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**VILLAGE OF SUGAR GROVE  
BOARD REPORT**

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**TO:** VILLAGE PRESIDENT & BOARD OF TRUSTEES  
**FROM:** WALTER MAGDZIARZ, COMMUNITY DEVELOPMENT DIRECTOR  
RENEE HANLON, ZONING ADMINISTRATOR  
**SUBJECT:** ORDINANCE: ALLOWING CHICKEN KEEPING ON SINGLE FAMILY  
RESIDENTIAL LOTS  
**AGENDA:** JULY 18, 2017 VILLAGE BOARD MEETING  
**DATE:** JULY 12, 2017

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**ISSUE**

Shall the Village Board approve a Municipal Code amendment to allow the keeping of chickens on single-family residential properties.

**DISCUSSION**

The Village Board last discussed this matter on under the pre-text of a pilot program on June 6, 2017. While there are Board members with objections to the pilot program, staff was directed to proceed with preparing the Zoning Ordinance and other Village Code amendments in order to initiate the residential chicken pilot program.

The Village's Zoning Ordinance currently prohibits the keeping of poultry in all zoning districts except A-1 Agriculture. The attached Ordinance amends both the Zoning Ordinance and the Village Code as they relate to chicken keeping on properties zoned and used for single family residential.

The Planning Commission held a public hearing June 21, 2017 for the purpose of considering this text amendment. A small number of residents attended the public hearing in support of the proposal. There were no objectors present. The Planning Commission voted unanimously to recommend approval of the proposed text amendment to the Village Board.

The bulk of the residential chicken keeping regulations will be included in Title 5, Chapter 4: Animal Control, of the Municipal Code. This Municipal Code Amendment adds a section to the Animal Control chapter that provides all the specific requirements for residential chicken keeping.

Since the public hearing, Village staff has been in contact with an individual in Sugar Grove Township that raises chickens (and other animals) and desires to function as a resource for individuals desiring to participate in the pilot program at no obligation to the Village. This individual also is willing to take back unwanted chickens. Village staff met with this individual

at their location and found the premises immaculate even considering it is a barnyard operation. Having a nearby resource to assist nascent hen raising practitioners is a distinct advantage to the program.

If the Village Code amendment is approved, Village staff will establish and administer the administrative procedures for the pilot program which will expire in eighteen months at which point the Board will have the opportunity to extend, modify, terminate, or make permanent the pilot program.

### **ATTACHMENTS**

- An Ordinance Amending Title 11 (Zoning Regulations) and Title 5 (Police Regulations) of the Village Code (Residential Chicken Keeping)
- PC Recommendation 17-007
- Pilot Program Information Handout
- Chicken Keeping Brochure

### **COSTS**

All costs associated with residential chicken keeping will be borne by the applicant through permit fees.

### **RECOMMENDATION**

That the Village Board approve the Ordinance Amending Title 11 (Zoning Regulations) and Title 5 (Police Regulations) of the Village Code (Residential Chicken Keeping).

**VILLAGE PRESIDENT**

P. Sean Michels

**VILLAGE ADMINISTRATOR**

Brent M. Eichelberger

**VILLAGE CLERK**

Cynthia Galbreath



**VILLAGE TRUSTEES**

Kevin Geary  
Sean Herron  
Mari Johnson  
Ted Koch  
Rick Montalto  
David Paluch

**COMMUNITY DEVELOPMENT DEPARTMENT**

**R E C O M M E N D A T I O N**  
**PC 17-007**

TO: Village President and Board of Trustees  
FROM: Planning Commission  
DATE: June 21, 2017  
CASE FILE: 17-007 Zoning Text Amendment-Residential Chicken Keeping

**PROPOSAL**

This proposed text amendment removes the prohibition of chicken keeping. If adopted, this amendment will allow for backyard chicken keeping on properties zoned and used for single family residential.

**BACKGROUND & HISTORY**

Recognizing the growing popularity of residential agricultural uses, the Village Board is considering implementing a pilot program to allow residential chicken keeping on a trial basis. In order to implement this program, changes to certain sections of the municipal code are required. Specifically, the Zoning Ordinance needs to be amended in the following ways:

- Add Residential Chicken Keeping as an accessory use in the E-1, R-1, R-2, R-3, and B-1 zoning districts with the condition that the principal use of the property must be single family residential.
- Add coops and pens as permitted accessory structures in residential zoning districts.
- Add coops and pens as permitted rear yard obstructions in residential zoning districts.

**EVALUATION**

The Village of Sugar Grove Zoning Ordinance provides the following standards for determining the appropriateness of a text amendment:

1. The amendment promotes the public health, safety, comfort, convenience and general welfare of the village, and complies with the policies and comprehensive land use plan and other official plans of the village.
  - *Residential chicken keeping will contribute to the general welfare of the village. There is a growing national trend of people producing their own food. This trend is evidenced in Sugar Grove by the fact that at least one family in the village has already established a flock on their residential property. Understanding the potential negative effects a coop may have on adjacent properties, this text amendment, as well as other relevant municipal code amendments provide specific requirements for the keeping of chickens in residential neighborhoods. These requirements will protect neighbors against potential nuisances that may be created by residential chicken keeping.*

2. The trend of development in the area of the subject property is consistent with the amendment.
  - N/A
3. The requested zoning permits uses that are more suitable than the uses permitted under the existing zoning classification.
  - N/A
4. The amendment, if granted, will not alter the essential character of the neighborhood, and will not be a substantial detriment to adjacent property.
  - *Great care has been taken to draft this text amendment and other municipal code amendments to anticipate and prevent even the slightest nuisance that residential chicken keeping might create. The municipal code amendments regulate the following: how the chickens will be confined, odor violations, separation from neighboring properties, number of chickens allowed, and prohibits the slaughter of animals. This zoning text amendment will allow an accessory use not currently allowed on residential properties. This accessory use will not change the character of single family residential neighborhoods in which this accessory will be allowed. Coops and pens are required to be located in the rear yard and screened from view of adjacent properties. This requirement will prevent any physical change to the existing streetscape of residential neighborhoods.*

#### **PUBLIC RESPONSE**

The public hearing was properly noticed. Five (5) members of the public attended the public hearing. All spoke in favor of the amendment.

#### **RECOMMENDATION**

Based on the finding of facts, the Planning Commission recommends the Village Board amend Title 11 (Zoning Regulations) to provide for residential chicken keeping, as provide in Exhibit A attached hereto and made a part hereof.

**AYES:** Oschenslager, Sabo, Lendi, Ekert, Jones

**NAYS:** None

**ABSENT:** Guddendorf and Wilson

**MOTION PASSED**

EXHIBIT A

**A. Definitions, shall be amended to add the following definitions:**

Coop: A roofed structure used to house hens.

Hen: The female of the species *Gallus Gallus Domesticus*; commonly known as chickens.

Pen: An enclosure connected to a coop for the purpose of allowing hens to leave the coop while remaining fully enclosed and safe from predators.

Rooster: The male of the species *Gallus Gallus Domesticus*; commonly known as chickens.

**B. Definitions, shall be amended to revise the following definition:**

KENNEL: Any lot or premises, or portion thereof, on which more than four (4) dogs or cats over four (4) months of age are kept or on which more than two (2) such animals are boarded for compensation or kept for sale

**C. Section 11-4-6, is amended to read as follows:**

11-4-6: AGRICULTURE AS A PERMITTED USE:

The growing of crops in the open shall be allowed in any zoning district. Raising or keeping of livestock or poultry, with the exception of keeping hens, shall only be permitted in the A-1 Agriculture District. The keeping of hens shall be permitted in the A-1, E-1, R-1, R-2, R-3 and B-1 zoning districts conditioned upon the principal use of the property being Single Family Residential.

**D. Section 11-4-7 (D) is amended to add the following:**

	A-1	E-1	R-1	R-2	R-3	SR	B-1	B-2	B-3	BP	M-1	I-1
Accessory uses:												
Residential Chicken Keeping (Principal Use Shall be Single Family)	A	A	A	A	A	N	A	N	N	N	N	N

Accessory buildings:												
Coop	A	A	A	A	A	N	A	N	N	N	N	N
Pen	A	A	A	A	A	N	A	N	N	N	N	N

EXHIBIT A

**E. Section 11-4-12 is amended to add the following:**

Accessory structures:		Front and Corner Yard	Interior Side Yard	Rear Yard
	Coop	N	N	P Minimum 5'
	Pen	N	N	P Minimum 5'

**F. Section 5-4 is amended by adding the following:**

5-4-14: Residential Chicken Keeping

A. Definitions

1. Coop: A roofed structure used to house chickens.
2. Hen: The female of the species *Gallus Gallus Domesticus*; commonly known as chickens.
3. Pen: An enclosure connected to a coop for the purpose of allowing chickens to leave the coop while remaining fully enclosed and safe from predators.
4. Rooster: The male of the species *Gallus Gallus Domesticus*; commonly known as chickens.

B. Permit Required

1. Applications for permit must be submitted to the Director of Community Development and must include the following minimum information:
  - a. Completed application provided by the Village.
  - b. Site plan accurately depicting the location of the proposed chicken keeping structures.
  - c. Coop maintenance and waste management plan.
  - d. Permit fee of sixty five dollars (\$65.00).
2. A permit for the keeping of chickens shall not be transferable nor run with the land.

C. Number and Type of Animals Permitted

1. Only the keeping of hens is permitted. The keeping of roosters is expressly prohibited.
2. No more than four (4) hens are permitted on any lot zoned for and occupied as single family residential.

C. Confinement

## EXHIBIT A

1. Hens shall be confined in a fully enclosed coop and pen structure at all times.
2. Owner shall provide residential chickens with an enclosed coop at least ten (10) square in size feet per hen. Coop may not exceed fifty (50) square feet.
3. Coop shall be maintained with an adjoining enclosed pen. Pen must be predator proof. Pen and Coop area shall not cover more than twenty-five percent (25%) of the rear yard of the property.
4. Coop shall be located at least five (5) feet from any property line and at least twenty-five (25) feet from any residential structure located on adjoining property. Coop shall be located at least ten (10) feet from any structure located on the same lot.
5. A building permit shall be secured prior to construction or installation of any coop or pen.
6. Coops shall be constructed of wood or composite material and maintained free of rot and peeling paint. Coops shall not be constructed of metal.
7. Coop and pen shall be screened from adjoining properties by a six (6) foot solid fence or evergreen landscape materials which provide a solid screen.

### D. Nuisance

1. Feed shall be kept in rodent proof containers at all times.
2. Coop and pen shall be maintained free of any detectable odor at adjoining property lines.
3. Slaughter is prohibited.
4. Hatching is prohibited.
5. Animal breeding is prohibited.

### E. Number of Permits to be Issued

1. The Village shall issue a maximum of eight (8) permits authorizing the keeping of chickens.
2. Permits shall be issued on a first come, first serve basis until the limit is reached. A waiting list shall be maintained in the Department of Community Development and applicants shall be notified when permits are available.
3. Permit holders shall report the termination of chicken keeping on their property to the Department of Community Development.



**VILLAGE OF SUGAR GROVE  
KANE COUNTY, ILLINOIS**

**Ordinance No. 2017 0718**

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**An Ordinance Amending Title 11 (Zoning Regulations) and  
Title 5 (Police Regulations) of the Village Code  
(Residential Chicken Keeping)**

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Adopted by the  
Board of Trustees and President of the Village of Sugar Grove  
this 18th day of July, 2017

Published in pamphlet form  
by authority of the Board of Trustees of the Village of Sugar Grove, Kane County, Illinois  
this 18th day of July, 2017

**ORDINANCE NO. 2017 0718**

**An Ordinance Amending Title 11 (Zoning Regulations) and  
Title 5 (Police Regulations) of the Village Code  
(Residential Chicken Keeping)**

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**BE IT ORDAINED** by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, as follows;

**WHEREAS**, the Village of Sugar Grove is not a home rule municipality within Article VII, Section 6A of the Illinois Constitution, and accordingly, acts pursuant to the powers granted to it under 65 ILCS 5/1-1 *et seq.*; and,

**WHEREAS**, the corporate authorities of the Village of Sugar Grove have proposed an amendment to the Village of Sugar Grove Municipal Code; and,

**WHEREAS**, after due notice a public hearing was held on June 21, 2017, regarding the proposed amendment and all interested parties who were present were allowed to speak and there were no objectors; and,

**WHEREAS**, the corporate authorities of the Village of Sugar Grove deem it necessary, desirable, and in the Village's best interest to amend the Village of Sugar Grove's Zoning Code to update its regulations regarding the keeping of chickens in residential neighborhoods.

**NOW THEREFORE BE IT ORDAINED** by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, as follows;

**SECTION ONE: AMENDMENT**

**A. The Village Code of Ordinances, Section 11-3-2: Definitions, shall be amended to add the following definitions:**

Coop: Shall mean a roofed structure used to house hens.

Hen: Shall mean the female of the species *Gallus Gallus Domesticus*; commonly known as chickens.

Pen: Shall mean an enclosure connected to a coop for the purpose of allowing hens to leave the coop while remaining fully enclosed and safe from predators.

Rooster: Shall mean the male of the species *Gallus Gallus Domesticus*; commonly known as chickens.

**B. The Village Code of Ordinances, Section 11-3-2: Definitions, shall be amended to revise the following definition to be and to read as follows:**

KENNEL: Shall mean any lot or premises, or portion thereof, on which more than four (4) dogs or cats over four (4) months of age are kept or on which more than two (2) such animals are boarded for compensation or kept for sale.

All remaining provisions in 11-3-2 are to remain in full force and effect.

**C. The Village Code of Ordinances, Section 11-4-6, is hereby amended to read as follows:**

**11-4-6: AGRICULTURE AS A PERMITTED USE:**

The growing of crops in the open shall be allowed in any zoning district. Raising or keeping of livestock or poultry, with the exception of keeping hens, shall only be permitted in the A-1 Agriculture District. The keeping of hens shall be permitted in the A-1, E-1, R-1, R-2, R-3 and B-1 zoning districts conditioned upon the principal use of the property being Single Family Residential and a residential chicken keeping permit has been issued.

**D. The Village Code of Ordinances, Section 11-4-7 (D) is hereby amended to add the following:**

	A-1	E-1	R-1	R-2	R-3	SR	B-1	B-2	B-3	BP	M-1	I-1
Accessory Uses:												
Residential Chicken Keeping (Principal Use Shall be Single Family, and valid residential chicken keeping permit issued)	A	A	A	A	A	N	A	N	N	N	N	N

Accessory buildings:												
Coop	A	A	A	A	A	N	A	N	N	N	N	N
Pen	A	A	A	A	A	N	A	N	N	N	N	N

All remaining provisions in 11-4-7 (D) are to remain in full force and effect.

**E. The Village Code of Ordinances, Section 11-4-12 is hereby amended to add the following:**

Accessory structures:		Front and Corner Yard	Interior Side Yard	Rear Yard
	Coop	N	N	P Minimum 5'
	Pen	N	N	P Minimum 5'

All remaining provisions in 11-4-12 are to remain in full force and effect.

**F. The Village Code of Ordinances, Section 5-4 (Animal Control) is hereby amended by adding the following:**

5-4-14: Residential Chicken Keeping

A. Definitions

1. Coop: A roofed structure used to house chickens.
2. Hen: The female of the species *Gallus Gallus Domesticus*; commonly known as chickens.
3. Pen: An enclosure connected to a coop for the purpose of allowing chickens to leave the coop while remaining fully enclosed and safe from predators.
4. Rooster: The male of the species *Gallus Gallus Domesticus*; commonly known as chickens.

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  - a. Completed application provided by the Village.
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  - c. Coop maintenance and waste management plan.
  - d. Permit fee of sixty five dollars (\$65.00).
2. A permit for the keeping of chickens shall not be transferable nor run with the land.

C. Number and Type of Animals Permitted

1. Only the keeping of hens is permitted. The keeping of roosters is expressly prohibited.
2. No more than four (4) hens are permitted on any lot zoned for and occupied as single family residential.

#### C. Confinement

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2. Owner shall provide residential chickens with an enclosed coop at least ten (10) square in size feet per hen. Coop may not exceed fifty (50) square feet.
3. Coop shall be maintained with an adjoining enclosed pen. Pen must be predator proof. Pen and Coop area shall not cover more than twenty-five percent (25%) of the rear yard of the property.
4. Coop shall be located at least five (5) feet from any property line and at least twenty-five (25) feet from any residential structure located on adjoining property. Coop shall be located at least ten (10) feet from any structure located on the same lot.
5. A building permit shall be secured prior to construction or installation of any coop or pen.
6. Coop shall be constructed of wood or composite material and maintained free of rot and peeling paint. Coop shall not be constructed of metal.
7. Coop and pen shall be screened from adjoining properties by a six (6) foot solid fence or evergreen landscape materials which provide a solid screen.

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3. Slaughter is prohibited.
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5. Animal breeding is prohibited.

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1. The Village shall issue a maximum of eight (8) permits authorizing the keeping of chickens.
2. Permits shall be issued on a first come, first serve basis until the limit is reached. A waiting list shall be maintained in the Department of Community Development and applicants shall be notified when permits are available.
3. Permit holders shall report the termination of chicken keeping on their property to the Department of Community Development.

All remaining provisions in 5-4 Animal Control are to remain in full force and effect.

**SECTION TWO: GENERAL PROVISIONS**

REPEALER: All ordinances or portions thereof in conflict with this ordinance are hereby repealed.

SEVERABILITY: Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and effect the same as if the invalid provision had not been a part of this Ordinance.

EFFECTIVE DATE: This Ordinance shall be in full force and effect on and after its approval, passage and publication in pamphlet form as provided by law.

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, this 18<sup>th</sup> day of July, 2017.

\_\_\_\_\_  
P. Sean Michels  
Village President

ATTEST: \_\_\_\_\_  
Cynthia L. Galbreath  
Clerk, Village of Sugar Grove

	Aye	Nay	Absent	Abstain
Trustee Kevin Geary	___	___	___	___
Trustee Mari Johnson	___	___	___	___
Trustee Sean Herron	___	___	___	___
Trustee Ted Koch	___	___	___	___
Trustee Rick Montalto	___	___	___	___
Trustee David Paluch	___	___	___	___