



Planning Commission
Zoning Text Amendment
Keeping of Domestic Animals & Chickens
Bath Township

Item No.: 2
Meeting: July 27, 2017
Applicant: Bath Township Zoning Commission
Proposal: Section 701-D(11) Keeping of Domestic Animals (Except Chickens) & 701-D(12) Keeping of Chickens
Processor: Stephen Knittel

Proposal: The Bath Township Zoning Commission proposes to revise Sections 701-D(11) Keeping of Domestic Animals (Except Chickens) & 701-D(12) Keeping of Chickens. Current zoning text does not have a separate section regarding the keeping of chickens, with the rise in popularity of keeping chickens a separate section of code to further regulate this increased use is desired.

Proposed Text Amendments: Text that is ~~struck~~ through is text proposed for deletion, new proposed text is underlined.

Sec. 701-D(11)

(1) Keeping of Domestic Animals (Except Chickens)

The keeping of domestic animals may be permitted with standards when compliant with the following regulations and any other applicable sections of this resolution:

- (A)** Domestic animals shall not be harbored on any lands in the R-3 and R-4 Residential Districts.
- (B)** Domestic animals, with the exception of goats, shall not be kept on any lot with an area less than two acres.
- (C)** There shall be a maximum of two domestic animals permitted on any lot with two acres of lot area. One additional domestic animal may be permitted for each additional one-half acre of land over two acres.
- (D)** There shall be a maximum of two goats permitted on any lot with 1 acre of lot area. One additional goat may be permitted of each additional one-half acre of land over the one acre.

- (E) The keeping of domestic animals shall only be for the ~~enjoyment~~ personal use of the property owner or lessee thereof and their respective family, without the payment of any fee.
- (F) Riding academies and the keeping, training, and otherwise harboring of domestic animals for a fee, shall be permitted in business zoning districts only.
- (G) The animals shall be properly housed in structures that are maintained in sanitary conditions.
- (H) The keeping of exotic animals is prohibited.
- (I) At a minimum, all permitted animals shall be confined within the building setback lines of the premises. Fences and other similar structures shall conform to Section 801: Fencing, Walls, Hedges, and Similar Structures.
- (J) Keeping of pigs, hogs, or mink, whether harbored for agricultural or any other purpose, is prohibited except when the building, yards, and all other confinements for said animals are set back a minimum of 300 feet from any building used for human habitation or occupancy, other than the residence of the owner, manager, or caretaker of these animals, and at least 100 feet from all lot lines, reservoirs, public ways, streets, or roads. Keeping of horses, fowl, and other animals, except pigs, hogs, and mink, whether harbored for agricultural or any other purpose, is permitted only when the building, yards, and all other confinements for said animals are set back a minimum of 100 feet from any building used for human habitation or occupancy, other than the residence of the owner, manager, or caretaker of these animals.
- (K) A nuisance shall be defined as loud and frequent or habitual sounds from livestock that causes serious annoyance or disturbance to other persons.
- (L) In no instance shall the keeping of any animal be allowed to become ~~public or private~~ a nuisance or present a health concern.
- (M)
All buildings and structures, except fencing, associated with an agricultural use on lots larger than one acre in area but smaller than five acres shall be set back a minimum of 100 feet from any residential dwelling unit and 50 feet from all lot lines. No building shall exceed the height of the principal building.

Sec. 701-D(12)

(2) Keeping of Chickens

The keeping of chicken may be permitted with standards when compliant with the following regulations and any other applicable sections of this resolution:

(A)

Chickens shall not be harbored on any lands in the R-4 Residential District.

- (B) The number of chickens per household shall be limited to the following:
- Under 1/3 acre – 0 chickens
 - 1/3 acre to 1/2 acre – 3 chickens
 - 1/2 acre to 1 acre – 5 chickens
 - 1 acre to 5 acres – 10 chickens
- (C) The keeping of roosters is prohibited in all zoning districts.
- (D) The keeping of chickens shall only be for the personal use of the property owner or lessee thereof and their respective family, without the payment of any fee.
- (E) The chicken coop shall be considered an accessory structure and the chicken coop and all associated structures (i.e. enclosure, hutch, pen, and run) shall be located in the rear yard. All coops and associated structures related with the keeping of chicken on lots shall be setback a minimum of 50' from side and rear property lines. No coop and associated structures shall exceed the height of the principle building.
- (F) All coops and associated structures shall be screened from neighboring properties and the road rights of way by either landscaping or fencing that conforms to Section 801: Fencing, Walls, Hedges, and Similar Structures.
- (G) The chickens shall be properly housed in structures that are maintained in safe and sanitary conditions.
- (H) Chicken manure and other refuse shall be removed from the coop and associated structures and shall be properly and lawfully disposed or composted no less than once per week.
- (I) A nuisance shall be defined as loud and frequent or habitual sounds or noxious odors from livestock that causes serious annoyance or disturbance to other persons.
- (J) All coops and associated structures shall be maintained in an orderly fashion. In no instance shall the keeping of chicken be allowed to become a nuisance or present a health concern.
- (K) If the keeping of chickens and the associated structures or activities are deemed to be a nuisance the responsible party shall be subject to Article 15: Enforcement and Penalties of the Zoning Resolution.

*Add to TABLE 701-1: PERMITTED ACCESSORY USE TABLE

Discussion: In general, the text amendments as proposed seem appropriate, their regulations match others throughout the state when chickens are regulated separately from other domestic animals. Below is an example of the City of Cleveland Heights Zoning Code in regards to chickens, they currently allow for administrative conditional approval. The City of Cleveland Heights also includes language stating the

coops/structures should match the neighborhood aesthetics and prohibits the slaughtering of chickens. The City of Toledo allows for the slaughtering of chickens, but requires that outdoor slaughtering happen out of line of vision of any neighboring properties.

City of Cleveland Heights Zoning Code:

A Conditional Use Permit is required to keep egg-laying hens in Cleveland Heights. If approved for a Conditional Use Permit, to keep chickens, the following rules and standards will apply please call 216.291.4878 to learn about the approval process.

Code section 1153.05 (gg) Chicken Coops and Chicken Runs.

1. Chicken coops and runs may be conditionally permitted in the AA, A, and B residential districts by the Zoning Administrator provided the standards listed in this subsection are met:
 - A. A maximum of four (4) chickens may be kept on the property.
 - B. No commercial activity will result from the keeping of chickens on the property.
 - C. Roosters are not permitted.
 - D. Chicken coops and runs shall be allowed in the rear yard only.
 - E. Chicken coops and runs shall be located a minimum of ten (10) feet away from the house and ten (10) feet from an adjacent lot. At all times, chickens shall be contained within the coop and/or run.
 - F. The facility shall be kept in good repair, maintained in a clean and in a sanitary condition, and free of vermin, obnoxious smells and substances. The facility will not create a nuisance or disturb neighboring residents due to noise, odor, damage or threats to public health.
 - G. The chicken coop and run shall be designed to ensure the health and well-being of the animal is not endangered by the manner of keeping or confinement and to protect the chickens from animals and to prevent unauthorized access to the chickens by general members of the public.
 - H. The chicken coop and run shall be adequately lighted and ventilated.
 - I. The coop and run enclosures shall be of uniform and sturdy design and shall be constructed and maintained in good condition to protect the safety of the chickens and the aesthetics of the neighborhood.
 - J. Chicken coop and run fencing material shall be securely fastened to posts of reasonable strength firmly set into the ground and, if used, chicken wire or other woven wire shall be stretched tightly between support posts.
 - K. No storage of chicken manure shall be permitted within twenty (20) feet of the property line.
 - L. Chickens shall be kept in coops from dusk to dawn.
 - M. Slaughtering of the chickens is prohibited.
2. Zoning Administrator shall verify general compliance with City Codes before issuing conditional use permit.
3. Written notice of approved conditional use permits shall be mailed by the Zoning Administrator by first class mail to adjoining properties to the attention of the owners of such properties. Said notice shall reference this Subsection and provide contact information for any questions or complaints relating to the approved use.

4. Unresolved complaints concerning the above listed conditions shall be sent by the Zoning Administrator to be heard by the Planning Commission who shall have the power to revoke, modify, or affirm the conditional use permit.

Toledo Municipal Zoning Code

Toledo Municipal Code Section 1705.11- Keeping of Chickens

If the following are met, no permit from the Health Department is required.

- (a) Number. No more than 6 hens shall be allowed for each single-family dwelling.
- (b) Setbacks. Coops or cages housing chickens shall be kept at least 25 feet from the door or window of any dwelling or occupied structure other than the owner's dwelling. Coops and cages shall not be located within 5 feet of a side-yard lot line, nor within 18-inches of a rear-yard lot line. Coops and cages shall not be located in the front yard.
- (c) Enclosure. Hens shall be provided with a covered, predator-proof coop or cage that is well-ventilated and designed to be easily accessed for cleaning. The coop shall allow at least 1sq foot per hen. Hens shall have access to an outdoor enclosure that is adequately fenced to contain the birds on the property.
- (d) Sanitation. The coop and outdoor enclosure must be kept in a sanitary condition and free from offensive odors. The coop and outdoor enclosure must be cleaned on a regular basis to prevent accumulation of waste.
- (e) Slaughtering. There shall be no outdoor slaughtering in the line of vision of any neighboring properties.
- (f) Roosters. It is unlawful for any person to keep roosters.

Staff Comments: Bath Township may wish to include language regulating the slaughtering of domestic animals and chickens. Staff research found that there are two approaches commonly used for regulating the slaughtering of chickens: the first and most common is prohibiting slaughter all-together, the second is allowing it as long as it is out of sight from neighboring properties.

Should the Township wish to prohibit slaughtering onsite consider including additional language such as:

- *Slaughtering of the chickens onsite is prohibited.*

Should the Township wish to allow slaughtering onsite consider including additional language such as:

- *There shall be no outdoor slaughtering in the line of vision of any neighboring properties.*
- *No onsite slaughtering of chickens not raised onsite.*
- *Chickens slaughtered shall not be sold.*

Recommendation: Staff recommends to the Summit County Planning Commission that the proposed text amendments be **APPROVED with due consideration to staff comments.**

Summit County Planning Commission Action:

SCPC Member	Present	Motion	Second	Yea	Nay	Abstain
Beckham, George						
Corbett, Becky						
Humphrys, Helen						
Kline, David						
Wilhite, Jeff						
Mavrides, Allen						
Snell, Rose Mary						
Segedy, Jason						
Stoiber, Dennis						
Terry, Robert						
Walters, Elizabeth						

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BATH TOWNSHIP

Summit County, Ohio

August 25, 2017

West Side Leader – Diane:

Please run the following legal advertisement, for one day only, on Thursday, August 31, 2017.

“Notice of Public Hearing”

Notice is hereby given that the Bath Township Zoning Commission will hold a Public Hearing on Thursday, September 14, 2017, at 7:00 p.m. in the Bath Township Administrative Offices, 3864 West Bath Road, Bath, Ohio for Case No. ZC-17-02: Bath Township Zoning Commission, requesting to review the proposed amendment to Article 7, Section 701-D-12 of the Bath Township Zoning Resolution.

Wm J. Funk Jr.

William J. Funk Jr.
Zoning Inspector/Administrator

Send invoice and affidavit of publication to: Bath Township Zoning, c/o William Funk, Zoning Administrator/Zoning Inspector, 3864 W. Bath Road, Akron, OH 44333



**ILENE
SHAPIRO**
COUNTY EXECUTIVE

September 14, 2017

Bill Funk
Zoning Administrator
Bath Township Zoning
3864 W. Bath Road
Re: Keeping of Domestic Animals & Keeping of Chickens

Dear Mr. Funk:

The purpose of a review by a County or Regional Planning Commission, of proposed Township zoning text amendment as required by Section 519.12 of the Ohio Revised Code, is to assist the Township Zoning Commission by providing it with recommendations based on expert opinion, and/or planning and development considerations that often extend beyond township boundaries and which might not be obvious from the local point of view. It is not the function or the intent of the County of Summit Planning Commission to dictate local policies or to regulate the decisions of local governing bodies. It is in the spirit of assistance and advice that the Summit County Planning Commission will consider the proposed zoning text amendment that was submitted for review.

The Summit County Planning Commission took action at its last meeting held on August 24, 2017. The actions concerned The Bath Township Zoning Commission proposal to revise Sections 701-D(11) Keeping of Domestic Animals (Except Chickens) & 701-D(12) Keeping of Chickens. Current zoning text does not have a separate section regarding the keeping of chickens, with the rise in popularity of keeping chickens a separate section of code to further regulate this increased use is desired.

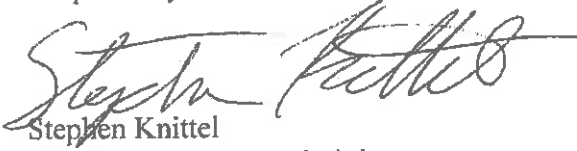
RECOMMENDATION: Staff recommended to the County of Summit Planning Commission that the requested text amendment be **APPROVED with due consideration to staff comments.**

ACTION: After proper review and due consideration, the Summit County Planning Commission recommended that the proposed text amendment, be **APPROVED with due consideration to staff comments.**

In order to keep our records current, the Department of Community and Economic Development, Planning Division requests that a copy of the proposed amendments be sent to this office, if and when they are approved by the Township Trustees.



Respectfully submitted,



Stephen Knittel

Land Development Administrator

County of Summit Department of Community and Economic Development

Cc: Allen Mavrides

Dennis Tubbs

File

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BATH TOWNSHIP

Summit County, Ohio



September 22, 2017

Bath Township Trustees
3864 W. Bath Road
Akron, OH 44333

Dear Bath Township Trustees,

The Bath Township Zoning Commission held a public hearing on Thursday, September 14, 2017 for case ZC 17-02 for a proposed Zoning Resolution amendment: Article 7, Section 701-D-11 regarding the "Keeping of Domestic Animals" and the "Keeping of Chickens". At the public hearing the proposed Zoning Resolution Amendment was presented to the Commission followed by a period for public comment. The Summit County Planning Commission reviewed the proposed amendment on Thursday, August 24, 2017 and recommended approval, with due consideration to staff comments.

On Thursday September 14, 2017 the hearing was adjourned with a four to zero vote to approve the proposed Zoning Resolution amendment.

Sincerely,

A handwritten signature in black ink, appearing to read "R. J. Bradner", written over a horizontal line.

Richard J. Bradner
Bath Township Zoning Commission Chairman

Attachments:
SCPC Comments/Recommendation



BATH TOWNSHIP

Summit County, Ohio

October 2, 2017

West Side Leader

Please run the following legal advertisement in your weekly newspaper scheduled for Thursday, October 5th, 2017.

**Bath Township
Board of Trustees
Public Hearing
Case No. ZC 17-02**

Notice is hereby given that the Bath Township Board of Trustees will hold a Public Hearing at the Bath Township Administrative Offices, 3864 W. Bath Road, Bath, Ohio on Monday, October 16th, 2017 at 4:30 PM for Case No. ZC-17-02: Bath Township Zoning Commission, requesting to review the proposed amendment to Article 7, Section 701-D-11 and Section 701-D-12 of the Bath Township Zoning Resolution regarding the "Keeping of Domestic Animals" and the "Keeping of Chickens".

Sincerely,

Hannah Krumheuer
Executive Assistant

cc: Zoning Commission
Bath Township Board of Trustees
File