

**VILLAGE OF GILBERTS**

**ORDINANCE NO. 10-2021**

**AN ORDINANCE AMENDING THE VLLAGE'S UNIFIED DEVELOPMENT  
ORDINANCE REGARDING THE KEEPING OF LIVESTOCK**

**WHEREAS**, on January 7, 2014, the Village Board of the Village of Gilberts adopted the Gilberts Unified Development Ordinance ("**UDO**"), which sets forth the zoning and development standards and procedures for the Village; and

**WHEREAS**, the UDO currently allows the breeding, keeping, and grazing of livestock, poultry, and other farm animals in the A-1 Agricultural District on lots consisting of five or more acres, and only upon the issuance of a special use permit; and

**WHEREAS**, the UDO also allows the breeding, keeping, and grazing of livestock, poultry, and other farm animals in all other zoning districts upon the issuance of a special use permit; and

**WHEREAS**, the Village Board desires to limit the breeding, keeping, and grazing of livestock, poultry, and other farm animals outside of the A-1 Agricultural District; and

**WHEREAS**, the Village Board has proposed an amendment to the UDO that would prohibit the breeding, keeping, and grazing of livestock, poultry, and other farm animals in all zoning districts besides the A-1 Agricultural District ("**Amendment**"); and

**WHEREAS**, the Plan Commission conducted a public hearing, pursuant to notice published in accordance with Illinois state law, on the Amendment at its meeting held on May 12, 2021, at which time the Plan Commission recommended approval of the Amendment; and

**WHEREAS**, the Village Board of Trustees has considered the Plan Commission's recommendation, and has determined that it is in the best interests of the Village to approve the Amendment as set forth in this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GILBERTS, KANE COUNTY, ILLINOIS**, as follows:

**SECTION 1. RECITALS** The recitals set forth above are incorporated into Section 1 as set forth herein.

**SECTION 2. AMENDMENT TO SECTION 8-6 OF THE UDO.** Chapter 8, Section 8-6, entitled "Agricultural Uses (except in the Agriculture District)" is hereby amended as follows (deletions in ~~strikethrough~~, additions in **bold** and underline):

"8-6 Agricultural uses (except in the Agriculture District).

- A. *Applicability.* This Section 8-6 shall apply to agricultural uses in all zoning districts except for agricultural uses in the A-1 District which are subject to the regulations contained in Chapter 2 of this Code.
- B. *Existing Agricultural Uses, Buildings, and Facilities.* Agricultural uses, buildings, and facilities lawfully existing as of the effective date of this code are permitted in all zoning districts and allowed to continue, subject to the nonconformity regulations of chapter 10, ~~as well as the regulations contained in subsection C.~~
- C. *New Agricultural Uses, Buildings, and Facilities.* New agricultural uses, buildings, and facilities established after the effective date of this code are allowed as a special use in all zoning districts subject to issuance of a special use permit pursuant to this code and must comply with the regulations contained in this Section 8-6 ~~subsection C.~~

D. *Agricultural Regulations.*

1. Special Permitted Uses. The following agricultural uses may be permitted, subject to the issuance of a special use permit as provided in Section 11-11 of this code: ~~are permitted agricultural uses:~~

- a. Growing and cultivation of field and garden crops, trees, and forest products.
- b. ~~Breeding, keeping, and grazing of livestock, poultry, and other farm animals.~~
- be. Apiaries.
- cd. Trees and forest products.
- de. Greenhouses, wholesale.
- ef. Nurseries, wholesale.
- fg. Roadside farm stands selling products grown on or off the premises on which the stand is located.
- gh. Kennels.

2. ~~Special Uses.~~ ~~The following uses may be permitted, subject to the issuance of a special use permit as provided in Section 11-11 of this code:~~

- a. ~~Roadside farm stands selling products grown off the premises on which the stand is located.”~~

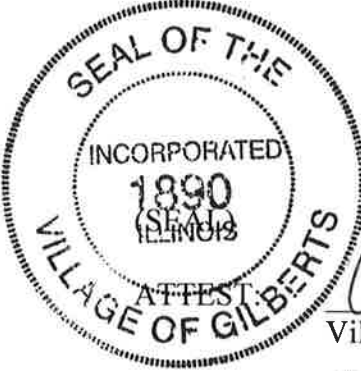
**SECTION 3. SEVERABILITY.** In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect. If any part of this Ordinance is found to be invalid in any one or more of its several applications, all valid applications shall remain in effect.

**SECTION 4. REPEAL AND SAVINGS CLAUSE.** All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however that nothing in this Ordinance shall affect any rights, actions, or causes of action which shall have accrued to the Village of Gilberts prior to the effective date of this Ordinance.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall only be effective upon the passage, approval, and publication in the manner required by law.

ADOPTED THIS 16 DAY OF May, 2021, pursuant to roll call vote as follows:

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Jeanne Allen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Dan Corbett	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Trustee Brandon Coats	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Lou Hacker	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Trustee Justin Redfield	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee David LeClerc	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
President Guy Zambetti	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



APPROVED THIS 16 DAY OF May, 2021

Guy Zambetti  
Village President, Guy Zambetti

Courtney Baker  
Village Clerk, Courtney Baker

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