

ORDINANCE NUMBER 2023- 27

**TEXT AMENDMENTS PERTAINING TO THE REGULATION OF CHICKENS IN THE
KENDALL COUNTY ZONING ORDINANCE**

WHEREAS, on or about October 19, 2010, the Kendall County Board adopted Ordinance 2010-21 which established regulations in the Kendall County Zoning Ordinance for the keeping of chickens on residentially zoned properties with restrictions; and

WHEREAS, the keeping of chickens is allowed with restrictions within the A 1 Agricultural, R-1 One Family Residential District, R-2 One Family Residential District, R-3 One Family Residential District, and the three Residential Planned Development Districts; and

WHEREAS, Section 13:07 of the Kendall County Zoning Ordinance permits the Kendall County Board to approve text amendments and provides the procedure through which text amendments are granted; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee, hereinafter be referred to as "Petitioner", desires to allow hens on properties with smaller lot sizes with restrictions; and

WHEREAS, on March 13, 2023, the Petitioner submitted text amendments to the Kendall County Zoning Ordinance amending the regulations of chickens in residential zoning districts by lowering the minimum lot size where chickens are allowed and allowing hens as a permitted use on all lots zoned and used for single-family residential purposes with restrictions; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on April 6, 2023, the Kendall County Zoning Board of Appeals conducted a public hearing on May 1, 2023, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner's representative presented evidence, testimony, and exhibits in support of the requested text amendments and one member of the public testified in favor of the request and zero members of the public testified in opposition to the request; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has recommended approval of the text amendments on May 1, 2023, with a condition that a minimum lot size of eleven thousand square feet be established by a vote of six in favor and one in opposition; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing, and has forwarded to the Kendall County Board a recommendation approval of the requested text amendments; and

WHEREAS, the Kendall County Board has considered the recommendations of the Planning, Building and Zoning Committee and the Kendall County Zoning Board of Appeals, and has determined that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS, that the Kendall County Zoning Ordinance be amended as follows:

- I. Recitals: The recitals set forth above are incorporated as if fully set forth herein.

- II. Amended Text: Section 8:02.A.11.a of the Kendall County Zoning Ordinance is hereby amended by deleting the present text and replacing it with the following:

“a. On lots less than one (1) acre, no farm-type animals shall be permitted, except as outlined in this Section.”

- III. Amended Text: Section 8:02.A.11.d of the Kendall County Zoning Ordinance is hereby amended by deleting the present text and replacing it with the following:

“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.”

- IV. Amended Text: Section 8:03.F of the Kendall County Zoning Ordinance is hereby amended by adding the following use in the appropriate place alphabetically to list of permitted uses:

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

- V. Amended Text: The listed of permitted uses contained in Section 8:03.F of the Kendall County Zoning Ordinance is hereby renumbered to reflect the addition of chickens.

- VI. Amended Text: Section 8:03.H.1.h of the Kendall County Zoning Ordinance is hereby amended by deleting the present text and replacing it with the following:

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

- VII. Amended Text: Section 8:06.A.2 of the Kendall County Zoning Ordinance is hereby amended by deleting the present text and replacing it with the following:

“2. Keeping of chickens on a zoning lot, provided that:

- a. Up to twelve (12) chickens may be kept on lots that are a minimum one (1) acre and up to six (6) 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.”

VIII. Amended Text: Section 8:07.A.2 of the Kendall County Zoning Ordinance is hereby amended by deleting the present text and replacing it with the following:

“2. Keeping of chickens on a zoning lot, provided that the conditions contained in Section 8:06.A. are met.”

IX. Amended Text: Section 8:08.A of the Kendall County Zoning Ordinance is hereby amended by adding the following use in the appropriate place alphabetically to list of permitted uses:

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

X. Amended Text: The listed of permitted uses contained is Section 8:08.A of the Kendall County Zoning Ordinance is hereby renumbered to reflect the addition of chickens.

XI. Amended Text: Appendix 9 of the Kendall County Zoning Ordinance is hereby amended to reflect the change of chicken regulations in the applicable zoning districts.

XII. Any reference or citation errors created by the above text amendments are hereby corrected.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 27th day of June, 2023.

Attest:



Kendall County Clerk
Debbie Gillette



Kendall County Board Chairman
Matt Kellogg

