

VILLAGE OF BARTLETT

COMMITTEE AGENDA

JANUARY 3, 2017

PLANNING & ZONING

Bees, Chickens & Impervious Surfaces



Agenda Item Executive Summary

Item Name Zoning Ordinance Research for Chapter 5 - Committee
Beekeeping, Chickens and Impervious Surface or Board Committee

BUDGET IMPACT

Amount: N/A Budgeted N/A
List what
fund N/A

EXECUTIVE SUMMARY

At the June 7th Committee of the Whole, the Staff presented findings and research regarding the keeping of bees and chickens in residential zoning districts as part of the Chapter 5 update of the Zoning Ordinance.

The Committee requested additional information including potential costs associated with establishing a community apiary, specific size parameters for the structure and outdoor area for the keeping of chickens, establishing a maximum number of lots that would be permitted to have chickens in the Village and to revise the impervious surface standards in residential districts to exclude pools.

The Staff's recommendations are attached.

ATTACHMENTS (PLEASE LIST)

CD Memo, Letters supporting and objecting to the keeping of chickens and Committee Minutes from April 19, 2016 and June 7, 2016

ACTION REQUESTED

- For Discussion Only - To forward on to the Zoning Board of Appeals for further review and to conduct the public hearing as part of the Zoning Ordinance Update for Chapters 2 & 5.
- Resolution
- Ordinance
- Motion

Staff: Jim Plonczynski, Com Dev Director

Date: 12/22/2016

COMMUNITY DEVELOPMENT MEMORANDUM

16-227

DATE: December 22, 2016
TO: Valerie L. Salmons, Village Administrator
FROM: Jim Plonczynski, Com Dev Director
RE: **Zoning Ordinance Research for Chapter 5 - Residential Districts**

PREVIOUS DISCUSSION

At the June 7, 2016 Committee of the Whole meeting Staff presented and made recommendations on beekeeping, chickens and impervious surface. The Committee requested more specific information on the costs involved with beekeeping if a community apiary were to be considered and had additional suggestions with regards to regulating chickens. The Committee also directed the Staff to change the Impervious Surface requirements to **exclude pools**.

Below is the information requested by the Committee and Staff's revised recommendations:

Beekeeping

As previously stated, Staff found very few towns that specifically regulate beekeeping; only Hanover Park, Evanston, Palatine and Schaumburg. Hanover Park only allows beekeeping within their Community Apiary, and not on a single family lot. Schaumburg, too has a Community Apiary that is free for beekeepers to use, however they do allow single family homeowners to apply for a special use permit to keep bees if they so choose (\$603). Only Evanston and Palatine allow beekeeping on single family lots.

Similar to Bartlett, many towns may allow beekeeping as an accessory use to agricultural uses and the bulk requirements in that district would be applied (i.e. 100 feet from any lot line).

*Staff was directed to research the **costs involved in creating a Community Apiary** and the cost for a beekeeper to obtain private insurance that would be needed to keep bees on Village owned property. Discussions with Hanover Park revealed costs associated with the placement of crushed limestone within a 40' x 40' area and installation of a chain link fence around the perimeter. Keys would also be passed out to those beekeepers utilizing the apiary since the area would be secured with a lock. These start-up costs totaled **approximately \$5,000**.*

Insurance for the beekeepers (Comprehensive General Liability naming the Village of Bartlett as an additional insured) **ranged from \$250 - \$500/year for a \$1 million dollar policy.** Staff would also recommend a bee license be issued by the Village at no cost to the beekeeper and proof of registration with the Illinois Department of Agriculture.

However, the Board may choose to allow bees to be located on individual residential lots within the Village. If this occurs, Staff recommends the following:

- A. Bees shall only be permitted on residential zoning lots containing a minimum of 10,800 square feet.
- B. A maximum of two (2) hives/colonies shall be permitted on such residential zoning lot.
- C. The hive shall be located in the rear yard only and a minimum of 25 feet from all lot lines.
- D. A flyway barrier at least five (5) feet in height, consisting of either a solid fence with a secure gate, or dense vegetation/landscaping shall be required for the perimeter of the rear yard in which the hive is located. Prominent signage warning of the presence of bees shall be required on the property (i.e. gate).
- E. A source of water shall be available at all times to the bees.
- F. A beekeeping license issued by the Village with an annual fee of \$25 shall be required.
- G. Proof of registration with the Illinois Department of Agricultural will be required with the annual license.
- H. A maximum of 25 residential zoning lots will be permitted/licensed to have bees in the Village at one time.

Chickens

Currently chickens are allowed on a minimum of 10 acres, however, the Staff proposes the following language be incorporated into the Zoning Ordinance:

- A. The raising/keeping of chickens shall only be permitted on residential zoning lots a minimum of 8,100 square feet.
- B. A maximum of four (4) chickens may be kept on properties zoned and occupied for single family residential uses.
- C. All chickens shall be kept within a covered enclosure/structure with an attached covered/enclosed outdoor area to prevent chickens from encroaching onto neighboring properties.
- D. An outdoor area a minimum of 10 square feet per chicken will be required and a maximum of 100 square feet will be permitted for the covered enclosure/structure.
- E. All enclosures/structures shall be located a minimum of ten (10') from all lot lines.
- F. The structure shall be heated or an insulated blanket shall cover the structure during the winter months.

- G. A building permit shall be required for all enclosures/structures associated with the raising of chickens and final building inspection approval is required prior to obtaining a chicken license.
- H. All chickens and enclosures/structures shall be kept/located in the rear yard only.
- I. Roosters are prohibited.
- J. No slaughtering.
- K. No other poultry, including but not limited to geese, ducks and turkeys shall be kept on the property.
- L. A \$25 fee for a chicken license must be issued after the building permit approval and prior to purchasing chickens.
- M. Proof of registration with the Illinois Department of Agriculture will be required with the annual license.
- N. A maximum of 25 residential zoning lots will be permitted/licensed to have chickens in the Village at one time.

Attached are letters supporting and objecting to the keeping of chickens.

Impervious Surface

Per Ordinance #2014-07 regulating impervious surfaces in residential zoning districts, pools were included as part of the impervious surface calculation. At the June 7, 2016 Committee of the Whole meeting the Committee requested Staff to revise the Ordinance to NOT include pools in the impervious surface calculation.

The following language would be updated in Chapter 5 of the Zoning Ordinance:

Impervious Surface Standards: The maximum impervious surface percentage for all buildings and structures (principal and accessory uses, **excluding pools**) including paved, impervious or traveled surfaces on a lot shall not exceed the following:

Single-family, detached lots:	
Equal to or greater than 20,000 square feet	30 percent
Equal to or greater than 10,800 square feet but less than 20,000 square feet	35 percent
Less than 10,800 square feet	40 percent
Duplex lots	45 percent
Townhome and other multi-family lots	n/a

CD Memo 16-227
December 22, 2016
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Further, if the building department determines that a material is pervious, the area covered by such material shall not count toward the total area of impervious surface.

/rbg
Attachments

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STATUS REPORT

OVERALL STATUS: Closed

REPORT CREATED ON: 12/28/2016 7:36 AM

TOPIC NAME: . Backyard chickens? Yes or No

INTRODUCTION

The Village is looking for your feedback on allowing backyard chicken coops. Answer the poll question below and leave a comment if you like.

SUMMARY

This topic introduction was originally published on 12/09/2016 12:00 AM before closing all public engagement 12/22/2016 3:00 PM. The following information was aggregated through the organization's website and supporting communication channels...

- Content Group is _Default
- Departments are Administration, Community Development
- Tags are backyard uses, chickens



CHANNELS

Website

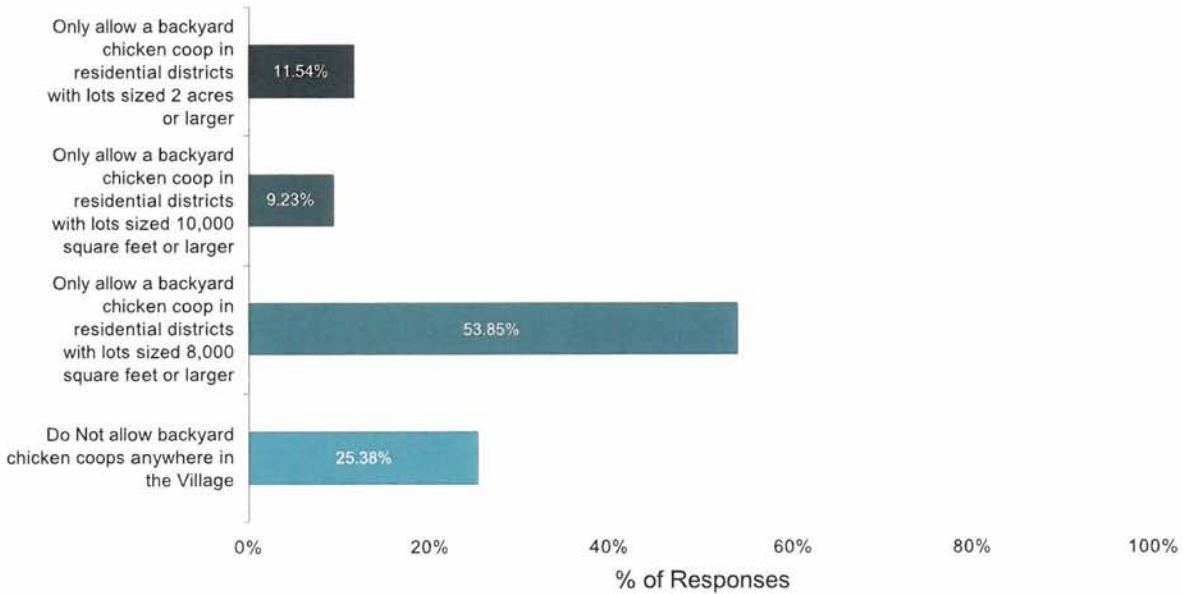
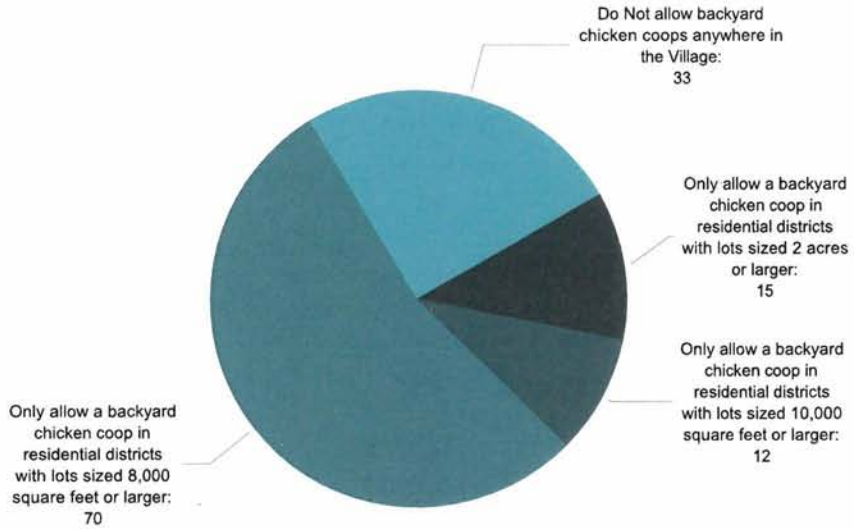
ENGAGEMENT ANALYSIS



CONTACT INFORMATION

G Infusino
Role: Community Relations
Email: ginfusino@vbartlett.org

POLL: Should Bartlett approve a limited number of permits for backyard chicken coops in residential areas?



PUBLIC COMMENTS

Settings for public comments are determined on a topic-by-topic basis and typically managed by the moderator. For this specific topic, we allowed individual comment likes, users' ability to comment more than once, and required comment review prior to displaying on our website.

Erica Rosiles
(Pending)

I say allow everywhere! Since our chicken goes to China for processing. Unless they are organic

Nancy Blondin
(Pending)

I am in favor of having chickens in the village of Bartlett. I feel it would be a good learning experience for my kids, as well as a healthier choice. It would be healthier for the chickens, as there would be less chickens in production farms, therefore in better living conditions. I do not feel there would be a significant risk of disease because the village would be restricting the number of chickens per lot, and the number of lots that could have chickens. It would be healthier for us to eat eggs from chickens that are not in a production setting as well. I think it is a win/win situation, for the people who want to raise chickens, as well as for a small amount of revenue for the village.

Cheryl Terdina
(Pending)

The number of chickens allowed in the yard should be relative to the amount of open area the homeowner is providing for them. Since roosters are not needed for egg production, I would expect that only hens would be allowed in backyards.

Chuck Weissmueller
(Pending)

What are the advantages of allowing Chicken coups in residential locations?

Stephanie Hopkins
(Pending)

I love the idea of the Village allowing residents to make a choice like this for their family!

Marty Kerlin
(Pending)

I think the lot size could be less than the minimum listed. A small number of chickens do not require a lot of room.

Rick
(Pending)

I hope this is for Bartlett residents only and that people from elsewhere won't be allowed to vote/comment.

Sharon Kroon
(Pending)

Backyard Chickens have been successfully integrated into a variety of suburban towns in the area, in addition to the cities of Elgin and Chicago. Bartlett can show its commitment to sustainability and green living by providing this opportunity within the village. Permits and reasonable oversight will hold individuals accountable and ensure that there is not a negative impact on our local neighborhoods. I strongly urge the Village to approve this ordinance.

Donald Zouras
(Pending)

It is refreshing to see that my village is considering an alternate definition of what a yard in Bartlett should consist of.

Beth Pruchnick
(Pending)

I would not like any of my neighbors especially immediate surrounding neighbors, to have chickens for a few reasons...I hate

birds and they are

ugly, my dog would go crazy barking and trying to jump and scratch at fence to get to the chickens..two people in my house do shift work, a few days a week they come home and need to sleep during the day. It is hard enough in the spring and summer when windows are open with the neighborhood kids outside playing and dogs outside barking now and then but to add chickens clucking all day would be worse. Also, I do not want to sit outside on my deck in nice weather especially with guests over and have to see/hear/smell chickens.

Rick
(Pending)

It is unfair to allow chickens on small properties (under 2 acres). Residents that want to raise chickens should have thought about that before they bought homes in RESIDENTIAL areas. On larger properties (2 acres or larger) at least the chickens can be raised further away from neighbors who may not want to smell or hear livestock on their residential property. I am sincerely hoping that this is not allowed.

HOLLY Oakes
(Pending)

I hope we can get chickens !! This would be amazing for the community and the children ...

Jason C
(Pending)

One should be allowed to keep as many chickens as they can keep clean. Perhaps a rooster clause. This is successful in many areas. This should be a non issue. Chickens aren't loud or a nuisance. Also - where do you think your house is built - farmland ? Bartlett's roots are in farming. This is educational, sustainable, and a no brainer

Marianne Nyberg
(Pending)

Bartlett look at the changing demographics and need for urban hens. here is a partial list that allow hens in their town proper, not small little 300 rural communities but major cities. City State City State City State
Birmingham
Alabama Honolulu Hawaii
San Antonio
Texas

Huntsville
Alabama
Boise
Idaho
Waco
Texas

Mobile
Alabama
Chicago
Illinois
Wichita Falls Texas
Montgomery
Alabama

Fort Wayne
Indiana
Salt Lake City
Utah

Anchorage
Alaska
Indianapolis Indiana
West Valley City
Utah

Chandler
Arizona
Wichita
Kansas
Chesapeake Virginia

Gilbert
Arizona
Lexington
Kentucky
Virginia Beach Virginia

Glendale
Arizona
Louisville Kentucky
Seattle
Washington

Mesa
Arizona
Baton Rouge
Louisiana
Spokane
Washington

Peoria
Arizona
New Orleans
Louisiana
Tacoma
Washington

Phoenix
Arizona
Baltimore
Maryland
Vancouver
Washington

Scottsdale
Arizona
Boston
Massachusetts
Madison
Wisconsin

Tempe
Arizona
Minneapolis
Minnesota
Milwaukee
Wisconsin

Tucson
Arizona
Saint Paul
Minnesota

Little Rock
Arkansas
Kansas City
Missouri
Missoula Montana
Anaheim
California
Saint Louis Missouri
Bozeman Montana
Bakersfield
California
Lincoln
Nebraska
Butte Montana
Chula Vista
California
Omaha
Nebraska
etc.

Pamela Wilkiel
(Pending)

As much as some people find benefit to having their own chickens because of fresh eggs, the noise (and possible mess) to surrounding neighbors should be thought of.

TOPIC DETAILS

The Village is exploring the interest in allowing backyard chicken coops. The Village Board discussed this topic at its June 7, 2016 Committee of the Whole meeting and you can read the minutes from that discussion here: [Committee of the Whole Minutes 6-07-2016](#).

The trustees would like to know what you think and we are using this trial community forum to get your input. Please answer the poll question below and provide your additional comments.

Roberta Grill

Subject: FW: Backyard Chickens

From: Lorna Giles

Sent: Thursday, December 15, 2016 10:56 AM

To: Valerie Salmons <VLSalmons@vbartlett.org>; Jim Plonczynski <JPlonczynski@vbartlett.org>; Paula Schumacher <PSchumacher@vbartlett.org>

Cc: Gabrielle Infusino <GInfusino@vbartlett.org>

Subject: FW: Backyard Chickens

This e-mail was sent to the entire Board.

Lorna Giles
Village Clerk/Executive Secretary
Village of Bartlett
228 S. Main Street
Bartlett, IL 60103
Phone: (630) 540-5908
Fax: (630) 837-7168

From: Homer Sapien [<mailto:rixfab@hotmail.com>]

Sent: Thursday, December 15, 2016 10:50 AM

To: Lorna Giles <lgiless@vbartlett.org>

Subject: Backyard Chickens

Dear Village of Bartlett Trustee Giles,

My name is Rick Fabris. I live on S. Oak Avenue here in Bartlett. I have lived here for nearly 30 years. During this time I have been witness to many changes in our village, some good and some not so good. One issue that has come up lately has me very concerned and is the topic of this email letter.

The other day, I received an email from the Village of Bartlett with a link to a survey regarding allowing backyard chickens in residential areas. While looking at the choices on this survey, I noticed that to vote, all you had to do was put in a first name and an email address. That means that anyone, including people from other towns, could vote on the given choices. To verify this, I signed up with a different email and was allowed to vote again. This is absolutely wrong. If you are trying to get a feel for how the residents of the Village feel on this matter, this is not the way to do it. Also, I spoke to several other residents and they never received any information about a survey. Why is this? Was this

properly thought out? I have a real issue with the subject of backyard chickens being allowed in residential areas. I have listed many of them in this letter.

Late this spring, the home to the west of mine (on S. Western) began raising chickens, which was and is against a village ordinance. They only had these chickens for a short while before they were made to remove them but in that time the smell was quite pronounced. It began to smell like a farm. I spend most of my time outdoors in the spring, summer and fall working in the yard and consequently, I had to smell these chickens for a large part of my day. My 5 & 2 year old grandchildren even asked, "Papa, what's that smell". And this was only after a week or two. What would it smell like after months in the summer heat?

There are plenty of advocates who extol the benefits of having a home flock. No one really mentions the negatives of keeping chickens, yet there are many challenges. While raising chickens seems to be the latest urban fad and certainly sounds harmless enough, there are downsides to raising backyard chickens.

When communities are debating the legalization of urban chickens at public meetings, worried residents often voice concerns over things like noise and smell. But many challenges are learned only after one undertakes chicken ownership.

Here are some of them:

Noise - Chickens squabble all day long, and plenty of cackling usually accompanies the activity

Smell and mess - Anyone who has been near a commercial chicken operation has undoubtedly experienced some unpleasant scents. Keeping a few chickens at home is not comparable, but they still smell, especially if they are not properly taken care of.

Predators - Even in urban areas, chickens attract predators. Depending upon where you live the list includes raccoons, foxes, skunks, mink, weasels, hawks, magpies, dogs and cats. Some are primarily interested in eggs or young chickens. The prospect of eggs or a chicken dinner draws them all. If successful, they will return repeatedly. This is even truer for wooded areas. We already have skunks, fox, raccoons and even coyotes in our woods.

Constant care - Chickens need daily attention. They must have food and fresh water. They need to be let out in the mornings and put away at night. Eggs must be collected daily. Coops must be cleaned regularly. Nesting and bedding materials must be provided and changed. Ignoring any of these tasks for even a day or two is irresponsible.

Please be aware that avid urban chicken fans tend to understate many of the accompanying challenges.

Also, allowing certain people (i.e., chosen by limited permits, which is discriminatory in itself) to keep chickens in residential areas is certainly not fair to other residents who may not want chickens right next to them for many reasons, not least of which is resale value. Not every home buyer would be thrilled to purchase a home with a chicken coop

next to it. After chickens, what's next? Will people want to raise goats, cows or other animals? What are zoned farms for?

I could list many other reasons but I trust that you will understand my concern. 30 years ago I purchased a home in a residential area in the Village of Bartlett. 30 years later, I'd like to keep it that way. Thank you for taking the time to allow me to voice my concerns.

Sincerely,

Richard A. Fabris

Bartlett resident

DISCLAIMER

This notice is intended for the recipient and is not to be forwarded, or copied and pasted into a new communication, without my expressed consent.

7-1-16

Attention Jim Plonczynski:

Cooped Up Chickens

Baby chickens are very cute when they are little, but they grow up to become big chickens.

At the last board meeting there was a discussion about possibly letting chickens on quarter acre home sites. Seriously, quarter acre lots are hardly big enough for a house, let alone a chicken coop with a large fenced in area or free range chicken area. This is not the right environment for them.

We enjoy our freedom and so do animals. People have choices and animals do not. They are stuck where we put them. Chickens stuck in a coop their whole life is not their choice, it is like being in a box.

If Bartlett board decides to allow chickens and give a permit it needs to be monitored. Making sure people do not go over the limit of chickens allowed, that the chickens have adequate shelter in the summer heat and winter cold, and freedom to move around. It is the responsibility of the owner to take care of the chickens, just like any other animal. Just leaving chickens in a chicken coop to move around is not adequate enough.

I hope Bartlett board will do its research and see that this is not a good decision. Chickens are fine if you have the correct space for them, and Bartlett does not.

Tom and Sharon Walsh

Tom & Sharon Walsh

RECEIVED
COMMUNITY DEVELOPMENT

JUL 05 2016

VILLAGE OF
BARTLETT

Roberta Grill

From: Jim Plonczynski
Sent: Thursday, August 04, 2016 8:26 AM
To: Jennifer Andrist Rasmussen
Cc: Valerie Salmons; Roberta Grill; Paula Schumacher; Angela Zubko
Subject: RE: Status on Chicken Ordinance

Thanks you Jennifer, a common sense approach to caring for chickens. If we need anything else we will contact you. Jim

From: Jennifer Andrist Rasmussen [mailto:jlandrist@gmail.com]
Sent: Wednesday, August 03, 2016 5:24 PM
To: Jim Plonczynski <JPlonczynski@vbartlett.org>
Subject: Re: Status on Chicken Ordinance

Hi Jim,

Thanks so much for reaching out! I apologize for the delay in responding. It was a crazy day at work. I'd be happy to help. That is a valid concern, as it is with any animal. Cat feces can be very dangerous to pregnant women because of the toxoplasmosis cysts that it contains. Similarly, chickens can have salmonella in their feces, which is why it is important to always wash your hands after handling chickens and/or cleaning the coop or brooder. There is no risk of salmonella from simply keeping chickens; it is mainly a personal hygiene issue. The CDC gives the following recommendations for reducing the risk:

- *Always* wash your hands with soap and water right after touching live poultry or anything in the area where they live and roam.
 - Adults should supervise hand washing for young children.
 - Use hand sanitizer if soap and water are not readily available.
- Do not let live poultry inside the house, in bathrooms, or especially in areas where food or drink is prepared, served, or stored.
- Don't let children younger than 5 years, adults older than 65, and people with weakened immune systems handle or touch chicks, ducklings, or other live poultry.
- If you collect eggs from the hens, thoroughly cook them.
- Don't eat or drink in the area where the birds live or roam.
- Avoid kissing your birds or snuggling them, then touching your mouth.
- Stay outdoors when cleaning any equipment or materials used to raise or care for live poultry, such as cages or feed or water containers.
- Buy birds from hatcheries that participate in the U.S. Department of Agriculture National Poultry Improvement Plan (USDA-NPIP) [U.S. voluntary Salmonella Monitoring Program](#)[279 KB]. This program is intended to reduce the incidence of *Salmonella* in baby poultry in the hatchery.

Having said that, the incidence of salmonella outbreaks are very low. For example, in 2015 there were 4 outbreaks affecting 252 people across 43 states. Of those 252, only 146 had come into contact with live poultry. Considering

the number of backyard chickens across the country (roughly 9 billion born in U.S. industrial hatcheries annually), that is very small number. (<http://www.cdc.gov/salmonella/live-poultry-07-15/index.html>)

I think it is a good idea to require birds to be registered with the U.S. Department of Agriculture. Ours were because Tractor Supply required it. This allows the USDA to contact chicken owners if they become aware of illnesses in flocks from particular hatcheries.

I hope this helps. Please let me know if you need anything else.

Best Regards,

Jennifer Rasmussen

On Wed, Aug 3, 2016 at 8:45 AM, Jim Plonczynski <JPlonczynski@vbartlett.org> wrote:

Ms. Rasmussen, One issue that has come up is that chickens carry salmonella. Do you have any tips on how they are handled to prevent this from infecting people? Jim

From: Jennifer Andrist Rasmussen [mailto:jlandrist@gmail.com]
Sent: Tuesday, August 02, 2016 5:03 PM
To: Jim Plonczynski <JPlonczynski@vbartlett.org>
Subject: Re: Status on Chicken Ordinance

Thanks so much for getting back to me so quickly! I truly appreciate it. If there's anything I can do to help, please don't hesitate to ask!

On Tue, Aug 2, 2016 at 4:25 PM, Jim Plonczynski <JPlonczynski@vbartlett.org> wrote:

Ms. Rasmussen, We are still doing our research on the chicken ordinance and we will be bringing it back to the Village Board in the fall. Jim

From: Jennifer Andrist Rasmussen [mailto:jlandrist@gmail.com]
Sent: Saturday, July 30, 2016 4:32 PM
To: Jim Plonczynski <JPlonczynski@vbartlett.org>
Subject: Status on Chicken Ordinance

Good Evening Mr. Plonczynski,

We wanted to check in with you and see if you had any news on the progress of the chicken ordinance. We completely understand this is no small undertaking! If you or anyone working on this need any assistance, I'd

be happy to help. Also, if the ordinance is changed to allow for chickens, I'd be happy to help in any capacity if such help is needed.

We are contacted quite often by individuals in the community wanting to know how things are going, so we thought it would be good to reach out and ask. The Daily Herald contacted me and erroneously reported that it would be on the agenda in July, so folks are curious. We simply let them know that was not correct. We will let them know of any meetings and they are encouraged to attend.

We plan on attending more meetings unrelated to chickens because it is important to know what is going on where you live. We value our community and appreciate that this issue has even been considered rather than dismissed outright.

Best Regards,

Steve and Jennifer Rasmussen

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Jennifer Rasmussen

Certified Social Studies Teacher - Middle School & High School

Owner/Designer at Leave Them in Stitches

www.facebook.com/leaveinstitches

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Jennifer Rasmussen

Certified Social Studies Teacher - Middle School & High School

Owner/Designer at Leave Them in Stitches

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Nancy Blondin
152 Sunflower Lane
Bartlett, IL 60103
purduevet@hotmail.com

RECEIVED
COMMUNITY DEVELOPMENT

AUG 22 2016

VILLAGE OF
BARTLETT

Village Board of Trustees
Bartlett, Illinois

Dear board member,

I am writing because I took note of the proposition that the Village of Bartlett may be reviewing and changing the ordinance regarding animals/livestock including chickens, and I am in favor of supporting these proposed changes.

My husband and I are veterinarians, and moved to Bartlett immediately after graduating from Veterinary school in 2001. When we moved to the village, we had no intent of considering raising chickens. In fact, I am rather certain it never crossed our minds. Time changes many things, and now we are in a different home, still in Bartlett, and have three children. Although I admit I have a hard time finding time to tend it well, I do have a small garden that we do plant yearly. I believe it is a good concept for children to be a part of knowing where our food comes from, and how much work goes into growing and preparing that food.

I grew up in a very rural area of southern Indiana, and my parents had dogs, horses, and their neighbors had this very elaborate chicken coop (Called the 'Chick Inn' nonetheless!). I hadn't really been exposed to chickens much prior to that set of neighbors building their coop and raising chickens for the eggs they provided. I always thought chickens were loud and stinky. After seeing this coop, I changed my mind. I learned that really the only loud chickens are the roosters. If there is no rooster, the hens are actually pretty quiet. They are much quieter than most dogs, in reality. I also realized that chickens that are not overcrowded (as they are in production barns) are actually not very stinky. This particular coop was wooden, and housed six hens. With a proper roosting area, as well as outdoor area to scratch and investigate, the chickens seemed quite happy. The folks that owned the 'Chick Inn' took care to wash the eggs prior to eating them, and reminded visitors to wash their hands after handling the chickens (which were quite docile and liked to be held and petted!), in order to reduce the chances of contracting illness from the chickens' feces. As a veterinarian, I am always mindful of the communicable diseases all animals can 'share' with us. It really is true that most of those diseases are unlikely to be transmitted if one just takes simple care to wash their hands and be careful of what goes into their mouths.

My children became quite enamored with the chickens after a visit to the grandparents' several years ago, and were begging for us to raise chickens. At the time, I was not quite ready to invest time and energy into a coop, but promised the kids I would look into it for the future. Last year I started looking into what it would take, and realized it was against village ordinance. We would actually be very interested in building a small coop if that were to change. I was a little worried that we would get some opposition or that the idea would be frowned upon by our

neighbors. We are friendly with our immediate neighbors, and I had a discussion with them recently. Much to my surprise, they too have been thinking about getting chickens! Mr Scales actually said he would like to see the ordinance changed to allow chickens in Bartlett, and wouldn't be upset if we were to build a coop and have a few hens.

I believe the ordinance also covers having a bee hive, which would also be such an important investment for our planet, let alone Bartlett. Honeybees are probably one of the most misunderstood creatures, as imposters such as wasps that are much more likely to sting make the bigger impression on us humans. Bees are vital to my garden and my fruit trees and such being able to fruit. Honey has so many vital uses, I really think it would be of benefit to allow people in Bartlett to maintain hives as well.

I am wondering if there is a way I can gather more information about the changes being proposed. Also, if it would be beneficial to you, I would be happy to share any of the information I have as a veterinarian. I am not an avian veterinarian, I have only rarely treated birds and chickens, so I am not an expert on chicken veterinary care by any means. I have however recently attended conference meetings on the subject of backyard chicken flocks, and of course covered the concepts in veterinary school, so would be happy to answer questions, or find answers to your questions if I can.

Please let me know if or when the village will be having public meetings or forums where the changes to the ordinance will be discussed. I would like to be present for the meetings if possible to hear what is being discussed.

Thank you for taking the time to read!
Nancy Blondin, DVM

President Wallace of the Village of Bartlett,

6/16/2016

As I read the Bartlett Examiner, I see that The Rasmussen are the rouge Chicken owners... Why even ask the Village or abide by the codes, just put up a coop get some chickens and then try and change the ordinance... people who can't follow the codes now are not going to follow them later, if they don't fit their needs.

Bartlett Examiner said there is a web page ? 127 likes: what is the population of Bartlett ? 50,000 thats not even a 1% percent of the population with most of those people on FB not living in Bartlett, IL. I think most people would not recommend a animal being caged it's whole life. As the picture in FB shows in the back yard (now the coop has been moved so you can see it from the road) Now you are talking about fencing and netting so they can't jump out the fenced yard (something to think about if not in the ordnance now)... I'm sure that isn't what you wanted to live next store when moving into a residential neighborhood. It also mentioned a building permit needed for the coop, was that complied to by the Rasmussen's?

It was suggested in the article that it would be fair to let a group of people do it. How about in forcing the ordinance. 4 or 5 request per year for permits isn't worthy of a change so drastic to allow chickens to be cooped up their whole life and only have a 4 by 4 area to walk around. When you only have to drive 20 miles west to get Fresh Farm raised eggs or for that matter go to Jewel and purchase organic eggs.

I feel that this will only attract wild animals into our neighborhoods and what happens when they get bored or don't want these animals any more ? Do they let them go ? to run around the neighborhood ? What illness can chicken carry ? How to they get ride of the waste from the Chickens in the garbage? Does Republic Services except Farm waste ? Should the driver have to be exposed to that? If it was suggested as compost material, this is why a .26 acres can't work, there would never be enough other material to compost and just wait until a 90 degree day. What do they do with a dead chicken ? Are they going to sell the eggs? Do we have a ordnance for a residential home to sell food?

To many questions

Concerned Neighbor's

CC:

Trustee Camerer
Trustee Carbonaro
Trustee Deyne
Trustee Hopkins
Trustee Reinke
Trustee Arends

RECEIVED
COMMUNITY DEVELOPMENT

JUN 21 2016

VILLAGE OF
BARTLETT



**VILLAGE OF BARTLETT
COMMITTEE MINUTES
June 7, 2016**

President Wallace called the Committee of the Whole meeting to order at 7:46 p.m.

PRESENT: Trustees Arends, Camerer, Carbonaro, Deyne, Hopkins, Reinke and President Wallace

ABSENT: None

ALSO PRESENT: Village Administrator Valerie Salmons, Assistant Administrator Paula Schumacher, Assistant to the Village Administrator Scott Skrycki, Finance Director Jeff Martynowicz, Community Development Director Jim Plonczynski, Assistant Community Development Director Roberta Grill, Director of Public Works Dan Dinges, Public Works Engineer Bob Allen, Building Director Brian Goralski, Grounds Superintendent Kevin DeRoo, Deputy Chief Patrick Ullrich, Village Attorney Bryan Mraz and Village Clerk Lorna Giles.

PLANNING & ZONING COMMITTEE

Beekeeping, Chickens and Impervious Surface

Trustee Reinke asked staff to start with the chickens. Staff has made a very specific set of recommendations to the Board. Chief among them is that chickens be permitted on lots that are larger than two acres. Given what he has read in the newspaper, maybe that's a little too restrictive.

Community Development Director Jim Plonczynski stated that the agricultural section of the ordinance is affected by our initial revision of Chapter 5 of the Zoning District. They have done additional research on the chickens and bees section per the direction of the Board. In the initial discussion, they had actually proposed to reduce the current agricultural zoning from ten acres down to two for things like keeping bees and chickens and horses, etc. When they talked about this at a previous Committee meeting, the Board directed them to look at other towns and their ordinances regarding backyard chickens (see attachment). He stated that most require an enclosure and the free range is not good. They end up all over the road and in neighbor's yards. Other generic requirements such as no roosters, no slaughtering, only in the rear yard are included. In terms of their research, there were twenty four towns researched in which eight allowed it. If the Board directs them to include chickens on smaller residential lots, they believe that they should only be permitted in the Estate Districts, SR-2 (10,000 SF) and SR-3 (8,000 SF). The smaller lots tend to be a little closer in terms of the setbacks. No other poultry, including but not limited to geese, ducks and turkeys shall be kept on the property. There is also a Department of Agriculture registration.

Trustee Camerer asked what a ¼ acre lot falls into.



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Mr. Plonczynski stated generally SR-2 (10,000 SF).

Trustee Camerer stated that if they approve the staff recommendation of going from ten acres to two acres, there is virtually no one in town that has a two acre lot.

Mr. Plonczynski stated that there are fourteen lots.

Trustee Reinke agreed that the two acres is probably too restrictive. If we have the location requirements, he thought they should have the screening requirements to permit someone who is responsible to build a coop with a building permit and put it in their backyard. His only concern is if there are several neighbors that all have a coop then we have a whole mess of chickens out there.

Trustee Camerer spoke about a study from Elgin. They started out with allowing fifteen permits at a time. After Elgin did this pilot study, they came back with several positive responses. It created a sense of community, formed friendships, provided social media, allowed 100% of grass clippings and food scrap recycling, increased awareness of backyard chickens, on-going communication amongst the participants and it goes on and on. In the end, they agreed to increase the amount of permits up to twenty five. If we limited the permits, it would be fair.

Trustee Reinke asked if in addition to the Zoning, would they also have a permit requirement?

Trustee Camerer stated that Elgin did. He thought that would be fair as long as it's reasonably priced.

Trustee Deyne stated that a permit can be reviewed on an annual basis.

Trustee Camerer stated that they can get additional information from other towns. He spoke about the setbacks.

Trustee Carbonaro asked if they are restricting the amount of coops by the size of the lot.

Trustee Camerer stated that you can only have one coop and four chickens.

Trustee Deyne asked about those with two acre lots and the amount of allowable chickens.

Administrator Salmons stated that Elgin had a pilot program. They limited the number during the pilot program. They may be allowing more afterwards. If you limit them now,



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you may have a situation where more people want them than you identified and you will have chicken lotteries. She suggested a pilot program to make sure.

Trustee Camerer stated that Elgin had fifteen permits to begin with. It was so overwhelmingly positive in the end that they raised their permits to twenty five.

Trustee Deyne asked how many people have chickens now.

Mr. Plonczynski stated that they get 4-5 requests every year. They have had some rogue chicken keepers.

Trustee Carbonaro referred to a letter they received and asked if there was some kind of certification for chicken keepers.

Mr. Plonczynski stated that they would need to register with the State Department of Agriculture but he did not know if the service offers any kind of training for chicken keeping.

Kristine Augison who spearheaded the Elgin program stated that there are classes that are offered free.

Trustee Reinke asked that the staff makes this user friendly.

Mr. Plonczynski stated that they will do that.

Trustee Arends stated that the staff has provided a lot of information. Rather than sending this back to staff, she thought they could make some kind of preliminary decision tonight. What further information is needed?

Trustee Reinke stated that the Committee refers this to the Village Board and staff will incorporate our comments and it can be voted on at the Board level.

President Wallace stated that Trustee Arends means that they should iron out some details:

Number of birds = 4
Minimum square foot per bird = 5 SF per bird
Indoor and outdoor coops
Minimum number of permits to start out

Administrator Salmons stated that the outdoor space is important so it is not all enclosed and the birds can get sunshine and fresh air and the ability to scratch in the dirt and eat bugs.



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Trustee Hopkins stated that a minimum number of permits is not necessary. He didn't think that 100 people are going to apply for permits.

Trustee Camerer was not against the pilot study as Elgin did with fifteen permits.

Mr. Plonczynski stated that this will become a text amendment to the Zoning Ordinance. The draft text amendment would come back for the Board's review along with the rest of Chapter 5 and they would send it on to the Zoning Board for the Public Hearing on the text amendment. They will then get a chance to vote on it. It will be brought back in an actual ordinance language that the Village Attorney is also comfortable with.

Trustee Hopkins stated that they would not restrict residents in an SR-4 district.

Mr. Plonczynski stated that if you want to open it up to the SR-4 district, those are smaller lots.

Trustee Hopkins stated that they can, based on what he has read.

Trustee Arends asked how many square feet is SR-4?

Mr. Plonczynski stated that it is minimum of 6,000 SF.

Trustee Arends stated that she grew up the daughter of a farmer with chickens. She stated that chickens are dirty, nasty animals, they are pathetic and they stink. They peck everything and even though they lay nice eggs, they are dirty, nasty animals that you have to clean up after. To have that type of thing in my neighbor's yard (she is in the ER-1 zoning) would be upsetting to her. You can buy organic eggs from any number of places around here. If this was meant to be an agricultural community, she thought it would have been done a long time ago. Chickens also need to have grass and gravel. They still remain to be dirty, nasty animals that yield wonderful eggs. It would take an awful lot to convince her, especially in an SR-4 (6,000 SF). The best coop she has seen was mobile and it could be moved in the yard to provide fresh grass and soil. A stationary coop on a 6,000 SF lot is ridiculous.

Trustee Hopkins stated that there are a lot of houses in the SR-4 district, his property included, that are larger than lots in a SR-3, SR-2 or ER-1. If you are going to just restrict people in an SR-4 or SR-3 it would be unfair.

Trustee Deyne stated that he grew up in the city and knows nothing about chickens. If the ordinance were written and limited to SR-3, he thought they could come before the Zoning Board and explain that to get a Special Use permit for the coop.



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Mr. Plonczynski stated that you could just put a parameter about a minimum square foot of the lot. Even if it is in the SR-4 you could say you have to have a minimum of 8,000 SF or something like that.

Trustee Hopkins stated that it should be the square footage of the backyard. There are some houses in the SR-3 district where houses are lot line to lot line. Some of the SR-4 districts have an 800 SF house and the yard is literally bigger than a house in the SR-3.

Trustee Deyne stated that they also need to consider the rear setback and reverse corner lots.

Mr. Plonczynski stated that they recommend a five foot setback keeping it out of the side yard.

Trustee Reinke suggested they move on to beekeeping.

Mr. Plonczynski stated that they did research on beekeeping in the surrounding communities (see attachment). They researched ten communities that have some type of restriction or allow beekeeping. We believe that the community apiary is probably the way to go. Hanover Park has started one and Schaumburg has one. Beekeeping gets into a different aspect because bees cannot be restricted. Honey bees are very valuable and you can see the need for them. Hanover Park has just started this community apiary and they do not allow it anywhere else. They have a permit from the Department of Agriculture and there is private insurance. They have to have a source of water and get a permit from the Village. It is fenced in a large area, 250 feet from the nearest soccer fields. Staff feels that a community apiary is appropriate and they can work with the Park District or Forest Preserve for a community apiary site.

Trustee Reinke asked if they have any sites in mind? Can you do it so it does not cost the Village any money?

Administrator Salmons stated that they don't have any sites in mind. They looked carefully and are a little limited on that. They thought a partnership would be better and they will work very hard to make sure it is fenced in and there is water.

Mr. Plonczynski stated that it will cost us some money even if we shared it with somebody.

President Wallace asked how many people are requesting bees?

Mr. Plonczynski stated that there are not very many. We had one request a couple years ago.



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President Wallace stated that we should refer them to Hanover Park if they are interested. Why are we talking about this?

Trustee Camerer stated that there is a beehive on the golf course at Bartlett Hills. Is that correct?

Grounds Superintendent Kevin DeRoo stated that there is. They currently have two hives. He just caught a swarm last week.

Trustee Camerer stated that they do have two hives on Village property.

President Wallace stated that they are natural and we did not create them.

Mr. DeRoo stated "no".

Trustee Arends asked if they are something that someone else created? Are they wooden structures?

Mr. DeRoo stated that they are wooden hive boxes.

Trustee Camerer asked if the golfers are being attacked by swarms?

Mr. DeRoo stated that both hives are up by the shop. Honey bees won't bother anybody.

President Wallace wondered why we would consider any of this Village's money when we don't have any interest. It does not make sense to me.

Trustee Camerer stated that we don't know how much this would cost to put together. He didn't think it would be millions of dollars. It may be some money but you have not even asked the people who might be involved if they would want to contribute or maintain that facility. We can't assume that the Village will foot the bill and not get any other support from the Forest Preserve or the Park District, etc. We just don't know yet.

Trustee Hopkins stated that we should be less restrictive in this ordinance and allow homeowners to have beehives. If it becomes an issue, then we can address it. He didn't think we need to have an apiary or anything like that until people start inquiring. They should be allowed to have hives in their backyard.

Trustee Camerer had no problem with that. If Schaumburg can do it, they are a much bigger community than we are.



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President Wallace stated that he did not have any problem with it as long as we don't spend any money.

Trustee Reinke stated that if we are going to allow someone to put in a beehive, he thought they would need some pretty specific regulations such as signage, etc. in case kids are playing in the area.

Trustee Carbonaro stated that they should only be allowed in an SR-4 minimally. He would not like to sit on his patio with an epi-pen every day.

Trustee Camerer stated that communities have worked this out. Schaumburg allows it, even though they charge quite a bit of money to do it. They must have specifications of lot size, etc.

Mr. Plonczynski stated that they did a regulation and then charged \$600. They directed everyone to go to the community apiary because they spent the money to put it in. That is what Schaumburg and Hanover Park did. They have regulations for individual lots. He thinks that we will have to regulate it if we are going to allow it.

Trustee Hopkins asked if any of the other communities have had issues with bees.

Mr. Plonczynski stated "none that they are aware of".

Trustee Reinke stated that you will always want to have liability insurance because there is a ready source of liquid funds to readdress any problems. He would like to know how much the bee insurance is. How much is a million dollar policy? It will give us a sense of whether it makes more sense to do a community apiary versus the backyard. He would be interested in hearing the experiences of the other towns.

Trustee Carbonaro stated that the bees forage a three mile radius to bring nectar back to the hive.

Mr. Plonczynski stated that they will bring some language back to the Board and answer some of the questions.

Trustee Reinke stated that they will now discuss pools and whether they are impervious surfaces or not.

Mr. Plonczynski stated that they researched fourteen communities to see what they have as far as impervious surfaces with pools (see attached) and whether they are included in the impervious surface or not. More towns included pools as part of the impervious surface and they were called accessory structures. Staff feels that the impervious surface requirements would include them and therefore, not change the



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existing ordinance. If the Board feels that we should allow pools as a pervious surface then they can revise the ordinance. Most towns consider them an accessory use (nine of them and five do not regulate and they are treated as an accessory building).

Trustee Reinke stated that he understands what he is saying about treating a swimming pool as an accessory use. The idea is to control storm water; it's a zoning issue but it's not really a use issue; it's a calculation. To him, it makes sense to exclude swimming pools from the impervious surface calculation because they hold water.

Trustee Camerer stated that it would take a monsoon to fill most pools. If we are concerned about runoff on neighbors, we will probably never get that much water unless the pool is completely filled to the top.

Trustee Reinke stated that if somebody challenges in court about what the difference is between an accessory structure like a shed and an accessory structure like a pool, a pool holds water. You are not going to run up against that in court.

Mr. Plonczynski stated that they will have to change the ordinance to exclude pools from the impervious surface calculations.

All were in verbal agreement.

FINANCE & GOLF

125th Anniversary Bartlett Park Donation

Trustee Deyne stated that during the Village Board's Strategic Planning workshop the Board discussed making a donation to the Bartlett Parks Foundation toward their efforts to fund an inclusive playground at Bartlett Park. The Foundation has itemized various features of the nature-themed playground they have planned for donations. He asked if they had talked about allocating \$8,000-\$15,000 to this project.

Administrator Salmons stated that they did not set a specific amount. The Board had indicated that they would like to provide a piece of equipment to this park to celebrate our 125th anniversary. We just threw some examples out there for consideration.

Trustee Deyne stated that he looked at what was available for \$8,000-\$15,000 and he knows what the park will mean to the children and families. He was a little offended with \$8,000-\$15,000. Maybe we could make a pledge or something and allocate "X" amount of dollars over a period of time. The Rotary is a relatively small group and they just pledged \$25,000 over a period of time.

President Wallace stated that he thought it was \$5,000 up front and \$20,000 next year.



VILLAGE OF BARTLETT COMMITTEE MINUTES

April 19, 2016

President Wallace called the Committee of the Whole meeting to order at 7:33 p.m.

PRESENT: Trustee Camerer, Carbonaro, Deyne, Hopkins, Reinke and President Wallace

ABSENT: Trustee Arends

ALSO PRESENT: Village Administrator Valerie Salmons, Assistant Administrator Paula Schumacher, Assistant to the Village Administrator Scott Skrycki, Finance Director Jeff Martynowicz, Director of Public Works Dan Dinges, Public Works Engineer Bob Allen, Community Development Director Jim Plonczynski, Building Director Brian Goralski, Grounds Superintendent Kevin DeRoo, Police Chief Kent Williams, Deputy Chief Joe Leonas, Village Attorney Bryan Mraz and Village Clerk Lorna Giles.

PLANNING & ZONING COMMITTEE

Zoning Ordinance Update – Chapters 2 & 5

Trustee Reinke stated that he had a couple of questions and asked the Community Development Director Jim Plonczynski to give an overview.

CHAPTER 5 – RESIDENTIAL DISTRICTS

Community Development Director Jim Plonczynski stated that this is the updated Chapter 5 of the Zoning Ordinance. Some of it is a housekeeping issue and some is in our continued attempt to do a revision of the entire zoning ordinance. The Board has seen four previous chapters plus the sign ordinance and tweaked the industrial business park ordinance. This is the seventh chapter and it's really the residential district section of the ordinance that has to do with the uses, bulk requirements, how residential development in the zoning ordinance is perceived and regulated. The previous chapter was 82 pages in length; the revised Chapter 5 has been condensed to just 9½ pages. Charts are now being utilized to eliminate duplication and redundancy from each residential zoning classification, thereby simplifying the Ordinance.

POLICY ISSUES

Commercial Motor Vehicles, Inoperable Vehicles, Recreational Vehicles, Trailers, All-Terrain Vehicles, Watercraft, Snowmobiles and Semi-Trailers – This ordinance has been revised and now clarifies specifically for the distinction between commercial motor vehicles and trailers. Trailers are now “generally” categorized so that **ANY** trailer, regardless of type, will fall under this revised section of the ordinance. Staff believes



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these modifications give the Village a stronger case if a violation were to go to trial. (Please see Section 10-5-3, Page 4.)

Churches/Religious Institutions/Places of Assembly – Previously, the term “Place of Assembly” was not defined in our Zoning Ordinance and often was used interchangeably with Religious Institution. The ordinance was also not consistent in the regulation of religious land uses as required by the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA). RLUIPA states that, subject to some exceptions, local and state governments may not “impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution.”

In this revised ordinance, churches would now be classified as a Religious Institutions and would be regulated the same as “Places of Assembly” since they have comparable impacts (i.e. parking, noise, traffic, etc.). Places of Assembly, Religious Institutions, Lodges (fraternal and civic), equal or less than 10,000 sq. ft. would be permitted by right in the ER-1 and ER-2 (1 acre or larger) Zoning Districts, and as a special use in the remainder of the residential districts. These same uses, if greater than 10,000 sq. ft., would require a special use in all residential districts. Staff believes this revised ordinance more closely meets the Religious Land Use and Institutionalized Persons Act requirements.

Impervious Surface – The impervious surface regulations were approved on February 4, 2014 by Ordinance 2014-07 An Ordinance Amending the Bartlett Zoning Ordinance with Respect to the Regulation of Impervious Surfaces in Residential Zoning Districts. This ordinance set a maximum impervious surface percentage for residential lots based on their lot size to reduce storm water runoff and maintain green space (see Table 5-4 on Page 10.) The Staff has been implementing this ordinance and its regulations since its inception. To date, no variations have been requested.

CHAPTER 2 – RULES AND DEFINITIONS (Pertaining Only to Chapter 5 Updates)

Sections of Chapter 2 that have been updated per the revisions made to Chapter 5 (i.e. Places of Assembly added).

The staff recommends forwarding the updated Zoning Ordinance Chapters 2 & 5 on to the Zoning Board of Appeals for further review and to conduct the public hearing.

Trustee Reinke asked about cell towers and the fact that they are “Special Uses” in the ER-1, ER-2 and ER-3. He didn’t think cell towers should be a special use in any residential district. If we say that something is a special use than legally it’s a legislative determination that the use is appropriate for that zoning district. He didn’t feel that cell towers are an appropriate use in those zoning districts. He welcomed the cell company



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to pitch the location of the tower in a residential district, we will give them their due process. He didn't think that it is a special use.

Attorney Mraz stated that if a use is not listed as either permitted or special, the under the Bartlett Zoning Ordinance it is a prohibited use. Federal laws such as the Telecommunications Act ("TCA"), FCC rulings and the case law that interprets them are eroding municipal zoning ordinances and the ability of municipalities to restrict siting when it comes to cell towers. It seems that the crux of the cases come down to where the cell phone providers have a gap in their coverage. In the old days, everyone had landlines and consumers did not expect perfect cell phone reception in their homes. The Village experienced a cell tower siting petition at the horse farm off of South Bartlett Road which was zoned residential and was directly across the street from residential homes. The Village hired an expert to refute the lack of coverage claim and prove the petitioner, US Cellular, did not sufficiently explore alternate sites. The Village hired other experts as well including an appraiser. The expectation of carriers now, and they argue their customers as well, is they want to have good cell signal even in their basements. Carriers often claim they need to have cell towers at more heavily populated places and at higher elevations. Hence, the Village has allowed cell antennas to be put on our water towers because of their height. Those are sometimes in residential districts. In the draft before you, Staff tried to limit special uses for cell towers in residential districts to the larger residential zoned ER areas to avoid a facial challenge to its Zoning Ordinance and from a practical side open up more geographic areas to overcome a TCA challenge. He stated that Trustee Reinke was correct in the sense that once you make the legislative determination that something is a special use, it is a legislative finding that it is permitted and requires a tough standard to turn down a special use request. It is a trade-off trying to meet the federal legislation and preserve to the extent possible traditional zoning authority. If the Village limits cell towers to commercial, industrial and a few larger residential districts, carriers at least in theory, will go through the special use process. The standard for turning down a special use permit is that it must have some extraordinary impact different than other similarly zoned property or cause a problem that another special use in that same district would not. It is a tough standard but that was the thinking rather than outlaw cell towers from all residential districts.

Trustee Reinke asked where else are they a special use under the existing ordinance.

Mr. Plonczynski stated that most of the time it is the height regulation and we have them on top of water towers, ComEd poles in residential districts and field lights in parks.

Trustee Reinke stated that in a commercial or industrial district you will treat it as a height issue but not as a use issue.

Mr. Plonczynski stated that is generally how they have treated it in the past.



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Trustee Reinke asked if anyone has strong feelings on this.

President Wallace stated that it sounds like the height thing is in the residential as well.

Plonczynski stated that where they have been placed, primarily in the residential districts in town, are on the water towers. We have given our water towers a height allowance so the cell towers can fit.

Attorney Mraz stated that there is limited space on the towers and carriers claim to have an area of poor reception anyway in trying to get a special use or variation for a height allowance.

President Wallace asked if there was an area of poor reception in Bartlett.

Mr. Plonczynski stated that we have some gaps. Our consultant did an analysis and found some gaps in coverage a couple of years ago for the carrier in question. Providers regularly approach us about adding new equipment and locations.

Attorney Mraz stated that their technology changes all the time and then they talk about shorter towers, more prevalent, versus a big tall tower. He stated that he thought it a little problematic to just say "none" in residential districts across the board, given that the federal law will look at the gaps in their coverage and trump our zoning ordinance. If the Board tries to limit it to a few additional areas then the Village will have a stronger argument. A carrier is required to do a site suitability study that includes alternate site analysis, but that is often perfunctory. Most of the Village's industrial zoned property is on the west side of town but that isn't necessarily where the carriers need it.

President Wallace stated that this is the first time he has heard there were gaps in coverage.

Attorney Mraz stated that originally the cases held that if competing carriers did not have a gap, there wasn't one, but more recent cases look to the petitioner itself and whether that one provider has a gap in its coverage and then allow it to put up a tower. Carriers do a lot of sharing and co-location because of the investment cost of a tower, but they each prefer their own. The carriers' idea of what is good coverage and what we may think, could be something different. The demand of the public has changed what that is and the prevalence of cell phones and people's expectations.

Trustee Deyne stated that the technology is constantly changing. He likes the idea of the special use because that gives us the opportunity to look at that.



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Attorney Mraz stated that when a carrier comes in, staff pushes for using an existing structure or building, or if there are none, for a stealth tower. They are told to look at ball field lights or anything that is not a stand-alone tower. We cannot guarantee that will always work, but his thought is to outlaw them all together in residential districts would be problematic. Carriers have limited areas to place cell antennas and the Village will have a stronger argument if are not just allowed by application of the zoning ordinance stuck out on the west end of the Village.

Trustee Reinke then referred to Commercial Motor Vehicles. He realized there were issues regarding alleged vagueness, ambiguity in the ordinance. He asked if they were comfortable with the phrasing.

Attorney Mraz stated that you have to look at Chapter 2 where the definitions have also been amended and Staff spent a lot of time with the proper wording.

Mr. Plonczynski stated that they spent extensive time reviewing the Illinois Vehicle Code with the traffic division of the Police Department and input as well from the code officers, and this is the language that they came up with.

Trustee Reinke referred to the Site Plan Review. He asked if someone comes in for a building permit for a multi-family or non-residential use, will they have to go through the site plan process. What if someone was coming in with a sign permit? Would the sign permit trigger the site plan review requirement?

Mr. Plonczynski stated "no".

Trustee Reinke asked if someone was running a non-residential use in a residential district, legal non-conforming use and their water goes out - will they have to come in for a building permit and will it trigger the site plan review?

Mr. Plonczynski stated that the site plan review provisions are also elsewhere in the Code, but it is intended for townhome developments or if you had a park type use, or a church or place of assembly – those would have to go through site plan review in the residential district.

Trustee Camerer asked for clarification on the revised ordinance for the churches. Are they not being regulated currently?

Mr. Plonczynski stated that they are probably over-regulated or are inconsistent.

Trustee Camerer talked about parking, noise and traffic. It could be easy for someone to say that the church is too noisy, just because they don't like the church or the



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property or they are not religious. Can they come to the Village and would this be an issue?

Plonczynski stated that it is more when you are siting new uses. We were treating churches different than other places of assembly. The proposed new banquet facility will be treated like a new church. They would have to be treated equally. He thought the reason was because all of them can generate noise, traffic and congestion so the previous ordinance was not treating them equally. That is the intent of the law. We still get noise complaints from the churches and large places of assembly. Under the new ordinance they will be treated equally.

Attorney Mraz stated that there were inconsistencies. One district would have permitted use and another a special use. The Village should try to avoid having any ordinance declared unconstitutional on its face. There will also be questions about whether it was constitutionally applied. There are cases, for example City of Evanston case, where the municipality just made churches a special use in every district. The courts have said that you can't make everything a special use. There must be some logic or rational basis. A church in an ER-1 district will be different than another district. The Board will make the ultimate decision based on the evidence that is presented to it. The idea is that the impact of a larger church and a banquet facility are often much the same. Residents may object whether it's a banquet facility or a church.

Mr. Plonczynski stated you will see it as a banquet facility before you see it as a church. That is coming up soon and they will make that argument that Trustee Camerer just stated.

Administrator Salmons stated that this law makes it less likely that they would be involved with a church that was making too much noise or had a parking issue. We have had some neighborhood church issues where people went ahead and had church services on Sunday morning or Thursday nights, in their home. Unless they are parking over the sidewalk or blocking things, they may not be prohibited.

Trustee Camerer referred to the Agricultural changes. He thought that it seemed restrictive from the standpoint of poultry and bees. There are towns that are making efforts to have pilot studies (Elgin) that allows a certain amount of residents to have chickens without a rooster. As far as bees go, Hanover Park has a designated area for bee keepers to come and put their bee hives up.

Attorney Mraz stated that the draft under consideration regulates those uses in small yards and considers the impact on the neighbors. The draft ordinance says 100 feet. Staff has encountered problems and didn't have a clear restriction. The uses are allowed in Agriculture Districts, of which there may be one, so from that standpoint this



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is less restrictive. Neighbors were unhappy when there were bees in close proximity to small children.

Trustee Camerer stated that was a weak argument when it comes to bees throughout the world. You need bees for pollination. Without bees, we don't exist.

Attorney Mraz stated that the ordinance does not outlaw bees.

Mr. Plonczynski stated Staff get requests for backyard chickens, aviaries, and those types of things. This section of the ordinance is the same as before except for a few changes. If you wanted to change the ordinance to allow for chickens and bees in closer proximity, we can do that. This is to regulate the areas with smaller yards.

Trustee Camerer stated that he would like to see input from other towns in the area.

Mr. Plonczynski stated that they have done some research in the chicken area because that seems to be the most requested. Some towns that have chicken ordinances that allow them, have to be kept in heated, enclosed yards with running water and electricity. Bee keeping is becoming more prevalent in urban areas. We didn't have any regulation in the past and the few that we had were in close proximity of other homes and they did get some complaints.

Trustee Camerer stated that the villages that are looking at things like this are progressing. They are looking at ways to bring in other types of food, hobbies, and you need these things. He hates to see government come in and tell people what they can't do.

Mr. Plonczynski stated that a few instances where people have been keeping chickens, sometimes they tend to be free range chickens and they end up all over.

Trustee Camerer stated that he would like to have further discussions on this. He stated that Elgin has a pilot study of some sort as well as Hanover Park and possibly St. Charles. The question is, why are they forward thinking more than we are. He thinks we should be considering it.

Trustee Hopkins stated that Trustee Camerer brings up an extremely good point and he thinks the language on this zoning change is very restrictive. He thought they should look at different possibilities as well as other communities.

Mr. Plonczynski stated that it will be a combination of reducing the distances and requiring that you have those animals in some sort of structure. They will do more research on other towns.



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Trustee Camerer asked if they can have more information in a month or two.

Mr. Plonczynski stated that this has to go to the Zoning Board for a text amendment. They will get that information ready for them so they know it is the Board's desire.

President Wallace stated that it was way more restrictive in the prior version saying that they needed 10 acres.

Mr. Plonczynski stated that the Sunset Hill Farms/Litchfield area with larger lots was the area that the restrictions were originally written for. The distance requirement is because of their experience with the bees.

Trustee Camerer asked if anyone had beehives in the village.

Plonczynski stated "yes", they have them.

Trustee Camerer thought it is an interesting hobby.

Mr. Plonczynski stated that he was sure it is a great hobby but unfortunately, the one that was located in town was in proximity to someone who had children with allergies.

President Wallace thought it would be good information to know how many 2+ acre lots we have in the village.

Trustee Hopkins asked how often residents come into the building department and want to put up a patio, deck or shed and they are told that they cannot.

Building Director Brian Goralski stated that they get about six per day. They do their due diligence and look at them. About 85% are allowable. It is just the small lots that have a sea of concrete that have the issues. There are other ways they can obtain their requests and we inform them of that process.

Trustee Reinke stated that he did not understand why a pool is a problem. He understands that it's not pervious but at the same time it's containing the water.

Mr. Goralski stated that was his argument with Jim Plonczynski but Jim won.

Mr. Plonczynski stated that they are looking at it for the coverage of the lot. There is usually a deck around the patio or an in-ground pool with a patio so they count it as an impervious surface and most towns do.

Trustee Camerer stated that he has a problem with the impervious surface thing as well.



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Mr. Plonczynski stated that they experience that in the older parts of town with flooding issues. They have spent a lot of money in those areas to build extra detention areas to cover that and that is the trade-off. There are more restrictive ordinances on impervious surfaces in other towns - ours is fairly relaxed.

President Wallace stated that if the zoning commission is going to look at this can they look at the above ground pools as well. It should make sense for people.

Trustee Hopkins asked if they will hold off on the public hearing since they may make changes.

Mr. Plonczynski stated that he would like to go to the Zoning Board for the public hearing and their input with that information and bring it back to the Board.

Trustee Hopkins stated that maybe they should hold off on the public hearing because they may make some changes.

President Wallace stated that there is a lot here. He would be more comfortable with getting the Zoning Board's input and have it come back to them and do the public hearing after that.

Attorney Mraz stated that the public hearing is before the Zoning Board so it's either take the message and incorporate those into a document and that is what the public hearing is on. You are saying that alternatively, let's see what those changes are and bring it back to the Committee. See those before it's sent to the Zoning Board where the public hearing will take place.

Trustee Hopkins thought they should get it, review it, make some changes. We will review it and send it back to them.

Trustee Camerer agreed.

Mr. Plonczynski stated that the Zoning Board sometimes takes more than one meeting to look at something like this. We can have them give it an initial look, tell him the suggestions and they can make recommendations on those areas, bring it back to the Board and then hold the public hearing after that. If the Board is comfortable with their changes than we can go back to them with the public hearing.

Trustee Reinke asked if there were any part of the proposed amendments that he would consider urgent. He sensed a little hesitancy.

Plonczynski stated only the commercial vehicles.



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Trustee Hopkins asked if they can take that out and have a public hearing on commercial vehicles. That can be the first part that is reviewed.

Mr. Plonczynski stated that they can split it up that way and have the public hearing on a portion of it and get their feedback on the balance.

Trustee Camerer thought if they heard it first, they would have a better idea on what to expect.

Administrator Salmons stated that they typically get it to the Board first.

President Wallace stated that they should take the commercial vehicle portion, have the public hearing with the Zoning Board and bring it back to the Board. The rest of the proposed changes will get additional information and bring it back to a future Committee meeting.