



CITY OF WASHINGTON, ILLINOIS

City Council Agenda Communication

Meeting Date: August 17, 2020

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

Agenda Item: First Reading Ordinance – Residential Poultry Zoning Code Text Amendment

Explanation: The City's residential poultry regulations were adopted in October 2019. This allows for poultry on certain residential properties following approval of a special use. A special use allows for other conditions to be applied above and beyond the underlying regulations on a case-by-case basis if desired. Six such cases were considered since the adoption of the regulations.

The City Council approved a moratorium in June prohibiting the consideration of any other residential poultry special use requests besides those that had already applied by that time. Attached is a zoning code text amendment that would rescind the existing regulations and make it illegal to house chickens on residential properties. The only exceptions would be for those specific owners and properties that have been approved previously and provided they maintain a valid annual permit and do not have any violations of the regulations in effect at the time.

Fiscal Impact: Special use permits require a \$100 fee. Approval of a special use to allow chickens then requires obtaining a building permit and to acquire an annual \$25 chickens permit.

Recommendation/

Committee Discussion Summary: Staff recommends approval. The Planning and Zoning Commission held a public hearing at its meeting on August 5 and voted 5-0 to recommend denial. The PZC understands the preference to repeal the existing regulations but indicated its desire for future modifications should there be interest in considering allowing chickens to be housed on residential properties again.

Action Requested: Approval of the attached ordinance. A first reading ordinance is scheduled for August 17 and a second reading ordinance will be scheduled for September 8.

ORDINANCE NO. _____

(Synopsis: Adoption of this ordinance would prohibit chickens from being located on residential properties in the city limits.)

**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)(3) through § 154.056 (O)(7) in their entirety and by substituting the following as § 154.056 (O)(3) through § 154.056 (O)(6) 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 by the City Council.

~~(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) 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.~~

~~(3)(4)~~ 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.

~~(4)(5)~~ 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.

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

~~(6)~~(7) 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 the raising of poultry 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 _____, 2020.

AYES: _____

NAYS: _____

Mayor

ATTEST:

City Clerk