

ORDINANCE
T-1-20 TEXT AMENDMENTS TO THE COUNTY ZONING ORDINANCE
RELATIVE TO ALLOWING HENS ON SINGLE-FAMILY RESIDENTIAL
ZONING DISTRICTS AS A PERMITTED USE
(WAIVE FIRST READING)

WHEREAS, a public hearing was held on July 9, 2020 in the DuPage County Administration Building, 421 North County Farm Road, Wheaton, Illinois at 6:00 P.M. before the DuPage County Zoning Board of Appeals and notice of said hearing was duly given; and

WHEREAS, a petition was presented at this hearing requesting the following zoning relief:

Text Amendments to the DuPage County Zoning Ordinance:

1. Add to the Definition Section language relative to "Pets" to include hens: Section 37-302: DEFINITIONS;
2. Add to all Single-Family Residential Sections language relative to Permitted Uses the ability to have hens on the property by right: Sections 37-701.1; 37-702.1; 37-703.1; 37-704.1;
3. Add to all Single-Family Residential Sections language relative to Conditional Uses the ability to have hens on the property by Conditional Use approval: Sections 37-701.2; 37-702.2; 37-703.2; 37-704.2; and
4. Add to all Single-Family Residential Sections language relative to Permitted Uses to allow by right the ability to have a 4-H Hen Project on a property less than 40,000 sq. ft. in size: Sections 37-701.1; 37-702.1; 37-703.1; 37-704.1;

WHEREAS, the Zoning Board of Appeals, having considered in relation to the above requested zoning petition presented at the above hearing and at the recommendation meeting held on August 4, 2020 does find as follows:

FINDINGS OF FACT:

1. That the Zoning Board of Appeals finds that the election to add language relative to hens to all Single Family Residential Sections as a Conditional Use is necessary to make clear that residential hen-keeping is a sustainable use that is important to the County in the furtherance of its goals to protect and enhance the health, welfare, and safety of its residents.
2. That the Zoning Board of Appeals finds that recently, the DuPage County Building and Zoning Department has received requests from unincorporated DuPage County property owners to keep chickens on single family residential properties.

3. That the Zoning Board of Appeals finds that one of the benefits of establishing regulations in the County Zoning Ordinance relative to hen-keeping is to ensure that residents will clearly understand that hen-keeping is permitted as a Conditional Use in single family residential zoning districts.
4. That the Zoning Board of Appeals finds that an additional benefit of clearly establishing regulations in the County Zoning Ordinance relative to hen-keeping as a Conditional Use is that the public hearing process will allow the Board to impose conditions as necessary, look at each lot individually, and address the concerns of adjacent property owners for future Conditional Use hen zoning requests.
5. That the Zoning Board of Appeals **considered but dismissed** the following three (3) text amendment options regarding hen-keeping:
 - Add to the Definition Section language relative to “Pets” to include hens: Section 37-302: DEFINITIONS.
 - Specifically, add to Section 37-302 DEFINITIONS:
 - PET: A domesticated animal (which may include, but not to be limited to, a dog, cat, miniature pig, etc.), customarily kept for pleasure and which typically spends a majority of its time in a dwelling unit. The term shall not include animals which are kept for agricultural or utility purposes, (except for 4-H projects which shall be governed by the district requirements), "dangerous animals", as defined herein, horses, **and hens** (which shall be governed by the district requirements). Small birds, fish and reptiles shall be deemed to be pets but shall not be counted against the total number of pets allowed on a residential lot. The director shall determine what specific animals, exotic or otherwise, do or do not qualify as pets.
 - Add to all Single-Family Residential Sections language relative to Permitted Uses the ability to have hens on the property by right: Sections 37-701.1; 37-702.1; 37-703.1; and 37-704.1.
 - Specifically, add to Sections 37-701.1; 37-702.1; 37-703.1; and 37-704.1 PERMITTED USES:
 - **Hens - There shall be no more than four (4) hens permitted on a residential property, subject to the following conditions:**
 - **Hens shall be located in an enclosed structure, located behind the front wall of the principal building, which is nearest to the front lot line, and not less than thirty feet (30') from any side or rear lot line.**
 - Add to all Single-Family Residential Sections language relative to Permitted Uses to allow by right the ability to have a 4-H Hen Project on a property less than 40,000 sq. ft. in size: Sections 37-701.1; 37-702.1; 37-703.1; and 37-704.1.
 - Specifically, add to Sections 37-701.1; 37-702.1; 37-703.1; and 37-704.1 PERMITTED USES:

- **4-H hen projects on a zoning lot containing less than forty thousand (40,000) square feet of land area. All buildings and structures and areas housing a 4-H project shall be set back not less than one hundred fifty feet (150') from the front lot line and not less than thirty feet (30') feet from any side or rear lot line.**

WHEREAS, the Zoning Board of Appeals, having considered in relation to the above and at the recommendation meeting held on August 4, 2020, recommends to approve the following zoning relief:

Text Amendments to the DuPage County Zoning Ordinance:

1. Add to all Single-Family Residential Sections language relative to Conditional Uses the ability to have hens on the property by Conditional Use approval: Sections 37-701.2; 37-702.2; 37-703.2; and 37-704.2.

ZBA VOTE (to Approve): 7 Ayes, 0 Nays, 0 Absent

WHEREAS, the County Board Development Committee on August 18, 2020, considered the above findings and recommendations of the Zoning Board of Appeals and **does not concur** with the findings and **recommends to approve** the following zoning relief:

Text Amendments to the DuPage County Zoning Ordinance:

1. Add to all Single-Family Residential Sections language relative to Permitted Uses, the ability to have hens on the property by right: Sections 37-701.1; 37-702.1; 37-703.1; and 37-704.1, per the attached Exhibit 1.

DuPage County Development Committee VOTE (to Approve): 5 Ayes, 1 Nays, 0 Absent

FINDINGS OF FACT OF DEVELOPMENT COMMITTEE:

1. That Development Committee finds that the decision to add language to the DuPage County Zoning Ordinance relative to hens as a Permitted Use to all Single Family Residential Sections is necessary to make clear that residential hen-keeping is a sustainable use that is important to the County in the furtherance of its goals to protect and enhance the health, welfare, and safety of its residents.
2. That the Development Committee finds that recently, the DuPage County Building and Zoning Department has received requests from unincorporated DuPage County property owners to keep chickens on single-family residential properties.
3. That the Development Committee finds that one of the benefits of establishing regulations in the County Zoning Ordinance relative to hen-keeping is to ensure that residents will clearly understand that hen-keeping is a Permitted Use in single-family residential zoning districts.

4. Furthermore, that the DuPage County Development Committee **considered but did not concur with the findings and recommendation** of the Zoning Board of Appeals and **recommended to approve** the following Text Amendments to the DuPage County Zoning Ordinance relative to the following:

- Add to all Single-Family Residential Sections language relative to Permitted Uses, the ability to have hens on the property by right and that there shall be no more than five (5) hens permitted on a residential property, subject to the following conditions: Hens shall be located in an enclosed structure, located behind the front wall of the principal building, which is nearest to the front lot line, and not less than twenty-five feet (25') from any side or rear lot line.

NOW, THEREFORE, BE IT ORDAINED by the County Board of DuPage County, Illinois that the following zoning relief be granted:

Text Amendments to the DuPage County Zoning Ordinance:

1. Add to all Single-Family Residential Sections language relative to Permitted Uses, the ability to have hens on the property by right: Sections 37-701.1; 37-702.1; 37-703.1; and 37-704.1, per the attached Exhibit 1.

BE IT FURTHER ORDAINED by the County Board of DuPage County, Illinois that should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid; and

BE IT FURTHER ORDAINED that a certified copy of this Ordinance be transmitted by the County Clerk to the DuPage County Finance Department; DuPage County Auditor; DuPage County Treasurer; Paul J. Hoss, Zoning; State's Attorney's Office; DuPage County Health Department; and DuPage County Division of Transportation.

Enacted and approved this 25th day of August 2020, A.D.


DANIEL J. CRONIN, CHAIRMAN
DU PAGE COUNTY BOARD

ATTEST:


JEAN KACZMAREK, COUNTY CLERK

EXHIBIT #1

Add to all Single-Family Residential Sections language relative to Permitted Uses, the ability to have hens on the property by right: Sections 37-701.1; 37-702.1; 37-703.1; and 37-704.1.

Add to Section 37-701.1: PERMITTED USES

Hens - There shall be no more than five (5) hens permitted on a residential property, subject to the following conditions:

Hens shall be located in an enclosed structure, located behind the front wall of the principal building, which is nearest to the front lot line, and not less than twenty-five (25') from any side or rear lot line.

Add to Section 37-702.1: PERMITTED USES:

Hens - There shall be no more than five (5) hens permitted on a residential property, subject to the following conditions:

Hens shall be located in an enclosed structure, located behind the front wall of the principal building, which is nearest to the front lot line, and not less than twenty-five (25') from any side or rear lot line.

Add to Section 37-703.1: PERMITTED USES:

Hens - There shall be no more than five (5) hens permitted on a residential property, subject to the following conditions:

Hens shall be located in an enclosed structure, located behind the front wall of the principal building, which is nearest to the front lot line, and not less than twenty-five (25') from any side or rear lot line.

Add to Section 37-704.1: PERMITTED USES:

Hens - There shall be no more than five (5) hens permitted on a residential property, subject to the following conditions:

Hens shall be located in an enclosed structure, located behind the front wall of the principal building, which is nearest to the front lot line, and not less than twenty-five (25') from any side or rear lot line.

END