



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development *WJH*

MEETING DATE: February 17, 2022

SUBJECT: **PC 22-03; Keeping of Chickens as an Accessory Use**

Please find the following items for Village Board consideration as part of the February 17, 2022 Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 22-03;
3. An Ordinance granting approval of the text amendments of the Lombard Zoning Ordinance;
4. A companion Ordinance to Section 90.04 (nuisance provisions); and
5. A companion Ordinance to Section 150.141 (permit fees) setting the fee schedule for chicken coops.

The Economic and Community Development Committee recommended approval of this petition by a unanimous vote on November 17, 2021. The Plan Commission recommended approval of this petition by a vote of 7-0 on January 24, 2022. Please place this petition on the February 17, 2022 Board of Trustees agenda, under Items for Separate Action.



VILLAGE OF LOMBARD

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February 17, 2022

Village President
Keith T. Giagnorio

Village Clerk
Liz Brezinski

Trustees

Brian LaVaque, Dist. 1
Anthony Puccio, Dist. 2
Bernie Dudek, Dist. 3
Andrew Honig, Dist. 4
Dan Militello, Dist. 5
Bob Bachner, Dist. 6

Village Manager
Scott R. Niehaus

*"Our shared **Vision** for Lombard is a community of excellence exemplified by its government working together with residents and businesses to create a distinctive sense of spirit and an outstanding quality of life."*

*"The **Mission** of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."*

Mr. Keith T. Giagnorio,
Village President, and
Board of Trustees
Village of Lombard

Subject: PC 22-03; Text Amendment to the Zoning Ordinance, Keeping of Chickens as an Accessory Use

Dear President and Trustees:

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. 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.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on January 24, 2022. Sworn in to present the petition was Jennifer Ganser, Assistant Director.

Acting Chairperson Sweetser read the Plan Commission procedures and asked if anyone other than the petitioner intended to cross examine and, hearing none, she proceeded with the petition.

Ms. Ganser presented the staff report, which was submitted to the public record in its entirety. 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.

The Economic and Community Development Committee 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. Staff conducted comprehensive research, with assistance from the DuPage Mayors and Managers Conference, on 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.

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.

Staff supports the text amendment to allow for chickens as an accessory use, on properties zoned R0, R1, and R2.

Commissioner Johnston asked about the noise level. Ms. Ganser said staff contacted other communities that allow for chickens and they did not have any complaints on noise. She said that roosters are strictly prohibited. Commissioner Johnston asked about specifications on the coop. Ms. Ganser said there is not specification on the building. She said building permits with plans are required to also review the bulk requirements. She said there are also not design regulations on houses, sheds, or garages.

Commissioner Giuliano asked if there are requirements for inspections for the coops. Ms. Ganser said there is not an annual inspection process. She said applicants will be contacted yearly to ask if they want to renew their permit as there is a limit on 50 permits in the Village. An inspection would be required to close out the permit. She said if Code Enforcement was notified of a potential issue staff would come out to review the situation. Commissioner Giuliano asked if that would require a neighbor call, she asked if there is time frame to remediate the problem. Ms. Ganser said that much like other nuisance related items, a neighbor call would start the process. Staff responds to the complaints quickly and we contact the property owner to try to resolve the issue as soon as possible.

Acting Chairperson Sweetser asked if any person would like to speak in favor or against this petition, or for public comment.

Ms. Kelly Walters said she is resident of District 6. She hopes they consider approving the ordinance. She said she is excited to have chickens.

Ms. Emily Prasad said she is in favor of the ordinance. She is happy to see the discussion. She said the ordinance is well written.

Acting Chairperson Sweetser asked if there were any questions or comments on the staff report. Hearing none, she opened the meeting for comments among the Commissioners.

On a motion by Commissioner Johnston, and a second by Commissioner Walker, the Plan Commission voted 7-0 to recommend that the Village Board approve the petition associated with PC 22-03.

Respectfully,

VILLAGE OF LOMBARD

Ruth Sweetser, Acting Chairperson
Lombard Plan Commission

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.*

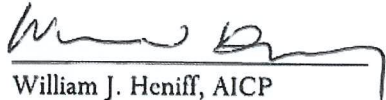
The Village has a history of amending the Zoning Ordinance to address edits for clarity and for emerging land uses.

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.

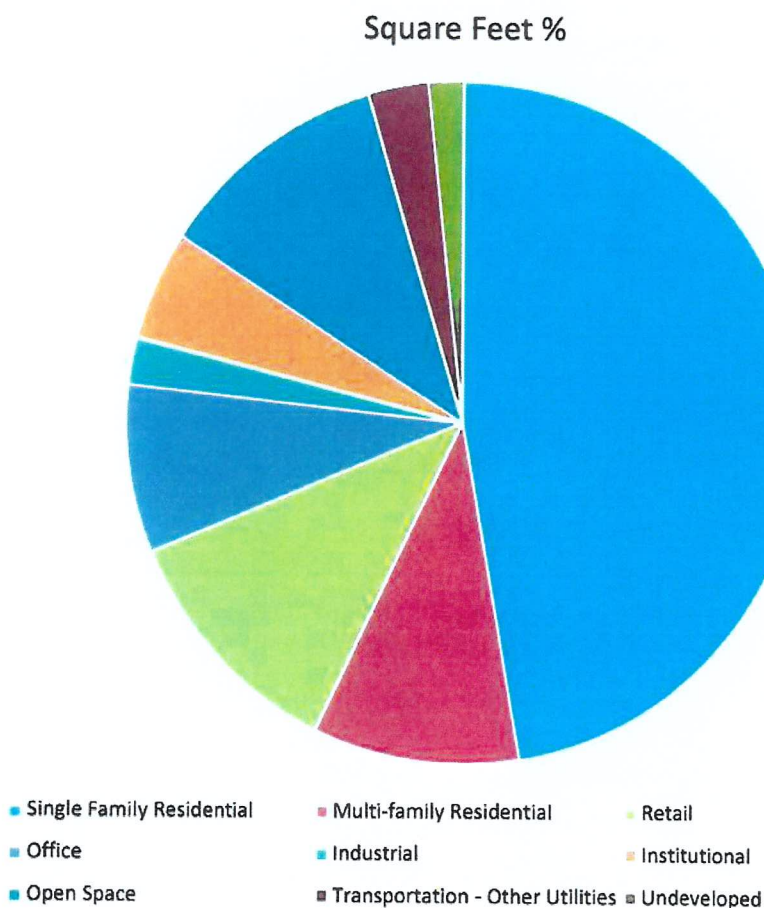
(B) Except as provided in § 90.07 of this Chapter, it shall be unlawful for any person to keep or allow to be kept within the Village any farm animals, including, but not limited to, sheep, cattle, goats, horses, ducks, geese, chickens, roosters or other fowl, pigeons (except for carrier/racing pigeons) 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

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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

ORDINANCE _____

AN ORDINANCE APPROVING A TEXT AMENDMENT
TO THE LOMBARD ZONING ORDINANCE
TITLE 15, CHAPTER 155
OF THE LOMBARD VILLAGE CODE

PC 22-03: Text Amendments to the Zoning Ordinance: Keeping of Chickens as an
Accessory Use

WHEREAS, the Village of Lombard maintains a Zoning Ordinance which is
found in Title 15, Chapter 155 of the Lombard Code; and,

WHEREAS, the Board of Trustees deem it reasonable to periodically review
said Zoning Ordinance and make necessary changes; and,

WHEREAS, a public hearing to consider text amendments to the Zoning
Ordinance has been conducted by the Village of Lombard Plan Commission on January 24,
2022, pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendations with the
President and Board of Trustees recommending approval of the text amendments described
herein; and,

WHEREAS, the President and Board of Trustees approve and adopt the
findings and recommendations of the Plan Commission and incorporate such findings and
recommendations herein by reference as if they were fully set forth herein;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND
BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY,
ILLINOIS, as follows:

SECTION 1: That Title 15, Chapter 155, Section 155.212 of the Lombard
Zoning Ordinance shall be amended to include the underlined and bolded additions as
follows;

§ 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
<u>Chicken Coop</u>			<u>X</u>
Chimneys projecting 24 inches or less into the yard	X	X	X
Decks and Terraces	Must meet footnote A	Must meet footnote A	Must meet footnote A or B
Eaves and gutters projecting three (3) feet or less into the yard.	X	X	X
Emergency Generators, provided for standby electrical power but not as a primary power source.			Must meet footnote F
Fallout shelters (completely underground)			X
Fences or walls subject to applicable height restrictions of § 155.207, above	X	X	X
Flagpole	X	X	X

Geothermal Systems, provided that the system does not encroach into any easement area.	X	X	X
Handicap access ramp	X		
Laundry drying equipment			X
Parking, open off-street spaces	X	X	X
Rain Barrels and Cisterns		Must meet footnote G	X
Recreational equipment			X
Roofed-over porches which are unenclosed, constructed on footings or piers, and projecting not more than seven (7) feet from the front wall of the principal structure, provided that a minimum twenty-five (25) foot front yard setback is maintained.	Permitted in front yard only		
Satellite Dishes			X
Signs, subject to the Lombard Sign Ordinance	X	X	X
Solar Panels, ground-mounted—area determined by the total surface area of the panel(s).			X
Steps four (4) feet or less above grade which are necessary for access to a permitted building or for access to a zoning lot from a street or alley	X	X	X
Window wells projecting no more than three (3) feet into the yards, provided that the window well does not encroach into any easement area.	X	X	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.

SECTION 2: That Title 15, Chapter 155, Section 155.227 of the Lombard Zoning Ordinance be added to Code.

§ 155.227 Keeping of Chickens as an Accessory Use

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. **Roosters are prohibited.**
9. **The sale of eggs is prohibited.**
10. **Chicken coops shall not be allowed to be in any part of a home and/or garage.**

SECTION 3: That Title 15, Chapter 155, Section 155.802 of the Lombard Zoning Ordinance shall be amended to include the underlined and bolded additional defined terms as follows, and with their placement incorporated into the existing definitions in alphabetical order;

CHICKEN(S): The common domestic fowl.

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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.

SECTION 4: That this ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this ____ day of _____, 2022.

First reading waived by action of the Board of Trustees this ____ day of _____, 2022.

Passed on second reading this ____ day of _____, 2022.

Ayes: _____

Nays: _____

Absent: _____

Approved this ____ day of _____, 2022.

Keith T. Giagnorio, Village President

ATTEST:

Elizabeth Brezinski, Village Clerk

Published in pamphlet from this ____ day of _____, 2022.

Elizabeth Brezinski, Village Clerk

ORDINANCE _____

**AN ORDINANCE APPROVING A TEXT AMENDMENT
TO THE LOMBARD GENERAL REGULATIONS CODE
TITLE 9, CHAPTER 90
OF THE LOMBARD VILLAGE CODE**

WHEREAS, the Village of Lombard maintains a General Regulations Code which is found in Title 9, Chapter 90 of the Lombard Code; and,

WHEREAS, the Board of Trustees deem it reasonable to periodically review said General Regulations Code and make necessary changes; and,

WHEREAS, a public meeting to consider text amendments has been conducted by the Village of Lombard Economic and Community Development Committee (ECDC) on November 17, 2021, pursuant to appropriate and legal notice; and,

WHEREAS, the ECDC has filed its recommendations with the President and Board of Trustees recommending approval of the text amendments described herein; and,

WHEREAS, the President and Board of Trustees approve and adopt the findings and recommendations of the ECDC and incorporate such findings and recommendations herein by reference as if they were fully set forth herein;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That Title 9, Chapter 90, Section 90.04 of the General Regulations Code shall be amended to include the underlined and bolded additions, and deletions in strikeout 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, ~~ehickens~~, 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.

SECTION 2: That this ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this ____ day of _____, 2022.

First reading waived by action of the Board of Trustees this ____ day of _____, 2022.

Passed on second reading this ____ day of _____, 2022.

Ayes: _____

Nays: _____

Ordinance No. _____
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Absent: _____

Approved this _____ day of _____, 2022.

Keith T. Giagnorio, Village President

ATTEST:

Elizabeth Brezinski, Village Clerk

Published in pamphlet from this _____ day of _____, 2022.

Elizabeth Brezinski, Village Clerk

ORDINANCE _____

**AN ORDINANCE APPROVING A TEXT AMENDMENT
TO THE LOMBARD BUILDING CODE
TITLE 15, CHAPTER 150
OF THE LOMBARD VILLAGE CODE**

WHEREAS, the Village of Lombard maintains a Building Code which is found in Title 15, Chapter 150 of the Lombard Code; and,

WHEREAS, the Board of Trustees deem it reasonable to periodically review said Building Code and make necessary changes; and,

WHEREAS, a public meeting to consider text amendments has been conducted by the Village of Lombard Economic and Community Development Committee (ECDC) on November 17, 2021, pursuant to appropriate and legal notice; and,

WHEREAS, the ECDC has filed its recommendations with the President and Board of Trustees recommending approval of the text amendments described herein; and,

WHEREAS, the President and Board of Trustees approve and adopt the findings and recommendations of the ECDC and incorporate such findings and recommendations herein by reference as if they were fully set forth herein;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That Title 15, Chapter 150, Section 150.141(A) of the Lombard Ordinance shall be amended to include the addition to include the underlined and bolded additions as follows;:

§ 150.141 Permit fees.

(A) *Residential flat fees.*

Air Conditioning Condenser	\$75.00
Basement Interior or Exterior Drain Tile/Water Proofing	\$95.00
<u>Chicken Coop</u>	<u>\$50.00</u>
Chimney Repair	\$75.00
Deck	\$95.00
Demolition Permit - Garages/accessory buildings over 200 sq. ft.	\$107.00
Demolition Permit - House	\$236.00
Driveway/Approach	\$75.00
Electric Service Upgrade - 100 AMP	\$156.00
Electric Service Upgrade - 200 AMP	\$171.00

Fence	\$30.00
Fill and Grade (Up to 7,500 sq. ft.)	\$30.00
Furnace Replacement	\$75.00
Garage - Detached	
(Driveways and wrecking not included. Attached garages will require a full review):	
Two Car	\$205.00
Three Car	\$233.00
Four Cars and Up	\$287.00
Garage Floor Replacement	\$75.00
Generator	\$181.00
Irrigation/Lawn	\$95.00
Overhead Sewer Conversion	\$95.00
Overhead Sewer Conversion (If New Electric Being Added for Pump)	\$150.00
Patio (Any Size)	\$75.00
Radon Mitigation System	\$95.00
Roof- Replacement	\$75.00
Sanitary Sewer - New or Repair	\$95.00
Storm Sewer - New or Repair	\$95.00
Shed	\$75.00
Solar Panels	\$142.00
Stairs/Steps/Stoop	\$75.00
Swimming Pool - Above Ground (Without New Electric)	\$75.00
Swimming Pool - Above Ground (With New Electric)	\$150.00
Swimming Pool - Above Ground with Heater	\$210.00
Swimming Pool - In Ground	\$460.00
Swimming Pool - In Ground with Heater	\$520.00
Water Heater Replacement	\$75.00
Water Service - New or Repair	\$95.00
Window Replacement	\$75.00

Note: Residential permit fees not listed above can be found under Article XV, Chapter 150, § 150.141(B): Alteration, Repair or Remodeling or § 150.141 (C) New Construction or Addition.

SECTION 2: That this ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this ____ day of _____, 2022.

First reading waived by action of the Board of Trustees this ____ day of _____, 2022.

Ordinance No. _____

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Passed on second reading this ____ day of _____, 2022.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2022.

Keith T. Giagnorio, Village President

ATTEST:

Elizabeth Brezinski, Village Clerk

Published in pamphlet from this ____ day of _____, 2022.

Elizabeth Brezinski, Village Clerk