

RESOLUTION # 2025-0210

RESOLUTION AMENDING ARTICLE V, SECTION 514(1) OF THE VILLAGE OF BAILEY LAKES ZONING ORDINANCE PERMITTING THE OWNING AND RAISING OF POULTRY AND FOWL WITHIN THE VILLAGE OF BAILEY LAKES ON LOTS AT LEAST ONE-QUARTER ACRE IN SIZE

WHEREAS, in recent years there has been a significant trend around the nation and the region to promote urban farming and self-sufficiency, including the raising of domesticated chickens and fowl on residential properties; and

WHEREAS, chickens are permitted in a large number of surrounding communities in Ashland County under certain conditions; and

WHEREAS, Article V, Section 514(1) of the current Zoning Ordinance of the Village of Bailey Lakes requires a lot or parcel size of at least three acres before a resident can own or raise chickens or other poultry within the Village; and

WHEREAS, Council desires to reduce the lot size on which residents can raise chicken and fowl in the Village and establish additional requirements to do so.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Village of Bailey Lakes, Ohio, that Article V, Section 514(1) of the Village of Bailey Lakes Zoning Ordinance, Restricting the Keeping of Certain Animals, adopted June 11, 2012, is amended as follows:

Article V, Section 514(1): Restricting the Keeping of Certain Animals

- (1) (a) Poultry and Fowl. Notwithstanding any provision in Village Resolutions to the contrary, persons may own, harbor or keep not more than ten (10) birds classified as poultry, fowl, game fowl or waterfowl, including, but not limited to chickens, ducks, geese, turkeys, pheasants, hens, quail, partridges, or pigeons (collectively, "Chickens") on a parcel of property of at least one quarter (1/4) acre located in the Village of Bailey Lakes. Two or more lots of record, or platted lots, when contiguous and owned by the same person may be treated as a single parcel for the purpose of this Resolution.
- (b) Chickens may only be kept, raised, or used in a 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.
- (c) No person shall own, harbor or keep a rooster or other crowing bird on any parcel of property located in a zoned R Residential District in the Village of Bailey Lakes.
- (d) No person shall own, harbor or keep large birds such as ostriches, emus or peacocks on any parcel of property located in a R District in the Village of Bailey Lakes.

- (2) (a) Any person owning, harboring or keeping ten (10) or less Chickens as defined in Section 1 above shall provide for a “run” of at least 10 square feet per bird, at least one (1) nest for every three (3) birds and a predator-proof proper enclosure, hutch or coop for the housing of the Chickens which shall be at least one (1) square foot in size per bird, and which shall be at least twelve (12) inches off of the ground.

(b) The enclosure described at Section 2(a) above shall be considered an accessory building/structure defined at Section 502 of the Village of Bailey Lakes Zoning Ordinance and shall comply with all requirements for accessory buildings as set forth in the Zoning Ordinance, except that the structure shall not be nearer than ten (10) feet to any lot line or to another accessory building or to a main building.

- (3) (a) No person shall keep a Chicken on property within the Village without a permit issued by the Village. The non-refundable fee for the permit is fifty dollars (\$50.00). The Village Zoning Inspector has the authority to consider all permit applications as well as revocations of any permit. Applications for a permit shall be made in writing and submitted to the Village Zoning Inspector. A decision on a permit application shall be made by the Zoning Inspector within 14 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 Zoning Inspector’s decision to Village Council within seven business days of the date the Zoning Inspector’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 Village Council unless the revocation is due in whole or part to a nuisance, in which event the nuisance must be remedied as directed by the Zoning Inspector whether or not the revocation is appealed.

(b) Any person applying for a permit under this Section shall consent to an inspection by the Village of the property where the Chickens will be kept.

(c) If the Zoning Inspector becomes aware of a possible violation of this Resolution on property subject to a permit under this Section, the Zoning Inspector 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 Zoning Inspector determines that a violation of the Village Zoning Ordinance exists, the property owner shall be notified to bring the property into compliance within a reasonable amount of time as determined by the Zoning Inspector. If the property is not brought into compliance within the time to remedy a violation, the permit shall be automatically revoked.

- (4) No person owning, harboring or keeping Chickens within the Village of Bailey Lakes shall permit such activity to become a nuisance, including, but not limited to, allowing noxious odors or any noise of a loud or persistent and habitual nature.
- (5) Hoofed Animals. No person shall keep, harbor or maintain any horse, pony, cow, hog, calf, goat or other hoofed animal in the Village, except that the keeping, harboring or maintaining of any such animals may be authorized by the Village Zoning Inspector by permit duly issued therefor, provided that such animals are located on lots or parcels of three acres or more
- (6) Whoever violates or fails to comply with any provision of this Section is guilty of a fourth-degree misdemeanor.
- (7) All formal actions of the Council of the Village of Bailey Lakes concerning and relating to the adoption of this Resolution were taken in open meetings in compliance with all requirements of Section 121.22 of the Ohio Revised Code.

First Reading: February 10, 2025

Second Reading: February 24, 2025

Third Reading: March 10, 2025

ROLL CALL:

_____ Ariel Isaacs

Yes Krissy Kauf

Yes Tina Killion

Yes Dottie Scott

Yes Justin Isaacs

Yes Tom Dilgard

Passed: March 24, 2025 with amendments

Approved: _____
~~John R. Benshoff~~, Ariel Isaacs Mayor

Attest: _____
Leighanna Cawrse, Fiscal Officer

APPROVED AS TO FORM:

Joseph T. Olecki, Village Solicitor