Ord. 80-O-20, owned~~ and boarded animals more than allowed by the terms of this chapter who are therefore allowed to continue to maintain the same number of animals pursuant to the preceding subsection and who shall cease to own and/or board animals in excess of the maximum amount allowed by this chapter for a period in excess of one hundred eighty (180) days shall thereafter be barred from owning and/or boarding more animals than otherwise allowed by this chapter and shall thereafter be required to fully conform with all of the terms of this chapter controlling the maximum number of animals that may be owned and/or boarded.

(C) All persons who, at the time of passage date hereof, ~~own of Ord. 80-O-20, owned~~ and/or ~~board~~boarded animals within shelters which ~~did~~ not conform with the requirements of this chapter, but who are allowed to continue to own and/or board animals in such shelters because of the preceding paragraphs and who fail to own and/or board animals in said nonconforming shelters for a period in excess of one hundred eighty (180) days shall thereafter be required to own and/or board animals within shelters that conform with this chapter and be barred from owning and/or boarding animals within any such nonconforming shelter which has not been utilized for the one hundred eighty (180) day period. (Ord. 80-O-20, 11-25-1980)

SECTION SIX. Addition of Section 10-4-17 of the Village Code. Chapter 4, entitled "Animal Care

Regulations," of Title 10, entitled "Police Regulations," is hereby amended to add a new Section 10-4-17 entitled, "Chickens in Residential Zoning Districts," which shall hereafter be and read as follows:

17: CHICKENS IN RESIDENTIAL ZONING DISTRICTS:

(A) Keeping of Chickens: The keeping of chickens (but no other poultry or fowl) shall be permitted as an accessory use to a residential use and on the same lot or parcel as the principal residential use, within a residential zoning district, subject to the provisions of section 5-9-1 and this section 10-4-17 of the Village Code.

(B) Number: The following number of chickens shall be allowed on a lot:

<u>Lot Size</u>	<u>Number of Chickens Allowed</u>
<u>Greater than 10 net acres</u>	<u>6 birds or as otherwise authorized per section 5-9-10 of</u>

	<u>the Village Code</u>
<u>3-10 net acres</u>	<u>6 birds</u>
<u>1-3 net acres</u>	<u>4 birds</u>
<u>Less than 1 net acre</u>	<u>0 birds</u>

For the purpose of this section, net acres shall be defined as the total acreage of any lot minus any area on such lot on which a street or road lies. Also, for the purpose of this section, lots and/or parcels, developed as part of a residential Planned Unit Development (PUD) shall be considered as lots or parcels in a residential zoning district and subject to these regulations provided the approval ordinance for such a PUD does not prohibit or further restrict the keeping of chickens as part of that approval. In the case of conflict between an approved PUD ordinance and this section of the Village Code, the stricter of the two shall apply.

(C) Minimum Requirements: The keeping of chickens on lots or parcels of land within residential zoning districts shall be allowed as an accessory use and are subject to the following provisions:

- (1) Roosters shall not be permitted to be housed, kept or maintained as an accessory use.
- (2) All chickens must be kept in an enclosure that includes a lockable coop and fully fenced run.
- (3) Chickens may only graze outside of any such enclosure under the direct supervision of the occupant of the residence, and in all circumstances chickens shall be at all times confined to the same lot or parcel as the principal use.
- (4) Enclosures shall be treated as accessory structures per Title 5 of the Village Code.
- (5) Coops shall be located behind the principal structure and the front yard line on any residential lot or parcel and constructed with roosting platforms that are at least three (3) feet above the ground surface.
- (6) Coops shall provide a minimum area of 3 square feet per bird, and runs shall provide a minimum of 8 square feet per bird.
- (7) Applicable building permits for coops and runs shall be required and subject to the demonstration of sufficient screening to minimize the visibility of enclosures to the street and neighboring property owners per subsection D below.

(8) Enclosures and grazing areas shall be cleaned regularly and kept in a neat and sanitary manner at all times.

(9) Slaughtering of chickens shall be prohibited.

(10) Chicken feed shall be securely stored in sealed rodent proof containers.

(11) On-site sale of eggs shall be prohibited.

(12) All chickens, enclosures, and grazing areas must comply with all Village nuisance regulations, including but not limited to those directed toward animals, noise, odor, pests, cleanliness, and unsightliness.

(D) Screening:

(1) Property owners shall install sufficient screening to minimize visibility of enclosures to the street and neighboring property owners.

(2) In order for screening to be deemed sufficient, it must:

i. be located between the enclosure and every lot line on the property;

ii. be composed of plantings, materials, or structures at least six feet in height that obstruct the view from neighboring properties and streets similarly throughout the entire year;

iii. be consistent with the character of the neighborhood.

(3) Prior to the issuance of a building permit for the enclosure, the applicant must submit a screening proposal to the Village building department, and the Village must approve such screening proposal as sufficient.

(4) Failure to implement and maintain the required screening as set forth in the approved screening proposal may result in the revocation of any permit or authorization for the keeping of chickens or fines in an amount not to exceed \$750 per day, or both.

(E) Variances: The keeping of chickens in a manner inconsistent with the requirements of this Section 10-4-17 may be considered within residential zoning districts subject to the following provisions:

(1) The property owner shall follow the procedures for variance as identified in 10-4-18 of this chapter and successfully obtain a variance; and

(2) The Planning Commission & Zoning Board of Appeals (PCZBA) may recommend and the Board of Trustees may impose conditions and limitations upon the premises or use that is the subject of such variance.

(F) Permitting; Enforcement:

(1) Any person wishing to keep chickens pursuant to this section must annually obtain a permit from the Village. In order to obtain a permit a person must:

- i. Comply with all of the requirements of this Section 10-4-17;
- ii. Submit to an annual inspection by the Village or its designee to ensure compliance with all of the requirements of this Section 10-4-17; and
- iii. Pay an annual permit fee in the amount of \$90.

(2) The Village may act cooperatively with the Lake County Animal Care and Control to enforce the terms of this Section 10-4-17 within the Village. If the Village or Lake County Animal Care and Control finds that the terms of this Section 10-4-17 have been violated, the Village may:

- i. Revoke the permit issued pursuant to Subsection 10-4-17(F)(1) for the remainder of the permit term;
- ii. Impose and collect fines in an amount not to exceed \$750 per day;
- iii. Charge fees in an amount not to exceed \$50 per inspection for any compliance inspections subsequent to the prescribed annual inspection to ensure compliance with this Section 10-4-17.

SECTION SEVEN. Renumbering and Amendment of Section 10-4-16-1 as Section 10-4-18 of

the Village Code. Section 10-4-16-1, entitled "Variances," of Chapter 4, entitled "Animal Care Regulations," of Title 10, entitled "Police Regulations," is hereby amended to now be Section 10-4-18 of the Village Code and shall hereafter be and read as follows:

10-4-16-1 10-4-18 VARIANCES:

Whenever the standards of this chapter place undue hardship on a property owner, the property owner may make application to the ~~zoning board of appeals~~Planning Commission & Zoning Board of Appeals (PCZBA) for a variance. The ~~zoning board of appeals~~PCZBA shall review the owner's request for variance and shall thereafter submit its recommendation to the village board.

(A) No variance shall be granted unless the owner demonstrates that:

- (1) The relief requested is the minimum necessary.

- (2) There will be no threat to public health or safety or creation of a nuisance.
- (3) The proposed variation will not result in the diminution of the quality of life for the animal or animals to be stabled or kept on the owner's property.
- (4) The animal or animals will be provided with adequate shelter and protection from weather.
- (5) The variation, if granted, will not prevent or impede human care and treatment of the animals.

(B) A variance from the requirements of this chapter may be granted as requested if the proposed variation is in general conformity with the purpose of this chapter, and the variance may be granted on such terms and conditions as are appropriate to ensure adequate and humane care for the animals.

The ~~zoning board of appeals~~ PCZBA may consider a request for variation under the provisions of this chapter at any regularly scheduled meeting. No legal notice or publication shall be required for an owner to obtain a hearing on a request under the terms of this provision; provided, however, that the applicant shall submit an affidavit demonstrating that applicant has sent a copy of the application to all property owners within two hundred fifty feet (250') of applicant's property fourteen (14) days before the zoning board of appeals meeting at which the application is to be considered.

(C) The village board, upon receipt of the recommendation of the ~~zoning board of appeals~~ PCZBA, shall review the recommendation of the ~~zoning board of appeals~~ PCZBA and then determine whether or not a variation as requested or as the board might deem appropriate to be modified shall be granted. In the event that the board determines that a variation shall be granted as requested or as modified in its discretion, it shall so grant the variation by adoption of an appropriate ordinance. (Ord. 86-O-33, 3-25-1986)

(D) Notwithstanding anything in the Village Code to the contrary, the application fee for a variation regarding keeping chickens in a manner inconsistent with this Chapter shall be \$250 for such request; except that a variation to increase the number of allowable chickens by more than three shall include an additional fee of \$100 for each additional chicken in excess of three [for example, a request to have 10 chickens on an eight acre lot shall be seeking a variation for four chickens, and the variation application fee will be \$350]. This application fee shall be in addition to the permit fee established in Section 10-4-17(F) of this Code.

SECTION EIGHT. **Effective Date.** This Ordinance shall be in full force and effect only upon the occurrence of all of the following events its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED this ____ day of November, 2011.

AYES: ()

NAYS: ()

ABSENT: ()

APPROVED this ____ day of November, 2011.

Maria Rodriguez, Village President

ATTEST:

Karen Schultheis, Village Clerk