

1187.17 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 2 acres or more.

(c) Agricultural uses in Residential Districts (R-1, R-2, R-3, UR-1, UR-2) on lots less than 2 acres shall be required to obtain a Zoning Certificate issued by the Development Department prior to acquiring Farm Animal (Small).

(1) If the Zoning Certificate is issued, the applicant has 30 days from the date of issuance of the Zoning Certificate to complete the following:

A. Farm Animal (Small) shall be on property and all pens constructed and in place;

B. Staff shall inspect property and issue a Certificate of Completion if all standards specified herein are met. A Certificate of Completion shall be valid for a period of one year from date of issuance and is subject to annual renewal requirements herein.

(2) The property will be inspected on an annual basis for continued compliance and if in compliance, a Renewal Certificate of Completion will be issued. If the property is not in compliance, then it must be brought into compliance within the time frame specified by the Code Enforcement Officer in order to obtain a Renewal Certificate of Completion.

(d) In making its decision on issuance of a Zoning Certificate, Certificate of Completion, or Renewal Certificate of Completion, the Development Department will consider the following:

(1) No more than one Farm Animal (Small) shall be kept on a parcel of land for each 100 square feet of enclosed pen/yard; maximum six Farm Animal (Small) total; with the exception of babies, which may be kept for up to 90 days;

(2) Farm Animal (Small) shall be kept in a coop, enclosed exterior pen/yard or other similar enclosure situated no closer than 15 feet from side and rear property line. Owner shall be responsible for providing proof of location of property line and 15 foot distance and a survey may be required.

(3) All coops, exterior pens/yards, stored feed and manure shall be placed in rear yard only;

(4) Farm Animal (Small) shall be confined to coop, enclosed exterior pen/yard or similar enclosure at all times; animals shall not be allowed to freely pasture on the property;

(5) Farm Animal (Small) shall be provided with enclosed house or coop, properly ventilated; minimum two square feet per animal;

(6) Wings shall be clipped;

(7) Coops and enclosed exterior pens/yards shall be kept clean, dry, free of odor, and free of accumulated manure;

(8) Stored feed and manure shall be kept in an air-tight container with sealable lid and situated no closer than 15 feet from side or rear property line;

- (9) Farm Animal (Small) shall not be butchered or processed within public or neighboring view;
- (10) No person shall own, keep, or harbor a rooster;
- (11) No person shall sell products produced by said Farm Animal (Small) from residential property;
- (12) Accessory structures shall be no larger than 200 square feet and comply with 1187.15 Accessory Use Standards;
- (13) Fencing shall be a minimum of five (5) feet in height and shall comply with 1187.04 Fences, Walls and Hedges;
- (14) Coop, exterior pen/yard and fencing shall be maintained in compliance with Chapter 1313 Residential Exterior Property Maintenance Standards; and
- (15) Farm Animal (Small) shall be kept in compliance with all applicable provisions of Clayton Codified Ordinance Chapter 505.

(e) Gardens are considered an accessory use in residential districts in the appropriate location on the property, not in the required front yard.

(f) Agricultural uses are not permitted in O-R, O-S, GB, HS or O-I zoning districts. (Ord. 0-09-16-20. Passed 11-17-16.)

1187.17.01 INDUSTRIAL AGRICULTURAL USES IN AGRICULTURE AND INDUSTRIAL DISTRICTS.

(a) Industrial Agricultural Uses in Agricultural or Industrial Districts require Board Of Zoning Appeals approval as a Conditional Use. In making its decision the BZA will consider the following:

- (1) The number and type of animal(s) proposed for the lot and fencing.
- (2) The proximity of the building and enclosures to other uses in the area.
- (3) The impact of the industrial agricultural use on future development in the area.
- (4) The number and use of lots that abut the property.
- (5) Existing agricultural uses in the immediate area (within 500 feet) of the property requesting the Industrial Agricultural use.
- (6) The Board may also take into consideration and proscribe such items such as:
 - A. Size of the structures;
 - B. Location of the structures on the property;
 - C. Location of feeding areas, enclosures, lagoons and pens;
 - D. Written governmental documentation of any potential contamination problems.

(NOTE: The next printed page 233.)