

CITY OF WASHINGTON

PLANNING & DEVELOPMENT DEPARTMENT

301 Walnut St. · Washington, IL 61571

Ph. 309-444-1135 · Fax 309-444-9779

<http://www.washington-illinois.org>

joliphant@ci.washington.il.us

MEMORANDUM

TO: Mayor Manier and Committee of the Whole
FROM: Jon R. Oliphant, AICP, Planning & Development Director
SUBJECT: Consideration for Poultry in Residential Districts
DATE: June 4, 2019

Poultry is currently not allowed in any zoning district other than the AG-1 district. Staff recently sent a letter to a resident that was housing chickens in violation of City Code. The resident then asked about the consideration of an ordinance that would allow them on residential properties. The resident was given a temporary reprieve until that consideration could be given by the Committee of the Whole as a first step.

Attached is a zoning code text amendment that was drafted in 2012 following a similar resident request. It was ultimately denied by the Council and has not been revisited since then. The text amendment was drafted after considerable consultation of other municipal urban poultry ordinances in Illinois and other states. Sustainability is a concept that all cities are facing and many are struggling with. Citizens and businesses are looking to green development as a way to reduce waste, improve efficiencies, and save money. Urban agriculture has become more common throughout the country as a means of cultivating food locally. City-bred chickens are believed to be healthier because certain additives are typically not utilized. Health risks could be present without proper care of the chickens and their coops and if hands are not washed after having contact with the animals, eggs, and equipment.

The following is a summary of the regulations contained in the draft text amendment:

- A special use permit would be required to house any chickens on a residential lot.
- A building permit would be required for any enclosure housing chickens.
- No more than five chickens would be allowed on any residential lot.
- Roosters or other loud species of chicken would be prohibited.
- The slaughtering of chickens would be prohibited.
- Chickens must be kept at all times in an enclosure only in the rear yard. Two options are available for the enclosure: 1) A permanent structure constructed consistent with a plan that is approved by the Planning and Zoning Commission and City Council; 2) In lieu of a permanent enclosure, wire or other materials can be used for the coop if there is a six-foot high opaque fence that entirely encloses the rear yard.
- The area of any poultry enclosure including any outdoor runs would not exceed 40 square feet.
- All enclosures could be placed no closer than five feet from any side or rear property line and at least 25 feet from any residential structure on an adjacent lot.
- All waste material must be disposed of to eliminate any offensive odor.
- All food sources must be protected in a container with a tightly fitted lid in order to prevent rodents from gaining access to them.
- Special use permits would not run with the land.

Urban poultry ordinances have become more common throughout the country and chickens are now regularly found in high-density cities. Staff feels that this would be embraced by a small minority of residents and could be a positive for the community as long as the proper regulations are in place.

Should there be interest in moving forward with a text amendment, a public hearing would be scheduled at an upcoming Planning and Zoning Commission meeting prior to formal City Council consideration. This is scheduled for review at the June 10 Committee of the Whole meeting to receive direction.

ORDINANCE NO. _____

(Synopsis: Adoption of this ordinance would allow no more than five chickens on any residential lot subject to the acquisition of a special use permit. A building permit would be required to construct the coop and the chicken enclosure could be located no closer than five feet from a side or rear lot line and at least 25 feet from an adjacent residential structure.)

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF
THE CITY OF WASHINGTON, ILLINOIS BY AMENDING VARIOUS SECTIONS OF
CHAPTER 154 ENTITLED "ZONING CODE"**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
WASHINGTON, TAZEWELL COUNTY, ILLINOIS, as follows:**

Section 1. That §154.056 of the Washington Municipal Code of Ordinances titled "Permitted Uses," is hereby amended by deleting §154.056 (F) in its entirety and by substituting the following as §154.056 (F) in lieu thereof:

"§ 154.056 PERMITTED USES

- (F) Nurseries, truck gardening, and the raising of farm crops, but not the raising of ~~poultry or~~ livestock; and provided further that no building shall be erected or maintained on the property which is used for the purpose of selling the products grown or raised. The raising of poultry is permitted as a special use subject to the conditions in §154.056 (O)."

Section 2. That § 154.056 of Chapter 154 of the Washington Municipal Code of Ordinances titled "Permitted Uses" is hereby amended by deleting § 154.056 (O) in its entirety and by substituting the following as § 154.058 (O) in lieu thereof:

"§ 154.056 PERMITTED USES

- (O) Special uses. The following uses are permitted as special uses after a public hearing and recommendation by the Planning and Zoning Commission and approval ~~when approved~~ by the City Council.
- (1) Real estate offices, so long as the structure to be used for a real estate office is an existing building and that adequate parking is available.
 - (2) Horse stables, including the commercial boarding of horses, may be established ~~in the R-1 Residential District~~ subject to the following general requirements, and such other restrictions as the Planning and Zoning Commission or City Council believe proper under the particular circumstances:
 - (a) The parcel of real estate seeking the special use classification must contain a minimum of five (5) acres.

- (b) There must be a sufficient structure or barn to adequately house the maximum number of horses allowed on the particular property.
- (c) No more than one (1) horse per acre shall be allowed and a lesser number may be specified, if warranted by the particular circumstances.
- (d) There must be sufficient open space between the structure used to house the horses and the neighboring dwelling houses to reasonably protect the comfort and property values of the neighboring properties.
- (e) Fences shall be constructed and maintained by the property owner of the property receiving the special use.
- (f) There must be sufficient open space between the area to be used by the horses for any purpose, including pasturing, and the neighboring dwelling houses to insure that the keeping of the horses does not unreasonably interfere with the comfort and enjoyment by the occupants of the existing neighboring properties.
- (g) Any such special use permit granted by the City Council may be modified or terminated by the City Council upon the petition of any interested resident or residents, to the Planning and Zoning Commission after a public hearing and recommendation by the Planning and Zoning Commission. In order to justify a modification or termination of a special use, it shall be necessary for the interested resident to show, by a preponderance of the evidence, that the special use property is maintained in such a way as to unreasonably interfere with the health and comfort of said interested resident or residents.

(3) The raising of poultry may be established subject to the following general requirements and such other restrictions as the Planning and Zoning Commission or City Council believe proper under the particular circumstances:

- (a) Not more than five (5) chickens may be kept on any lot.
- (b) No roosters or unreasonably loud species of chicken shall be kept on the lot.
- (c) No chickens shall be slaughtered.
- (d) Chickens shall be kept at all times within an enclosure in the rear yard constructed and consistent with a plan submitted and approved by the Planning and Zoning Commission and City Council. The enclosure shall be kept and built in such a manner as to allow for easy ingress and egress for the chickens and shall offer protection from weather elements. Wire or other materials can only be used if a permanent six-foot (6') high opaque

fence entirely encloses the rear yard. In lieu of a fence, a permanent enclosure housing the chickens shall be constructed subject to the recommendation of the Planning and Zoning Commission and approval of the City Council.

- (e) The area of any enclosure for the purpose of housing chickens including any outdoor runs shall not exceed forty (40) square feet.
- (f) Any enclosure housing chickens shall require a building permit.
- (g) All enclosures housing chickens shall not be located closer than five (5) feet from any side or rear property line and twenty-five (25) feet from any residential structure on an adjacent lot.
- (h) No person shall allow the accumulation of any waste material resulting from the keeping of chickens which creates any offensive odor or nuisance.
- (i) All food sources and other items that are associated with the keeping of chickens that are likely to attract rats, mice, or other rodents shall be protected in a container with a tightly fitted lid so as to prevent rodents from gaining access to or coming into contact with them.
- (j) Special use permits shall not run with the land.

~~(4)(3)~~ Accessory commercial uses may be established in the R-1 Residential District subject to the following general requirements, restrictions and limitations, and such other restrictions, requirements and limitations as the Planning and Zoning Commission and City Council shall deem proper under the particular circumstances:

- (a) The use to which the property may be put shall be limited exclusively to one (1) or more of the following uses accessory to a use permitted in a C-1 or C-2 Commercial District: assembly, storage, or the provision of service to goods or products.
- (b) The property shall be located within two hundred (200) feet of the primary C-1 or C-2 zoned property for which the property's use shall be accessory.
- (c) The property shall not have been occupied as a residence or otherwise used for residential purposes for a period of one hundred twenty (120) days immediately preceding the filing of the special use application.
- (d) In order to preserve the residential character of the neighborhood and the property, the following restrictions on the accessory commercial use shall apply to the property:

1. Interior window dressings, residential in character, shall be maintained on all windows, such that the accessory commercial use of the property shall not be visible from the exterior of the premises.
2. No signs of any kind or character shall be posted, erected, or constructed upon the property.
3. No exterior display of the accessory commercial use shall be made or permitted.
4. No more than four (4) vehicles shall be parked on the property at any one (1) time, and said vehicles shall be parked in the driveway thereof.
5. No deliveries by vendors, contractors, agents, or any supplier shall be made to or upon the property, directly or through a freight carrier, unless sufficient off-street delivery facilities are available such that any delivery vehicle shall be entirely outside of all driving lanes on city streets or highways.
6. The accessory commercial use shall not be operated on any day after the hour of 8:00 p.m. nor before the hour of 8:00 a.m., Central Time.
7. No bulk storage of flammable materials, or inflammable, explosive, or hazardous material shall be allowed or permitted upon the property except in such quantities as are necessary for such accessory commercial use and as shall be consumed and completely used during the standard business day. Any such unused or unconsumed materials at the end of each day shall be completely removed from the property.
8. No noxious, offensive, or nauseous fumes, odors, or noises shall be permitted or allowed to permeate from the property, and be audible from adjacent property.
9. No sales of any goods, products, or services shall be made from or upon the property.

~~(5)~~(4) Certified public accounting, and other general accounting, offices so long as the structure is an existing building and that adequate off-street parking is available.

~~(6)~~(5) Tutoring facilities and classrooms so long as the structure is an existing building and that adequate off-street parking is available.

~~(7)(6)~~ Child day care facilities may be established in the R-2 Residential District, subject to such restrictions, requirements, and limitations as may be deemed proper under the circumstances.”

Section 3. That § 154.072 of Chapter 154 of the Washington Municipal Code of Ordinances titled “Permitted Uses” is hereby amended by deleting § 154.072 (G) in its entirety and by substituting the following as § 154.072 (G) in lieu thereof:

“§ 154.072 PERMITTED USES

(G) Nurseries, truck gardening, and raising of farm crops but not raising of ~~poultry, pets, or~~ livestock; and provided, that no building shall be erected or maintained on the property for purpose of selling products grown and raised. Horses and ponies are permitted in this District only as an accessory use on an individual one-family dwelling lot and for the pleasure of the occupants of the dwelling and their bona fide guests, and not for hire. A stable, as a principal use, for the housing of horses or ponies only of the occupants of the country estate subdivision of which it is a part, may be approved as part of the subdivision if such community facility is deemed appropriate, in which case, individual accessory stables on one-family dwelling lots shall not be permitted. The raising of poultry is permitted as a special use subject to the conditions in §154.056 (O).”

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

Section 5. That all ordinances or parts thereof in conflict herewith are hereby expressly repealed.

PASSED AND APPROVED this _____ day of _____, 2012.

AYES: _____

NAYS: _____

Mayor

ATTEST:

City Clerk