

VILLAGE OF LILY LAKE

ORDINANCE NO. 2024-06

AN ORDINANCE AMENDING § 2032 OF THE VILLAGE CODE
CHAPTER 20—ZONING, SUBCHAPTER 5—RESIDENCE DISTRICTS

ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF LILY LAKE

June 24, 2024

Published in pamphlet form by authority of the President and Board of Trustees of the
Village of Lily Lake, Kane County, Illinois

June 24, 2024

Village of Lily Lake, Kane County, Illinois

ORDINANCE NO. 2024-06**AN ORDINANCE AMENDING § 2032 OF THE VILLAGE CODE
CHAPTER 20—ZONING, SUBCHAPTER 5—RESIDENCE DISTRICTS**

- The Village of Lily Lake Zoning Ordinance for many years prohibited domestic animals other than dogs and cats, and horses under certain conditions, on residential property within Village limits.
- In 2013 the Zoning Ordinance was amended to allow domestic hens and in 2015 amended again to allow the keeping of bees under certain conditions on properties within residential districts. The Village has now been requested by several residents to amend the Zoning Ordinance to permit the keeping of other kinds of domestic livestock on properties within residential districts.
- There has been significant public input presented to the Village demonstrating that there is a substantial community benefit from permitting residents to keep additional kinds of domestic livestock for personal use in the residential areas of the Village.
- Those communities that permit the type of animals described in this ordinance have experienced few problems resulting from that action.
- There are demonstrated health benefits from allowing residents to keep the type of animals described in this ordinance.
- Many communities in the region have adopted similar ordinances.
- A public hearing on the proposed amendment, notice of which was duly published according to law, was held before the duly appointed and acting hearing officer of the village on June 24, 2024, after which the hearing officer recommended the amendment to the corporate authorities.

THEREFORE, BE IT ORDAINED by the president and the board of trustees of the Village of Lily Lake, Kane County, Illinois, as follows:

§ 1. Amendment of § 2032(e) of the Village Code

Section 2032(e) of the Village Code, as amended, is further amended as follows:

(e) Keeping domestic fowl.

(1) Keeping domestic fowl for private use is permitted as an accessory use in all residential districts under the following conditions:

(A) No more than eight domestic hens, ducks, quail, or homing pigeons, in any combination, may be kept on a property that is less than one acre. No more than 12 domestic hens, ducks, quail, or homing pigeons, in any combination, may be kept on a property that is one acre or more. On properties of four acres or more, the combination of birds may include geese and turkeys.

(B) Roosters are prohibited.

(C) Slaughtering of domestic fowl within the village limits, other than for humane reasons, is prohibited.

(D) Domestic fowl must be kept within an animal enclosure, not less than 2 ft by 2 ft per bird, with an adjacent outside fenced area encompassing not less than 32 square feet in size.

(E) The animal enclosure and adjacent fenced area must be in the rear yard and set back at least 30 ft from any adjacent occupied residential structure, other than that of the owner; but not less than the minimum property line setback required for accessory structures in the zoning district.

(F) All enclosures must be constructed and maintained in a neat and clean manner so as to be free of infestation by rodents or other vermin and odors detectable on adjacent properties.

(G) Domestic fowl must be maintained so as not to produce noise in excess of 55 decibels (dBA) when measured from the closest outside wall of any occupied structure, other than that of the owner, between the hours of 10:00 PM and 7:00 AM. Failure to do so is declared to be a nuisance.

(H) A building permit may be required for certain animal enclosures. No permit is required for an enclosure no larger than 4 ft by 4 ft by 8 ft without utilities. The building officer will make a determination for all other enclosures at the time of application. If a permit is required, the fee will be determined under the residential construction, accessory structures portion of the permit fee schedule (§ 501 of the Village Code, as amended).

(I) Using an extension cord to provide electrical service to the enclosure is prohibited.

(2) All persons wishing to keep domestic fowl within the village shall register with the building and zoning officer prior to their acquisition. Registration forms may be obtained from the village clerk. If a permit is required, registration forms will not be accepted until the enclosure has passed a final inspection by the building inspector.

(3) The registration form will include a statement that the property owner gives permission for the building and zoning officer, or agent, to access the rear yard of the residence periodically during business hours for the purpose of verifying compliance with this section.

(4) A fee of \$25 will be charged for registration.

(5) Violation of this section is punishable by a civil fine of not more than \$100 plus the costs and attorneys fees incurred by the village for any required hearing. Each day a violation continues constitutes a separate offense.

(6) Registration and permission to keep domestic fowl will be automatically revoked if three violations of this section occur with respect to the same property within any 12-month period. A further violation of this section after registration and permission have been revoked, is punishable by a fine of not more than \$750, plus the costs and attorneys fees incurred in the village for any required hearing. Each day such a violation continues constitutes a separate offense.

(7) Nothing in this section permits the keeping of domestic fowl when such activity is prohibited by private covenants, conditions, or restrictions governing the use of the property, or by rules, regulations, or orders of the Illinois Department of Public Health or the Kane County Health Department.

§ 2. Addition of § 2023(f)

The following is added as § 2032(f):

§ 2032(f). Keeping domestic livestock

(a) In this section—

(1) “large domestic livestock” means full and miniature horses, full and miniature donkeys, miniature cows (under 48 in. tall and less than 800 lbs), mules, alpacas, and llamas;

(2) “small domestic livestock” means potbelly pigs, sheep and goats;

(3) “other domestic livestock” means generally well-accepted domestic livestock permitted after a variation for their keeping has been granted by the village.

(b) Keeping large domestic livestock, small domestic livestock, and other domestic livestock is permitted as an accessory use in the E1, E2, and R1 districts on properties of at least four acres under the following conditions:

(1) No more than one domestic livestock animal of any kind is permitted for each full acre of the property. Newborn animals are not considered in the calculation until they are weaned.

(2) Slaughtering of livestock within the village, other than for humane reasons, is prohibited.

(3) Domestic livestock must be kept inside a suitable animal enclosure with access to a covered structure suitable for protection against predators and the elements.

(4) The enclosure and covered structure must be set back at least 30 ft from any lot line and at least 100 feet from any residence other than that of the owner, but not less than the minimum property line setback required for accessory structures in the zoning district.

(5) All enclosures and structures must be constructed and maintained in a neat and clean manner so as to be free of infestation by rodents or other vermin and odors and contaminated drainage detectable on any other property.

(6) Livestock must be maintained so as not to produce noise in excess of 55 dBA when measured from the closest outside wall of any occupied structure, other than that of the owner, between the hours of 10:00 PM and 7:00 AM. Failure to do so is declared to be a nuisance.

(7) A building permit may be required for certain animal enclosures and structures. The building officer will make a determination at the time of application. If a permit is required, the fee will be determined under the residential construction, accessory structures portion of the permit fee schedule (§ 501 of the Village Code, as amended).

(8) Using an extension cord to provide electrical service to the enclosure is prohibited.

(c) All persons wishing to keep domestic livestock within the village shall register with the building officer prior to their acquisition. Registration forms may be obtained from the village clerk. If a permit is required, registration forms will not be accepted until the enclosure has passed a final inspection by the building inspector.

(d) The registration form will include a statement that the property owner gives permission for the building officer, or agent, to access the enclosure and any accompanying structure periodically during business hours for the purpose of verifying compliance with this section.

(1) A fee of \$25 will be charged for registration.

(2) Violation of this section is punishable by a civil fine of not more than \$100 plus the costs and attorneys fees incurred by the village for any required hearing. Each day a violation continues constitutes a separate offense.

(3) Registration and permission to keep domestic livestock will be automatically revoked if three violations of this section occur with respect to the same property within any 12-month period. A further violation of this section after registration and permission have been revoked, is punishable by a fine of not more than \$750, plus the costs and attorneys fees incurred in the village for any required hearing. Each day such a violation continues constitutes a separate offense.

(4) Nothing in this ordinance permits the keeping of such animals when such activity is prohibited by private covenants, conditions, or restrictions governing the use of the property, or by rules, regulations, or orders of the Illinois Department of Public Health or the Kane County Health Department.

§ 3. Amendment of § 2003(b)

(a) The following is added as § 2003(b)(7) and the remaining paragraphs of §2003(b) are renumbered accordingly:

(7) *animal enclosure* means a a building or structure that may or may not be permanently affixed to the land, and is located on a lot on which a dwelling is located, and is built for the housing, support, enclosure, shelter or protection of animals for the private, noncommercial use of occupants of the dwelling.

(b) Section 2003(b)(159), the definition of "stable, private" is deleted and the remaining paragraphs are renumbered accordingly.

§ 4. Amendment of Table A

(a) The following is added to Table A:

Animal enclosure (see § 2032 for requirements in certain districts)	P	P	P								P
---	---	---	---	--	--	--	--	--	--	--	---

(b) Stable, private, along with its associated footnotes, are deleted from Table A:

§ 5. Effective Date

This ordinance is effective after its passage, approval and publication as provided by law.

Adopted by roll call vote on June 24, 2024:

[Signature page follows immediately.]



Trustee	Yes	No	Absent	Abstain
Anderson			✓	
Butler	✓			
Conn	✓			
Dell	✓			
Ormond	✓			
Parry			✓	
Diehl				
Totals	4	0	2	0

Approved June 24, 2024.



Kelly Diehl, Village President

Attested, Filed in my office, and published in pamphlet form on June 24, 2024.



Jesse Heffernan, Village Clerk