

## **Call to Order**

Chairman Susanke called the Planning and Zoning Commission meeting to order at 7:30 p.m.

## **Roll Call**

Present were Chairman Susanke and Commissioners Gilmore, Haley, Kaufman, Kotleba, Martin and Shore. Also in attendance was Community Development Director Cathleen Tymoszenko and Planner Jennifer Becker. Several residents were also in the audience.

## **Pledge of Allegiance**

Commissioner Susanke led those in attendance in reciting the Pledge of Allegiance.

## **Approval of Agenda**

**MOTION:** Commissioners Shore and Haley moved and seconded to approve the agenda. The motion carried by unanimous roll call vote.

## **Questions from the Audience - None**

## **Approval of Minutes**

**MOTION:** A motion was made by Commissioner Shore and seconded by Commissioner Kotleba to approve the minutes of the June 28, 2010 meeting. The motion was approved by unanimous vote.

## **New Business**

### **Public Hearing Text Amendment**

#### **Section 10-4-1 Prohibited Uses within Residential Districts**

**MOTION:** Commissioner Haley moved and Commissioner Kaufman seconded to open the public hearing, which passed unanimously.

Planner Becker presented the Village's application for a text amendment. This amendment is requested to eliminate a conflict between two sections of the municipal code – the Animal Control regulations found in the Police section and the Residential Districts within the Zoning Ordinance. The proposed amendment is to revise the current text of 10-4-1 B Animals to read as follows:

10-4-1 Prohibited Uses:

- B. Animals:** Raising of poultry, pigeons, bees, livestock, **and** furbearing animals ***except as regulated by the licensing provisions of Section 6-3-Animal Control of this code.***

The Commissioners had several questions about the linkage between the two ordinances and the practical application of the licensing provisions.

Commissioner Susanke commented that he feels that the 15 foot separation between habitable structures is absolutely too close. He also said that he felt that the normal lot size within the Old Town area of the Village is too small to have coops and maintain adequate separation between the coops and neighboring houses. He also expressed concern about health and sanitation standards for keeping chickens in such close proximity to other residences.

Commissioner Gilmore stated that he feels that a few chickens would not be as big a nuisance as a few big barking dogs. He also commented that he would be concerned about chickens roaming free in back yards too close to a property line.

Commissioner Kaufman asked about animal control in the Village related to nuisances caused by chickens. He also inquired about building code in regards to construction of coops.

Director Tymoszenko replied that the Village maintains its own animal control services and would be responsible for errant chickens if complains are made. In addition, she stated that the construction of coops would be subject to the Accessory Building regulations found in the Zoning Ordinance in regards to lot setbacks, building coverage, number and height. Property maintenance issues related to coops would be handled via the Property Maintenance code currently administered in the Building Division.

Commissioner Gilmore stressed that he hoped that all coops would be considered accessory structures and not be unregulated because of a "loophole" in the ordinance.

Commissioner Haley applauded the Village's attempt to add this type of use in residential areas.

**Comments from the audience were requested from Chairman Susanke.**

Mr. Joe Motyl (Royal Lane) commented on the placement of the coops on property, namely feeling that the 15 foot separation between structures was too small, and that the burden of meeting the full 15 feet should be on the property requesting the license, not the adjoining neighbor. He thinks the separation should be from the lot line, not structure.

Mr. Brian Leith (Third Street) presented that he was the license applicant which began the whole discussion on backyard chickens. He said several other towns in the area currently allow this type of use, and that the Village allowing this is a way of bringing back this lifestyle choice for residents.

Mr. Tom Price (Liberty Street) appeared representing as a Board member and offered background on the 15 foot separation. He stated that the Board struggled with this issue, and ultimately felt that a separation enacted from property lines would be too burdensome in the older, smaller platted lots in town. The separation ultimately arrived at was felt to accomplish buffering while still allowing flexibility in placing coops in rear yards.

Ms. Pam Griffins (Third Street) said that the way her house was configured on her lot, if the separation was from a lot line, she couldn't have a coop anywhere on her lot. She supports the current licensing regulations.

Mr. Mike Taltika (Fifth) supports the chicken licensing and wanted the Commission to consider everybody in town when thinking about this issue, not just according to more or less land.

### **Discussion by the Commission**

Commissioner Martin would like to see 15 feet from the lot line. It is acceptable to have a coop in the middle of a rear yard.

Commissioner Gilmore asked Mr. Leith about the size of the coops, and it was stated that each chicken needs at least 2 square feet in coop area for roosting purposes, and that no specific height was planned. It was proposed that the coop would be as small as possible to meet the needs of the animals.

Discussion followed about the way the coops would be designed and considered either as a shed or a cage. Staff replied that the review procedure contained within the licensing provisions gave staff control over the coops.

Commissioner Kotleba asked why it is necessary to have chickens as a permitted use now. Director Tymoszenko replied that it is linked to the American Planning Association's encouraging land use and planning sustainability which includes green initiatives like allowing a return to individual food production, clothes drying racks and front yard gardening.

Planner Becker stated that the final issue to discuss would be the applicability of animal licensing within various residential zoning districts. She explained that the land use patterns within the multi-family zoning districts, in particular the R-5 Medium Density District, would not be suited to the regulations found within the animal control ordinance. The 15 foot separation would be difficult if not impossible to meet with the vertical orientation of the multi-family units. Furthermore, it could be difficult to administer licensing where a tenant would want a coop and the owner would need to grant permission.

The Commission members deliberated on this issue concluding that it would be most appropriate to remove the R-5 District from the list of residential districts which allows back yard coops and chickens.

**MOTION:** Commissioner Haley moved and Commissioner Kaufman seconded to close the public hearing, which passed unanimously.

**MOTION:** Commissioner Haley moved that the Commission recommend that the text in Section 10-4-1 B be removed and replaced with the following:

- B. **Animals:** Raising of poultry, pigeons, bees, livestock, **and** furbearing animals *except as regulated by the licensing provisions of Section 6-3-Animal Control of this code.*

The motion was seconded by Commissioner Shore and passed unanimously.

**MOTION:** A motion was made by Commissioner Gilmore recommending to the Village Board that the keeping of chickens and small poultry be prohibited in the R-5 District, but be permitted in all other residential districts. This recommendation is for incorporation into the licensing provisions. The motion was seconded by Commissioner Shore and passed by a vote of five yeas and one no, Commissioner Martin dissenting.

The meeting was then adjourned by unanimous agreement at 8:40 pm.

Respectfully submitted,

Jennifer Becker, Acting Secretary