

ORDINANCE NO. 23-3700

ORDINANCE ESTABLISHING §153.309 SUPPLEMENTING THE SILVERTON ZONING CODE TO ALLOW CHICKENS FOR PERSONAL OR HOUSEHOLD USE IN THE R-1 SINGLE FAMILY HOME AND R-2 MULTI-FAMILY HOME RESIDENTIAL DISTRICTS

WHEREAS, the Village of Silverton regulates land use through the Zoning Code, which includes regulating types of land uses allowed in different established zoning districts inside the corporate limits of Silverton; and

WHEREAS, Village Council adopted Resolution No. 22-867 on November 17, 2022, referring a zoning text amendment to the Planning Commission that would allow residents in the R-1 Single Family Residential and R-2 Multi-Family Residential districts to keep chickens for personal and household use under certain guidelines; and

WHEREAS, the Planning Commission conducted a public hearing on a proposed amendment to the Zoning Code to residents in the R-1 Single Family Residential and R-2 Multi-Family Residential districts to keep chickens for personal and household use. The Planning Commission's public hearing was held on December 8, 2022; and

WHEREAS, the Planning Commission recommended to Village Council on December 8, 2022 that residents in the R-1 Single Family Residential and R-2 Multi-Family Residential districts be permitted to keep chickens for personal and household use subject to the regulations set forth in the proposed text amendment, including reducing the set-backs proposed in Resolution 22-867; and

WHEREAS, Village Council conducted a public hearing on the Planning Commission's recommendation on January 5, 2023.

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Silverton, Ohio, that:

SECTION I. To add a section: "Section 153.309 of the Municipal Code of Ordinances, which is to be added to and amends the Municipal Code of Ordinances, reads as follows:

§153.309 CHICKENS

(A) Notwithstanding other provisions in the Village Code of Ordinances, after obtaining the required permit, chickens may be kept within the Village in any residential district subject to the following rules and conditions.

(B) For purposes of this section, chickens are not deemed to be "farm animals" as defined in the Village Code of Ordinances so long as said chickens are kept, raised, or used in any manner related to a personal or household use, such as for personal consumption, education, or to maintain such animals as pets. Chickens may not be

kept, raised or used for commercial purposes, including but not limited to the sale of chickens or eggs or to convey the same for profit, in which case such chickens are deemed to be “farm animals” as defined in this Code.

(C) *Restrictions.*

(1) Each household in the Village may keep up to six (6) chickens on the premises at any one time.

(2) Only female chickens, aka hens, may be kept in the Village. Males, aka roosters, are not allowed at any time.

(3) No chickens may be slaughtered on any residential property in the Village.

(4) Chicken feed must be kept in a rodent and predator-proof container.

(D) *Habitat.*

(1) Chickens may only be maintained outdoors in a predator-proof chicken house, coop, or other structure that is thoroughly ventilated, of sufficient size to permit free movement of the animals, designed to be easily accessed, cleaned, and maintained by the owner, and at least two square feet in size for each chicken.

(2) All such structures are herein defined as “habitat” or “habitat structure” and shall be considered as accessory structures as defined elsewhere in this Code. A zoning permit is required for this and all other accessory structures. All such structures shall comply with the provisions set forth in § 153.221, including but not limited to a 10-foot setback from adjoining side yard property lines and a 5-foot setback from rear property lines in R-1 and R-2 Residential Districts.

(3) In addition to the other conditions and restrictions applicable to accessory structures, at least 50% of any structure housing chickens must be appropriately screened from the street and abutting properties by either a fence, wall, or landscaping as permitted in the Village to provide reasonable and appropriate cover to reduce, lessen, or obscure the visual impact of the structure. Such screening shall be evenly spaced around the structure as appropriate.

(4) Chickens shall be enclosed within the habitat structure at night from sunset to sunrise. If chickens are allowed by the owner to be outside of the structure from sunrise to sunset, the chickens must be contained within an area that is fenced or surrounded by other barriers (“containment area”) so as to prevent access to the chickens by dogs or other predators, and to prevent chickens from traveling outside of the containment area. Fencing may not exceed six feet in height and must be constructed of fencing liner or mesh and shall not be visible from the street.

(5) All areas in and around the chicken habitat structure must be maintained in a clean, safe, sanitary and orderly manner for the health and welfare of the chickens as well as all other animals and persons. No part of the structure or surrounding area shall constitute a nuisance. In addition to the provisions and remedies set forth in the Property Maintenance Code, no person shall allow the chickens or the habitat to be a nuisance, including but not limited to allowing noxious odors or any noise of a loud or persistent and habitual nature.

(E) *Permits.*

(1) No person shall keep a chicken on property within the Village without a permit issued by the Village. There is no fee for the permit. The Village Manager has the authority to consider all such permit applications as well as revocations of any such permit. Applications for a permit shall be made in writing and submitted to the Manager. A decision on a permit application shall be made by the Manager within 15 business days of receipt, excluding weekends and holidays. If a permit application is denied, or if a permit is revoked, the property owner may appeal the Manager's decision to the Board of Zoning Appeals within twenty (20) days of the date the Manager's written decision is issued. If a permit is revoked, the property owner may continue to maintain chickens on the subject property pending an appeal and decision by the Board of Zoning Appeals unless the revocation is due in whole or part to a nuisance, in which event such nuisance must be remedied as directed by the Manager whether or not the revocation is appealed.

(2) Any person submitting an application for a permit under this section shall consent to an inspection by the Village of the property where the chicken(s) will be kept.

(3) If the Manager becomes aware of a possible violation of this section on property subject to a permit under this section, the Manager shall be permitted to inspect the property at any reasonable time after written notice to the occupants of the subject property to determine whether or not a violation exists. If the Manager determines that a violation of the Village Code of Ordinances exists, the property owner shall be notified to bring the property into compliance within a reasonable amount of time as determined by the Manager. If the property is not brought into compliance within the time to remedy a violation, the permit shall be automatically revoked.

(F) The Village Manager may designate any employee or agent of the Village to perform any of the duties of the Manager, or exercise the authority of the Manager, as prescribed by this section.


(G) *Penalty.* Whoever violates this section is guilty of a minor misdemeanor. Each day the violation exists constitutes a separate violation.

SECTION IV. This Ordinance shall take effect and be in force from and after its passage and approval at the earliest time provided by law.

First reading this 5th day of January, 2023.

Second reading this 2nd day of Feb, 2023.

PASSED this 2nd day of Feb, 2023.



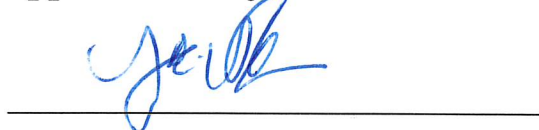
John A. Smith, Mayor

ATTEST:



Jack Cameron, Village Manager

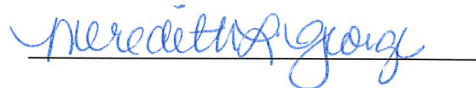
Approved as to form:



Bryan E. Pacheco, Village Solicitor

CERTIFICATION:

I, Meredith L. George, Clerk of Council of the Village of Silverton, County of Hamilton, State of Ohio; do hereby certify that there is no newspaper published in said municipality and that publication of the foregoing Ordinance No. 23-3700 has been duly made by posting true copies in two (2) places that are accessible by the public in said municipality, as determined by Council as follows: 1) Silverton Town Hall lobby area and Council Chambers foyer; and 2) Silverton's official website. Said posting was for a period of fifteen days commencing Feb 3, 2023.



**Meredith L. George
Clerk of Council of Silverton, Ohio**