



Village of Mahomet

503 E. Main Street - P.O. Box 259 - Mahomet, IL 61853-0259
phone (217) 586-4456 fax (217) 586-5696

REPORT TO PLAN AND ZONING COMMISSION Meeting September 1, 2020

FROM: Abby Heckman, Planner
Kelly Pfeifer, Community Development Director and Village Planner

PROJECT: TEXT AMENDMENT – ZONING REGULATIONS – CHICKENS (HENS ONLY)

REQUESTED ACTION: **Public Hearing**
Recommendation to the Board of Trustees

PUBLIC HEARING / PROCEDURAL ISSUES: The Zoning Ordinance requires the Plan and Zoning Commission (PZC) hold a public hearing upon request for a text amendment. The public hearing is scheduled for the September 1, 2020 PZC meeting. Public notice was published in The News-Gazette on August 16, 2020. The PZC acts in an advisory role to the Board of Trustees regarding text amendments.

OVERVIEW: Based on community member requests and direction from the Board of Trustees, Village staff has prepared a draft Zoning Ordinance text amendment related to the addition of a residential accessory use which would allow the raising of chickens for personal use on single-family and two-family zoned properties (R-1A, R-1B, R-1C and R-2).

SUMMARY OF PROPOSED ZONING ORDINANCE AMENDMENT DATED SEPTEMBER 1, 2020:

- Staff evaluated the accessory uses allowed within the existing Zoning Ordinance 152.046(A) Accessory Buildings and Uses. New text and a reference to a Chickens (Hens Only) section (New 152.056) has been added for accessory buildings and uses within the R-1A, R-1B, R-1C, and R-2 districts.
- Staff created a new section 152.056 Chickens (Hens Only). The new section includes language from existing ordinances related to chickens from both the City of Champaign and the Village of Mansfield. Staff used language from both to develop the new section 152.056. The new section addresses licensing and permitting requirements, number of chickens allowed, care requirements, housing requirements, and penalties for non-compliance.

APPLICABILITY OF ZONING ORDINANCE AMENDMENT:

If this text amendment is approved, it does not mean that everyone living on a single-family or two-family zoned lot within the Village limits will be permitted to establish the raising of chickens as an accessory use. Many existing subdivisions within the Village have restrictive covenants that currently prohibit the raising of poultry. Anyone living in a subdivision that restricts the raising of poultry would have to work with other property owners within the subdivision, their homeowner / property owner's association and the Village to amend those restrictive covenants prior to being able to establish chickens as an accessory use. Most subdivision covenant amendments require approval by the Board of Trustees before they can be changed.

Attachment : Draft ZO Text Amendment 09/01/2020 (with text changes and additions shown)
PZC Resolution
Draft Ordinance ZO Text Amendment

Add the following text under §152.046 ACCESSORY BUILDINGS AND USES (add underlined text):

§152.046 ACCESSORY BUILDINGS AND USES.

Accessory buildings and uses are permitted when in accordance with the following.

- (A) In the R-1A, R-1B, R-1C and R-2 Districts, accessory buildings and uses are limited to:
- (1) A noncommercial greenhouse that does not exceed in floor area 25% of the ground floor area of the main building or 750 square feet, whichever is less;
 - (2) A private garage with a floor area not to exceed 550 square feet. An additional floor area of 200 square feet may be provided for each 3,000 square feet or lot area by which the lot exceeds 6,000 square feet, provided that no garage shall exceed a floor area of 1,000 square feet nor house more than five automobiles;
 - (3) Carports with a floor area not to exceed 500 square feet;
 - (4) Home occupation;
 - (5) Fallout or storm shelters;
 - (6) Vegetable or flower garden;
 - (7) Tennis courts, swimming pool, garden house, pergola, gazebo, ornamental gate, barbecue oven, television antennas, children's playhouse, doghouse, fireplace, lawn furniture, storage shed, flag poles and similar uses customarily accessory to residential uses;
 - (8) Private driveways;
 - (9) Any single accessory building shall not exceed a floor area of 1,000 square feet in the R-1A, R-1B and R-2 Districts or 750 square feet in the R-1C District;
 - (10) Any single accessory building shall not exceed 20 feet in height;
 - (11) The total floor area of all accessory buildings shall not exceed 1,000 square feet for lots with an area of less than 15,000 square feet. One accessory building of less than 120 square feet, which complies with location and height requirements, is permitted and is exempt from this total floor area requirement; and
 - (12) The total floor area of all accessory buildings for lots with an area of more than 15,000 square feet may be increased by 400 square feet for each 3,000 square feet of lot area by which the lot exceeds 15,000 square feet.
 - (13) A single Chicken (Hen) Coop and associated run, as permitted in § 152.056 Chickens (Hens Only)

Create the following new section §152.056 CHICKENS (HENS ONLY) (add underlined text):

§ 152.056 CHICKENS (HENS ONLY)

Any residential property used to raise chickens shall be subject to the following requirements:

- (A) No person shall possess a chicken unless a license has been issued as set forth in this section.

- (B) The number of chickens allowed shall be a maximum of six (6) hens per permitted property.
- (C) Roosters are prohibited within the Village limits.
- (D) Coops and associated runs are considered an 'accessory structure' as defined in §152.046 Accessory Buildings and Uses and must meet all standards outlined therein.
- (E) PERMIT REQUIRED. Construction for all coops and runs require a building permit.
- (F) CARE. Care for hens shall follow the following provisions:
 - (1) A coop and run must be provided.
 - (2) No hen shall be permitted to run at large. Hens shall be kept in a designated coop or run. Hens may be allowed to exercise in a rear yard with a 6 foot (6') or higher fence with supervision.
 - (a) If the coop and run are not within a fenced yard, hens must be kept within the coop and run at all times.
 - (b) All fencing must meet the standards outlined in § 152.050 (D).
 - (3) Feed must be stored in a fully enclosed, rodent proof container.
- (G) HOUSING. Housing for hens shall follow the following provisions:
 - (1) Location. Coops and runs shall be located only in the rear yard of a primary residential structure.
 - (2) Setbacks. Coops and runs shall be located at least ten feet (10') from the property line and at least twenty feet (20') from any neighboring dwelling.
 - (3) Height. Maximum height for a chicken coop shall be ten (10') feet.
 - (4) Design. The coop must be built to provide ventilation, shade, protection from precipitation, protection from cold weather and to be secure from predators, wild birds and rodents.
 - (a) Openings in windows and doors must be covered by wire mesh or screens to deter predators.
 - (b) Access doors must be sized and placed for ease of cleaning.
 - (c) The enclosed run must be attached to the coop or must surround the coop. The sides of the run must be made of fencing or wire mesh that discourages predators.
 - (d) The run must be enclosed on all sides, including the top or roof plane.
 - (5) Size. The coop shall provide a minimum of five (5) square feet of floor area per hen. The run shall provide a minimum of ten (10) square feet of floor area per hen.
 - (6) Maintenance. The coop and run shall be kept in a clean, dry and sanitary condition at all times. Manure, uneaten and discarded feed, feathers and other waste must be removed regularly and at a minimum of once per week.
 - (a) Odors from hens, manure or related substances shall not be detectable from property lines.

- (b) Manure must be stored and disposed of. Manure may be composted. All manure not composted must be removed from property regularly and at a minimum of once per week.
 - (c) Waste from hens shall not be burned.
- (H) LICENSE. Licenses will only be granted to persons who reside on and own parcels with established single-family and two-family dwellings. No person shall establish a coop without first obtaining a license from the Village. Licenses shall be issued when all conditions outlined in this section are met.
 - (1) The Village may deny a license to any person who:
 - (a) Owes money to the Village; or
 - (b) Has, in the last five (5) years prior to application for a license under this section been convicted or plead guilty to any violation of the Village Code regarding animals, noise, property maintenance or zoning.
 - (c) All licenses pursuant to this section shall be valid for up to one (1) year from the date of issuance and may be automatically renewed on May 1 annually if the licensee has been in compliance during the previous year. If the licensee is found to be in violation of the standards outlined in this section, the license will be allowed to expire at the end of the period. A new license will only be issued after the coop and run have been inspected and determined to meet all requirements outlined herein.
 - (2) If the licensee is found to be in violation of §92.04 Cruelty to Animals Prohibited, the license will be immediately and permanently revoked.
 - (3) Only one (1) chicken coop license will be issued per zoning lot. A zoning lot consisting of multiple platted lots shall be considered one lot.
 - (4) Coop licenses are non-transferrable.
 - (5) Fee. The coop license fee shall be set from time to time by resolution of the Village Board of Trustees. This license shall renew automatically if the licensee is in compliance with all standards set forth in this section. No charge is incurred for licenses that renew automatically.
- (I) PENALTIES. In addition to the general penalty set forth in §152.999 PENALTY and in §92.99 PENALTY, the owner of any coop is subject to the following additional penalties:
 - (1) A person found to be keeping hens without a coop license will have seven (7) days from notification to achieve compliance with these standards.
 - (2) A licensee found to be in violation of the standards outlined in this section will have seven (7) days from notification to achieve compliance. If compliance is not achieved, the license will be revoked. The licensee may apply for a new license, subject to site inspection. If the licensee is found to be in compliance after inspection, a new license may be issued.

- (3) If the licensee is found to be in violation of these standards three (3) or more times, the license will be immediately and permanently revoked.
- (4) Hens, coops and runs not maintained according to this section shall be deemed a public nuisance.

DRAFT

RESOLUTION FOR PLAN AND ZONING COMMISSION

A Resolution to Amend Chapter 152 (Zoning Code) of Title XV (Land Usage) of the Village Code of Mahomet, Illinois

- WHEREAS,** the Board of Trustees of the Village of Mahomet, pursuant to the authority conferred by the Statutes of the State of Illinois, has established certain standards and procedures for the use of land and zoning within the jurisdiction of the Village of Mahomet, Illinois; and,
- WHEREAS,** the community desires the ability to establish the raising of chickens as an accessory use for single-family and two-family zoning properties within the Village; and
- WHEREAS,** the Village staff prepared a Text Amendment to amend the current Zoning Ordinance (Chapter 152 of Title XV) in order to establish rules related chickens; and
- WHEREAS,** A Public Hearing concerning the proposed Text Amendment was held by the Village Plan and Zoning Commission on September 1, 2020 to solicit evidence and testimony from the public; and
- WHEREAS,** the Village Planner, Village Administrator, and Village Attorney provided the Village with technical and background information regarding the proposed Text Amendment; and
- WHEREAS,** the Plan and Zoning Commission met and reviewed the evidence and testimony submitted thus far and has considered all of the available factual evidence concerning the proposed Text Amendment.

BE IT THEREFORE RESOLVED this 1st day of September 2020 by the Plan and Zoning Commission of the Village of Mahomet, Illinois, that:

- A. The Plan and Zoning Commission **DOES / DOES NOT** hereby recommend that the Board of Trustees of the Village of Mahomet amend Chapter 152 (Zoning Code) of Title XV (Land Usage) of the Village Code of Mahomet, Illinois, as stated in the Zoning Ordinance Omnibus Text Amendment dated September 1, 2020.
- B. The Plan and Zoning Commission **DOES / DOES NOT** hereby further set forth the following findings of fact concerning the proposed Text Amendment:
 1. The proposed Text Amendment will establish new rules related to chickens which will allow citizens the ability to raise chickens for their own personal use.
 2. The proposed Text Amendment promotes the public safety, health, convenience, comfort, morals, prosperity, and general welfare of the community.

Resolution for Plan and Zoning Commission
Amend Chapter 152 (Zoning Code) of Title XV (Land Usage)
Of the Village Code of Mahomet, Illinois
September 1, 2020
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3. The proposed Text Amendment is consistent with the intent of the Village Zoning Ordinance and its various provisions.
4. The procedural requirements for amendments set forth in the current Ordinance have been met.

Chair, Plan and Zoning Commission
Village of Mahomet, Illinois

PAMPHLET PUBLICATION

ORDINANCE NO. 20-09-_____

ORDINANCE AMENDING THE ZONING CODE

PRESENTED: _____

PASSED: _____

APPROVED: _____

RECORDED: _____

PUBLISHED: _____

The undersigned being the duly qualified and acting Village Clerk of the Village of Mahomet does hereby certify that this document constitutes the publication in pamphlet form, in connection with and pursuant to Section 1-2-4 of the Illinois Municipal Code, of the above-captioned ordinance and that such ordinance was presented, passed, approved, recorded and published as above stated.

Village Clerk

(Seal)

Dated: _____

ORDINANCE NO. 20-09-____

ORDINANCE AMENDING THE ZONING CODE

WHEREAS, the Village of Mahomet, Champaign County, Illinois (the "**Village**") is an Illinois municipal corporation organized and operating pursuant to authority granted by the Constitution and Laws of the State of Illinois;

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs, that protect the public health, safety and welfare of its citizens;

WHEREAS, Chapter 152 of the Village Code (the "Zoning Code") comprehensively divides the Village into districts and classifies, regulates and restricts the location of land uses by reference to such districts;

WHEREAS, following due publication of notice on August 16, 2020 in The News-Gazette, a public hearing concerning the proposed moratorium was commenced by the Plan and Zoning Commission on September 1, 2020 wherein public input was solicited and provided; and

WHEREAS, following deliberation on the evidence and testimony elicited during the public hearing the Board has considered the proposed amendments.

WHEREAS, the President and Board of Trustees (the "Corporate Authorities") of the Village now find it necessary, desirable and appropriate to amend certain provisions of the Zoning Code within the Village under and pursuant to its power and authority as a Unit of Local Government and the Illinois Municipal Code (65 ILCS 5/1-1-1 et seq.), as supplemented and amended; and

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MAHOMET, CHAMPAIGN COUNTY, ILLINOIS, as follows:

SECTION 1. RECITALS. The recitals listed above are incorporated in this Ordinance as the findings of the President and Board of Trustees.

SECTION 2. Amendment of Section 152.046. Section 152.046 entitled “ACCESSORY BUILDINGS AND USES” of Chapter 152 entitled “Zoning Code” of the Village Code, is hereby amended to read as follows:

§152.046 ACCESSORY BUILDINGS AND USES.

Accessory buildings and uses are permitted when in accordance with the following.

(A) In the R-1A, R-1B, R-1C and R-2 Districts, accessory buildings and uses are limited to:

- (1) A noncommercial greenhouse that does not exceed in floor area 25% of the ground floor area of the main building or 750 square feet, whichever is less;
- (2) A private garage with a floor area not to exceed 550 square feet. An additional floor area of 200 square feet may be provided for each 3,000 square feet or lot area by which the lot exceeds 6,000 square feet, provided that no garage shall exceed a floor area of 1,000 square feet nor house more than five automobiles;
- (3) Carports with a floor area not to exceed 500 square feet;
- (4) Home occupation;
- (5) Fallout or storm shelters;
- (6) Vegetable or flower garden;
- (7) Tennis courts, swimming pool, garden house, pergola, gazebo, ornamental gate, barbecue oven, television antennas, children’s playhouse, doghouse, fireplace, lawn furniture, storage shed, flag poles and similar uses customarily accessory to residential uses;
- (8) Private driveways;
- (9) Any single accessory building shall not exceed a floor area of 1,000 square feet in the R-1A, R-1B and R-2 Districts or 750 square feet in the R-1C District;
- (10) Any single accessory building shall not exceed 20 feet in height;
- (11) The total floor area of all accessory buildings shall not exceed 1,000 square feet for lots with an area of less than 15,000 square feet. One accessory building of less than 120 square feet, which complies with location and height requirements, is permitted and is exempt from this total floor area requirement; and
- (12) The total floor area of all accessory buildings for lots with an area of more than 15,000 square feet may be increased by 400 square feet for each 3,000 square feet of lot area by which the lot exceeds 15,000 square feet.
- (13) A single Chicken (Hen) Coop and associated run, as permitted in § 152.056 Chickens (Hens Only)

SECTION 3. Addition of Section 152.056. Section 152.056 entitled “CHICKENS (HENS

ONLY)” is added to Chapter 152 entitled “Zoning Code” of the Village Code, to read as follows:

§ 152.056 CHICKENS (HENS ONLY)

Any residential property used to raise chickens shall be subject to the following requirements:

- (A) No person shall possess a chicken unless a license has been issued as set forth in this section.
- (B) The number of chickens allowed shall be a maximum of six (6) hens per permitted property.
- (C) Roosters are prohibited within the Village limits.
- (D) Coops and associated runs are considered an 'accessory structure' as defined in §152.046 Accessory Buildings and Uses and must meet all standards outlined therein.
- (E) PERMIT REQUIRED. Construction for all coops and runs require a building permit.
- (F) CARE. Care for hens shall follow the following provisions:
 - (1) A coop and run must be provided.
 - (2) No hen shall be permitted to run at large. Hens shall be kept in a designated coop or run. Hens may be allowed to exercise in a rear yard with a 6 foot (6') or higher fence with supervision.
 - (a) If the coop and run are not within a fenced yard, hens must be kept within the coop and run at all times.
 - (b) All fencing must meet the standards outlined in § 152.050 (D).
 - (3) Feed must be stored in a fully enclosed, rodent proof container.
- (G) HOUSING. Housing for hens shall follow the following provisions:
 - (1) Location. Coops and runs shall be located only in the rear yard of a primary residential structure.
 - (2) Setbacks. Coops and runs shall be located at least ten feet (10') from the property line and at least twenty feet (20') from any neighboring dwelling.
 - (3) Height. Maximum height for a chicken coop shall be ten (10') feet.
 - (4) Design. The coop must be built to provide ventilation, shade, protection from precipitation, protection from cold weather and to be secure from predators, wild birds and rodents.
 - (a) Openings in windows and doors must be covered by wire mesh or screens to deter predators.
 - (b) Access doors must be sized and placed for ease of cleaning.
 - (c) The enclosed run must be attached to the coop or must surround the coop. The sides of the run must be made of fencing or wire mesh that discourages predators.
 - (d) The run must be enclosed on all sides, including the top or roof plane.
 - (5) Size. The coop shall provide a minimum of five (5) square feet of floor area per hen. The run shall provide a minimum of ten (10) square feet of floor area per hen.

(6) Maintenance. The coop and run shall be kept in a clean, dry and sanitary condition at all times. Manure, uneaten and discarded feed, feathers and other waste must be removed regularly and at a minimum of once per week.

(a) Odors from hens, manure or related substances shall not be detectable from property lines.

(b) Manure must be stored and disposed of. Manure may be composted. All manure not composted must be removed from property regularly and at a minimum of once per week.

(c) Waste from hens shall not be burned.

(H) LICENSE. Licenses will only be granted to persons who reside on and own parcels with established single-family and two-family dwellings. No person shall establish a coop without first obtaining a license from the Village. Licenses shall be issued when all conditions outlined in this section are met.

(1) The Village may deny a license to any person who:

(a) Owes money to the Village; or

(b) Has, in the last five (5) years prior to application for a license under this section been convicted or plead guilty to any violation of the Village Code regarding animals, noise, property maintenance or zoning.

(c) All licenses pursuant to this section shall be valid for up to one (1) year from the date of issuance and may be automatically renewed on May 1 annually if the licensee has been in compliance during the previous year. If the licensee is found to be in violation of the standards outlined in this section, the license will be allowed to expire at the end of the period. A new license will only be issued after the coop and run have been inspected and determined to meet all requirements outlined herein.

(2) If the licensee is found to be in violation of §92.04 Cruelty to Animals Prohibited, the license will be immediately and permanently revoked.

(3) Only one (1) chicken coop license will be issued per zoning lot. A zoning lot consisting of multiple platted lots shall be considered one lot.

(4) Coop licenses are non-transferrable.

(5) Fee. The coop license fee shall be set from time to time by resolution of the Village Board of Trustees. This license shall renew automatically if the licensee is in compliance with all standards set forth in this section. No charge is incurred for licenses that renew automatically.

(I) PENALTIES. In addition to the general penalty set forth in §152.999 PENALTY and in §92.99 PENALTY, the owner of any coop is subject to the following additional penalties:

(1) A person found to be keeping hens without a coop license will have seven (7) days from notification to achieve compliance with these standards.

(2) A licensee found to be in violation of the standards outlined in this section will have seven (7) days from notification to achieve compliance. If compliance is not achieved, the license will be revoked. The licensee may apply for a new license, subject to site inspection. If the licensee is found to be in compliance after inspection, a new license may be issued.

- (3) If the licensee is found to be in violation of these standards three (3) or more times, the license will be immediately and permanently revoked.
- (4) Hens, coops and runs not maintained according to this section shall be deemed a public nuisance.

SECTION 4. RESOLUTION OF CONFLICTS.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. SAVING CLAUSE.

If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance, which are hereby declared to be separable.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law.

SECTION 7. PAMPHLET PUBLICATION.

That the Village Clerk be authorized and directed to publish in pamphlet form this Ordinance.

ADOPTED by the Board of Trustees of the Village of Mahomet, Champaign County, Illinois, at a regular meeting of said Board on September 22, 2020.

Voting "aye" (names):

Voting "nay" (names):

Abstained (names):

Absent (names):

ATTEST:

VILLAGE CLERK

PRESIDENT
VILLAGE OF MAHOMET

SEAL

STATE OF ILLINOIS)
COUNTY OF CHAMPAIGN) SS
VILLAGE OF MAHOMET)

CERTIFICATION OF ORDINANCE

I, the undersigned, do hereby certify that I am the duly selected, qualified and acting Village Clerk of the Village of Mahomet, Champaign County, Illinois (the “**Municipality**”), and as such official I am the keeper of the records and files of the Municipality and of the President and Board of Trustees (the “**Corporate Authorities**”).

I do further certify that the foregoing constitutes a full, true and complete excerpt from the proceedings of the meeting of the Corporate Authorities held on September 22, 2020, insofar as same relates to the adoption of **Ordinance No. 20-09-____**, entitled:

ORDINANCE AMENDING THE ZONING CODE

a true, correct and complete copy of which ordinance (the “**Ordinance**”) as adopted at such meeting appears in the proceedings of the minutes of such meeting and is hereto attached. The Ordinance was adopted and approved by the vote and on the date therein set forth.

I do further certify that the deliberations of the Corporate Authorities on the adoption of such Ordinance were taken openly, that the adoption of such Ordinance was duly moved and seconded, that the vote on the adoption of such Ordinance was taken openly and was preceded by a public recital of the nature of the matter being considered and such other information as would inform the public of the business being conducted, that such meeting was held at a specified time and place convenient to the public, that the agenda for the meeting was duly posted continuously on the Municipality’s website and at the Village Hall at least 48 hours prior to the meeting; that notice of such meeting was duly given to all of the news media requesting such notice, that such meeting was called and held in strict compliance with the provisions of the open meeting laws of the State of Illinois, as amended, and the Illinois Municipal Code, as amended, and that the Corporate Authorities have complied with all of the applicable provisions of such open meeting laws and such Code and their procedural rules in the adoption of such Ordinance.

IN WITNESS WHEREOF, I hereunto affix my official signature and the seal of the Village of Mahomet, Champaign County, Illinois, on September 22, 2020.

(SEAL)

Village Clerk