

RECORD OF ORDINANCE

Date Presented 6/27/2023

Sponsor Councilmember Greene Ordinance No. 28-23 Date Passed July 25, 2023

AN ORDINANCE ALLOWING AND REGULATING THE HOUSING OF ANIMALS, USUALLY RESTRICTED TO THE RURAL RESIDENTIAL DISTRICT, IN OTHER ZONING DISTRICTS WITHIN THE VILLAGE OF LITHOPOLIS;

Whereas, Council desires to establish a process to permit the keeping of farm animals in a manner that prevents nuisances to occupants of nearby properties and prevents conditions that are unsanitary or unsafe.; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF LITHOPOLIS, FAIRFIELD COUNTY, STATE OF OHIO;

Section 1. Chickens, Ducks, Rabbits, and Similar Animals. The keeping of chickens, ducks, rabbits and similar farm animals, and cages, coops, and enclosures for the keeping of such animals, shall be governed by the following regulations.

(A) In Residential Districts, the following regulations shall apply:

1. Number. No more than one such animal shall be kept on a parcel of land for each 1700 square feet of parcel or lot area. For a standard residential lot of 10000 square feet, this regulation would permit no more than a total of six (6) such animals.

2. Setbacks. The coops or cages housing such animals may not be located in front yard or side yard areas. Cages, coops, or other habitations shall be located to comply with the required rear yard setbacks of the parcel according to the development standards. No animals shall be kept in front yard and/or side yards.

3. Prohibitions. No roosters, geese, pea fowl or turkeys may be kept in a Residential District except on a parcel that is at least one (1) acre in area and only if the coop or cage housing the bird(s) is at least one hundred (100) feet from all property lines. For parcels greater than one (1) acre in area, one (1) additional such bird may be kept for each 24,000 square feet in excess of one (1) acre.

4. Coops and Cages. All animals shall be provided with a covered, predator-proof coop or cage or other shelter that is thoroughly ventilated, designed to be easily accessed, maintained, and cleaned, and of sufficient size to permit free movement of the animals, exclusive of areas used for storage of materials or vehicles. The total area of all coops or cages on a lot shall not be greater than twenty-five (25) square feet for up to six (6) animals. Coops and cages, singly or in combination, shall not exceed fifteen (15) feet in height.

5. Enclosures and Fences. Chickens and other birds shall have access to an outdoor enclosure adequately fenced or otherwise bounded to contain the birds on the property and to prevent access by dogs and other predators and providing at least ten (10) square feet of area for each bird.

6. Accessory Structures - Compliance with development standards.

(A) Enclosures, coops and cages that are easily portable by one or two persons without use of machine and without disassembly and that do not require a foundation are considered temporary and portable are exempt from the provisions of the Accessory Uses and Structures section of the Zoning Code.

(B) Enclosure, coops and cages not meeting the criteria specified under section (A) above are considered permanent and shall comply with the provisions of the Lithopolis Zoning Code Accessory Uses and Structures.

(B) In zoning districts other than Residential Districts, all Regulations applicable in Residential Districts shall apply.

Section 2. This ordinance only applies to Residential areas not covered by a Home Owners Association and not in the R1 Rural Residential District.

Section 3. Complaints concerning sanitary, cleanliness, or animals at large conditions shall be made to the Village Administrator, who shall investigate the complaint and make a referral to Council to allow the use to continue, to continue with modifications or to terminate the use.

Section 4. Council shall make a determination based on the Village Administrator's report and make notifications of their decision within 30 days and if the decision is to modify or terminate the use give no less than fourteen (14) days for the action to take place.

Section 5. The Village reserves the right to take all legal action necessary to enforce the ruling by Council.

Section 6. This ordinance shall go into effect at the earliest date provided by law.

Attest/Date: Janita Flowers
Clerk

Signed/Date [Signature]
Mayor 7/25/23

Approved as to form: [Signature]
Jon M. Browning

First Reading 6/27/23 Second Reading

July 7, 2023

Revised Second Reading _____ Third Reading

July 25, 2023

VOTE FOR 6 AGAINST 0