

January 24, 2022

Title

PC 22-03

Petitioner

Village of Lombard

Property Location

Zoning Districts: R0, R1, and R2

Approval Sought

Text amendment

Prepared By

Jennifer Ganser, AICP
Assistant Director

DESCRIPTION

The petitioner, the Village of Lombard, is requesting text amendments to the following Sections of Village Code, and other relevant sections for clarity regarding the keeping of chickens as an accessory use:

1. Amend Section 155.212 to add chicken coops to the listed of permitted obstructions, in the rear yard;
2. Create a new Section 155.227: Keeping Chickens as an Accessory Use to establish regulations on bulk requirements such as setbacks and height; and
3. Amend Section 155.802 to add definitions related to chickens.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division/Code Enforcement divisions offer the following comments/questions: please add under Section 90.04(C)(4) “and plugged into a GFCI protected electric device.”

Fire Department:

The Fire Department has no comments regarding the proposed text amendment to the Zoning Ordinance.

Public Works:

The Department of Public Works has no comments regarding the proposed text amendment to the Zoning Ordinance.

Private Engineering Services:

Private Engineering Services has no comments regarding the proposed text amendment to the Zoning Ordinance.

Planning Services Division:

Staff was contacted by a group of residents in September 2021 regarding chickens. They noted that Villa Park recently adopted an ordinance and hoped to see Lombard do the same. They noted that chickens promote sustainability and allows residents access to fresh food (eggs).

The Economic and Community Development Committee (ECDC) discussed chickens on November 17, 2021 and unanimously voted to recommend approval of the keeping of chickens as an accessory use. The Village Board directed staff to take the item to the Plan Commission at their December 16, 2021 meeting. The ECDC staff memo is attached.

Staff conducted comprehensive research, with assistance from the DuPage Mayors and Managers Conference, on chickens. Twenty-one (21) municipalities were surveyed, and of those, ten (10) allow for chickens. There are many similarities among the various Codes on chickens. The draft ordinance uses many of the best practices from the ten municipalities that currently allow for chickens.

As the new Section of Code, amendments to Section 155.212, and new definitions would be in the Zoning Ordinance; the Plan Commission is tasked with the review. Staff is proposing up to six chickens be allowed in rear yards of single-family lots with a setback of 10' from all lot lines. Enclosures would be limited to 150 square feet and 8' tall. Chicken coops would be an accessory structure and therefore only allowed on lots with a single-family home (as the principal structure).

Currently, chickens are prohibited per Section 90.04. Text amendments to Sections 90.04 and 150.141 are included for reference, though they are not part of the purview of the Plan Commission. Section 90.04 will now allow for chickens and also set nuisance provisions for the chickens. Section 90.04 is enforced by Code Enforcement in the Community Development Department. Section 150.141 will establish a one-time permit fee of \$50. These edits will be brought forward to the Board of Trustees, with the companion zoning text amendments, for final consideration at a future date. As the Plan Commission may remember, other land uses are also regulated by additional sections of Code. Massage establishments, liquor stores, and restaurants that serve liquor are all referenced in the Zoning Code, as well as other sections of Code for additional regulations.

Edits to the Zoning Code are below, with additions noted as underline and deletions as strikeout. Section 155.212 lists permitted obstructions in yards. Chicken coops will be added, noting they are allowed in the rear yard only. They will also establish that chicken coops are an accessory structure on a lot, not a principal structure.

§ 155.212 Permitted obstructions in required yards.

Yard obstructions of principal and accessory structures and uses shall be allowed as set forth below. Driveways, parking areas and patios shall not, in the aggregate, occupy more than 40 percent of any required front or corner side yard for single-family residential development.

Table 2.1

PERMITTED OBSTRUCTIONS

Type of Structure or Use Obstruction X = Permitted Obstruction	Front and Corner Side Yard	Side Yards	Rear Yard
Above Ground Utility Cabinet, less than six (6) feet in height		X	X
Accessory structures in residential districts subject to the setbacks and other requirements of § 155.210, above		X	X
Air conditioners which are window units projecting not more than 18 inches into the required yard	X	X	X
Arbors and trellises	X	X	X
Awnings and canopies, in non-residential districts	X	X	X
Awnings and canopies, in residential districts, projecting three (3) feet or less into the yard.	X	X	X
Balconies			X
Basketball poles, nets	X	X	X
Bay windows	Must meet footnote C	Must meet footnote D	Must meet footnote C
Breezeways			X

Central air-conditioning systems, new			Must meet footnote F
Central air-conditioning systems, replacement	Must meet footnote E and F	Must meet footnote E and F	Must meet footnote F
Chicken Coop			X

- A. Open terraces and decks not over three feet above the average level of the adjoining ground, provided that a minimum two-foot side yard setback is maintained.
- B. Open terraces and decks attached to single-family residences not more than one foot above the established top of the foundation height at the front of the residence, provided that a minimum 25 foot rear yard setback is maintained.
- C. Bay windows projecting three feet or less into the yards.
- D. Bay windows, which are not supported by a foundation, are no more than ten feet wide, and project no more than two feet into the yard provided that the bay window does not encroach into any easement area.
- E. The unit shall not further encroach into the requisite yard than the previous unit.
- F. The unit shall not encroach more than ten feet into the requisite yard.
- G. The structure shall not encroach more than two feet into the side yard.

Next, staff is proposing a new Section of Code for chickens; Section 155.227. This would further regulate chickens in the Zoning Code while referring to the Nuisance Code of 90.04.

It shall be unlawful for any person to raise, harbor or keep chickens (hens) on single-family residential lots zoned within the R0, R1, or R2 Districts, unless in compliance with the following regulations, including but not limited to the regulations set forth in Section 90.04:

1. **A maximum of six (6) hens, and a minimum of two (2) hens, shall only be permitted on properties zoned R0, R1, or R2 Districts; and occupied for single-family residential uses. Chicken coops are allowed as a type of accessory structure.**
2. **All hens shall be kept within a covered enclosure/structure with an attached covered/enclosed outdoor area to prevent hens from encroaching onto neighboring properties. The covered/enclosed outdoor area shall be fenced.**
3. **An outdoor area minimum of four (4) square feet per hen will be required and a maximum of one hundred and fifty (150) square feet will be permitted for both the covered enclosure/structure and outdoor area.**
4. **The maximum height of a chicken coop shall be eight feet (8').**
5. **All hens and requisite fence enclosures/structures shall be kept/located in the rear yard or within the buildable area of the lot behind the rear exterior walls of the principal structure.**
6. **All enclosures/structures shall be located a minimum of ten feet (10') from all lot lines.**
7. **The structure shall contain insulated walls and/or an insulated blanket shall cover the structure during the winter months.**
8. **The lot must be fenced in conformance with Village Code.**
9. **Roosters are prohibited.**
10. **The sale of eggs is prohibited.**
11. **Chicken coops shall not be allowed to be in any part of a home and/or garage.**

Last, definitions will be added to the Zoning Code related to chickens.

CHICKEN(S): The common domestic fowl.

COOP: A coop, building, pen or other enclosure, with or without an enclosed pen or hen yard, that is designed, constructed and maintained to confine fowl within the coop and to prevent access by predators and trespassers.

FOWL: Any domesticated egg-laying chicken hen and shall exclude all roosters and chicken hens that have ceased laying eggs.

HEN: A female chicken.

POULTRY: Domestic fowl, such as chickens, turkeys, ducks, and geese.

ROOSTER: A male chicken.

STANDARDS FOR TEXT AMENDMENTS

For any change to the Zoning Ordinance, the standards for text amendments must be affirmed.

1. *The degree to which the proposed amendment has general applicability within the Village at large and not intended to benefit specific property;*

The text amendment is generally applicable to residential property zoned R0, R1, and R2 in the Village. Chickens coops and chickens would be limited to an accessory structure to established single-family homes.

2. *The consistency of the proposed amendment with the objectives of this ordinance and the intent of the applicable zoning district regulations;*

The proposed text amendment is consistent with the objectives of the Zoning Ordinance.

3. *The degree to which the proposed amendment would create nonconformity;*

Nonconformities would not be created as chickens are currently prohibited throughout the Village.

4. *The degree to which the proposed amendment would make this ordinance more permissive;*

The proposed amendment will allow single-family homeowners to have chickens on their property. Permits would be required and the proposed Code provisions would set a cap on the number of permits to be issued by the Village at fifty (50).

5. *The consistency of the proposed amendment with the Comprehensive Plan; and*

The proposed amendments would be consistent with the Comprehensive Plan by ensuring sustainability and promoting environmentally friendly behaviors. Vision 2 of the Comprehensive Plan notes Lombard will have “sustainable land use patterns” and Vision 5 notes Lombard will “protect the natural environment” and “ensure sustainability”.

6. *The degree to which the proposed amendment is consistent with village policy as established in previous rulings on petitions involving similar circumstances.*

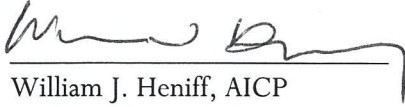
The Village has a history of amending the Zoning Ordinance to address edits for clarity and for emerging land uses.

FINDING & RECOMMENDATIONS

Based on the above findings, the Inter-Departmental Review Committee has reviewed the petition and finds that it meets the standards required by the Zoning Ordinance. As such, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending approval of this petition:

Based on the submitted petition and the testimony presented, the requested text amendments **comply** with the standards required by the Village of Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission accept the findings and recommendations of the Inter-Departmental Report as the findings of the Plan Commission and I recommend to the Corporate Authorities **approval** of PC 22-03.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

EXHIBIT A: Edits to 90.04 and 150.141

§ 150.141 Permit fees.

(A) Residential flat fees.

Air Conditioning Condenser	\$75.00
Basement Interior or Exterior Drain Tile/Water Proofing	\$95.00
Chicken Coop	\$50.00
Chimney Repair	\$75.00

§ 90.04 - Keeping certain animals prohibited.

(A) Except as provided in § 90.06 of this Chapter, it shall be unlawful for any person to keep any dangerous or vicious animal, or animal listed in § 90.04(B), in any place other than a properly maintained zoological park, circus, scientific or educational institution, research laboratory or veterinary hospital, or as licensed to do so by the State or Federal government.

(B) Except as provided in § 90.07 of this Chapter, it shall be unlawful for any person to keep or allow to be kept within the Village any farm animals, including, but not limited to, sheep, cattle, goats, horses, ducks, geese, chickens, roosters or other fowl, pigeons (except for carrier/racing pigeons) swine (including pot-bellied pigs), or similar animals. Except as provided in § 90.07 of this Chapter, it shall be unlawful for any person to keep or allow to be kept within the Village any naturally wild animals, including, but not limited to, boa constrictors, poisonous snakes or other poisonous reptiles, and any animals classified as endangered species or threatened species. Zoological parks, circuses, scientific or educational institutions, research laboratories, veterinary hospitals, or individuals and entities licensed to do so by the State or Federal government are excepted from this provision.

(C) Chickens shall be permitted, with restrictions, pursuant to Section 155.227 of Village Code. The following restrictions shall also apply.

- 1. All areas where hens are kept shall be clean and well maintained with little to no accumulation of waste. In addition, all areas where hens are kept shall not produce or cause odors that are detectable on adjacent properties.**
- 2. Chicken coops shall be maintained in a manner that provides adequate lighting and ventilation, and protects chickens from cold weather, precipitation, rodents, predators, and trespassers.**
- 3. All feed shall be kept in a sealed metal container.**
- 4. All electrical appurtenances shall be UL listed, clearly labeled, and plugged into a GFCI protected electric device.**
- 5. A hen permit issued under this article may be revoked upon the commission of three (3) violations within a period of twelve (12) months. If the permit is revoked, the property shall not be eligible for a permit for one year after revocation. Any enclosure/structure shall be required to be removed within fifteen (15) days of revocation.**
- 6. No slaughtering.**
- 7. No other poultry, including but not limited to geese, ducks and turkeys shall be kept on the property.**
- 8. A building permit shall be required for all permanent enclosures/structures associated with the keeping of hens.**
- 9. A permit issued by the Village with a one-time fee, per Section 150.141, shall be required prior to purchasing the hens. A renewal permit shall be required each year thereafter, with no additional fee.**
- 10. A maximum of fifty (50) residential zoning lots will be licensed to have hens in the Village at one time.**

EXHIBIT B: ECDC staff memo



MEMORANDUM

TO: Trustee Anthony Puccio, Chairperson
Economic and Community Development Committee

FROM: Jennifer Ganser, AICP, Assistant Director of Community Development

MEETING DATE: November 17, 2021

SUBJECT: **Backyard Chickens**

Staff was contacted by a group of residents in September 2021 regarding backyard chickens. They noted that Villa Park recently adopted an ordinance and hoped to see Lombard do the same. They noted that backyard chickens promote sustainability and allows residents access to fresh food (eggs).

In 2010, the Environmental Concerns Committee (ECC) reviewed a petition from residents on backyard chickens. The ECC voted 5-3 to allow backyard chickens on November 23, 2010. Ultimately the request was denied by the Village Board, hence chickens are not allowed in Lombard. The ECC has been folded into the Public Works Committee. However, due to the impact on local building and zoning codes and policies, this item is going before the ECDC for review and recommendation to the Village Board.

Chickens are prohibited in the Village. Current Village Code is as follows.

§ 90.04 - Keeping certain animals prohibited.

(A) Except as provided in § 90.06 of this Chapter, it shall be unlawful for any person to keep any dangerous or vicious animal, or animal listed in § 90.04(B), in any place other than a properly maintained zoological park, circus, scientific or educational institution, research laboratory or veterinary hospital, or as licensed to do so by the State or Federal government.

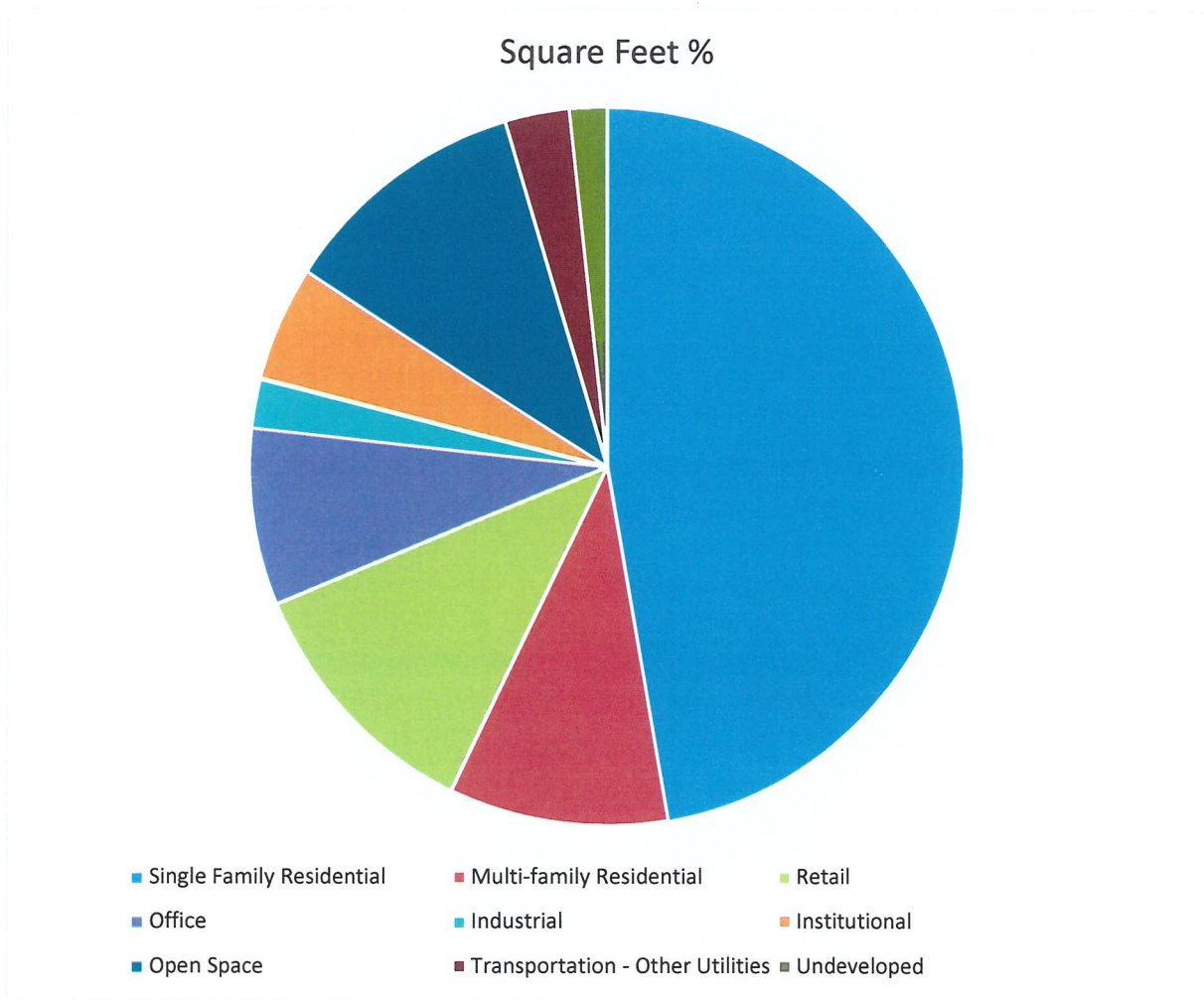
(B) Except as provided in § 90.07 of this Chapter, it shall be unlawful for any person to keep or allow to be kept within the Village any farm animals, including, but not limited to, sheep, cattle, goats, horses, ducks, geese, chickens, roosters or other fowl, pigeons (except for carrier/racing pigeons) swine (including pot-bellied pigs), or similar animals. Except as provided in § 90.07 of this Chapter, it shall be unlawful for any person to keep or allow to be kept within the Village any naturally wild animals, including, but not limited to, boa constrictors, poisonous snakes or other poisonous reptiles, and any animals classified as endangered species or threatened species. Zoological parks, circuses, scientific or educational institutions, research laboratories, veterinary hospitals, or individuals and entities licensed to do so by the State or Federal government are excepted from this provision.

Staff conducted comprehensive research, with assistance from the DuPage Mayors and Managers Conference, on backyard chickens. Twenty-one (21) municipalities were surveyed, and of those, ten (10) allow for backyard chickens. There are many similarities among the various Codes on

backyard chickens. Should the Village Board decide to allow backyard chickens, staff wrote the attached draft ordinance with regulations. The draft ordinance uses many of the best practices from the ten municipalities that currently allow for backyard chickens.

Lot size

Each municipality allows chickens on residential lots only. The draft ordinance proposes residential lots zoned R0, R1, or R2 and that meet the minimum R2 lot size of 7,500 square feet. Approximately 47% of the Village is classified as single-family residential land use. Chicken coops would require a building permit, which would give staff the opportunity to verify the zoning district and the lot size.



Setbacks

Similar to other structures, a setback would need to be proposed for the chicken coop. Setbacks ranged from 3' to 150' from the property line. Four municipalities (the majority) have a setback of 10', which is proposed in the draft ordinance. Chicken coops are proposed to be located in the rear yard only. The 10' setback would apply to the side and rear yards.

The Zoning Code regulates setbacks for structures such as a house, garage, or shed. Setbacks provide for a buffer space between neighboring properties. For comparison, in the R2 Zoning District, single-family homes have a required side yard setback of 6'. In the rear yard, garages and sheds have a required side yard setback of 3' to 6', depending on their location.

Enclosure requirements and use restrictions

Requirements vary by municipality. There were common elements such as: keeping the enclosure covered with an area for the chickens to roam free, maximum height and square footage, no slaughtering, and prohibiting the selling of eggs. Not every municipality regulated the maximum height and square footage. The draft ordinance uses the highest amounts for both, at 150' square feet and 8' tall.

The chicken coop structure would require a building permit, similar to that of a shed.

Nuisance

Municipalities noted they had very few nuisance issues. The existing municipal Codes regulate sanitation provisions and maintenance. The draft ordinance reflects other Codes in areas of sanitation. Staff notes that chickens are generally a want, and not something that is required of a resident to have or take part in. Therefore, those wanting chickens may take it upon themselves to provide for a clean and nuisance free area.

Roosters, which may create excess noise, are prohibited. Slaughtering is also prohibited.

Predators

Staff talked to the municipalities that allow for chickens on predators. None had issues with predators that they were aware of. The draft ordinance does require that the chickens be kept "within a covered enclosure/structure with an attached covered/enclosed outdoor area to prevent hens from encroaching onto neighboring properties."

Quantity and Cap on lots

Of the 10 municipalities, two (Bartlett and Villa Park) have a cap on the number of licenses allowed. Neither municipality has reached their self-imposed limit. Villa Park has issued the most licenses at 33. Other towns, that keep track, have under 25. The average number of licenses is 14.

The municipalities surveyed did not allow roosters. Most allow between 4 and 10 chickens. Four municipalities, the majority, allow for a limit of four chickens. Staff notes that 4 to 6 chickens seems reasonable, should backyard chickens be allowed in Lombard.

License and Permits

Over half of the municipalities surveyed require a permit or a license to have chickens. Should a cap be placed on the number of lots with chickens, a license should be required to keep track of the number so it not exceeded.

Staff notes a permit for the chicken coop would be required, much like permits are required for sheds and other accessory structures. Similar to other permits, a plat of survey denoting the location (to scale), size, height, and setbacks would be required. Staff would require drawings or

images of the proposed coop showing how the structure will be built. Any electric would need to meet Village Code. Permits for a chicken coop would be routed to planning, engineering and building for review.

ACTION REQUESTED

Staff requests the ECDC review the proposed backyard chicken ordinance and make a recommendation vote to the Village Board. The ECDC can recommend the allowance of backyard chickens to the Village Board, subject to the attached Code provisions, or not.

If the ECDC recommends approval, further action would need to be taken by the Plan Commission. The Plan Commission reviews edits to the Zoning Code (such as setbacks), and therefore, would need to review the new Section on backyard chickens, and the new definitions. This would be done at a public hearing, giving the public another opportunity to comment. The Village Board would then review all the proposed changes for final consideration. Staff expects this matter to go to the Plan Commission in the winter, with Board consideration likely the following month. Generally, this process can take 60-90 days.

Edits to current Code

§ 90.04 - Keeping certain animals prohibited.

(A) Except as provided in § 90.06 of this Chapter, it shall be unlawful for any person to keep any dangerous or vicious animal, or animal listed in § 90.04(B), in any place other than a properly maintained zoological park, circus, scientific or educational institution, research laboratory or veterinary hospital, or as licensed to do so by the State or Federal government.

(B) Except as provided in § 90.07 of this Chapter, it shall be unlawful for any person to keep or allow to be kept within the Village any farm animals, including, but not limited to, sheep, cattle, goats, horses, ducks, geese, ~~chickens~~, roosters ~~or other fowl~~, pigeons (except for carrier/racing pigeons) swine (including pot-bellied pigs), or similar animals. Except as provided in § 90.07 of this Chapter, it shall be unlawful for any person to keep or allow to be kept within the Village any naturally wild animals, including, but not limited to, boa constrictors, poisonous snakes or other poisonous reptiles, and any animals classified as endangered species or threatened species. Zoological parks, circuses, scientific or educational institutions, research laboratories, veterinary hospitals, or individuals and entities licensed to do so by the State or Federal government are excepted from this provision.

(C) Backyard chickens shall be permitted, with restrictions, pursuant to Section 155.XYZ of Village Code.

New definitions for backyard chickens

CHICKEN(S): The common domestic fowl.

COOP: A coop, building, pen or other enclosure, with or without an enclosed pen or hen yard, that is designed, constructed and maintained to confine fowl within the coop and to prevent access by predators and trespassers.

FOWL: Any domesticated egg-laying chicken hen and shall exclude all roosters and chicken hens that have ceased laying eggs.

HEN: A female chicken.

POULTRY: Domestic fowl, such as chickens, turkeys, ducks, and geese.

ROOSTER: A male chicken.

New Code for backyard chickens

It shall be unlawful for any person to raise, harbor or keep chickens (hens) on single-family residential lots zoned R0, R1, or R2, containing a minimum of 7,500 square feet unless in compliance with the following regulations:

1. A maximum of four (4) hens shall be permitted on properties zoned R0, R1, or R2 and occupied for single-family residential uses.
2. All hens shall be kept within a covered enclosure/structure with an attached covered/enclosed outdoor area to prevent hens from encroaching onto neighboring properties.
3. An outdoor area minimum of four (4) square feet per hen will be required and a maximum of one hundred and fifty (150) square feet will be permitted for both the covered enclosure/structure and outdoor area.
4. The maximum height of a chicken coop shall be eight feet (8').
5. All hens and enclosures/structures shall be kept/located in the rear yard only.
6. All enclosures/structures shall be located a minimum of ten feet (10') from all lot lines.
7. The structure shall contain insulated walls and/or an insulated blanket shall cover the structure during the winter months.
8. All areas where hens are kept shall be clean and well maintained with little to no accumulation of waste. In addition, all areas where hens are kept shall not produce or cause odors that are detectable on adjacent properties.
9. Chicken coops shall be maintained in a manner that provides adequate lighting and ventilation, and protects chickens from cold weather, precipitation, rodents, predators, and trespassers.
10. All feed shall be kept in a sealed metal container.
11. All electrical appurtenances shall be UL listed and clearly labeled.
12. The lot must be fenced in conformance with Village Code.
13. A hen permit issued under this article shall be revoked upon the commission of three (3) violations within a period of twelve (12) months. If the permit is revoked, the property shall not be eligible for a permit for one year after revocation. Any enclosure/structure shall be required to be removed within fifteen (15) days of revocation.
14. Roosters are prohibited.
15. No slaughtering.
16. No other poultry, including but not limited to geese, ducks and turkeys shall be kept on the property.
17. The sale of eggs is prohibited.
18. Chicken coops shall not be allowed to be in any part of a home and/or garage.
19. A building permit shall be required for all permanent enclosures/structures associated with the keeping of hens.

20. A hen license issued by the Village with a one-time fee of \$50.00 shall be required prior to purchasing the hens. A renewal license shall be required each year thereafter, with no additional fee.

Condition #1

1. A maximum of six (6) hens shall be permitted on properties zoned R0, R1, or R2 and occupied for single-family residential uses.

Optional Condition #21

Two municipalities limit the number of hen licenses they will issue; and neither has reached their self-imposed limit. The average number of licenses of municipalities surveyed was 14.

21. A maximum of fifty (50) residential zoning lots will be licensed to have hens in the Village at one time.

EXHIBIT C: Public comment

Ganser, Jennifer

From: [REDACTED]
Sent: Tuesday, January 04, 2022 8:40 AM
To: Community Development
Cc: GansterJ@villageoflombard.org
Subject: chickens

Please be cautious

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Pls. take into consideration the following:

1. How will you insure that predators (e.g. coyotes, fox) will not be attracted?
2. What about rodents.
4. Coops should not be within 25" of lot line
5. permits and annual inspections should be required.
6. # of chickens s /b restricted (3 ?)
7. Law should expire in 2 years to allow review.

this remains me of fire pits approved with good intentions... now we have neighbors burning leaves, papers, etc.

w.warren