

ORDINANCE 2023-20

AN ORDINANCE OF THE VILLAGE OF POPLAR GROVE, ILLINOIS AMENDING THE VILLAGE’S CODE OF ORDINANCES TO ALLOW HENS IN RESIDENTIAL AREAS

WHEREAS, the Village of Poplar Grove, Illinois (“Village”) has adopted a Code of Ordinances (“Village Code”); and

WHEREAS, the Village Board of Trustees desires to consider allowing the keeping of hens in specific Residential zoning districts in accordance with certain regulations; and

WHEREAS, Title 3 of the Village Code is titled Police Regulations, and Chapter 2 of Title 3 is titled Animal Control; and

WHEREAS, the Village now desires to amend Chapter 2 of Title 3, to amend the definition of “Prohibited Animal”; and

WHEREAS, Title 8 of the Village Code is titled Zoning, and Chapter 6 of Title 8 is titled Land Use Districts and Permitted Use; and

WHEREAS, the Village now desires to amend Chapter 6 of Title 8, to allow for the keeping of hens in specific residential districts; and

WHEREAS, the Village desires to further amend Title 8 to add a new Chapter 13 regulating the keeping of hens in specific Residential zoning districts; and

WHEREAS, the purpose of these amendments is to allow and regulate the keeping of hens in residential areas of the Village; and

WHEREAS, the Village has determined that such amendment is in the best interest of the Village and its citizens.

NOW THEREFORE, be it ordained by the President and Board of Trustees for the Village of Poplar Grove, Illinois, as follows.

1. The above-recitals are incorporated herein and made a part hereof.
2. That Section 3-2-1 of the Village Code providing for “Definitions” is amended to reflect as follows (deletions identified by strikethroughs and additions by bold and underline):

The definition of “Prohibited Animal” is hereby amended to read as follows:

“Prohibited Animal: Any animal except:

A. Domestic animals as defined herein and small caged birds (**but not including fowl which are defined as Farm Animals**) or nonpoisonous aquatic, amphibian or reptilian animals kept solely as pets.

B. “Farm animals” as defined herein which shall only be allowed on properties; 1) zoned A-1, agricultural/rural district, or A-2, exurban residential district, pursuant to the Poplar Grove zoning ordinance, or 2) approved for such use by amendment to the Poplar Grove zoning ordinance, or 3) issued a special use permit pursuant to the Poplar Grove zoning ordinance, or 4) **Hens shall be permitted on properties within the Village that are zoned Single-Family Residential (R-1), Single-Family Residential (R-2), Single Family Residential (R-3) and Residential Estate District (RE), or** otherwise approved pursuant to Village ordinance. **Notwithstanding anything to the contrary contained in the foregoing sentence, Hens shall be permitted in residential areas subject to the conditions and regulations set forth in Section 8-13-1 of the Village Code.**”

3. That Title 8 of the Village Code is hereby amended to include a new Chapter 13 governing “Hens in Residential Areas” and which new section shall read as follows (deletions identified by strikethroughs and additions by bold and underline):

“8-13-1: HENS IN RESIDENTIAL AREAS:

A. Definitions. The following words and phrases shall have the following definition and meanings:

- 1. “Hen” means a female of the species Gallus Gallus Domesticas.**
- 2. “Hen Coop” means a house or cage of sufficient size that provides shelter and security for hens.**
- 3. “Hen Run” means an enclosed area in which hens are allowed to walk and run about.**
- 4. “Residential Area” means property within the Village that is zoned Single-Family Residential (R-1), Single-Family Residential (R-2), Single Family Residential (R-3) and Residential Estate District (RE). Property lot size must be at least 7,000 square feet to be considered for a Residential Hen or Hen Coop Permit.**
- 5. No multi-family properties will be issued a Residential Hen or Hen Coop Permit.**
- 6. “Rooster” means a male of the species Gallus Gallus Domesticas.**

B. Applicability. Hens in Residential Areas are allowed upon satisfaction of all of the following standards and conditions:

- 1. Residential Hen Permit. A residential hen permit shall be obtained prior to any Hens being permitted to be located on Residential Area within the Village. An application for a residential hen permit shall be made to the Village Administrator on a form prescribed by the Village Administrator. The application fee for such residential hen permit shall be as set forth in the Village's Fee Schedule. A maximum of fifteen (15) residential Hen permits will be issued in the Village, at any given time. If, upon passage of this ordinance, the number of initial applicants is more than 15, such permits shall be issued via a random drawing. A field inspection, as provided for in Section B4 below, shall be conducted and paid for by the homeowner prior to issuance of the Residential Hen Permit. All residential hen permit holders, upon issuance of a permit from the Village, shall be required to register with the Illinois Department of Agriculture Livestock Premises Registration and provide proof of such registration to the Village within 30 days of issuance of the Village permit.**
- 2. Hen Coop/Run Permit. A Hen Coop/Run permit shall be obtained prior to a Hen Coop/Run being constructed or located Residential Area within the Village. All Hen Coops shall have an accompanying Run and vice versa. All Hen Coops/Run shall conform to the requirements prescribed in this Section. The application fee for such Hen Coop/Run permit shall be as set forth in the Village's Fee Schedule.**
- 3. For adjoining properties located within the corporate limits of the Village, the consent of such adjoining property owners must be obtained before a permit is issued. The Village will obtain the signatures of the adjoining properties showing such consent for the applicant. If an adjoining property fails to respond within 30 days of the Village requesting the adjoining property's consent, it will be deemed that the adjoining property has given its consent. Obtaining such adjoining property owner consent shall only be required at the time of initial application and shall not be required for annual renewals.**
- 4. Inspections. Prior to approval and issuance of a residential hen permit, the Code Enforcement Officer, or designated representative, shall review the hen permit application and inspect the premises and Hen Coop/Run for compliance with the regulations of this Section. To the extent the hen permit application and the construction of the Hen Coop/Run are in compliance with the provisions of the Code, the hen**

permit shall be issued by the Village. Additional inspections may be performed by the Code Enforcement Officer to confirm continued compliance with the provisions of this Section.

5. Annual Renewal of Permits. Residential Hen permits and Hen Coop/Run permits shall expire one year after issuance. The annual renewal for each permit shall be as set forth in the Village's Fee Schedule.
6. Residential Hen permits and Hen Coop/Run permits are issued to property owners. Any changes in property ownership require a new application.
7. To the extent the rules and regulations of any homeowners' association prohibits the keeping of Hens, then Hens shall not be allowed on properties which are subject to such homeowners' association rules and regulations.

C. Hen Coops/Runs Requirements, Standards and Conditions. All Hen Coops/Runs in Residential Areas shall comply with the below regulations. Such Hen Coops/Runs regulations shall not apply to Hens kept on parcels zoned in the A-1 (Agricultural) zoning district.

1. Hen Coops/Runs may be attached to the resident's primary structure or as a free-standing structure. Free standing Hen Coops/Runs shall be considered as an "accessory structure". A building permit for construction of a Hen Coop/Run must be obtained prior to commencement of construction.
2. All Hen Coops/Runs must be located in the rear yard and in accordance with all applicable setback requirements. All Hen Coops/Runs shall be a minimum of 25 feet from any neighboring primary dwelling unless a greater distance is required by any other provision of the Village Code. Hen Coops/Runs shall not be located within any easement.
3. Hen Coops/Runs shall be maintained, kept clean, and built in a manner to allow hens safety from predators and protection from weather elements. Hen Coops/Runs shall have roof or top enclosure to help keep predators out of the Hen Coops/Runs. If electricity is to be provided to a Hen Coop (for purposes of heat or otherwise) an electrical permit must first be obtained prior to installation. Electricity cannot be provided via an electrical extension cord. Notwithstanding any

provision of this Village Code prohibiting the use of chicken wire for fencing, chicken wire and hardware cloth shall be permitted to be used in constructing Hen Coops/Runs.

- 4. Hen Coops/Run shall each be large enough to provide at least five square feet of area per Hen.**
- 5. Hen Coops/Runs shall not exceed 100 square feet (combined) unless a special permit has been granted.**
- 6. Hen Coops/Runs shall be constructed and maintained to reasonably prevent the collection of standing water; and shall be clean of Hen droppings, uneaten or discarded feed, feathers, and other waste with such frequency as is necessary to ensure the Hen Coop/Run does not become a nuisance.**
- 7. All feed must be stored indoors in rodent proof containers.**

D. Other Regulations.

- 1. If the property is not owner-occupied, a letter of approval from the owner shall be required prior to a residential Hen permit or Hen Coop/Run permit being issued.**
- 2. A maximum of 6 Hens and a minimum of 2 Hens shall be allowed on any property within a Residential Area as defined in this Section.**
- 3. Adult Hens (i.e. Hens over 8 weeks in age) must be contained in a Hen Coop/Run at all times and shall not be allowed to be kept in homes, garages or sheds.**
- 4. Roosters are prohibited.**
- 5. The slaughtering, butchering, or processing of Hens is prohibited within Residential Areas.**
- 6. Proper disposal of Hens is required.**
- 7. The display of any sales stand or signage for the sale of eggs or Hens is prohibited in the residential zoning district.**
- 8. Violators of any of the regulations in this Section shall be subject to a fine of not less than \$100 nor more than \$500, at**

the discretion of the Village. Three (3) fines shall result in revocation of the Hen Coop Permit. After revocation, the applicant must wait at least one year before applying for another Hen Coop Permit. Each day that a violation exists shall constitute a separate offense.”

4. That Chapter 6 of Title 8 of the Village Code is hereby amended to add the keeping of residential hens to subsections 3, 4, 5, and 6. Each of these sections shall read as follows (deletions identified by strikethroughs and additions by bold and underline):

“8-6-3. – Residential Estate District (RE).

A. Description and Purpose. This district is similar in purpose as the Agricultural/Rural District (A-1), except that it allows for low density single-family residential development, as well as hobby farming, but not a wide range of agricultural activities or livestock. Uses shall not produce any objectionable odors or noise to neighbors. Similar to the A-1 District, this district can function as either a development/conservation designation or as a holding district. As a development/conservation district, the ultimate build out of the land would be a maximum of one dwelling unit per ten acres. This allows for the potential to permanently protect areas of the Village for very low density residential development for those who want to live in a countryside environment. As a holding district, the maximum build out of these lands would be one dwelling unit per ten acres (unless urban services become available to allow the larger parcels to be rezoned then divided into smaller parcels if recommended in the comprehensive master plan).

B. List of Allowable Principal Land Uses:

1. Permitted by Right:

Single-family Detached

Modular Home

Cultivation

Public Parks and Open Space

Utilities

Wireless Communication Facility

2. Permitted by Special Use:

Agricultural Retail
Public and Private Institutional
Institutional Residential
Animal Boarding
Indoor Lodging (bed and breakfast)

C. List of Allowable Accessory Uses:

1. Permitted by Right:

Garden/Tool Shed
Children's Playhouse
Private Recreational Facility
Home Occupation
Private Swimming Pool
Private Residential Garage

Hen Coop

2. Permitted by Special Use:

Detached Guest House
Employee Living Quarters
In-family Suites
Agricultural Buildings
Private Clubhouse
Cemetery Related Activities
Mini WECS

D. List of Allowable Temporary Uses (See Section 8-5-9):

Contractor's On-site Equipment Storage Facility
Contractor's Project Office
On-site Real Estate Sales Office
Tents for Special Events

Re-locatable Building
Construction Dumpster
Garage Sales

E. Regulations Applicable to All Uses:

1. Landscaping Regulations (See Ch. 10).
2. Performance Standards (See Ch. 10).
3. Signage Regulations (See Ch. 11).
4. Minimum Off-Street Parking Spaces (See Ch.10).

F. Bulk Regulations:

1. Minimum Lot Area: ten acres.
2. Minimum Lot Width: 250 feet.
3. Minimum Street Frontage: 250 feet.
4. Primary Structure Minimum Setbacks:
 - a. Front Lot Line: 50 feet.
 - b. Side Lot Line: 20 feet.
 - c. Rear Lot Line: 50 feet.
5. Accessory Structure Minimum Setbacks:
 - a. Front Lot Line: 50 feet.
 - b. Side Lot Line: ten feet.
 - c. Rear Lot Line: ten feet.
6. Paved Surface Setback: three feet from side or rear; ten feet from street; (driveways established prior to adoption date of this chapter are exempted).
7. Minimum Dwelling Unit Separation: 40 feet.
8. Primary Structure Maximum Height: 35 feet (except agricultural structures).
9. Minimum Floor Area: 1,500 square feet.

8-6-4. SINGLE-FAMILY RESIDENTIAL 1 DISTRICT (R-1).

- A. Description and Purpose. The purpose of this district is to allow for the development of single-family detached residences at low densities so as to preserve the suburban residential character of the area. In order to preserve the suburban character of the district, and minimize the repetition of having all lots of minimum size, new developments of five residential lots or greater shall have a minimum of 20 percent of those lots be a minimum of 85 feet in lot width and 22,000 square feet in area.
- B. List of Allowable Principal Land Uses:

1. Permitted by Right:
 - Single-family Detached
 - Modular Home
 - Public Parks and Open Space
 - Utilities
2. Permitted by Special Use:
 - Public and Private Institutional
 - Institutional Residential
 - Community Living Arrangements
 - Indoor Lodging (bed and breakfast)

C. List of Allowable Accessory Uses:

1. Permitted by Right:
 - Garden/Tool Shed
 - Children's Playhouse
 - Home Occupation
 - Private Swimming Pool
 - Private Residential Garage

Hen Coop

2. Permitted by Special Use:
 - Detached Guest House
 - Employee Living Quarters
 - In-family Suites
 - Private Recreational Facility
 - Cemetery Related Activities
 - Mini WECS

D. List of Allowable Temporary Uses (See Section 8-5-9):

- Contractor's On-site Equipment Storage Facility
- Contractor's Project Office
- On-site Real Estate Sales Office
- Tents for Special Events
- Re-locatable Building
- Construction Dumpster

Garage Sales

- E. Regulations Applicable to All Uses:
 - 1. Landscaping Regulations (See Ch. 10).
 - 2. Performance Standards (See Ch. 10).
 - 3. Signage Regulations (See Ch. 11).
 - 4. Minimum Off-Street Parking Spaces (See Ch. 10).
- F. Density and Intensity Requirements:
 - 1. Minimum Zoning District Area: 20,000 square feet.
 - 2. Maximum Lot Coverage: 50 percent.
- G. Bulk Regulations:
 - 1. Minimum Lot Area: 20,000 square feet.
 - 2. Minimum Lot Width: 80 feet.
 - 3. Minimum Street Frontage: 40 feet.
 - 4. Primary Structure Minimum Setbacks:
 - a. Front Lot Line: 30 feet.
 - b. Side Lot Line: 15 feet.
 - c. Total of Both Side Lot Lines: 35 feet.
 - d. Rear Lot Line: 30 feet.
 - 5. Accessory Structure Minimum Setbacks:
 - a. Front Lot Line: 30 feet.
 - b. Side Lot Line: five feet.
 - c. Rear Lot Line: five feet.
 - 6. Paved Surface Setback: three feet from side or rear; ten feet from street; (driveways established prior to adoption date of this chapter are exempted).
 - 7. Minimum Dwelling Unit Separation: 30 feet.
 - 8. Primary Structure Maximum Height: 35 feet.
 - 9. Minimum Floor Area: 2,000 square feet.

8-6-5. SINGLE-FAMILY RESIDENTIAL 2 DISTRICT (R-2).

- A. Description and Purpose. The purpose of this district is to allow for the development of single-family detached residences at moderate densities to accommodate existing developments within the Village. In order to maintain lots and structures within older neighborhoods which often cater to mixed incomes, some multi-family housing may be permitted by special use.
- B. List of Allowable Principal Land Uses:

1. Permitted by Right:
 - Single-family Detached
 - Modular Home
 - Public Parks and Open Space
 - Utilities
 2. Permitted by Special Use:
 - Public and Private Institutional
 - Institutional Residential
 - Community Living Arrangements
 - Indoor Lodging (bed and breakfast)
 - Duplex
- C. List of Allowable Accessory Uses:
1. Permitted by Right:
 - Garden/Tool Shed
 - Children's Playhouse
 - Home Occupation
 - Private Swimming Pool
 - Private Residential Garage
 2. Permitted by Special Use:
 - Detached Guest House
 - Employee Living Quarters
 - In-family Suites
 - Private Recreational Facility
 - Cemetery Related Activities
 - Mini WECS
- D. List of Allowable Temporary Uses (See Section 8-5-9):
- Contractor's On-site Equipment Storage Facility
 - Contractor's Project Office
 - On-site Real Estate Sales Office
 - Tents for Special Events
 - Re-locatable Building

Construction Dumpster

Garage Sales

E. Regulations Applicable to All Uses:

1. Landscaping Regulations (See Ch. 10).
2. Performance Standards (See Ch.10).
3. Signage Regulations (See Ch. 11).
4. Minimum Off-Street Parking Spaces (See Ch. 10).

F. Density and Intensity Requirements:

1. Minimum Zoning District Area: 10,000 square feet.
2. Maximum Lot Coverage: 50 percent.

G. Bulk Regulations:

1. Minimum Lot Area: 10,000 square feet.
2. Minimum Lot Width: 70 feet.
3. Minimum Street Frontage: 40 feet.
4. Primary Structure Minimum Setbacks:
 - a. Front Lot Line: 20 feet.
 - b. Side Lot Line: ten feet.
 - c. Total of Both Side Lot Lines: 25 feet.
 - d. Rear Lot Line: 20 feet.
5. Accessory Structure Minimum Setbacks:
 - a. Front Lot Line: 30 feet.
 - b. Side Lot Line: five feet.
 - c. Rear Lot Line: five feet.
6. Paved Surface Setback: three feet from side or rear; ten feet from street; (driveways established prior to adoption date of this chapter are exempted).
7. Minimum Dwelling Unit Separation: 12 feet.
8. Primary Structure Maximum Height: 35 feet.
9. Minimum Floor Area: 1,500 square feet.

8-6-6. SINGLE FAMILY RESIDENTIAL 3 DISTRICT (R-3).

- A. Description and Purpose. The purpose of this district is to allow for the development of single-family detached residences at high densities to accommodate existing developments within the Village.
- B. List of Allowable Principal Land Uses:

1. Permitted by Right:
 - Single Family Detached
 - Modular Home
 - Duplex
 - Public Parks and Open Space
 - Utilities
 2. Permitted by Special Use:
 - Public and Private Institutional
 - Institutional Residential
 - Community Living Arrangements
 - Indoor Lodging (bed and breakfast)
 - Daycare Facilities
 - Boarding Houses
 - Mobile Home Park/Subdivision
- C. List of Allowable Accessory Uses:
1. Permitted by Right:
 - Garden/Tool Shed
 - Children's Playhouse
 - Home Occupation
 - Private Swimming Pool
 - Private Residential Garage
 - Hen Coop**
 2. Permitted by Special Use:
 - Accessory Apartment
 - In-family Suites
 - Private Recreational Facility
 - Cemetery Related Activities
 - Mini WECS
- D. List of Allowable Temporary Uses (See Section 8-5-9):
- Contractor's On-site Equipment Storage Facility
 - Contractor's Project Office
 - On-site Real Estate Sales Office
 - Tents for Special Events

Re-locatable Building
Construction Dumpster
Garage Sales

E. Regulations Applicable to All Uses:

1. Landscaping Regulations (See Ch. 10).
2. Performance Standards (See Ch. 10).
3. Signage Regulations (See Ch. 11).
4. Minimum Off-Street Parking Spaces (See Ch. 10).

F. Density and Intensity Requirements:

1. Minimum Zoning District Area: 7,000 square feet.
2. Maximum Lot Coverage: 65 percent.

G. Bulk Regulations:

1. Minimum Lot Area: 7,000 square feet.
2. Minimum Lot Width: 60 feet.
3. Minimum Street Frontage: 40 feet.
4. Primary Structure Minimum Setbacks:
 - a. Front Lot Line: 30 feet.
 - b. Side Lot Line: ten feet or zero feet along common wall.
 - c. Total of Both Side Lot Lines: 20 feet; zero feet along common wall.
 - d. Rear Lot Line: 30 feet.
5. Accessory Structure Minimum Setbacks:
 - a. Front Lot Line: 30 feet.
 - b. Side Lot Line: five feet.
 - c. Rear Lot Line: five feet.
6. Paved Surface Setback: three feet from side or rear; ten feet from street; (driveways established prior to adoption date of this chapter are exempted).
7. Minimum Dwelling Unit Separation: 20 feet; zero feet along common wall.
8. Primary Structure Maximum Height: 35 feet for single-family; 45 feet for multi-family.
9. Minimum Floor Area Per Dwelling Unit: 840 square feet.

5. Except as amended in this Ordinance, all other provisions and terms of Village Code of Ordinances shall remain in full force and effect as previously enacted except that those

ordinances, or parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

6. This Ordinance establishes a pilot program and the authorizing of the keeping of Hens in residential areas provided for herein, shall sunset eighteen (18) months after its adoption. Thereafter, the keeping of Hens in residential areas shall be prohibited unless the Village Board takes further action to allow for the keeping of Hens in residential areas.
7. This Ordinance shall be in full force and effect from after its passage, approval, and publication in pamphlet form as provided by law.

PASSED UPON MOTION BY _____

SECONDED BY _____

BY ROLL CALL VOTE THIS _____ DAY OF _____, 2023

AS FOLLOWS:

VOTING "AYE": _____

VOTING "NAY": _____

ABSENT, ABSTAIN, OTHER _____

APPROVED _____, 2023

ATTEST:

CLERK

PRESIDENT