

# STAFF REPORT

**August 28, 2018 – REVISIONS IN BOLD**

TO: City Council

FROM: Jeannie Peyton, Planning & Zoning Administrator

CASE #: Ordinance No. 17-18, 13-18 and 18-18; PC Case #18-10: Request to Amend the official zoning text to allowing some degree of Agricultural Use pertaining to Farm Animals within Residential Zoning Districts in the City of Trotwood

PC Case #18-10 was approved with edits on June 26, 2018 by a Planning Commission vote of 5-0.

**This matter was tabled on July 16, 2018 by City Council vote of 7-0 where it was presented to Council as part of OR12-18, OR13-18, and OR14-18.**

## *ZONING TEXT AMENDMENT*

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Zoning Text Amendments for the purpose of allowing some degree of Agricultural Use pertaining to Farm Animals within Residential Zoning Districts in the City of Trotwood

### CHANGES PROPOSED:

#### Chapter 1123 Definitions

##### 1123.02 Definitions

#### Addition of:

Farm Animal (Large) – Any domestic species of cattle, sheep, goats, llamas, alpacas, ostriches, emus or horses, except swine, which are normally or historically, been kept and raised on farms in the United States, and used or intended to be used as a transportation, food or fiber source.

Farm Animal (Small) – Any domestic species of poultry (wings shall be clipped), rabbits, mink or chinchilla which are normally and have historically, been kept and raised on farms in the United States, and used or intended to be used as food or fiber.

#### Chapter 1189 Supplemental Regulations

##### Repeal section 1189.19 Horses

##### New 1189.19 Agricultural Uses in Residential Districts

(a) Agricultural Uses, Farm Animal (Large), shall be permitted on lots of 5 acres or more.

(b) Agricultural Uses, Farm Animal (Small), shall be permitted on lots of 3 acres or more.

(c) Agricultural Uses in Residential Districts of RSF-L, RSF-M, RSF-H and RE on lots of 3 acres or more shall be required to obtain a Residential Zoning Certificate issued by the Planning & Zoning Department prior to acquiring or harboring Farm Animal(s).

(1) Once approved, the applicant has 30 days from the date of the issued Certificate to:

A. Complete the construction of all coop, pen, or yards.

B. Submit a Certificate of Zoning Compliance to be approved if all standards specified herein are met.

(2) The property may be subject to an annual inspection to assure continued compliance. If found to be in violation of this code, zoning approval will be suspended and applicant must work on correcting the violation within a 30 day time frame or Zoning approval will be formally revoked.

(d) Zoning Certificate, Certificate of Zoning Compliance and annual inspection review by the Planning & Zoning Department will consider the following criteria:

- (1) No more than one (1) Farm Animal (Large) shall be kept on a parcel of land for each 2 acres of enclosed pen/yard; with the exception of babies which may be kept for up to 90 days.
- (2) A maximum of six (6) Farm Animals (Small); with the exception of babies which may be kept for up to 90 days.
- (3) Farm Animal shall be kept in an enclosed coop, pen, or yard or other similar enclosure in the rear yard situated no closer than 15 feet from the side and rear property lines. Owner is responsible for providing proof of location of the property line and 15 foot distance and a survey may be required.
- (4) All coop, pen, or yard and materials incidental to the Use must be located in the Rear Yard only. Feed must be stored in an air tight sealable container and located no closer than 15 feet from the side and rear property lines.
- (5) Farm Animal shall be confined to the enclosed coop, pen, or yard at all times; animals are not permitted to roam free of these areas.
- (6) Farm Animal shall be kept in an enclosed coop, pen, or yard or other similar enclosure that is properly ventilated and animals must be kept clean, dry, and free of odor and accumulation of manure.
- (7) No person shall own, keep or harbor a rooster.
- (8) No butchering or processing is allowed on Residential Zoned parcels.
- (9) No person shall sell products produced by the Farm Animal from a Residential Zoned parcel.
- (10) Accessory structures must meet the criteria of 1189.01 Accessory Structure regulations and must not exceed 200 square feet in size.
- (11) Fencing shall be a minimum of five (5) feet in height and meet the criteria of Chapter 1189.04 Fences, Walls and Hedges regulations.
- (12) Farm Animal coop, pen, or yard must adhere to Chapter 505 Animals and Fowl.
- (13) Farm Animal coop, pen, or yard must adhere to Part Thirteen, Title Five - Property Maintenance Code.

#### Appendix B Schedule of Permitted and Conditional Uses by District

(In order of appearance)

##### Under Accessory and Incidental Uses

Farm Animal (Large) – Permitted in RSF-L, RSF-M, RSF-H, RE and A

\* On 5 acres or more

Farm Animal (Small) – Permitted in RSF-L, RSF-M, RSF-H, RE and A

\* On 3 acres or more

**This case was tabled due to Council expressed concern over the increase from 2 to 5 acres as a requirement for having horses on Residentially Zoned parcels.**