

ORDINANCE NO. 18-003

AN ORDINANCE AMENDING SECTION 1181.06 OF THE CODIFIED ORDINANCES REGARDING KEEPING OF AGRICULTURAL ANIMALS IN NON-AGRICULTURAL DISTRICTS

WHEREAS, some residents of the City have inquired regarding the ability to keep chickens (hens) for purposes of harvesting eggs, in non-agricultural residential districts; and

WHEREAS, some residents have also inquired about the ability to keep other small fowl and small animals, such as rabbits, in non-agricultural residential districts; and

WHEREAS, some residents have also inquired regarding the ability to keep goats, in non-agricultural residential districts; and

WHEREAS, some residents have also inquired regarding the ability to keep bees, in non-agricultural residential districts; and

WHEREAS, having examined practices and procedures of several other municipalities that authorize and regulate such activities, the Council of the City of Canal Winchester has determined that such activities may be permitted if appropriate regulations are observed;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANAL WINCHESTER, OHIO:

SECTION 1. That Section 1181.06, Keeping of Horses, in the Planning and Zoning Code, shall hereby be amended to read as follows:

**Chapter 1181.06 Keeping of Agricultural Animals in Non-Agricultural Districts.**

**(a) Keeping of Horses and Goats.** Horses and goats may be kept in single family residential districts provided that:

- (1) Minimum Acres Required.** The minimum acreage on which horses or goats may be kept shall be five (5) acres.
- (2) Number Limited Based on Acreage Available.** There shall not be more than one (1) horse or four (4) goats per two and one-half (2.5) acres of land.
- (3) Only Mares or Geldings.** Only mares or geldings may be kept on lots less than ten (10) acres.
- (4) Prohibited Animals.** Nothing in this Section shall be construed or interpreted to permit the keeping of cattle, sheep, swine, or other agricultural animals, except as otherwise done in conformance with the Zoning Code.
- (5) Fencing Required.** Such land shall be fenced so as to securely confine said animals. Such fencing shall not be located closer to any public right-of-way or private street than the minimum setback in the district and shall not be located closer than eight (8) feet from any other property line.
- (6) No Storage of Manure.** No storage of manure or dust producing substances shall be permitted.
- (7) Control of Odors Required.** No odors may be detectable beyond the property on which such use exists.
- (8) Building Setback Requirements.** Any building used in connection with the keeping of horses or goats shall be located at least fifty (50) feet from any property line.
- (9.) Use Permit Required.** A use permit shall be issued by the Planning and Zoning Administrator to any applicant meeting the requirements of this section prior to the commencement of the keeping of horses or goats and shall include the following information:

- (A.) Address where the horses or goats will be kept;**
- (B.) Name of the owner;**

- (C.) Phone number for the owner;
- (D.) Email Address for the owner;
- (E.) A description of the type and number of animals to be kept;
- (F.) A diagram of the property, drawn to scale, showing the proposed location and configuration of the structures housing the horses or goats as well as the relation of these structures to adjacent properties;
- (G.) A diagram of the shelter;
- (H.) A description of the feed storage containers and its location;
- (I.) Written consent from the applicant, valid for the duration of the permit, for a representative of the City, or of the county health department, to enter the applicant's property for purposes of inspecting the premises for compliance with health, sanitation, and zoning laws and ordinances;
- (J.) Such other information as the Planning and Zoning Administrator determines is necessary to evaluate the suitability of the applicant or property.

**(b) Keeping of Chickens, Ducks, and Rabbits.** Chickens, Ducks, or Rabbits may be kept in single family residential districts provided that:

- (1) **Minimum Acres Required.** The minimum acreage on which chickens, ducks, and rabbits may be kept shall be one (1) acre.
- (2) **Number Limited Based on Acreage Available.** There shall not be more than six (6) chickens, ducks, or rabbits per one (1) acre of land.
- (3) **Prohibited Animals.** Nothing in this Section shall be construed or interpreted to permit the keeping of roosters, geese, peafowl, or turkeys, except as otherwise done in conformance with the Zoning Code.
  - (A) **No Commercial Use:** Chickens, ducks, or rabbits shall be kept only for the personal use of persons residing in the principal structure on the lot where the chickens, ducks, or rabbits are kept.
  - (B) This section does not permit the slaughter of chickens, ducks, or rabbits in residential districts of the City.
- (4) **Fencing Required.** Such land shall be fenced so as to securely confine said animals. Such fencing shall not be located closer to any public right-of-way or private street than the minimum setback in the district. Such fence shall be at least six (6) feet tall and opaque such that it screens the sheltering structure and animal area from view of adjacent properties and public right-of-way.
- (5) **No Storage of Manure.** No storage of manure or dust producing substances shall be permitted.
- (6) **Control of Odors Required.** No odors may be detectable beyond the property on which such use exists.
- (7) **Building Setback Requirements.** Any building used in connection with the keeping of chickens, ducks, or rabbits shall be located completely to the rear of the principal structure and shall be located to meet the rear and side yard setback requirements of the applicable residential zoning district. These structures shall not be located within a recorded easement.
- (8) **Use Permit Required.** A use permit shall be issued by the Planning and Zoning Administrator to any applicant meeting the requirements of this section prior to the commencement of the keeping of chickens, ducks, or rabbits and shall include the following information:
  - (A) Address where the chickens, ducks, or rabbits will be kept;
  - (B) Name of the owner;
  - (C) Phone number for the owner;

- (D) Email Address for the owner;
- (E) A description of the type and number of animals to be kept;
- (F) A diagram of the property, drawn to scale, showing the proposed location and configuration of the structures housing the chickens, ducks, or rabbits as well as the relation of these structures to adjacent properties;
- (G) A diagram of the proposed coop or shelter;
- (H) A description of the feed storage containers and their locations;
- (I) A certificate, transcript, or receipt showing that the applicant has completed a class on keeping backyard chickens, ducks, or rabbits from the Ohio State University Extension Office or other source approved by the Planning and Zoning Administrator;
- (J) If the applicant is a tenant on the property, written permission from the property owner;
- (K) Written consent from the applicant, valid for the duration of the permit, for a representative of the City, or of the county health department, to enter the applicant's property for purposes of inspecting the premises for compliance with health, sanitation, and zoning laws and ordinances;
- (L) Such other information as the Planning and Zoning Administrator determines is necessary to evaluate the suitability of the applicant or property.

**(c) Keeping of Bees.** Bees and associated bee hives may be kept in single family residential districts provided that:

- (1) **Minimum Acres Required.** The minimum acreage on which bees and associated bee hives may be kept shall be one (1) acre.
- (2) **Number.** There shall not be more than two (2) beehives per one (1) acres of land.
- (3) **Prohibitions.** No Africanized bees may be kept on a property under the regulations of this Section.
- (4) **Fencing and Shrubs.** A solid fence or dense hedge, known as a "flyway barrier," at least six (6) feet in height, shall be placed along the side of the beehive that contains the entrance to the hive, and shall be located within five (5) feet of the hive and shall extend at least two (2) feet on either side of the hive. No such flyway barrier shall be required if all beehives are located at least forty (40) feet from all property lines.
- (5) **Water Supply.** A supply of fresh water shall be maintained in a location readily accessible to all bee colonies on the site throughout the day to prevent bees from congregating at neighboring swimming pools or other sources of water on nearby properties.
- (6) **Building Setback Requirements.** No beehive shall be kept closer than twenty five (25) feet to any lot line and ten (10) feet to a dwelling or the permitted placement of a dwelling on another parcel, and no beehive shall be kept in a required front yard or side yard. The front of any beehive shall face away from the property line of the Residential property closest to the beehive.
- (7) **Use Permit Required.** A use permit shall be issued by the Planning and Zoning Administrator to any applicant meeting the requirements of this section prior to the commencement of the keeping of bees and shall include the following information:
  - (A) Address where the bees will be kept;
  - (B) Name of the owner;
  - (C) Phone number for the owner;
  - (D) Email Address for the owner;

- (E) A description of the type and number of hives to be kept;
- (F) A diagram of the property, drawn to scale, showing the proposed location and configuration of the structures housing the bees as well as the relation of these structures to adjacent properties;
- (G) A diagram of the proposed hive or shelter;
- (H) A description of the water source and their locations;
- (I) A certificate, transcript, or receipt showing that the applicant has registered all bee colonies with the Ohio Department of Agriculture. Keeper must maintain valid certification with the Ohio Department of Agriculture.
- (J) If the applicant is a tenant on the property, written permission from the property owner;
- (K) Written consent from the applicant, valid for the duration of the permit, for a representative of the City, or of the county health department, to enter the applicant's property for purposes of inspecting the premises for compliance with health, sanitation, and zoning laws and ordinances;
- (L) Such other information as the Planning and Zoning Administrator determines is necessary to evaluate the suitability of the applicant or property.

SECTION 2. The Council hereby determines that all deliberations and votes of a public body regarding this Ordinance were conducted in an open meeting in compliance with Section 121.22 of the Ohio Revised Code.

SECTION 3. This Ordinance shall take effect at the earliest date allowed by law.

DATE PASSED 3/5/18

  
 \_\_\_\_\_  
 PRESIDENT OF COUNCIL

ATTEST Amanda M Jackson  
 \_\_\_\_\_  
 CLERK OF COUNCIL

  
 \_\_\_\_\_  
 MAYOR

APPROVED AS TO FORM:

  
 \_\_\_\_\_  
 LEGAL COUNSEL

I hereby certify that the ordinance as set forth above was published for a period of not less than fifteen days after passage by the Council, by posting a copy thereof in not less than three (3) public places in the municipal corporation, as determined by Council and as set forth in the Canal Winchester Charter.

Amanda M Jackson  
 \_\_\_\_\_  
 FINANCE DIRECTOR/CLERK OF COUNCIL