

**BEFORE THE PLANNING AND ZONING COMMISSION
OF THE CITY OF HARVARD
ZONING PETITION**

1. PETITIONER AND OWNER INFORMATION

Petitioner's Name: City of Harvard
(insert attachment for multiple petitioners)

Property Address: 201 W Diggins St.
(Location of property subject to this petition)

Mailing Address (if different): _____

Petitioner's Daytime Phone: 815-943-6468

Petitioner's Email: day@cityofharvard.org

Petitioners Signature  Date 11/14/2023

Are you the legal owner of the property? YES NO

If not, state the owner's name, address and phone number and submit his/her signature here

~~Owner's Name: _____
(insert attachment for multiple owners)~~

~~Owner's Address: _____~~

~~Owner's Daytime Phone: _____~~

~~Owner's Email: _____~~

~~Owner's Signature _____ Date _____
Letter of Authorization Attached~~

2. PROPERTY DESCRIPTION

Legal Description of the property (provide in word format)

Property Index Number (PIN) _____

Present Use: _____

Property is currently zoned _____ use district

3. DESCRIPTION OF REQUEST

Application for:

Variation

Petitioner requests a variation pursuant to Section 14.4 of the Harvard Unified Development Ordinance for a variation from section _____ (insert a detailed summary)

Conditional use

This is a Petition for Conditional Use pursuant to Section 14.3 of the Harvard Unified Development Ordinance. (insert a detailed summary)

This is a Petition for an appeal of a decision of the Zoning Officer pursuant to Section 14.9 of the Harvard Unified Development Ordinance. Petitioner requests that the decision be overturned based on the following reasons: (insert a detailed summary)

This is a Petition for an amendment to the regulations imposed, or the districts created pursuant to Section 14.2 of the Harvard Unified Development Ordinance

Petitioner requests that the property be re-classified to _____ Use District
or

Petitioner requests that Section 2.3 and 9.3 of the Harvard Unified Development Ordinance be amended by: (insert a detailed summary)

Briefly describe the request:

A petition to amend Section 2.3 Definition of General Terms and Section 9.3 Accessory Structures app of the UDO to include Backyard Chickens in Residential Zoning Districts.

4. CHECKLIST OF COMPLETE SUBMITTALS

Please check off those attachments being submitted with this application.

Required Submittals

Filing Fee, per the Community Development Department

Evidence of Ownership (tax bill)

Plans

Site Plan, showing lot dimensions, existing and proposed structures, existing and proposed setbacks, distances to structures on adjoining lots, and a north arrow.

Floor plans to accurate scale with all dimensions indicated.

Elevations drawn to accurate scale with all dimensions indicated.

Plat of Survey

Provide property legal description in word format



City of Harvard Memo
Community Development Department
201 West Diggins Street - PO Box 310 – 60033 – 815-943-6468

To: Chairman Carbonetti and Planning & Zoning Commission Members

From: Donovan Day, Community Development Director

CC: Lou Leone, City Administrator

Date: December 5, 2023

RE: Proposed Regulations Governing Backyard Chickens

Purpose and Action Requested

Staff is seeking Planning & Zoning Commission's consideration for the proposed regulations (attached) governing the keeping of chickens on residential property.

Background/Discussion

At the July 25, 2023 City Council meeting, a resident petitioned to allow chickens on their property located on Marengo Road. The City Council was cautious about approving/denying such petitions on a case-by-case basis, and directed staff to develop regulations governing the keeping of chickens on residential property. The attached regulations are for consideration by the Planning & Zoning Commission who will make a recommendation to the City Council for a final decision.

Three (3) communities in McHenry County currently allow backyard chickens - Hebron, Spring Grove, and Fox Lake (a small portion of Fox Lake falls within McHenry County). Each community has varying regulations as outlined in the attached survey.

The City filed a Petition to amend Section 2.3 Definition of General Terms and Section 9.3 Accessory Structures and Uses of the Unified Development Ordinance.

The recommended definitions include:

BACKYARD CHICKEN: A domesticated chicken located in the rear of a residential property kept for producing eggs or meat.

COOP: A cage or pen for confining poultry.

Recommendation

Staff recommends the Planning & Zoning Commission make a recommendation to the City Council on the proposed regulations or amend the proposed regulations for the City Council to consider.

Attachments

- 1) Proposed Regulations
- 2) Committee Minutes
- 3) Petitions For/Against
- 4) Community Survey

Chickens in residential zoning districts.

(A) *Keeping of Chickens.* The keeping of chickens (but no other poultry or fowl) shall be permitted as an accessory use to a residential use and on the same lot or parcel as the principal residential use, within a Residential Zoning District, subject to the provisions of this section.

(B) *Number.* The following number of chickens shall be allowed on a lot:

Lot Size	Number of Chickens Allowed
3—10 net acres	12 birds
1—3 net acres	8 birds
Less than 1 net acre	4 birds

For the purpose of this section, net acres shall be defined as the total acreage of any lot minus any area on such lot on which a street or road lies. Also, for the purpose of this section, lots and/or parcels, developed as part of a residential planned unit development (PUD) shall be considered as lots or parcels in a Residential Zoning District and subject to these regulations provided the approval ordinance for such a PUD does not prohibit or further restrict the keeping of chickens as part of that approval. In the case of conflict between an approved PUD ordinance and this section, the stricter of the two shall apply.

(C) *Minimum Requirements.* The keeping of chickens on lots or parcels of land within Residential Zoning Districts shall be allowed as an accessory use and are subject to the following provisions:

1. Roosters shall not be permitted to be housed, kept or maintained as an accessory use.
2. All chickens must be kept in an enclosure that includes a lockable coop and fully fenced run.
3. Chickens may not graze outside of any such enclosure on lots under two acres. For lots two acres and larger, chickens may graze outside of any such enclosure under the direct supervision of the occupant of the residence, and in all circumstances, chickens shall be at all times confined to the same lot or parcel as the principal use.
4. Enclosures shall be treated as accessory structures per section 9.3 of the UDO.
5. Coops shall be located behind the principal structure and the front yard line on any residential lot or parcel and constructed with roosting platforms that are at least three feet above the ground surface.
6. Coops shall provide a minimum area of three-square feet per bird, and runs shall provide a minimum of eight square feet per bird.
7. Applicable building permits for coops and runs shall be required and subject to the demonstration of sufficient screening to minimize the visibility of enclosures to the street and neighboring property owners per subsection D of this section.
8. Enclosures and grazing areas shall be cleaned regularly and kept in a neat and sanitary manner at all times.
9. Slaughtering of chickens shall be prohibited.

10. Chicken feed shall be securely stored in sealed rodent proof containers.
11. On-site sale of eggs shall be prohibited.
12. All chickens, enclosures, and grazing areas must comply with all City nuisance regulations, including but not limited to those directed toward animals, noise, odor, pests, cleanliness, and unsightliness.
13. Properties that are not owner-occupied must provide a letter from the owner agreeing to the tenant being permitted to obtain a permit to keep chickens on the property.
14. Each chicken will be required to wear a leg band provided by the city. Leg bands will be stamped to identify where the chicken resides.

(D) *Screening.*

1. Property owners shall install sufficient screening to minimize visibility of enclosures to the street and neighboring property owners.
2. In order for screening to be deemed sufficient, it must:
 - (a) Be located between the enclosure and every lot line on the property;
 - (b) Be composed of plantings, materials, or structures at least six feet in height that obstruct the view from neighboring properties and streets similarly throughout the entire year;
 - (c) Be consistent with the character of the neighborhood.
3. Prior to the issuance of a building permit for the enclosure, the applicant must submit a screening proposal to the Community Development Department, and the City must approve such screening proposal as sufficient.
4. Failure to implement and maintain the required screening as set forth in the approved screening proposal may result in the revocation of any permit or authorization for the keeping of chickens or fines in an amount not to exceed \$750.00 per day, or both.

(E) *Variances.* The keeping of chickens in a manner inconsistent with the requirements of this section may be considered within Residential Zoning Districts subject to the following provisions:

1. The property owner shall follow the procedures for variance as identified in section 14.4 of the UDO and successfully obtain a variance; and
2. The Planning and Zoning Commission may recommend, and the City Council may impose conditions and limitations upon the premises or use that is the subject of such variance.

(F) *Permitting; Enforcement.*

1. Any person wishing to keep chickens pursuant to this section must annually obtain a permit from the city. In order to obtain a permit a person must:
 - (a) Comply with all of the requirements of sections A through F;
 - (b) Submit to an annual inspection by the City or its designee to ensure compliance with all of the requirements of this section; and
 - (c) Pay an initial fee of \$300.00 and an annual inspection fee in the amount as set forth in Chapter 20 of the City Code (\$30.00).

- (d) Confirmation that a Backyard Chicken 101 course provided by the city was attended electronically or in-person.
2. If the City finds that the terms of this section have been violated, the City may:
- (a) Revoke the permit issued pursuant to subsection (F)1 of this section for the remainder of the permit term;
 - (b) Impose and collect fines in an amount outlined in Section 1.14 Settlement of Offenses. (*between \$50.00 to \$750.00 per day the violation exists*);
 - (c) Charge fees in an amount not to exceed an amount as set forth in Chapter 20 of this Code per inspection for any compliance inspections subsequent to the prescribed annual inspection to ensure compliance with this section.

McHenry County Chickens			
Municipality	Chickens Permitted?	Website Link	Notes
Algonquin	No		
Crystal Lake	No		
Cary	No		
Fox Lake	Yes	https://codelibrary.amlegal.com/codes/foxlakeil/latest/foxlake_il/0-0-0-18838	No more than 4 hens permitted. 8 hens if 1 acre or more.
Hebron	Yes	https://villageofhebron.org/sites/default/files/Title7.Chapter.06.Oct19.pdf	Max of 50 residential lots. 8 chickens max. 6,000sqft or greater lots.
Huntley	No		
Lakemoor	No		
Lake in the Hills	No		
Marengo	No		
McHenry	No		
Richmond	No		
Spring Grove	Yes		
Wonder Lake	No		
Woodstock	No		

REGULAR CITY COUNCIL MEETING MINUTES
October 24, 2023 - 7:00 PM

Mayor Kelly called the Regular City Council Meeting to order and led the pledge to the flag at 7:00 pm. City Clerk Moller called roll to establish a quorum. Aldermen present: Haderlein, Schulz, Lavallee, Carncross, Lancaster, Gorman, Perkins and Luna. Also present: City Administrator Leone, Treasurer/Finance Director Bejot, Chief Bauman, Community Development Director Day, Supt. Public Works Lamz, City Attorney TJ Clifton and members of the audience.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

None

ADMINISTRATION COMMITTEE MEETING MINUTES - APPROVED

A motion was made by Alderwoman Haderlein, seconded by Alderman Gorman to approve the Administration Committee Meeting Minutes of October 11, 2023, as presented. Roll call vote: Haderlein, aye; Carncross, aye; Gorman, aye and Perkins, aye. Motion approved four to zero.

COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE MEETING MINUTES - APPROVED

A motion was made by Alderman Schulz, seconded by Alderwoman Lancaster to approve the Community & Economic Development Committee Meeting Minutes of October 17, 2023, as presented. Roll call vote: Schulz, aye; Carncross, aye; Lancaster, aye and Luna, aye. Motion approved four to zero.

CONSENT AGENDA - APPROVED

The items under the Consent Agenda are acted upon in a single motion. There is no separate discussion of these items prior to the Council vote unless a Council Member requests that an item be removed from the Consent Agenda for separate action.

- a. Regular City Council Meeting Minutes of September 26, 2023
- b. Administration Committee Meeting Minutes of October 11, 2023
- c. Community & Economic Development Committee meeting of October 17, 2023
- d. Park Board Meeting Minutes of September 18, 2023
- e. Administrators Report
- f. Building & Grounds Report
- g. Community Development Department Report
- h. Harvard Diggins Library Directors Report
- i. Parks & Recreation Report
- j. Police Department Report
- k. Public Works Department Report
- l. Utilities Department Report
- m. Annual Treasurer's Report

A motion was made by Alderman Perkins, seconded by Alderwoman Haderlein to approve the Consent Agenda, Items #6a-m as presented. Roll call vote: Lavallee, aye; Carncross, aye; Lancaster, aye; Gorman, aye; Perkins, aye; Luna, aye; Haderlein, aye and Schulz, aye. Motion approved eight to zero.

INDIVIDUAL ACTION CONSENT AGENDA ITEMS

None

PAYMENT OF BILLS - APPROVED

A motion was made by Alderwoman Haderlein, seconded by Alderman Schulz to approve payment of the bills in the amount of \$1,053,545.20. Roll call vote: Lancaster, aye; Gorman, aye; Perkins, aye; Luna, aye; Haderlein, aye; Schulz, aye; Lavallee, aye and Carncross, aye. Motion approved eight to zero.

PETITION FOR DRIVEWAY VARIATION

Jose Ramirez Variation from Section 19.15.B3, Driveways and Private Parking Lot, 900 Second St.

Ordinance 2023-128 Approved

The petitioner was in attendance relative to his petition requesting relief from Section 19.15B3, Driveways and Parking Lots, to widen the driveway to the right side of the existing driveway with dimensions of 10' x

27'. Subject property is located at 900 Second St. The requisite notice was sent to adjoining property owners; no objections have been received. A motion was made by Alderwoman Luna, seconded by Alderman Perkins to approve the petition as presented. Roll call vote: Gorman, aye; Perkins, aye; Luna, aye; Haderlein, aye; Schulz, aye; Lavalley, aye; Carncross, aye and Lancaster, aye. Ordinance 2023-128 approved eight to zero.

Alderwoman Haderlein inquired if there was a way to amend the driveway ordinance, particularly for those requests that will ultimately be approved, to reduce the number of variations that come before the City Council. Community Development Director Day indicated this was briefly discussed at the last Community & Economic Development Committee, under New Business. Staff is currently allowed to issue a driveway widening up to 6'; if it were increased to 9' or 10' that would alleviate many of the variation requests. At Alderman Gorman's inquiry, Donovan indicated that if the driveway ordinance was amended, adjacent property owners wouldn't have to be notified; when the language is drafted, setbacks for a sideyard lot line can be created. It was noted that there haven't been any objections to the driveway variations that have come before the City Council. There was discussion as to what ordinance items are under the purview of the Administration Comm. This particular discussion started in the Community Development Comm.; the actual ordinance will come before the Administration Committee.

CHRISTMAS IN HARVARD - APPROVED

A motion was made by Alderman Schulz, seconded by Alderwoman Lancaster to approve Harvard Milk Days' request as outlined regarding Harmilda's Christmas Parade to be held December 2nd at 6 pm. Roll call vote: Perkins, aye; Luna, aye; Haderlein, aye; Schulz, aye; Lavalley, aye; Carncross, aye; Lancaster, aye and Gorman, aye. Motion approved eight to zero.

A motion was made by Alderwoman Luna, seconded by Alderwoman Lancaster to approve Tacos El Terrible's request to operate a Mobile Food Truck at Harvard Diggins Library and Harvard City Hall during the Christmas in Harvard event. At Alderwoman Luna's inquiry, Mayor Kelly noted that the City requires a current McHenry County Health Dept. permit but doesn't require a Certificate of Insurance. Alderwoman Haderlein inquired about the time frame for Christmas in Harvard and noted that the application only requested hours of operation from 10 to noon. After discussion, Alderwoman Luna and Alderwoman Lancaster amended their motion and second respectively to approve the outdoor market until 8 pm. Roll call vote: Luna, aye; Haderlein, aye; Schulz, aye; Lavalley, aye; Carncross, aye; Lancaster, aye; Gorman, aye and Perkins, aye. Motion approved eight to zero.

ADMINISTRATION COMMITTEE RECOMMENDATION – AMEND FY23/24 BUDGET

ORD. 2023-129 APPROVED

A motion was made by Alderman Perkins, seconded by Alderwoman Haderlein to approve the Committee's recommendation to adopt the proposed ordinance for a budget amendment for the Police Pension Fund and to reallocate funds from the Route 14 Sidewalks to Engineering Services for the Post Office Sidewalk Project. Roll call vote: Haderlein, aye; Schulz, aye; Lavalley, aye; Carncross, aye; Lancaster, aye; Gorman, aye; Perkins, aye and Luna, aye. Ordinance 2023-129 approved eight to zero.

ADMINISTRATION COMMITTEE RECOMMENDATION AMEND SECTION 27.04.E, CITY SOUND PERMIT – ORD. 2023-130 APPROVED

A motion was made by Alderman Schulz, seconded by Alderman Carncross to approve the Committee's recommendation to adopt an ordinance Amending Section 27.04E, City Sound Permit. Roll call vote: Schulz, aye; Lavalley, aye; Carncross, aye; Lancaster, aye; Gorman, aye; Perkins, aye; Luna, aye and Haderlein, aye. Ordinance 2023-130 approved eight to zero.

ADMINISTRATION COMMITTEE RECOMMENDATION BACKYARD CHICKENS

The Committee recommended to send the matter regarding backyard chickens to the City Council to make a determination whether or not to propose a zoning text amendment to go before the Planning and Zoning Commission for a public hearing. A motion was made by Alderman Perkins, seconded by Alderwoman Haderlein to send the matter of backyard chickens to propose a zoning text amendment on behalf of the City Council to go before the Planning and Zoning Commission for a public hearing in December. Roll call vote: Lavalley, no; Carncross, no; Lancaster, aye; Gorman, aye; Perkins, aye; Luna, aye; Haderlein, aye and Schulz, aye. Motion approved six to two.

COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE RECOMMENDATION
BUILDING/PERMIT FEES – ORD. 2023-131 APPROVED

A motion was made by Alderman Schulz, seconded by Alderwoman Lancaster to approve the Committee's recommendation to adopt an ordinance Amending Section 20.06, Building & Permit Fees as presented to the Committee. Roll call vote: Carncross, aye; Lancaster, aye; Gorman, aye; Perkins, aye; Luna, aye; Haderlein, aye; Schulz, aye and Lavallee, aye. Ordinance 2023-131 approved eight to zero.

COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE RECOMMENDATION SAFEUILT AGREEMENT – APPROVED

A motion was made by Alderman Schulz, seconded by Alderwoman Lancaster to approve the Committee's recommendation to enter into an agreement with SAFEuilt Illinois, LLC and to authorize the Mayor to execute the agreement. At Alderman Lavallee's inquiry, Community Development Director Day provided an overview of the agreement. Roll call vote: Lancaster, aye; Gorman, aye; Perkins, aye; Luna, aye; Haderlein, aye; Schulz, aye; Lavallee, aye and Carncross, aye. Motion approved eight to zero.

DEPT. HEADS REPORT

Written reports as submitted.

Community & Economic Development Director Day

- Tomasz has started his third foundation on 8th St.
- Local developer Lori Weber has submitted two permits for single family homes on 6th St.
- A new coffeehouse business is going in the old Firehouse Depot; expected opening by Thanksgiving.
- Dunkin Donuts is progressing nicely; Dunkin corporate will be providing interior buildout plans. There is no proposed completion date for Dunkin.
- The Ford expansion is moving along nicely.
- Lou and Donovan attended the Illinois Economic Development Council (IEDC) training. One of their ideas the City would like to implement in Harvard next year is to develop a program and set up business and retention expansion meetings with local businesses to help them succeed.
- Lou and Donovan attended a seminar by the John Shellard Group with a topic of becoming a destination business to increase sales and profits. Donovan is looking at ways to have the Shellard Group come to Harvard in the future to provide the same type of seminar for our businesses.
- Donovan thanked those who attended the Greenway Storage and Edward Jones grand openings.
- Donovan is working with the owners of the grocery store at 201 S. Ayer St. who are interested in the City's revolving loan program to update the façade of their building.

Public Works Supt. Lamz

- Ayer St. Streetscape is progressing with underground, electric and concrete for the poles.
- The signs have been placed in front of Starline for no parking/loading only. The signs for Dogs Way are on order. Chairman Schulz commented that last Wednesday cars were still parked after the sign; Rob related that the area can be painted with a one foot section with cross hatch to delineate the zone. City Administrator Leone commented that might be warranted to go that route in this situation.
- ISO testing for the Fire Dept. has been completed; results indicate adequate fire flow.
- The Public Works crew did a hot mix patch at the WWTP.
- Alderman Perkins noted there is tree at the southeast corner off of Johnson and Washington that blocks the stop sign. Rob will check to see if it is in the City's easement.
- The PRV valve replacement is completed.

Utilities Supt. Grant

In Utilities Grant's absence, City Administrator Leone mentioned that the pump for Well 9 has been installed and Well 9 is back on line.

Parks & Rec Supt. Knop

- Upcoming events/programs: Egg Nog Jog, Zumba Class, Limber Life Class, Gingerbread Showdown and the Basketball Program. Ryan will let the Mayor know if additional sponsorship is needed for the Basketball Program.
- The water main should be connected in the dog park next week.

Police Chief Bauman

- Officer Vialpando is almost three-quarters through field training and is doing well.

TREASURER’S REPORT

Report as submitted.

COMMITTEE REPORTS

ALDERMAN CARNCROSS

- Alderman Carncross thanked the Public Works Dept. for their informative Facebook posts and thorough communications.
- Alderman Carncross called a Community & Economic Development Committee Meeting for Wednesday, November 15th, 2023, at 6:30 pm. Lou will notify the interested parties.

ALDERMAN SCHULZ

Alderman Schulz thanked Supt. Knop and the Park Board for the changes to the dog park which have been very well received.

ALDERWOMAN HADERLEIN

- Alderwoman Haderlein gave an overview of the Library’s Big Read Program sponsored by Illinois Humanities which encourages individuals in the community to read the same book(s) at the same time with discussion sessions in different locations. The program runs December – March.
- Alderwoman Haderlein reported there have been two occasions where a City mower threw a rock and broke a library window. Rob will address the situation with City staff.
- The Administration Committee Meeting is scheduled for November 20th, 2023, at 7 pm.

TREASURER’S REPORT

Report as submitted.

ADMINISTRATOR’S REPORT

City Administrator Leone reported that it has been a busy and productive month for the City and preparations are being made for colder weather.

NO REPORT

Aldermen Lavallee, Luna, Perkins, Gorman and Lancaster and City Attorney Clifton had no additional report.

CLERK’S REPORT – UPCOMING MEETING DATES

October 27 & 28	Strategic Vision Workshop, 9 am
November 7	Planning & Zoning Commission Meeting, POST TO CANCEL
November 15	Community & Economic Development Committee Meeting, 6:30 pm
November 20	Park Board Meeting, 6 pm
November 20	Administration Committee Meeting, 7 pm
November 28	City Council Meeting, 7 pm

MAYOR’S REPORT

- Mayor Kelly reiterated the importance of the City Council Strategic Vision Workshops.
- Sandra Alcazar is organizing the Festival of Trees and is looking for volunteers and sponsors.

A motion was made by Alderman Perkins, seconded by Alderwoman Lancaster to adjourn the meeting. Aldermen voting aye: Haderlein, Schulz, Lavallee, Carncross, Gorman, Lancaster, Perkins and Luna. All ayes. Motion carried.

Meeting adjourned at 7:45 pm.

Respectfully submitted:
Lori Moller, City Clerk

November 3, 2023

ADMINISTRATION COMMITTEE MEETING MINUTES

October 11, 2023 – 6:30 pm

Chairperson Lisa Haderlein called the meeting to order at 6:30 pm. Committee members present: Chairperson Lisa Haderlein, Alderman Dan Carncross, Alderman Charlie Gorman and Alderman Matt Perkins. Also present were Mayor Mike Kelly, Alderman Jay Schulz, City Administrator Lou Leone, Finance Director Deb Bejot, Community Development Director Donovan Day, Code Enforcement Officer Anne Nutley, City Attorney TJ Clifton and members of the public.

Public Comment

Chairwoman Haderlein opened the floor to public comment for any item not on the agenda. There were none.

Proposed Budget Amendments

- a) Finance Director Bejot reviewed the proposed budget amendment with regard to the Police Pension Fund. The budget transfer was previously approved, but when Deb went to post the transfer, she realized that when she did the budget this past year, she created a new account for the pension fund to separate it from everything else. The correction is that the budget amendment will be made in the Pension Fund Transfer Account and not the General Fund Transfer Account. A motion was made by Alderman Gorman, seconded by Alderman Carncross to recommend to the City Council to approve the proposed budget amendment as presented. All ayes. Motion carried.
- b) Finance Director Bejot reviewed the proposed budget amendment with regard to the reallocation of funds from the Route 14 Sidewalks to Engineering Services for the Post Office Sidewalk Project which has been approved by the Transportation Committee and City Council. A motion was made by Alderman Carncross, seconded by Alderman Perkins to recommend to the City Council approval of the proposed budget amendment as presented. All ayes. Motion carried.

Tax Levy

Discussion on the Tax Levy was deferred to the next Administration Committee Meeting pending receipt of final numbers from the county. The next Administration Committee Meeting was scheduled for Monday, November 20, 2023, at 7:00 pm. The new employee personnel manual will also be on the agenda.

Proposed Ordinance Amending Section 27.04E.2& 3, Sound Permit

The Committee reviewed the draft ordinance Amending Section 27.04E2&3, Sound Permit, that incorporates the Committee's recommended changes. A motion was made by Alderman Gorman, seconded by Alderman Perkins to approve the proposed ordinance as presented. All ayes. Motion carried.

Proposed Ordinance Establishing Regulations for Backyard Chickens

Community Development Director Donovan Day reviewed the revisions to the regulations governing backyard chickens as discussed at the last Committee Meeting and outlined in his memo. The Committee recommended putting the fines in a separate section (Chapter 1).

Attorney Clifton clarified that procedurally, the ordinance is not being recommended for approval or denial at this meeting. The Administration Committee is merely considering whether or not the issue should be sent to the City Council to make a determination whether or not they would like to propose a zoning text amendment regarding the allowance of chickens in backyards that would go before the Planning and Zoning Commission for a public hearing. The Planning and Zoning Commission would ultimately make a recommendation either in favor of or against the zoning text amendment. The City Council would make a final determination.

City Administrator Leone noted for the record that one of the petitions that has been circulating has been submitted; each member of the Committee has received a copy.

Additional discussion ensued:

- Alderwoman Haderlein suggested reducing the initial \$300 fee if persons wishing to keep chickens took some type of a beginners educational class. She also commented she is sensitive to the enforcement issue and suggested initially proposing narrower zoning districts, A and R1, which tend to be larger lots and on the periphery. If ultimately recommended, this would provide opportunity that would demonstrate that the City can manage it.
- Alderman Gorman felt that all the areas of concern from the last meeting had been addressed.
- Alderman Carncross shared constituent's concerns with regard to property values and expressed concern with available staff resource time for enforcement. He also passed on information from individuals who raise chickens outside of city limits noting issues with rat control.

Audience Participation

- Sarah Berg, 608 Old Orchard Rd., related that through a FOIA request, she received information on 12 complaints regarding chickens in the last 3½ years, of which only one is in compliance. She inquired how this situation would be addressed and corrected. Director Day outlined procedure with respect to citations and related that if chickens aren't seen in the follow up, the complaint is closed. Also, in the 9 months prior to his coming to work for the City, Anne was running the department by herself. Code enforcement is one of the department's biggest priorities to get caught up on; the department will follow up on the mentioned complaints to ensure compliance.
- Jay Wolf, 800 Lincoln St., inquired how code enforcement would respond if he were to move forward with a chicken coop and during the course of the initial investigation, it was apparent that the adjoining neighbor was in non-compliance. Mayor Kelly responded that if during the course of an investigation, the code enforcement officer sees other non-compliance issues, they are obligated to follow up.
- Nissi Rockcastle, 202 N. Jefferson St., suggested hiring someone for code enforcement using tax dollars and the initial fee. She didn't think a lot of people would apply for the permit due to the cost and hard work involved. The individuals who want chickens are doing so with good intentions and would be in compliance.
- Dave Helmeid, 308 N. Jefferson St., expressed disappointment that the focus is on a myriad of hypothetical negative situations and an overemphasis on enforcement which suggests there is going to be a greater issue than is fair to assess. He commented that issues with rats could be controlled by keeping food in a bin.
- Jessica Helmeid, 308 N. Jefferson St., inquired where to submit her petition and was directed to submit the petition to City Clerk Lori Moller. Additional signatures can be submitted upon receipt. All petitions submitted will be provided to the City Council at their meeting on October 24th and ultimately to the Planning & Zoning Commission if the issue moves forward.

City Administrator Leone emphasized that the City Council has to be mindful to everybody and play out every possible scenario. With regard to property values, chickens would probably have a lower effect on property value than certain other factors. Lou further commented that with more development, more tax dollars are available. There will be forthcoming discussions on potentially adding an additional staff person in the Community Development Department to assist in inspections and code enforcement.

At Alderman Perkin's inquiry with regard to Sarah Berg's email on the legality of the zoning, Attorney Clifton indicated that the draft ordinance is structured as an accessory use, and in counsel's opinion, is legally appropriate. Alderman Perkins also inquired if counsel or his colleagues have had residents come after a municipality relative to a negative effect on property values for either chickens or adjoining abandoned properties. Attorney Clifton was not aware of any such conversations.

Attorney Clifton reiterated procedure before the Committee is to consider whether or not this issue should be sent to the City Council to make a decision whether or not to propose a zoning text amendment that would go before the Planning and Zoning Commission for a public hearing regarding the allowance of backyard chickens. At Alderwoman Haderlein's inquiry, Attorney Clifton noted that while the Committee is recommending certain language, there are at least three opportunities where the language may be tweaked. A motion was made by Alderman Gorman, seconded by Alderman Perkins to send the issue to the City Council to make a determination. All ayes. Motion carried.

New Business

City Administrator Leone mentioned that the new County Emergency Management Plan will also be on the November Administration Committee Meeting agenda for review and recommendation.

A motion was made by Alderman Gorman, seconded by Alderman Carncross to adjourn the meeting. All ayes. Motion carried.

Meeting adjourned at 7:50 pm.

Submitted by:
Chairwoman Lisa Haderlein

ADMINISTRATION COMMITTEE MEETING MINUTES

September 13, 2023 – 6:30 pm

Chairperson Lisa Haderlein called the meeting to order at 6:30 pm. Committee members present: Chairperson Lisa Haderlein, Alderman Dan Carncross, Alderman Charlie Gorman and Alderman Matt Perkins. Also present were Mayor Mike Kelly, Alderman Jay Schulz, City Administrator Lou Leone, Finance Director Deb Bejot, Community Development Director Donovan Day, City Attorney Brandy Quance and members of the public.

Public Comment

Chairwoman Haderlein opened the floor to public comment for any item not on the agenda. There were none.

Review Audit FY Ending April 30, 2023

Matt Beran with Lauterbach and Amen presented the FY23 Annual Audit Review, highlighting the key financial reports, indicating all funds are good financial condition, and the City's internal controls are solid. Matt also reviewed new recommendations this year, mainly centering around new GASB standards, which the City will work on establishing with L&A in the upcoming year. Matt and the Committee also discussed the past recommendation to correct the ongoing Park Fund deficit, which will be on the Park Board Agenda for the September 18th meeting. A motion was made by Alderman Carncross, seconded by Alderman Gorman to recommend to the City Council that the audit be approved as presented.

Proposed Ordinance Amending Section 27.04E.2& 3, Sound Permit

The draft ordinance was not available for review; item tabled until the next meeting.

Proposed Ordinance Establishing Regulations for Backyard Chickens

Community Development Director Donovan Day reviewed the proposed regulations governing backyard chickens as presented in the agenda packet.

Committee questions/comments

- Alderman Gorman and Alderwoman Haderlein suggested a one-time entry fee of \$300 similar to Spring Grove after which a \$30 annual fee would apply. Fees would be set forth in Chapter 20.
- The Committee discussed how to handle the regulations for a tenant as opposed to an owner occupied residence. Require a copy of the lease agreement and/or a letter from property owner/landlord that chickens are allowed.
- The permit application should require language that in order to obtain and maintain a permit, an annual inspection is required or upon receipt of a complaint.
- Alderman Carncross related concerns from his constituents that allowing chickens would create a nuisance that would be difficult to police and cause a decrease in property values. He recommended that the regulations stipulate thresholds that permits can be revoked for chronic nuisances. Attorney Quance indicated that enforcement would come on the front end of the permitting process; there are aspects that would be hard to police. Donovan indicated that complaints such as slaughtering chickens would follow a normal code enforcement investigation. He related there are certain privacy rights that wouldn't allow the City to come onto an individual's property without permission. Mayor Kelly noted an additional enforcement option would be an administrative warrant.
- Alderman Gorman suggested that the fine language should include a broader coverage of violations. He also inquired as to the percentage of homes in the towns that allow chickens actually have them. Donovan related that Fox Lake issued 4-5 permits a year. Initially there was a rush of applicants, but participation eventually slowed down. An entry fee of \$300 might discourage individuals that don't want to make that kind of investment.
- Mayor Kelly said he liked the idea of banding chickens to determine who the chickens belong to and suggested the City handle that process. He also suggested the Committee consider how to handle chickens that have died.

Audience Participation

City Attorney Brandy Quance clarified that tonight's meeting is a committee meeting and is not part of the zoning process. There is due process involved with the zoning process. She further commented that evidence and testimony presented at tonight's meeting would not be considered as part of the zoning hearing and would have to be presented at the actual zoning hearing.

Alderwoman Haderlein opened the meeting to public participation with a 3 minute limit. The following individuals addressed the Committee:

- Sarah Berg, 508 Old Orchard Rd., expressed her objections/enforcement concerns in allowing chickens when the City can't enforce people who have chickens now. She has gone all around getting signatures and she saw 8 chickens as well as ducks. She has also seen people taking them into the house and down into the basement.

- Dave Helmeid, 308 N. Jefferson St., said there has been a lot of talk about generalizations and thought many of the comments are fairly unsubstantiated. There are already chickens in town and making it legal and enforcing a permit would give the City more ability to enforce the chickens that are already here. He listed the communities in Illinois that already allow chickens and noted that according to the Baltimore magazine, there are 12 million households in the US that have backyard chickens. Dave related statistics of illnesses relative to backyard chickens which are very low. He further thought the \$300 initial fee was excessive. He has 400 verified signatures from intown residents that are at least ok with this.
- Carol Yirek, 208 Galvin Parkway, inquired how having chickens next door will affect her property values, how far away from the property line can the coop be and what type of fencing will be allowed. She also asked if there would be any type of requirement for the removal of a chicken coop when people lose interest and the coop it is no longer being used as a chicken coop.
- Liz Goad, 607 W. Blaine St., concurred there needs to be more rules. Her next door neighbor has 4 chickens and a duck with a makeshift coop. He's the same guy that shoots fireworks and shoots a bbgun in his backyard. Liz commented that there will be more varmints and that once a year inspection probably isn't enough. The police have better things to do than chase a chicken.
- Sarah Thompson, 319 Marengo Rd., addressed concerns that backyard chickens will lower property values. It's never been substantiated; she's lived in places like Evanston and Chicago that allow backyard chickens. It isn't the issue that people think it is. A lot of things that people bring up don't actually become issues. Elgin actually had a pilot program that was so successful that they went ahead with an ordinance change.
- Scott Logan, 700 E. Brown St, said he is opposed to having backyard chickens. He commented that while on vacation, he stayed with an out of state family member who has backyard chickens legally; the backyard is filthy with feathers, food and feces. He commented that Section C Paragraph 5 of the proposed ordinance doesn't cover setbacks on a corner lot; he further recommended a clause be added allowing for inspection at any time as a prerequisite to obtaining a permit; this would allow for enforcement based neighbors' complaints that would allow personnel to enter the property. He felt that if residents want to raise chickens, they should do so where it is legal instead of trying to change our community to suit them. Donovan said that the UDO addresses accessory uses and the setbacks for a fence on a corner lot.
- Nissi Rockcastle, 202 N. Jefferson St., brought up code enforcement and commented that if residents are concerned, they can let the City on their property to look into the neighbor's side yard. People that want to get a permit for chickens are going to keep up to the standards to keep their permit. The people that are fighting so hard for the opportunity for backyard chickens aren't going waste their money and mistreat and neglect their chickens.
- City Administrator Leone clarified that code enforcement is not allowed to go into the back yard or peek over the privacy fence if the current landowner says no. It is permissible to view a backyard from a neighbor's property.
- Terry Langston, 207 N. Hayes St., has wooded land behind her. She inquired how the screening is going to keep coyotes out of city limits.
- Jessica Helmeid, 308 N. Jefferson St., said they have presented numbers and facts while the other side is unwilling to share what kind of support they have. She has been all over town for weeks and hasn't seen any chickens. Jessica related she has been in contact with people who provide classes, i.e. Chickens 101, Coop Essentials, Caring for Your Chickens in the Winter that could be held in the library or other locations. This could also be a permit requirement to take a class.
- Kurt Rockcastle, 304 Garfield St., believes that the people that are going to do this have a heart to do so. Allowing backyard chickens isn't going to be a really big deal. Banding would help with enforcement. He stated he was tired of giving up things for a few bad people that a lot of good people want to do.
- Dave Helmeid addressed a love it or leave it attitude which he felt is unacceptable and a problem in this community. He said he has every right to live in this community and to put forth an agenda he believes in and due process will play out.
- Robert Thompson, 319 Marengo Road. There are solutions and ways to address everyone's concerns, i.e. deep mulch bedding and a move able coop. There are a lot of animals that are here already. Telling people to move out if they don't like it is not a logical argument.

The Committee discussed the concerns raised during audience participation and what regulations to put in the draft ordinance. Alderman Carncross noted a potential option to pursue would be to pose a referendum question on the ballot. City Administrator Leone said that a policy would still need to be in place. The City is limited in what they could do, but information to the public would have to be citizen initiated. Attorney Quance related she would have to research election laws and the timeframe to submit the question.

At Mayor Kelly's request, City Attorney Quance gave an overview of parliamentary rules/process. What is before the committee is whether or not the proposed ordinance should go to the City Council. The City Council would file a zoning text amendment petition that would go to the Zoning Board of Appeals to be considered. Public notice is required.

Evidence is heard at the zoning board level. There are certain standards according to the UDO that have to be met for a text amendment. The Zoning Board would make a recommendation to the City Council to approve, approve with conditions, or for denial. Typically it is a majority vote for approval of a text amendment, but there are provisions in the Illinois Municipal Code, 65 ILCS 11-13-14 that could force a two-thirds vote based on signatures.

Staff was directed to revise the ordinance to be reviewed at the next Administration Committee meeting to include the following provisions: broaden coverage of violations and methods of enforcement, ID bands, \$300 initial fee, address renters and to spell out with more clarity on what provisions are enforced. The proposed ordinance should also include language to require some type of beginners educational class with certification submitted to the City (this may be stricken from the final version). Alderman Schulz recommended including some way to provide for an inspection to verify complaints; Donovan will check with the City Attorney.

An audience member inquired if the City would be willing to cover the cost to obtain administrative search warrants to investigate complaints. Donovan related his experience with the City of Woodstock and the process to obtain the warrant. Attorney Quance related a lot of issues with administrative warrants is getting enough evidence to get the warrant itself.

Surplus Property Declaration

A motion was made by Alderman Gorman, seconded by Alderman Perkins to recommend to the City Council to declare the property (listing of bicycles) as surplus. All ayes. Motion carried.

New Business

At Alderman Perkins' inquiry, City Administrator Leone indicated that the proposal with the FOP is still in discussion.

A motion was made by Alderman Perkins, seconded by Alderman Gorman to adjourn the meeting. All ayes. Motion carried.

Meeting adjourned at 8:35 pm.

Submitted by:
Chairwoman Lisa Haderlein