



CITY OF WASHINGTON, ILLINOIS

City Council Agenda Communication

Meeting Date: December 16, 2019

Prepared By: Jon R. Oliphant, AICP, Planning & Development Director

Agenda Item: First Reading Ordinance – Alan Biagini Residential Poultry Special Use Request, 617 Simon Street

Explanation: Alan Biagini has submitted a special use application for the allowance of chickens on his property at 617 Simon Street. Chickens are allowed to be considered on residential properties upon approval of a special use. This is the first such request following City Council adoption of a zoning code text amendment in October that allows for poultry to be located on certain residential properties.

Mr. Biagini was previously sent a letter regarding chickens that were housed on his property in violation of City Code at the time. He was given a temporary reprieve until the mechanism was drafted in the zoning code to potentially allow for them to be permanently located there. Some of the conditions are as follows: No more than five chickens are allowed per lot, they are only allowed on owner-occupied properties, roosters or other loud species of chickens are prohibited, chickens must be kept at all times in an enclosure in the rear yard, any poultry enclosure (including outdoor runs) cannot exceed 60 square feet, and any enclosures cannot be placed closer than ten feet from any side or rear property line and must be at least 25 feet from any residential structure on an adjacent lot. The complete list of the regulations is attached.

The coop is/would be located under the deck and adjacent to the run in the back yard. The total area is slightly less than 60 square feet in size. The enclosure is/would be approximately 39 feet from the rear property line and 48 feet from the north side property line, both of which would meet the regulations. Photos showing the existing housing area are also attached.

Fiscal Impact: None

Recommendation/

Committee Discussion Summary: Staff recommends approval of the special use request. It would not appear to be detrimental to the public's health, safety, or general welfare nor would it substantially diminish or impair property value. The Planning and Zoning Commission held a public hearing at its meeting on December 4 and unanimously recommended approval.

Action Requested: Approval of the attached ordinance. A first reading ordinance is scheduled for the December 16 City Council meeting with a second reading to be scheduled for the January 6, 2020, meeting.

ORDINANCE NO. _____

(Synopsis: Adoption of this ordinance would allow for poultry to be housed at 617 Simon Street.)

**AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW FOR POULTRY
TO BE HOUSED AT 617 SIMON STREET**

WHEREAS, the City of Washington Zoning Ordinance adopted February 20, 1961, as amended, provides for a special use for the allowance of poultry within §154.056 where conditions are met; and

WHEREAS, a petition has been filed with the City of Washington and referred to the Planning and Zoning Commission requesting such a special use for the allowance of chickens at 617 Simon Street; and

WHEREAS, public notice in the form required by law was given of the public hearing, and the Planning and Zoning Commission held such a public hearing on December 4, 2019, and has unanimously recommended such a special use; and

WHEREAS, the Planning and Zoning Commission has made its findings and recommendations concerning the special use permit and the corporate authorities have duly considered said findings and recommendations and find that the special use procedures have complied with the Washington Zoning Code:

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF WASHINGTON, TAZEWELL COUNTY, ILLINOIS, that:**

Section 1. The reports, findings, and recommendations of the Planning and Zoning Commission are herein incorporated by reference as the findings of the City Council, as completely as if fully recited herein at length. Also, all exhibits submitted at the public hearing are hereby incorporated by reference as fully as if attached hereto. The City Council further finds that the proposed special use is in the public good and in the best interest of the City and its residents and is consistent with and fosters the purposes and spirit of the City of Washington Zoning Code. The special use granted will not be detrimental to the public health, safety, morals, comfort and general welfare, nor shall it be injurious to the use and enjoyment of other properties in the vicinity, nor substantially diminish or impair property values within the neighborhood.

Section 2. That the following described property owned by Alan and Lori Biagini be granted a special use permit for the allowance of chickens and legally described as follows:

SEC 15 T26N R3W TRAILS EDGE SEC 2 LOT 58 SE 1/4

PIN: 02-02-15-418-013

Section 3. That the City Zoning Officer be directed to issue any permits to allow for a coop on the above-described property in compliance with this special use ordinance.

Section 4. That the Zoning Map of the City of Washington, Tazewell County, Illinois, be amended so as to conform to the Special Use Permit granted herein.

Section 5. That this ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law.

PASSED AND APPROVED this _____ day of _____, 2020.

AYES _____

NAYS _____

ATTEST:

Mayor

City Clerk

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) Chickens shall only be permitted on owner-occupied properties.
- (b) Not more than five (5) chickens may be kept on any lot.
- (c) No roosters or unreasonably loud species of chicken shall be kept on the lot.
- (d) No chickens shall be slaughtered.
- (e) 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. The enclosures shall not be visible from the street on which the house faces.
- (f) The area of any enclosure for the purpose of housing chickens including any outdoor runs shall not exceed sixty (60) square feet.
- (g) Any enclosure housing chickens shall require a building permit.
- (h) All enclosures housing chickens shall not be located closer than ten (10) feet from any side or rear property line and twenty-five (25) feet from any residential structure on an adjacent lot.
- (i) No person shall allow the accumulation of any waste material resulting from the keeping of chickens which creates any offensive odor or nuisance.
- (j) 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.
- (k) The fee for the housing of chickens shall be twenty-five dollars (\$25) for a one calendar year permit.
- (l) Special use permits shall not run with the land.

CITY OF WASHINGTON, ILLINOIS

APPLICATION FOR SPECIAL USE

To have a complete application for a special use, you must submit the following:

- Signed and completed application
- Ownership documentation (lease, deed, mortgage, etc.)
- Plat showing subject property and all adjacent properties – See below for plat requirements
- Accurate legal description obtained from the Warranty Deed
- Application fee of \$100 payable to the City of Washington

Address or location of property: 617 SIMON ST., WASHINGTON, IL 61571

Property Tax ID (PIN) number: 02 - 02 - 15 - 418 - 013

Current zoning classification of the property: R-1, RESIDENTIAL

Current use of the property: SINGLE-FAMILY HOUSING

What is the Special Use for? RAISING OF POULTRY

How will you meet other requirements of the zoning code (such as parking or landscaping, if applicable)? _____

Name of Applicant: ALAN J. BIAGINI Phone Number of Applicant: 309-253-9016

Address of Applicant: 617 SIMON ST. WASHINGTON, IL 61571

Owner of Property: ALAN J. BIAGINI WASHINGTON, IL 61571

Address of Owner: 617 SIMON ST

I would like to receive correspondence by: ☐ Mail ☒ Email Email address: alanbiagini@gmail.com

PLAT REQUIREMENTS: Your special use plat must show:

- Building or site plan layout and locations of proposed special uses, including square footage
- Adjacent properties, rights-of-way, streets, roads, railroads, waterways, and other physical features

PUBLIC HEARING: Your case will be referred with staff's recommendation to the next regularly scheduled Planning and Zoning Commission meeting for a public hearing. The Planning and Zoning Commission meets the first Wednesday of every month at 6:30 p.m. at the Washington District Library meeting room at 380 N. Wilmor Road. At the Planning and Zoning Commission meeting, you will present your request. A special use cannot be recommended by the Planning and Zoning Commission unless the Commission finds, based upon the application and evidence presented at the public hearing, that all of the following conditions have been met:

1) The special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare; 2) The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity, or substantially diminish or impair property values; 3) The special use will not impede development of surrounding property; 4) Adequate utilities, access roads, drainage, or necessary facilities will be provided; 5) Adequate ingress and egress provided to minimize traffic congestion in public streets; 6) The special use will conform to all other application regulations of the zoning district; and 7) If the special use would not otherwise be acceptable, the Planning Commission may recommend certain conditions be met to make the use acceptable, such as, but not limited to: landscape screening or fencing, specific hours of operation, night lighting or lighting restrictions, parking area requirements, signage restraints, outdoor storage limitations.

Certification: To the best of my knowledge, the information contained herein, and on the attachments, is true, accurate, and correct, and substantially represents the existing features and proposed features. Any error, misstatement, or misrepresentation of material fact or expression of material fact, with or without intention, shall constitute sufficient grounds for the revocation or denial of the proposed Special Use.

Signature of Applicant

Date

10-10-19

Signature of Owner

Date

10-10-19

After receiving a completed application, the City Clerk will file notice of your request with the local newspaper and with the adjoining property owners. If you have any questions, please contact Jon Oliphant, Planning & Development Director at (309) 444-1135.

FOR OFFICE USE ONLY Case No.: _____

Plat Submitted? Y / N Date: _____

Documentation of Authority Submitted: _____

Commission Action: _____

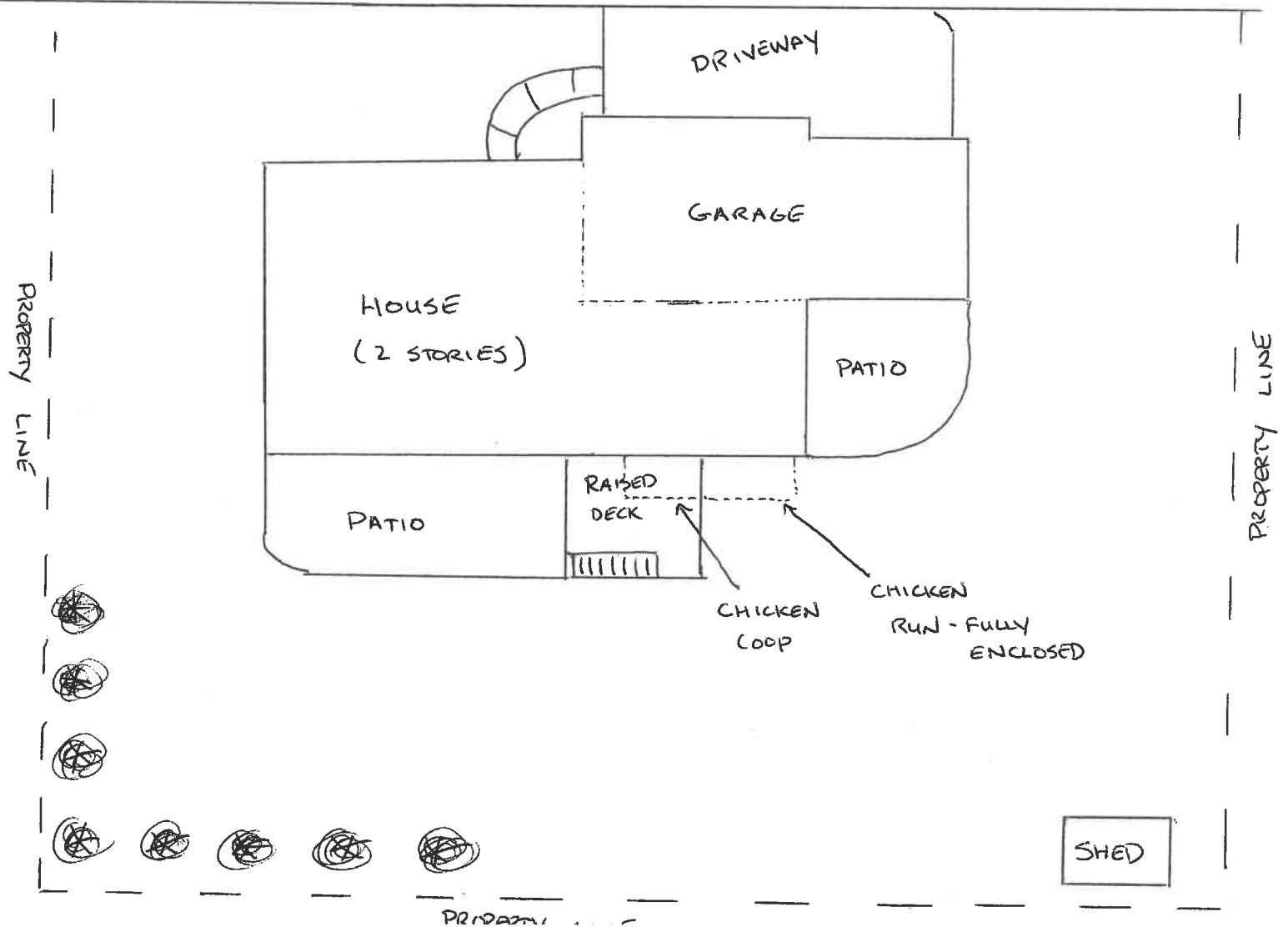
Fee Paid? Y / N / N/A Amount: _____ Date: _____

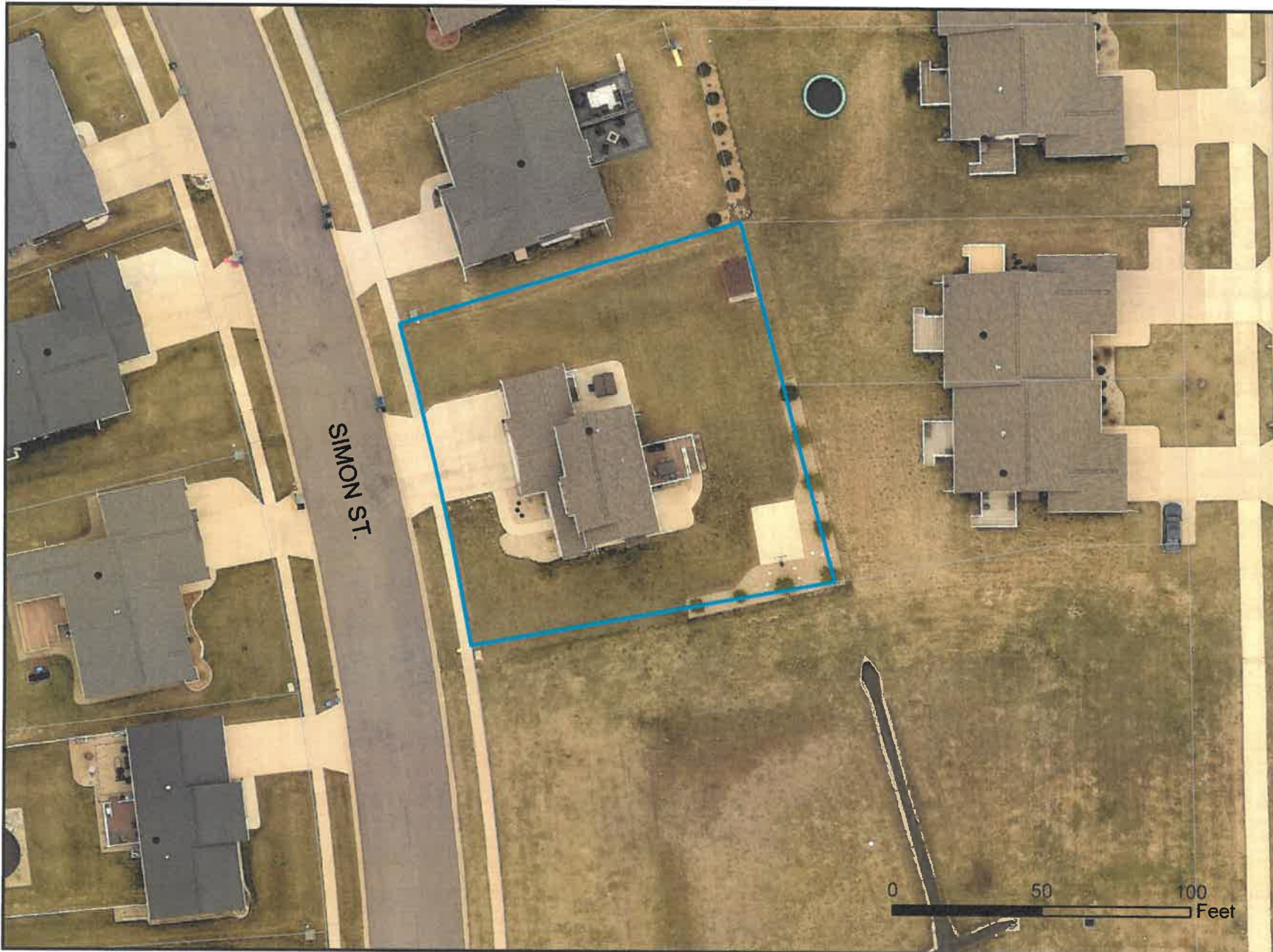
Landscaping Plan Submitted? Y / N / N/A Date: _____

Date to go before the Planning and Zoning Commission: _____

Ordinance Review: (first reading) _____ (second reading) _____

SIMON STREET





SIMON ST.

0 50 100 Feet

**CITY OF
WASHINGTON**
TAZEWELL COUNTY, ILLINOIS

LOCATION MAP



*Prepared by the City of Washington
Department of Planning and Development*

Printed: November 25, 2019

CITY OF
WASHINGTON
TAZEVELL COUNTY, ILLINOIS

LOCATION MAP



Legend

- AG-1 (Agriculture)
- CE (Country Estates)
- R-1A (Single Family Residential)
- R-1 (1-2 Family Residential)
- R-2 (Multifamily Residential)
- C-1 (Local Retail)
- C-2 (General Retail)
- C-3 (Service Retail)
- I-1 (Light Industrial)
- I-2 (Heavy Industrial)



Prepared by the City of Washington
Department of Planning and Development

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