

MINUTES – UNOFFICIAL UNTIL APPROVED
KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, COUNTY BOARD ROOM (ROOMS 209 and 210)
YORKVILLE, IL 60560
May 1, 2023 – 7:00 p.m.

CALL TO ORDER

Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 7:00 p.m.

ROLL CALL:

Members Present: Scott Cherry, Cliff Fox (arrived at 7:05 p.m.), Tom LeCuyer, Randy Mohr, Jillian Prodehl, Dick Thompson, and Dick Whitfield

Members Absent: None

Staff Present: Matthew Asselmeier, AICP, CFM, Senior Planner

Others Present: Mark Daniel and Rebecca Wintczak

PETITIONS

Chairman Mohr swore in Mark Daniel and Rebecca Wintczak at this time.

The Zoning Board of Appeals started their review of Petition 23-17 at 7:06 p.m.

Petition 23 – 17 – Kendall County Planning, Building and Zoning Committee

Request: Text Amendments to Kendall County Zoning Ordinance Pertaining to Chickens on Residentially Zoned Property

Mr. Asselmeier summarized the request.

In 2010, through Ordinance 2010-21, Kendall County legalized the keeping of a maximum of twelve (12) hens on properties zoned R-1, R-2, and R-3, provided the property was at least one (1) acre in size. A copy of this ordinance was provided.

Prior to the 2023 Kendall County Regional Planning Commission’s Annual Meeting, the County received a request from a resident in Boulder Hill to allow hens on properties zoned R-6. The resident and several other residents of Boulder Hill presented information at the Kendall County Regional Planning Commission Annual Meeting on the subject and Staff was directed to explore a text amendment on the matter.

After researching the regulations in other, nearby communities, Staff prepared the provided proposal.

In summary, the proposal would be as follows:

1. Allow the keeping of a maximum of six (6) hens on any lot zoned and used for single family residential purposes.

2. Lots one (1) acre or larger in size may have a maximum of twelve (12) hens.
3. The keeping of roosters would not be allowed on residentially zoned property, except by special use permit in the RPD Districts (this is already allowed in the Zoning Ordinance).
4. No other poultry would be allowed.
5. Confinements would have to be a maximum of ten feet (10') from residential lot lines.
6. Uncovered fence enclosure must be at least four feet (4') in height.
7. The sale of chickens or eggs would not be allowed.

A redlined version of the proposal was provided.

At their meeting on March 13, 2023, the Planning, Building and Zoning Committee voted three (3) in favor, one (1) in opposition, and one (1) absent to initiate this amendment.

The comparison table of local chicken regulations, the original request for backyard hens, and a map of the County showing areas zoned R-4, R-5, R-6, and R-7 were provided.

Petition information was emailed to the townships on March 27, 2023. To date, no comments have been received.

Greg Chismark reviewed the proposal from a stormwater quality perspective and expressed no concerns. His email was provided.

ZPAC reviewed the proposal at their meeting on April 4, 2023. Discussion occurred regarding complaints about chickens and concerns about potential health issues by having chickens on smaller lots. Three (3) residents expressed support for the proposal. One (1) resident expressed opposition to the proposal. Discussion occurred regarding code enforcement procedures. The consensus at ZPAC was this proposal was more of a policy decision and not a technical decision. For this reason, ZPAC issued a neutral recommendation by a vote of six (6) in favor, one (1) in opposition, and three (3) members absent. Member Guritz voted no because he wanted an opinion from someone that raises chickens on the impact of the proposal on residential neighborhoods and public health. The minutes of this meeting were provided.

The Kendall County Regional Planning Commission reviewed the proposal at their meeting on April 26, 2023. Discussion occurred about setting a higher minimum lot size, adding regulations pertaining to using extension cords, and adding a regulation pertaining to rodent proof containers. The consensus of the Commission was that having a higher minimum lot size would defeat the purpose of the intent of the proposal (allowing hens in Boulder Hill in certain circumstances) and adding additional regulations would be difficult to enforce. The consensus of the Commission was, if the proposal is adopted and needs to be amended in the future, the Zoning Ordinance could be amended to address unforeseen

problems. The Kendall County Regional Planning Commission voted to forward the proposal to the Kendall County Zoning Board of Appeals by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting were provided.

Chairman Mohr asked what would happen if avian flu broke out in an area of small lots. Mr. Asselmeier responded that the Illinois Department of Agricultural would have to take the chickens within the impacted area. No definition of impacted area was provided. Discussion occurred regarding the size of the impacted area.

Chairman Mohr opened the public hearing at 7:12 p.m.

Rebecca Wintczak, resident that submitted the original request, stated that she has chickens. She has hens for the eggs to feed her family. She described the area where she kept her chickens.

Member Cherry asked Ms. Wintczak the size of her lot. Ms. Wintczak responded just under one quarter (1/4) of an acre.

Having hens is presently illegal in Boulder Hill.

Member Cherry favored a one (1) acre minimum lot size because chickens will impact varmints that will negatively impact the neighboring properties.

Chairman Mohr favored a policy similar to the right to farm clause that protects people from agricultural interests if they move to a more dense development like Boulder Hill. What recourse does the County have if chickens are allowed on tiny lots? Ms. Wintczak favored finding a compromise on a minimum lot size. She compared having hens to having dogs as it relates to noise. She favored an eight thousand (8,000) square foot lot minimum.

Chairman Mohr asked Ms. Wintczak the distance of her chicken coop from the neighboring property. Ms. Wintczak responded approximately five feet (5') for the run and the coop was seventeen feet (17'). She has no neighbors behind her property.

Member Thompson asked Ms. Wintczak if she was comfortable with the United States Department of Agriculture eliminating chickens in the event of an avian flu outbreak. Ms. Wintczak responded yes because she takes public safety very seriously.

Member LeCuyer asked Ms. Wintczak how many chickens she had. Ms. Wintczak responded four (4) grown chickens and four (4) chicks. Some of the chicks probably will not survive to laying stage.

Member Prodehl asked about the maintenance aspect of having chickens. She has chickens and they destroy the grass in the area where they are kept. She asked if Ms. Wintczak had any rodent issues. Ms. Wintczak responded that her house had mice before she acquired chickens. She has not had rodents since she acquired chickens. She kept her chicken feed in a rodent proof container. She has not observed rats, opossums, or foxes.

Member Fox described a situation in Newark where someone was using their trampoline as a chicken coop. Some people also have roosters and ducks. He suggested having the chicken owners get together in an association to assist the County on compliance.

Chairman Mohr asked if Ms. Wintczak had been reported for having chickens. Mr. Asselmeier responded someone had complained about Ms. Wintczak having chickens. Ms. Wintczak explained that her neighbor complained that she had chickens after a chicken was reported on the loose in Boulder Hill.

Mr. Asselmeier noted that all chicken investigations were on hold. Chairman Mohr asked how many open investigations existed. Mr. Asselmeier responded six (6) at the most.

Chairman Mohr closed the public hearing at 7:23 p.m.

Chairman Mohr asked about the recourse the County would have if people used trampolines as chicken coops. Mr. Asselmeier responded that chicken coops would need to get building permits, but not every chicken is kept in a dedicated structure. The coops would need to meet the setbacks; the number of chickens would also be counted. Mr. Asselmeier explained the enforcement procedures.

Member Whitfield asked if, besides dogs and cats, were any other animals allowed outdoors in Boulder Hill. Mr. Asselmeier responded no.

Chairman Mohr favored a minimum lot size under one (1) acre. Discussion occurred regarding minimum lot size and the size of lots in Boulder Hill.

Member Prodehl asked how the sex of chicks was determined and how early the sex would be known. She was concerned about dumped roosters. Ms. Wintczak explained how and when the sex can be determined.

Chairman Mohr suggested moving the coops further away from the lot line.

Chairman Mohr noted the four foot (4') fence will not stop predators.

Chairman Mohr suggested setting the minimum lot size at twelve thousand (12,000) square feet.

Member Whitfield said that Boulder Hill was not an agricultural based community. He expressed concerns about adding issues to Boulder Hill.

The consensus of the Board was to have a minimum lot size of a quarter (1/4) and rounding it up to eleven thousand (11,000) square feet, which would match Yorkville's requirements.

Member Prodehl made a motion, seconded by Member Fox, to amend the Petition by setting a minimum lot size of eleven thousand (11,000) square feet.

The votes were as follows:

Ayes (6): Fox, LeCuyer, Mohr, Prodehl, Thompson, and Whitfield
Nays (1): Cherry
Abstain (0): None
Absent (0): None

The motion passed.

Member LeCuyer made a motion, seconded by Member Prodehl, to recommend approval of the text amendment as amended.

The votes were as follows:

Ayes (6): Fox, LeCuyer, Mohr, Prodehl, Thompson, and Whitfield
Nays (1): Cherry
Abstain (0): None
Absent (0): None

The motion passed.

Member Cherry voted no because chickens will attract additional animals which will negatively impact neighbors. Allowing chickens will add to the problems in Boulder Hill.

The townships will be notified of the results of the public hearing.

The proposal goes to the Planning, Building and Zoning Committee on June 12, 2023.

The Zoning Board of Appeals completed their review of Petition 23-17 at 7:38 p.m.

PUBLIC COMMENTS

Mr. Asselmeier said that no Petitions were on the agenda for the May 30, 2023, hearing/meeting.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

Member LeCuyer made a motion, seconded by Member Prodehl to adjourn.

With a voice vote of seven (7) ayes, the motion carried.

The Zoning Board of Appeals meeting adjourned at 8:13 p.m.

The next regularly scheduled hearing/meeting will be on May 30, 2023.

Respectfully submitted by,
Matthew H. Asselmeier, AICP, CFM
Senior Planner

Exhibits

1. Memo on Petition 23-17 Dated April 27, 2023
2. Certificate of Publication and Certified Mail Receipts for Petition 23-17 (Not Included with Report but on file in Planning, Building and Zoning Office)



**KENDALL COUNTY
ZONING BOARD OF APPEALS**

May 1, 2023

In order to be allowed to present any testimony, make any comment, engage in cross-examination, or ask any question during this public hearing, you must enter your name, address, and signature on this form prior to the commencement of the public hearing. By signing this registration sheet, you agree that you understand that anything you say will be considered sworn testimony, and that you will tell the truth, the whole truth and nothing but the truth.

NAME	ADDRESS	SIGNATURE
Rebecca Wintorak		



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Zoning Board of Appeals
From: Matthew H. Asselmeier, AICP, CFM, Senior Planner
Date: April 27, 2023
Re: Proposed Amendments Related to Chickens on Single-Family Zoned and Used Properties

In 2010, through Ordinance 2010-21, Kendall County legalized the keeping of a maximum of twelve (12) hens on properties zoned R-1, R-2, and R-3, provided the property was at least one (1) acre in size. A copy of this ordinance is attached.

Prior to the 2023 Kendall County Regional Planning Commission's Annual Meeting, the County received a request from a resident in Boulder Hill to allow hens on properties zoned R-6. The resident and several other residents of Boulder Hill presented information at the Kendall County Regional Planning Commission Annual Meeting on the subject and Staff was directed to explore a text amendment on the matter.

After researching the regulations in other, nearby communities, Staff prepared attached proposal.

In summary, the proposal would be as follows:

1. Allow the keeping of a maximum of six (6) hens on any lot zoned and used for single family residential purposes.
2. Lots one (1) acre or larger in size may have a maximum of twelve (12) hens.
3. The keeping of roosters would not be allowed on residentially zoned property, except by special use permit in the RPD Districts (this is already allowed in the Zoning Ordinance).
4. No other poultry would be allowed.
5. Confinements would have to be a maximum of ten feet (10') from residential lot lines.
6. Uncovered fence enclosure must be at least four feet (4') in height.
7. The sale of chickens or eggs would not be allowed.

A redlined version of the proposal is attached.

At their meeting on March 13, 2023, the Planning, Building and Zoning Committee voted three (3) in favor, one (1) in opposition, and one (1) absent to initiate this amendment.

The comparison table of local chicken regulations, the original request for backyard hens, and a map of the County showing areas zoned R-4, R-5, R-6, and R-7 are attached.

Petition information was emailed to the townships on March 27, 2023. To date, no comments have been received.

Greg Chismark reviewed the proposal from a stormwater quality perspective and expressed no concerns. His email is attached.

Chicken Text Amendments

Amend Section 8:02.A.11 (Permitted Use of Farm Type Animals on R-1 Zoned Property)

- a. On lots less than one (1) acre, no farm-type animals shall be permitted, **except as outlined in this Section.**
- d. Lots at least one (1) acre in size but less than five (5) acres shall be permitted to keep up to twelve (12) chickens. **Lots one (1) acre in size or smaller may keep up to six (6) chickens, provided the conditions contained in Section 8:06.A. are met.**

Amend Section 8:03.F (Permitted Uses on RPD-1, RPD-2, and RPD-3 Zoned Property)

Add the following use to the appropriate place alphabetically in the list of permitted uses:

“Chickens provided that the conditions contained in Section 8:06.A. are met.”

The list of permitted uses is renumbered to reflect this addition.

Amend Section 8:03.H (Special Uses on RPD-1, RPD-2, and RPD-3 Zoned Property)

- 1.h. Farm-type animals, **except hens**, on open space acreage as detailed in an approved special use permit.

Amend Section 8:06.A (Permitted Uses on R-2 Zoned Property)

2. Keeping of ~~up to twelve (12)~~ chickens on a zoning lot, provided that:
 - a. **Up to twelve (12) chickens may be kept on The lots is that are** a minimum one (1) acre **and up to six chickens may be kept on lots less than one (1) acre.**
 - b. No roosters shall be kept on any zoning lot.
 - c. No other poultry, including but not limited to geese, ducks, turkeys shall be kept on the property.
 - d. All chickens shall be confined within a covered enclosure or an uncovered fenced enclosure at all times to prevent chickens from encroaching onto neighboring properties.
 - e. All confinements shall be located at least **ten feet (10')** from all residentially zoned lots.
 - f. All uncovered fenced enclosures shall be at least four feet **(4')** in height.
 - g. No eggs or chickens shall be offered for sale on the premises.
 - h. All lots where chickens are kept shall be used for single-family residential purposes.**

Amend Section 8:07.A (Permitted Uses on R-3 Zoned Property)

2. Keeping ~~of up to twelve (12)~~ chickens on a zoning lot, provided that the conditions contained in Section 8:06.A. are met.

Amend Section 8:08.A (Permitted Uses on R-4, R-5, R-6, and R-7 Zoned Property)

Add the following use to the appropriate place alphabetically in the list of permitted uses:

“Chickens provided that the conditions contained in Section 8:06.A. are met.”

The list of permitted uses is renumbered to reflect this addition.

Amend Appendix 9 (Table of Uses)

Add Chickens as permitted uses in all residential zoning districts.

ORDINANCE # 2010-21

**AMENDMENT TO THE KENDALL COUNTY ZONING ORDINANCE SECTIONS
8.07.A & 8.08.A "Residential Districts – R-2 – Permitted Uses & Residential Districts – R-3
– Permitted Uses"**

WHEREAS, Kendall County regulates development under authority of its Zoning Ordinance and related ordinances; and

WHEREAS, the Kendall County Board amends these ordinances from time to time in the public interest; and

WHEREAS, all administrative procedures for amendments have been followed including a Public Hearing held before the Kendall County Zoning Board of Appeals on September 28, 2010.

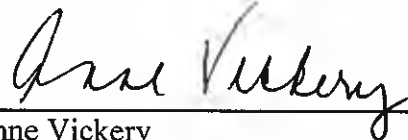
NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends Sections 8.07.A & 8.08.A "Residential Districts – R-2 – Permitted Uses & R-3 Permitted Uses" of the Kendall County Zoning Ordinance as provided in attached Exhibit "A".

IN WITNESS OF, this Amendment to the Kendall County Zoning Ordinance was approved by the Kendall County Board on October 19, 2010.

Attest:



Debbie Gillette
Kendall County Clerk



Anne Vickery
Kendall County Board Chairman

EXHIBIT "A"

8.02 R-1 ONE-FAMILY ESTATE RESIDENCE DISTRICT.

12. Farm type animals shall be permitted in accordance with the following:

a. On lots less than once (1) acre, no farm-type animals shall be permitted.

b. On lots at least one acre but less than three acres in size, a maximum of one horse and a maximum combined total of five ducks, rabbits, chickens, or goats, with the following exception: The number of horses permitted on lots less than three acres in size created prior to October 17, 2000, shall be determined in accordance with the methodology as specified in Section 8.02-A.12.d.

c. On lots three acres or more in size, one horse per acre shall be permitted provided that 21,780 square feet of contiguous land is dedicated as pasture for each horse permitted on a lot. Any lot with more than three horses shall submit a manure management plan to PBZ Staff for review. In addition, for lots over 3 acres but less than 5 acres, maximum combined total of ten ducks, rabbits, chickens or goats is allowed. Additional farm type animals may be permitted temporarily for 4-H projects.

d. Lots at least one (1) acre in size but less than five (5) acres shall be permitted to keep up to twelve (12) chickens.

e. On lots of 5 acres or more, the following animals are permitted in any combination provided that there shall not be in excess of two-thirds of an animal unit per acre in accordance with the following table. The animal unit permitted for any animal not listed shall be determined by the Director of Planning, Building and Zoning and shall as nearly as possible approximate one of the listed animals:

EXHIBIT "A"

NUMBER OF ANIMAL UNITS PER ANIMAL	TYPE OF ANIMAL
1.4	Dairy Cattle
1.0	Beef Cattle
0.66	Horses
0.8	Lamas
0.4	Ostrich
0.4	Goats
0.4	Hogs
0.2	Ducks
0.1	Sheep
0.02	Turkeys
0.02	Rabbits
0.01	Chickens

The formula for calculating the number of animals allowed on parcels in excess of five acres in size shall be as follows:

(Acreage of the property x 0.66) = Total Number of Animal units allowed.

Example: 5.0 Acres x 0.66 = 3.33 Animal Units. Based on the Table above, the following mix of animals would be permitted:

(2 Dairy Cattle = 2.8 Animal Units) + (1 Goat = 0.4 animal Units) + (1 Sheep = 0.10 Animal Units) + (3 Chickens = 0.03 Animal Units) = 3.33 Total Animal Units. (AMENDED 9/15/09)

8.07 R-2 ONE-FAMILY RESIDENCE DISTRICT.

A. PERMITTED USES. The following uses are permitted:

1. Any permitted use in the R-1 One-Family Estate Residence District, Section 8.02-A except 8.02-A (3). Uses permitted in Section 8.02-A (12) shall also be prohibited in the R-2 District with the exception of chickens.
2. Keeping of up to twelve (12) chickens on a zoning lot, provided that:
 - a. The lot is a minimum one (1) acre.
 - b. No roosters shall be kept on any zoning lot
 - c. No other poultry, including but not limited to geese, ducks, turkeys shall be kept on the property
 - d. All chickens shall be confined within a covered enclosure or an uncovered fenced enclosure at all times to prevent chickens from encroaching onto neighboring properties.
 - e. All confinements shall be located at least 10' from all residentially zoned lots.
 - f. All uncovered fenced enclosures shall be at least four feet in height.

EXHIBIT "A"

- g. No eggs or chickens shall be offered for sale on the premises
- h. All standards adopted by the Illinois Department of Agriculture and the Kendall County Health Department shall apply.

8.08 R-3 ONE-FAMILY RESIDENCE DISTRICT.

A. PERMITTED USES. The following uses are permitted:

- 1. Any permitted use in the R-1 One-Family Estate Residence District, Section 8.02-A except 8.02-A (3). Uses permitted in Section 8.02-A (12) shall also be prohibited in the R-2 District with the exception of chickens.
- 2. Keeping of up to twelve (12) chickens on a zoning lot, provided that:
 - a. The lot is a minimum one (1) acre.
 - b. No roosters shall be kept on any zoning lot
 - c. No other poultry, including but not limited to geese, ducks, turkeys shall be kept on the property
 - d. All chickens shall be confined within a covered enclosure or an uncovered fenced enclosure at all times to prevent chickens from encroaching onto neighboring properties.
 - e. All confinements shall be located at least 10' from all residentially zoned lots.
 - f. All uncovered fenced enclosures shall be at least four feet in height.
 - g. No eggs or chickens shall be offered for sale on the premises
 - h. All standards adopted by the Illinois Department of Agriculture and the Kendall County Health Department shall apply.

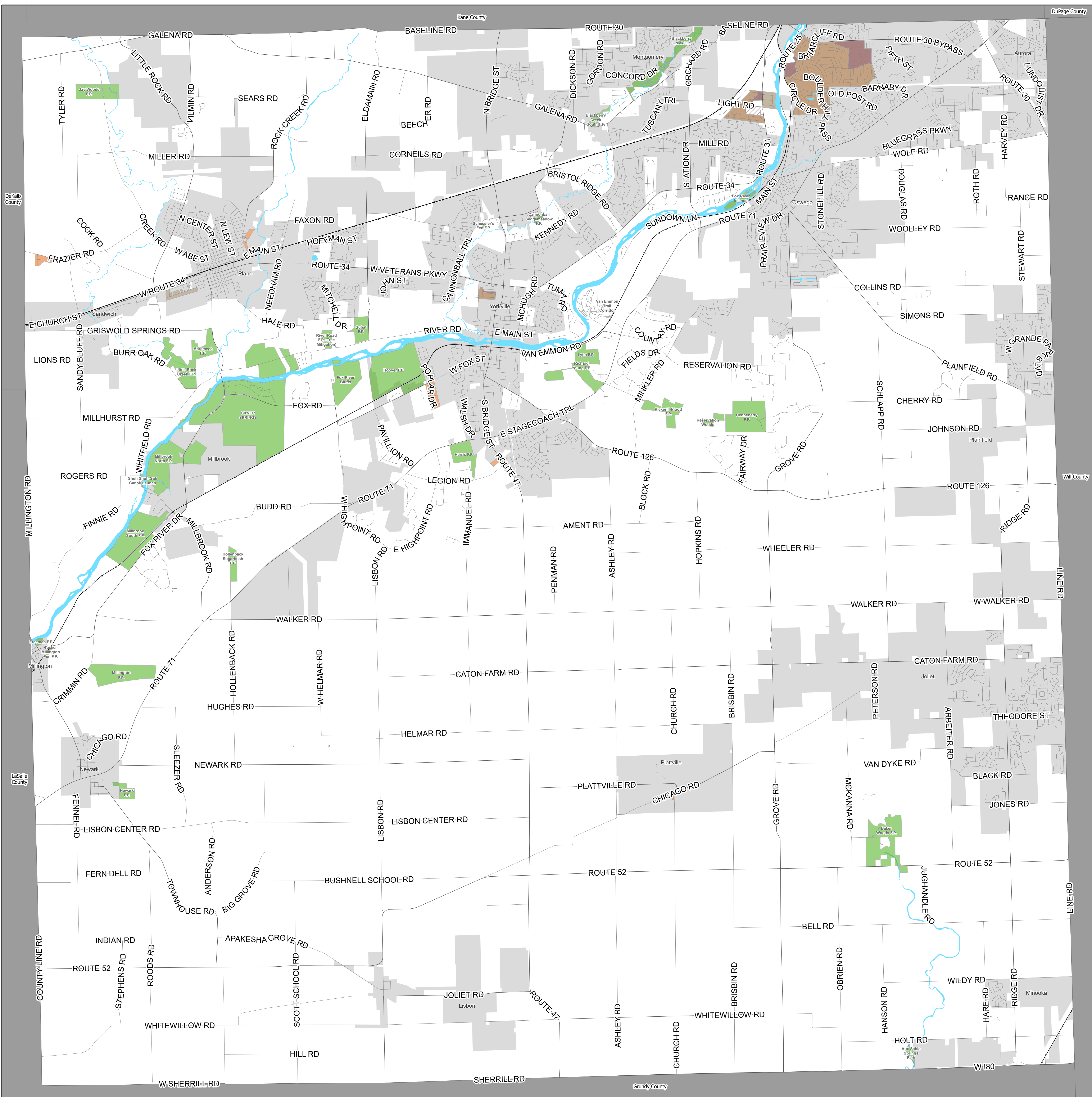
Single-Family Residential Chicken Table

	Maximum Number (Hens)	Minimum Lot Size
Kendall County	12	43,560 Square Feet
LaSalle County	No Cap	No Minimum Lot Size
DeKalb County	Follow Municipal Rules Within 1,000 Feet	Follow Municipal Rules Within 1,000 Feet Otherwise 87,120 Square Feet
Kane County	No Cap	43,560 Square Feet
DuPage County	5	No Minimum Lot Size
Will County	1 Per 2,500 Square Feet	12,500 Square Feet
Grundy County	6 Per 21,780 Square Feet	21,780 Square Feet
Aurora	0	Not Allowed
Joliet	No Cap	217,800 Square Feet
Lisbon	No Cap (Can't Run At Large)	No Minimum Lot Size
Millington	8	No Minimum Lot Size
Minooka	8	No Minimum Lot Size
Montgomery	0	Not Allowed
Newark	8	No Minimum Lot Size
Oswego	6	No Minimum Lot Size
Plainfield	8	No Minimum Lot Size
Plano	Set by Individual Special Use Permit	No Minimum Lot Size
Sandwich	5	No Minimum Lot Size
Shorewood	0	No Allowed
Sugar Grove	4 (Maximum 16 Permits)	No Minimum Lot Size
Yorkville	6	11,000 Square Feet

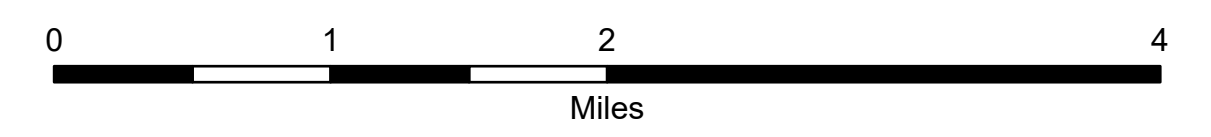
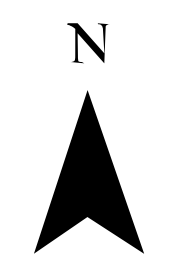
Existing Kendall County Zoning Regulations

- a. The lot is a minimum one (1) acre
- b. No roosters shall be kept on any zoning lot
- c. No other poultry, including but not limited to geese, ducks, turkeys shall be kept on the property
- d. All chickens shall be confined within a covered enclosure or an uncovered fenced enclosure at all times to prevent chickens from encroaching onto neighboring properties
- e. All confinements shall be located at least 10' from all residentially zoned lots
- f. All uncovered fenced enclosures shall be at least four feet in height.
- g. No eggs or chickens shall be offered for sale on the premises

Properties zoned R-4, R-5, R-6, and R-7



- R4
- R5
- R6
- R7
- R7-SU
- Forest Preserves



Kendall County GIS
 111 West Fox Street - Room 308
 Yorkville, Illinois 60560
 630.553.4212

Ordinance Rules	Kendall County R-2 & R-3	Oswego Village	Yorkville	Proposed R-6
Lot minimum	1 acre (43,500 sq ft)	No limit	11,000 sq ft	No limit
Roosters allowed	No	No	No	No
Hen maximum	12	6	6	12
Bantam exceptions to hen maximum	No mention	No mention	No mention	Count as half a chicken
Slaughtering	No mention	Only if for humane or religious reasons	No	Only if for humane or religious reasons
Other poultry allowed	No	No	No	No
Eggs/ Hens for sale	No	No mention	No mention	No
Coop Placement	At least 10 ft from property line	Rear Yard On permit application- cannot be within 5 ft of property line	Rear yard	Rear yard At least 5 ft from property line
Coop distance from neighbor structures	No limit	30 ft	30 ft	30 ft
Coop distance from owners structures	No limit	0	0	0
Coop size	No limit	No limit noted in ordinance On permit application- Up to 133 sq ft	Up to 144 sq ft	Minimum of 2 sq ft per hen Maximum of 144 sq ft
Run Size	No limit on run size Most be minimum of 4 ft tall if uncovered	Not less than 32 sq ft	Not less than 32 sq ft	Minimum of 8 sq ft per hen Must be at least 4 ft tall if uncovered
Electrical Service	No limit	Not with an extension cord	Not with extension cord	Not with extension cord
Fencing/ Screening	No limit	No limit	4 ft minimum solid fence	Kept aesthetically pleasing
Noise	No limit	Not loud enough to disturb person of reasonable sensitivity	Not loud enough to disturb person of reasonable sensitivity	Not loud enough to disturb person of reasonable sensitivity
Sanitation	No mention	Maintained in neat and clean manner Free of undue accumulation of waste	Free of undue accumulation of waste	Maintained in neat and clean manner Free of undue accumulation of waste
Feed	No mention	Kept in rodent proof container	Kept in rodent proof container Not scattered on ground	Kept in rodent proof container

Matt Asselmeier

From: Rebecca Paprocki <[REDACTED]>
Sent: Tuesday, December 20, 2022 12:29 PM
To: Matt Asselmeier
Cc: Brian Holdiman
Subject: Re: [External]Warning of violation
Attachments: Amendment for Zone R-6.docx

Hi,

I have attended both the Oswego Township Meeting and the Kendall County Board Meeting and intend to continue the meetings. I have reached out to the Kendall County Board members and have not heard anything back with the exception of Matt Kellogg and his support. I am unsure of what exactly I need to do next to amend the zoning ordinance. I believe I need Kendall County Building and Zoning to do the amendment. But does this go through the zone appeals process or an attorney or something entirely different? You had mentioned that it would take 5 meetings, but I am not sure if those are Kendall County Board meetings or the Zoning meetings.

Thank you for any assistance you can provide,
Rebecca Wintczak

On Mon, Dec 12, 2022 at 4:27 PM Matt Asselmeier <masselmeier@kendallcountyl.gov> wrote:

Rebecca:

You would amend Section 8:10.A to allow chickens in the R-6. The stipulations would be put in Section 8:10.A.

The 1 acre rule which applies to hens in the other residential districts would have to be discussed.

Thanks,

Matthew H. Asselmeier, AICP, CFM

Senior Planner

Kendall County Planning, Building & Zoning

111 West Fox Street

Yorkville, IL 60560-1498

PH: 630-553-4139

Fax: 630-553-4179

Objective: To amend Section 8:10 A (and/or accompanying sections hereto) of the Kendall County Zone Ordinances to allow the possession and care of backyard hens within Zone R-6. Justly, this amendment should be opened equally to all residents of unincorporated Kendall County.

Brief Summary of benefits of backyard hens:

- Backyard hens provide an ethical, economical, environmentally conscious, and sustainable source of eggs.
- Backyard hen keeping may boost the local economy through an enjoyable hobby.
- Keeping hens may provide youth with excellent learning opportunities with food sources as well as provide residents with the opportunity to be involved in 4-H.
- Hens are generally quiet and docile and may make good companions for residents.
- Allowing backyard hens is concurrent with the prevailing increase in appeal to own hens, evident within surrounding communities.

Nearby Communities that allow chickens within city limits:

Aurora	Plainfield
Batavia	St. Charles
Downers Grove	Westmont
Elgin	Naperville
Evanston	Montgomery
Fox Lake	Yorkville

Proposed Amendment (Primary Sources: Kendall County Zone R-2 and Village of Oswego Ordinance 17-26)

Keeping of up to 12 chickens on a zoning lot, provided that:

- a. No roosters shall be kept
- b. No other poultry, including but not limited to geese, ducks, or turkeys shall be kept on the property
- c. All hens shall be confined within a covered enclosure or uncovered enclosure at all times to prevent hens from encroaching onto neighboring properties or coming into contact with wild geese, and other water dwelling birds.
- d. All uncovered enclosures shall have a minimum of 4' in height
- e. No eggs or hens shall be offered for sale from the premises
- f. No person shall slaughter any hens except for humane or religious reasons
- g. The inside enclosure shall have a minimum of 2 sq ft per hen
- h. The outside enclosure shall have a minimum of 8 sq ft per hen
- i. Electric service shall not be provided by an extension cord
- j. Enclosures shall be set back by 25' from adjacent occupied residential structure and at least 5' from adjacent property zones
- k. Bantam and miniature breeds count as ½ of a chicken for the purpose of limitations on chicken keeping
- l. All feed and other items that are associated with the keeping of hens that are likely to attract rodents/vermin/pests/etc. shall be protected in a container with a tightly fitted lid so to prevent these scavengers from gaining access to or coming into contact with them
- m. All hens shall be kept in the rear yard
- n. All areas where hens are kept shall be maintained in a neat and clean manner, free of undue accumulation of waste such as to cause odors detectable on adjacent properties
- o. No person shall allow hens to produce noise loud enough to disturb the peace of person of reasonable sensitivity
- p. No part of a premises may become aesthetically unsightly or unkept with association to the owning of hens

Misconceptions against keeping hens:

Noise- When one imagines noisy chickens, they may be thinking of being woken at dawn by the crowing of a rooster. With rule 'A' in place, there would be no crowing of roosters in the early morning or any time of day. Yet, hens do make some sounds. Hens have what is called an 'egg song' when they lay an egg. This song is not nearly as loud as a rooster crowing nor even a dog barking at a nearby squirrel. Some hens do not sing this song and others may sing for up to a minute. This song takes place within their coop and is quieted by the walls of the coop. The hen may have a longer or louder song the first time they lay an egg because it is a new process for them but they are calmer in subsequent egg laying. The hens may also bawk when a predator is nearby. However, one may recognize this same alert sound from the wild birds around when there is a hawk visibly stalking the vicinity. If the hens are well secured, then predators do not typically waste their time stalking the confined hens nor do they frequently return.

The last sound that you may hear a hen make is when you feed them especially yummy treats like mealworms or yogurt. This sound is full of joy and certainly brings joy to those giving the treats. In summary, hens are generally quiet and peaceful creatures who do not bring chaos or excessive noise to a neighborhood. I have had hens in Boulder Hill for 6 of the 7 years I have lived here (I did not realize initially that they were not allowed per County Ordinances). My neighbors moved in about 4 years ago and did not know we had hens until we told them and gave them eggs sometime after they moved in. If my own direct neighbors who are frequently outside with their children had no idea about the hens next door, I do not believe anyone of reasonable sensitivity would hear, let alone complain of hens in the neighborhood

Farm-like- I can nearly assure you that there will be no giant red barns, noisy tractors, or cows coming to Boulder Hill with the passing of this proposed amendment. With the proposed rules 'P' and 'M,' hens will be out of sight and will not make a difference in the appearance of our neighborhood.

Odor- With every waste producing animal excrement can be expected to have an odor. Like keeping dogs or humans in early development, there needs to be a plan in place for collecting and disposing of anticipated waste. Luckily, hen excrement dries quickly in straw, is easy to compost or safely dispose of, and does not carry the same odor of that of a dog. As with negligent dog owners, there may be opportunity for hen owners to let their waste management go neglected. The proposal of rule 'N' is in place to combat potential negligent owners. As stated, odor from backyard hens would be the result of a negligent owner rather than the mere presence of hens.

Disease- Salmonella and bird disease outbreaks that haunt the imagination occur from poorly kept hens who are in unhealthy and crowded conditions, like those of factory farms. Backyard hen keeping is completely unlike the conditions of mass-producing factory farming. Backyard hens have adequate ventilation, whereas factory farms have poor ventilation which creates moist and dirty environments — environments where viruses and bacteria thrive. Backyard hens are kept in good health whereas factory farming hens are kept profitable. The crowded conditions also enable diseases to spread easier and quicker. With backyard hens living in reasonable numbers, diseases do not transmit the same way they would in a crowded and neglected factory farm. In summary, it would be better for disease prevention to transition away from factory farming to backyard set-ups.

Pests- Where there is food, there are opportune scavengers. As rule 'L' stipulates, food shall be kept in rodent/pest proof containers. These containers are a necessary part of hen keeping.

Distasteful appearances- Hens can be kept in a variety of conditions, some neat, orderly, and appealing and others not so much. Although there is no way to guarantee that all chicken coops will be particularly fashionable. With rule 'P' and 'M,' coops will be out of sight and hopefully blend into our diverse neighborhood. The permit process will also direct hen keepers towards neat permanent coop structures rather than temporary and less appealing structures.

Arguments in favor of hen keeping:

Backyard hens provide an ethical source of eggs- As noted in the arguments above, backyard hen keeping combats unethical factory farm practices.

Backyard hens have more space- In a factory farm, egg laying hens will have less than 1 sq ft of space; they will never touch grass or see the sun. In a backyard, hens are given a minimum of 2 sq ft of coop space and at least 8-10 sq ft of outdoor run space. Backyard hens can stretch their wings and legs.

Backyard hens have access to fresh air and sun- In the backyard, hens can breathe fresh air; they have room to sun bathe. If you have ever seen a dog or cat sunbathe, then you can imagine the meditative state seen in a sunbathing hen.

Backyard hens live more socially- Backyard hens have the privilege to be raised by mama hens. I have never hatched eggs but I have snuck day old chicks under the wing of a broody hen at night. There is nothing like the quiet and loving sounds from a mama hen to who she thinks her babies have hatched. The mom and babies bond immediately and she caters to their every need for many weeks. She shows them how to eat and drink. She protects them from predators and overzealous hens. She keeps them warm and alive. Chicks cannot regulate their body temperature and rely on the mama hen or brooder lights in her absence to stay warm. There is a certain joy when seeing little chick heads pop out in every direction from under the mama hen. Besides 'family' ties, backyard hens can have best friends. These are strong friendships that last many years for chickens. They forage together, watch for predators together, and perch next to each other at night. Before owning hens, I never would have imagined chickens to have such personalities or bonds. Now that I own hens, I don't think I could ever diminish their lives to one that lives in a factory farm.

Hens provide an economical source of eggs- The price of eggs has grown, like everything else recently. Factory-farmed eggs cost \$4.00 per dozen, cage free eggs (which still bring inhumane conditions to hens) cost \$6.00+ per dozen. Backyard eggs cost less than \$1.00 per dozen and even less if your hens eat things other than commercial feed such as kitchen scraps, grass, or bugs.

Backyard hens provide a sustainable source of eggs- During the beginning of the pandemic, store shelves ran out of eggs, but my hens did not care for transportation problems or panic buying. They continue to lay eggs that my family could rely on. They laid enough that I could give them to a friend and neighbors who could not find eggs in the stores. Even in times that eggs were plentiful on shelves, my hens have been generous and we have been able to share with those around us.

Backyard hens provide an environmentally mindful source of eggs- My eggs do not produce emissions from transportation on their way from my backyard to my kitchen. Their eggs are stored in a reusable wire column on my counter and do not use single use cartons. As noted previously, the hens often dispose of kitchen scraps and prevent extra landfill waste. The hens help turn my compost and they take the extra tomatoes off my hands at the end of the season when I have had enough canning and my neighbors have had enough tomatoes.

Backyard hens reduce municipal burden of waste and refuse services- As explained above, backyard hens reduce waste through multi-use egg storage and their productivity turning kitchen scraps into eggs. These small efforts over a large scale could improve municipal and local strain by reducing waste. Less organic waste also means that garbage day will have less odor.

Backyard hens provide companionship- As thoroughly noted above, hens are very social creatures with each other. They are also social with humans. When gardening, my favorite chicken would be beside me, quickly snatching any grubs or worms that surfaced. My son feels a connection to them and loves to pet and feed them mealworms. He squeals with delight when they willingly eat from his hand. You may be aware of a veteran in Montgomery who relied on his chickens to help with his PTSD. These are just a few examples of the joy and companionship that backyard hens bring.

Backyard hens provide more nutritious eggs- Studies have shown that backyard eggs and farm fresh eggs have less cholesterol and saturated fat than those found in a grocery store. They also contain 25% more vitamin E, 75% more beta carotene, and 3-20 times more Omega-3 fatty acids.

Backyard hens provide a connection to our food- Just as one grows fond over the ripening of a tomato, one feels utter delight in their first 'home grown' egg. Backyard eggs taste better and may be better nutritionally. But, I believe the reason it tastes better is because of the hard work you have put into that egg. Of course, chicken keepers are not laying eggs, but we are providing the home and care for those who do.

Backyard hens promote responsibility- Keeping hens will enable Boulder Hill residents to take part in 4-H. 4-H promotes citizenship, leadership, and responsible animal handling. Besides participating in 4-H, general backyard chicken keepers and especially children will learn and grow through this opportunity. My son, who is about 2 years old, enjoys letting the chickens out first thing in the morning and pouring their water (all with supervision). He takes pride in helping us and the hens. Providing excellent animal welfare brings value to our lives and helps us grow as individuals.

Backyard hens are inclusive and equitable for all- People from many walks of life benefit from keeping hens. Backyard hens are not only for farmers in rural areas. They are for vets suffering from PTSD, the family trying to make ends meet, the environmentally conscious, the lonely, the young, the elderly, or those who just want something new.

Backyard hens in Boulder Hill would align with values of all other surrounding communities- Although Boulder Hill is unincorporated, we have stricter ordinances on keeping hens than surrounding cities. We are a part of the Oswego Township and while Oswego Village residents enjoy their hens, we cannot. It does not make sense that chickens are allowed within city limits but not outside city limits, where ordinances are typically less tightened. The Village of Oswego voted to allow hens in 2017 after the Village's Environmentally Conscious Oswego Commission encouraged the city to follow the trends of other communities. They also heard from the University of Illinois Extension Campus who further supported backyard hens.

Nearby communities that allow backyard hens:

Aurora	Westmont
Batavia	Naperville
Downers Grove	Montgomery
Elgin	Oswego
Evanston	Yorkville
Fox Lake	
Plainfield	
St. Charles	

In conclusion, I hope you will find that backyard hens would bring countless benefits to the residents in Kendall County and especially those within Boulder Hill. Please consider incorporating backyard hens into unincorporated Kendall County. Thank you for your time in reading this proposal and for your consideration.

Sincerely,

Rebecca Wintczak

111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

From: Greg Chismark <gchismark@wbkengineering.com>
Sent: Thursday, March 16, 2023 10:26 AM
To: Matt Asselmeier <masselmeier@kendallcountyil.gov>
Cc: Scott Koeppel <skoeppel@kendallcountyil.gov>; Seth Wormley <swormley@kendallcountyil.gov>
Subject: RE: [External]RE: Proposed Chicken Ordinance

Matt,

I was going to make a comment about water quality but we do not have specific requirements for water quality and if someone had several large dogs the water impact could be worse if they did not pick up after them. Also, Canada geese can really create a water quality problem with stormwater basins.

Finally, other municipalities have permitted chickens and I have not heard of water quality concerns. That is not to say it will never happen; but for now I don't think we need to include chickens in the stormwater regulation.

Greg



Greg Chismark, PE
President
Direct: (630) 338-8527 | Main: (630) 443-7755
gchismark@wbkengineering.com

WBK Engineering, LLC
116 W. Main Street, Suite 201, St. Charles, IL 60174

Part of Bodwé Professional Services

From: Matt Asselmeier <masselmeier@kendallcountyil.gov>
Sent: Thursday, March 16, 2023 10:13 AM
To: Greg Chismark <gchismark@wbkengineering.com>
Cc: Scott Koeppel <skoeppel@kendallcountyil.gov>; Seth Wormley <swormley@kendallcountyil.gov>
Subject: RE: [External]RE: Proposed Chicken Ordinance

Any concerns about chicken poop going into the drainage system in a subdivision like Boulder Hill?

Matthew H. Asselmeier, AICP, CFM
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498

ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
April 4, 2023 – Unapproved Meeting Minutes

PBZ Chairman Seth Wormley called the meeting to order at 9:00 a.m.

Present:

Matt Asselmeier – PBZ Department
Meagan Briganti – GIS Department
David Guritz – Forest Preserve
Fran Klaas – Highway Department
Alyse Olson – Soil and Water Conservation District
Aaron Rybski – Health Department
Seth Wormley – PBZ Committee Chair

Absent:

Greg Chismark – WBK Engineering, LLC
Brian Holdiman – PBZ Department
Commander Jason Langston – Sheriff's Department

Audience:

Darrin Hane, Mark Daniel, Judy Bush, Don Ebert, Sydney Ebert, and Laura Campos

PETITIONS

Petitions 23-17 Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the request.

In 2010, through Ordinance 2010-21, Kendall County legalized the keeping of a maximum of twelve (12) hens on properties zoned R-1, R-2, and R-3, provided the property was at least one (1) acre in size. A copy of this ordinance was provided.

Prior to the 2023 Kendall County Regional Planning Commission's Annual Meeting, the County received a request from a resident in Boulder Hill to allow hens on properties zoned R-6. The resident and several other residents of Boulder Hill presented information at the Kendall County Regional Planning Commission Annual Meeting on the subject and Staff was directed to explore a text amendment on the matter.

After researching the regulations in other, nearby communities, Staff prepared attached proposal.

In summary, the proposal would be as follows:

1. Allow the keeping of a maximum of six (6) hens on any lot zoned and used for single family residential purposes.
2. Lots one (1) acre or larger in size may have a maximum of twelve (12) hens.
3. The keeping of roosters would not be allowed on residentially zoned property, except by special use permit in the RPD Districts (this is already allowed in the Zoning Ordinance).
4. No other poultry would be allowed.
5. Confinements would have to be a maximum of ten feet (10') from residential lot lines.
6. Uncovered fence enclosure must be at least four feet (4') in height.
7. The sale of chickens or eggs would not be allowed.

A redlined version of the proposal was provided.

At their meeting on March 13, 2023, the Planning, Building and Zoning Committee voted three (3) in favor, one (1) in opposition, and one (1) absent to initiate this amendment.

The comparison table of local chicken regulations, the original request for backyard hens, and a map of the County showing areas zoned R-4, R-5, R-6, and R-7 was provided.

Mr. Klaas asked about complaints about chickens. Mr. Asselmeier responded the Department receives complaints about people having chickens in locations where keeping chickens is not allowed. Mr. Asselmeier explained the concerns that people have about chickens that cause phone calls.

Mr. Guritz asked if similar situations arise in other parts of the County. Mr. Asselmeier explained the current regulations and the locations impacted if the proposed regulations were adopted.

Mr. Klaas was unsure if ZPAC should weigh-in on the proposal because the decision on number of chickens is a policy decision and not a technical decision.

Mr. Guritz wanted an opinion from someone raising chickens on the potential adverse impacts that could arise if people were raising chickens in more densely populated areas.

Mr. Rybski was concerned about time investigating complaints and higher potential of contracting certain diseases from proximity to chickens. He would like to see education or a permitting process on having chickens properly.

Mr. Klaas made a motion, seconded by Mr. Rybski, to issue a neutral recommendation.

The votes were follows:

Ayes (6): Asselmeier, Briganti, Klaas, Olson, Rybski, and Wormley
Nays (1): Guritz
Abstain (0): None
Absent (3): Chismark, Holdiman, and Langston

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on April 26, 2023.

PUBLIC COMMENT

Judy Bush, Oswego Township Trustee and resident of Boulder Hill strongly opposed chickens. She questioned how the County will enforce the regulations. She questioned enforcement of existing regulations. She served on the advisory committee that discussed concerns about Boulder Hill. She sends violations to Brian Holdiman weekly. She expressed concerns that chickens will cause her dog to try to get at chickens in neighboring properties.

Don Ebert, resident of Boulder Hill, has chickens. They take care of their chickens and they have the chickens for eggs. He said chickens do not need one (1) acre of land. He discussed his chicken coop. He would like the opportunity to feed himself. He considers Boulder Hill country. He discussed the animals that he saw in the neighborhood.

Chairman Wormley asked how Mr. Ebert felt about enforcement and if Mr. Ebert felt the proposal was fair. Mr. Ebert felt that six (6) was a good number; Mr. Ebert has nine (9) chickens. Mr. Ebert did not see why the proposal had to be strict. He discussed the maintenance and care of his chickens. Chairman Wormley explained the need for the proposed regulations. Mr. Ebert thought that chickens were legal in Boulder Hill when he moved to the area.

Mr. Klaas asked about the regulations of hens in other communities. Discussion occurred regarding homeowners' association rules. Mr. Asselmeier provided the comparison of chicken regulations.

Discussion occurred regarding the situation that would arise if the proposal failed.

Sydney Ebert said that their neighbors' dogs did not negatively interact with chickens. She favored having a maximum of twelve (12) chickens.

Laura Campos asked about enforcement of the rules. Mr. Asselmeier explained how homeowners' associations enforce rules and how Kendall County enforces rules. The proposal did not require a permit. Ms. Campos asked if the number of allowed chickens could increase. Mr. Asselmeier responded that, as the proposal moves through the process, various boards could recommend changes to the proposal, including changing the number of allowed chickens. Mr. Asselmeier encouraged Ms. Campos to attend all of the meetings regarding the proposal. Ms. Campos discussed the productivity and

life spans of hens.

ADJOURNMENT


Mr. Klaas made a motion, seconded by Mr. Rybski, to adjourn.

With a voice vote of seven (7) ayes, the motion carried.

The ZPAC, at 10:03 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP, CFM
Senior Planner

Enc.



**KENDALL COUNTY
ZONING & PLATTING ADVISORY COMMITTEE
APRIL 4, 2023**

IF YOU WOULD LIKE TO BE CONTACTED ON FUTURE MEETINGS REGARDING THIS TOPIC, PLEASE PROVIDE YOUR ADDRESS OR EMAIL ADDRESS

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
Judy Bush		
Sydney Don Ebert		

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

*Kendall County Office Building
Rooms 209 and 210
111 W. Fox Street, Yorkville, Illinois*

Unapproved - Meeting Minutes of April 26, 2023 - 7:00 p.m.

Chairman Bill Ashton called the meeting to order at 7:04 p.m.

ROLL CALL

Members Present: Bill Ashton, Eric Bernacki, Tom Casey, Dave Hamman (arrived at 7:05 p.m.), Karin McCarthy-Lange, Larry Nelson, Ruben Rodriguez, Claire Wilson, and Seth Wormley

Members Absent: Bob Stewart

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Mark Daniel, Brent Sary, Roman Correa, and Jiun-Guang Lin

PETITIONS

Petition 23-17 Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the request.

In summary, the proposal would be as follows:

1. Allow the keeping of a maximum of six (6) hens on any lot zoned and used for single family residential purposes.
2. Lots one (1) acre or larger in size may have a maximum of twelve (12) hens.
3. The keeping of roosters would not be allowed on residentially zoned property, except by special use permit in the RPD Districts (this is already allowed in the Zoning Ordinance).
4. No other poultry would be allowed.
5. Confinements would have to be a maximum of ten feet (10') from residential lot lines.
6. Uncovered fence enclosure must be at least four feet (4') in height.
7. The sale of chickens or eggs would not be allowed.

A redlined version of the proposal was provided.

Member Nelson asked if the minimum lot size should be a quarter (1/4) acre. Mr. Asselmeier discussed the minimum lot size in Boulder Hill.

The comparison table of local chicken regulations, the original request for backyard hens, and a map of the County showing areas zoned R-4, R-5, R-6, and R-7 were provided.

Member Wormley explained the history of the proposal and the rationale behind the proposal. He felt the proposal was a fair compromise between allowing hens and the Planning, Building and Zoning Department's resources.

Member Nelson said that, if the regulations don't work, another amendment could occur in the future.

Member Wilson asked about including regulations related to extension cords and rodent-proof containers. Member Nelson questioned the enforcement of those types of regulations.

Chairman Ashton expressed concerns about people selling eggs to forest the cost of chicken feed. Mr. Asselmeier responded, if people are advertising eggs for sale, that information could be used in a prosecution case. Member Wormley felt that few people will have hens in Boulder Hill; he discussed the lifespan of hens.

Discussion occurred about slaughtering chickens and Oswego Township's waste rules.
Discussion occurred regarding chicken manure. Most people compost manure in Boulder Hill.

Member Bernacki asked how the ten foot (10') setback was created. Mr. Asselmeier said that the setback for agricultural accessory structures in the A-1 District is ten feet (10').

Member Nelson made a motion, seconded by Member Hamman, to forward the proposal to the Kendall County Zoning Board of Appeals.

The votes were as follows:

Ayes (9): Ashton, Bernacki, Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, Wilson, and Wormley
Nays (0): None
Absent (1): Stewart
Abstain (0): None

The motion carried. The proposal will go to the Kendall County Zoning Board of Appeals on May 1, 2023.

CITIZENS TO BE HEARD/PUBLIC COMMENT

None

ADJOURNMENT

Member Nelson made a motion, seconded by Member Wormley, to adjourn. With a voice vote of nine (9) ayes, the motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 8:21 p.m.

Respectfully submitted by,
Matthew H. Asselmeier, AICP, CFM
Senior Planner