

ORDINANCE NO.: 2012-3
SPONSOR: MAYOR NORTON
INTRODUCED: APRIL 10, 2012

PLANNING
ASSIGNED TO: _____

AN ORDINANCE AMENDING SECTION 1226.02(2) OF GREEN'S CODIFIED ORDINANCES TO REDUCE THE MINIMUM SIZE OF A LOT FOR RAISING CHICKEN HENS FROM FIVE (5) ACRES TO TWO (2) ACRES.

WHEREAS, pursuant to requests made by several citizens, the City of Green Planning Department proposed an amendment to Section 1226.02 of the Land Development Code to reduce the minimum size of a lot needed for raising chicken hens from five (5) acres to two (2) acres; and

WHEREAS, at the Meeting of the Planning and Zoning Commission on March 21, 2012, the Planning and Zoning Commission voted 5-0 to make a favorable recommendation of the proposed amendment to City Council; and

WHEREAS, City Council is required to conduct a public hearing on the proposed amendment to Section 1226.02 of the Land Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GREEN, COUNTY OF SUMMIT AND STATE OF OHIO, THAT:

SECTION ONE:

Green City Council amends Section 1226.02(2) of the Land Development Code to read as follows:

(2) **Agricultural Uses - Animal Husbandry and Keeping of Livestock.** A lot may be used for agricultural purposes in accordance with the following regulations:

(A) The minimum area of a lot for animal and poultry husbandry shall be five acres. **THE MINIMUM LOT AREA FOR RAISING CHICKEN HENS SHALL BE TWO (2) ACRES.**

(B) Apiculture, horticulture, floriculture, and viticulture shall be permitted on any size lot, however, buildings and structures accessory to an agricultural use shall be on a lot with a minimum area of five acres.

(C) Dwellings shall conform to the minimum site development requirements for the applicable zoning district.

(D) All structures used for keeping of farm animals, fowl, fur-bearing animals, horses, and/or ponies shall be set back a minimum of twenty feet from the property line.

(E) Fenced enclosures for the keeping of farm animals, fowl, fur-bearing animals, horses and/or ponies closer than five feet from any lot line may be approved by the Planning & Zoning Commission as a conditional use according to the procedures, review criteria, and public hearing requirements set forth in Section 1224.08: Conditional Use Permit under the following conditions:

1. The fenced enclosures shall be located a minimum of fifty feet from any existing dwelling except for a dwelling on the same lot as the fenced enclosure; or
2. Neighboring property owners within 100 feet shall be notified, in writing, when the proposed placement of the fence is less than five feet from the lot lines.

(F) CHICKEN HENS RAISED ON A PARCEL LESS THAN FIVE (5) ACRES MUST BE HOUSED IN A WHOLLY ENCLOSED, FLOORED STRUCTURE FOR PROTECTION FROM THE ELEMENTS WITH AN APPROPRIATELY-SIZED FENCED AREA; HENS SHALL NOT RUN AT-LARGE.

1. **ALL STRUCTURES MUST BE LOCATED IN THE REAR YARD WITH A MINIMUM SETBACK OF 30 FEET FROM ALL PROPERTY LINES.**
2. **ALL FENCED ENCLOSURES SHALL BE LOCATED IN THE REAR YARD WITH A MINIMUM SETBACK OF 20 FEET FROM ALL PROPERTY LINES.**
3. **A MAXIMUM OF EIGHT (8) LAYING HENS ARE PERMITTED UNDER THIS SECTION; ROOSTERS ARE PROHIBITED ON PARCELS SMALLER THAN FIVE (5) ACRES.**
4. **PROPERTY OWNERS PROPOSING TO RAISE CHICKEN HENS MUST OBTAIN A CERTIFICATE OF USE & COMPLIANCE THROUGH THE GREEN ZONING DIVISION. THE PROPERTY OWNER SHALL SUBMIT A SITE PLAN SHOWING THE PROPOSED LOCATION OF ANY STRUCTURE/FENCING WITH THEIR APPLICATION FOR A CERTIFICATE OF USE AND COMPLIANCE.**
5. **NUISANCE CONDITIONS MUST BE ABATED WITHIN SEVEN (7) DAYS OF NOTICE BY THE CITY. FAILURE TO ADDRESS**

NUISANCE CONDITIONS MAY RESULT IN CERTIFICATE OF USE AND COMPLIANCE REVOCATION.

SECTION FOUR:

The City of Green finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

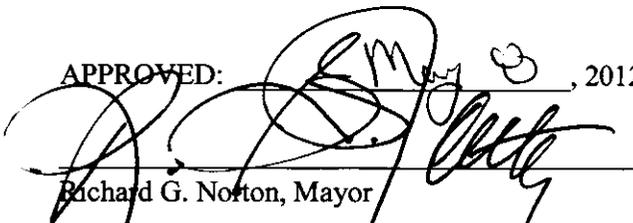
ADOPTED: MAY 8, 2012

Molly Stevens
Molly Stevens, Clerk



Joel Reed, Council President

APPROVED: May 8, 2012



Richard G. Norton, Mayor

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SVCE (ZON) PARK ROAD ENG
LAW (FIN) (MAY) PLAN FIRE

ENACTED EFFECTIVE: June 7, 2012

ON ROLL CALL: Colopy - yea France - NAY Humphrey - yea Knodel - yea
Neugebauer - yea Reed - yea Summerville - yea Adopted 6-0.

Suburbanite publication on MAY 13 and MAY 20, 2012

Molly Stevens
Molly Stevens, Clerk

Approved as to form and content by Stephen J. Pruneski, Law Director _____