

RESOLUTION Z2018-01

**RESOLUTION TO AMEND SECTIONS 62.14, 66.14, 70.14, 74.14, 78.14, AND 82.14
ACCESSORY BUILDINGS AND USES OF THE SYMMES TOWNSHIP ZONING
RESOLUTION AND DISPENSING WITH THE SECOND READING**

WHEREAS, the Board of Trustees of Symmes Township, Hamilton County, Ohio, administer their own zoning resolution and contract with Hamilton County Regional Planning to enforce the code; and

WHEREAS, the Board of Township Trustees have received requests from residents to change the sections in the Zoning Resolution that regulate the setbacks for chicken coops on lots less than five (5) acres in size; and

WHEREAS, the Symmes Township Administrator is recommending that the Trustees modify sections 62.14, 66.14, 70.14, 74.14, 78.14, and 82.14 Accessory Buildings and Uses for each residential district to include the language to allow for chicken coops as an accessory use and set regulations pertaining to the number of fowl, the enclosure, maintenance, confinement and slaughter of the coop and animals; and

WHEREAS, the Symmes Township Zoning Commission on December 20, 2017, held a public hearing and recommended approval of said Amendment with a positive recommendation by the Hamilton County Regional Planning Commission; and

WHEREAS, on January 9, 2018, the Board of Trustees of Symmes Township held a public hearing and reviewed said Amendment.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Symmes Township, Hamilton County, Ohio:

Section 1. That the Board of Trustees of Symmes Township of Hamilton County, Ohio hereby initiates the Text Amendment process to change Sections 62.14, 66.14, 70.14, 74.14, 78.14, and 82.14 Accessory Buildings and Uses to allow for suburban chickens as an accessory use in the residential zoning districts as the Board believes the Amendment is in keeping with good land use planning and is not in conflict with the best interest of the Township and the public at large.

Section 2. **SECTION 62.14-11** is recommended to be added as follows:

Suburban Chicken Standards:

- a. Purpose. The sole purpose of keeping Urban Chickens is for the farming of their eggs for the private consumption of the property owner and not to see the product. In no case shall any product

produced or made as a result of the keeping of urban chickens as provided in this section be offered for sale on any property zoned for residential use. Furthermore, these regulations are not meant to limit poultry husbandry uses as regulated by Section 53.1.

- b. Number of Fowl. The number of chickens shall be limited to ten (10) per household. Roosters are prohibited.
- c. Urban Chicken Enclosure. Any accessory building or enclosure (including fences) shall be located a minimum of twenty (20) feet from all property lines, shall be located within the rear yard, shall provide a minimum of 10 square feet in area per chicken with a maximum size of 100 square feet for the total enclosure area, and shall be a maximum of 6 feet in height at the highest point.
- d. Maintenance. Chickens and their enclosure shall be kept in neat, clean and sanitary condition free from offensive odors, excessive noise, or any other condition that would constitute a nuisance.
- e. Confinement. Chickens shall not be permitted to be outside the designated fenced enclosure and shall be closed up in their coop between the hours of 10 pm and 7 am.
- f. Slaughter. No chicken shall be slaughtered on property zoned for residential use; however, those chickens that die through some other means or are slaughtered off site may be cleaned and dressed on the property for consumption or disposal.

Section 3. SECTION 66.14-11 is recommended to be added as follows:

Suburban Chicken Standards:

- a. Purpose. The sole purpose of keeping Urban Chickens is for the farming of their eggs for the private consumption of the property owner and not to see the product. In no case shall any product produced or made as a result of the keeping of urban chickens as provided in this section be offered for sale on any property zoned for residential use. Furthermore, these regulations are not meant to limit poultry husbandry uses as regulated by Section 53.1.
- b. Number of Fowl. The number of chickens shall be limited to ten (10) per household. Roosters are prohibited.
- c. Urban Chicken Enclosure. Any accessory building or enclosure (including fences) shall be located a minimum of twenty (20) feet from all property lines, shall be located within the rear yard, shall provide a minimum of 10 square feet in area per chicken with a maximum size of 100 square feet for the total enclosure area, and shall be a maximum of 6 feet in height at the highest point.
- d. Maintenance. Chickens and their enclosure shall be kept in neat, clean and sanitary condition free from offensive odors, excessive noise, or any other condition that would constitute a nuisance.

- e. Confinement. Chickens shall not be permitted to be outside the designated fenced enclosure and shall be closed up in their coop between the hours of 10 pm and 7 am.
- f. Slaughter. No chicken shall be slaughtered on property zoned for residential use; however, those chickens that die through some other means or are slaughtered off site may be cleaned and dressed on the property for consumption or disposal.

Section 4. **SECTION 70.14-11** is recommended to be added as follows:

Suburban Chicken Standards:

- a. Purpose. The sole purpose of keeping Urban Chickens is for the farming of their eggs for the private consumption of the property owner and not to see the product. In no case shall any product produced or made as a result of the keeping of urban chickens as provided in this section be offered for sale on any property zoned for residential use. Furthermore, these regulations are not meant to limit poultry husbandry uses as regulated by Section 53.1.
- b. Number of Fowl. The number of chickens shall be limited to ten (10) per household. Roosters are prohibited.
- c. Urban Chicken Enclosure. Any accessory building or enclosure (including fences) shall be located a minimum of twenty (20) feet from all property lines, shall be located within the rear yard, shall provide a minimum of 10 square feet in area per chicken with a maximum size of 100 square feet for the total enclosure area, and shall be a maximum of 6 feet in height at the highest point.
- d. Maintenance. Chickens and their enclosure shall be kept in neat, clean and sanitary condition free from offensive odors, excessive noise, or any other condition that would constitute a nuisance.
- e. Confinement. Chickens shall not be permitted to be outside the designated fenced enclosure and shall be closed up in their coop between the hours of 10 pm and 7 am.
- f. Slaughter. No chicken shall be slaughtered on property zoned for residential use; however, those chickens that die through some other means or are slaughtered off site may be cleaned and dressed on the property for consumption or disposal.

Section 5. **SECTION 74.14-11** is recommended to be added as follows:

Suburban Chicken Standards:

- a. Purpose. The sole purpose of keeping Urban Chickens is for the farming of their eggs for the private consumption of the property owner and not to see the product. In no case shall any product produced or made as a result of the keeping of urban chickens as provided in this section be offered for sale on any property zoned for

- residential use. Furthermore, these regulations are not meant to limit poultry husbandry uses as regulated by Section 53.1.
- b. Number of Fowl. The number of chickens shall be limited to ten (10) per household. Roosters are prohibited.
 - c. Urban Chicken Enclosure. Any accessory building or enclosure (including fences) shall be located a minimum of twenty (20) feet from all property lines, shall be located within the rear yard, shall provide a minimum of 10 square feet in area per chicken with a maximum size of 100 square feet for the total enclosure area, and shall be a maximum of 6 feet in height at the highest point.
 - d. Maintenance. Chickens and their enclosure shall be kept in neat, clean and sanitary condition free from offensive odors, excessive noise, or any other condition that would constitute a nuisance.
 - e. Confinement. Chickens shall not be permitted to be outside the designated fenced enclosure and shall be closed up in their coop between the hours of 10 pm and 7 am.
 - f. Slaughter. No chicken shall be slaughtered on property zoned for residential use; however, those chickens that die through some other means or are slaughtered off site may be cleaned and dressed on the property for consumption or disposal.

Section 6.

SECTION 78.14-11 is recommended to be added as follows:

Suburban Chicken Standards:

- a. Purpose. The sole purpose of keeping Urban Chickens is for the farming of their eggs for the private consumption of the property owner and not to see the product. In no case shall any product produced or made as a result of the keeping of urban chickens as provided in this section be offered for sale on any property zoned for residential use. Furthermore, these regulations are not meant to limit poultry husbandry uses as regulated by Section 53.1
- b. Number of Fowl. The number of chickens shall be limited to ten (10) per household. Roosters are prohibited.
- c. Urban Chicken Enclosure. Any accessory building or enclosure (including fences) shall be located a minimum of twenty (20) feet from all property lines, shall be located within the rear yard, shall provide a minimum of 10 square feet in area per chicken with a maximum size of 100 square feet for the total enclosure area, and shall be a maximum of 6 feet in height at the highest point.
- d. Maintenance. Chickens and their enclosure shall be kept in neat, clean and sanitary condition free from offensive odors, excessive noise, or any other condition that would constitute a nuisance.
- e. Confinement. Chickens shall not be permitted to be outside the designated fenced enclosure and shall be closed up in their coop between the hours of 10 pm and 7 am.

- f. Slaughter. No chicken shall be slaughtered on property zoned for residential use; however, those chickens that die through some other means or are slaughtered off site may be cleaned and dressed on the property for consumption or disposal.

Section 7. SECTION 82.14-11 is recommended to be added as follows:

Suburban Chicken Standards:

- a. Purpose. The sole purpose of keeping Urban Chickens is for the farming of their eggs for the private consumption of the property owner and not to see the product. In no case shall any product produced or made as a result of the keeping of urban chickens as provided in this section be offered for sale on any property zoned for residential use. Furthermore, these regulations are not meant to limit poultry husbandry uses as regulated by Section 53.1.
- b. Number of Fowl. The number of chickens shall be limited to ten (10) per household. Roosters are prohibited.
- c. Urban Chicken Enclosure. Any accessory building or enclosure (including fences) shall be located a minimum of twenty (20) feet from all property lines, shall be located within the rear yard, shall provide a minimum of 10 square feet in area per chicken with a maximum size of 100 square feet for the total enclosure area, and shall be a maximum of 6 feet in height at the highest point.
- d. Maintenance. Chickens and their enclosure shall be kept in neat, clean and sanitary condition free from offensive odors, excessive noise, or any other condition that would constitute a nuisance.
- e. Confinement. Chickens shall not be permitted to be outside the designated fenced enclosure and shall be closed up in their coop between the hours of 10 pm and 7 am.
- f. Slaughter. No chicken shall be slaughtered on property zoned for residential use; however, those chickens that die through some other means or are slaughtered off site may be cleaned and dressed on the property for consumption or disposal.

Section 8. The Board hereby certifies that all formal actions of the Board of Trustees of Symmes Township, Hamilton County, Ohio relating to the adoption of this Resolution were taken in an open meeting of the Board and that all deliberations of the Board were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 9. Upon majority vote does hereby dispense with the requirement that this Resolution be read on two separate days and hereby authorizes the adoption of this Resolution upon its first reading.

Section 10. This Resolution shall take effect and be enforced from and after the earliest period allowed by law.

ADOPTED JANUARY 9, 2018 – RESOLUTION G2018-01

Vote Record: Mr. Bryant _____ Mr. Beck _____ Ms. Leis _____

BOARD OF TRUSTEES:

Kenneth N. Bryant, President

Philip J. Beck, Vice-President

Jodie L. Leis, Trustee

ATTEST:

Carol A. Sims, Fiscal Officer

APPROVED AS TO FORM:

Kevin C. McDonough, Law Director