



Ordinance: 22-27 (Amended)

Adopted: September 12, 2022

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Effective: October 12, 2022

**AMENDING CHAPTERS 505 AND 1121 OF THE CITY'S CODIFIED ORDINANCES TO REGULATE BACKYARD CHICKENS AND REAR YARD BEEKEEPING WITHIN THE R-R, RURAL RESIDENTIAL DISTRICT, R-1, LOW DENSITY RESIDENTIAL DISTRICT, R-2, LOW/MEDIUM RESIDENTIAL DISTRICT AND PUD, PLANNED UNIT DEVELOPMENT DISTRICT**

**WHEREAS**, City Council adopted Ordinance No. 14-29 on October 27, 2014, establishing a new Planning and Zoning Code and adopted a new Zoning Map; and

**WHEREAS**, chicken rearing and back yard beekeeping are currently prohibited citywide except for those properties located within the R-R, Rural Residential District that are three acres or more; and

**WHEREAS**, urban chicken husbandry has recently become popular nationwide and chickens have become more widely accepted as family pets and as a household source of food; and

**WHEREAS**, hobby beekeeping has become popular with the advent of colony collapse disease, and the significant decrease in nationwide bee population has raised awareness of the importance of honeybees; and

**WHEREAS**, recent economic changes have significantly increased the cost of basic food items and supply chain issues have impacted the availability of such products and increased interest in homesteading activities; and

**WHEREAS**, the adoption of the Zoning Code did not foresee changing trends with regard to backyard chickens and apiculture at the time of adoption; and

**WHEREAS**, the Environmental Sustainability Commission reviewed the topic of urban chicken rearing and beekeeping on May 11, 2022, and forwarded proposed Code language to the Planning and Zoning Commission for consideration, and

**WHEREAS**, on June 9, 2022, the Planning and Zoning Commission considered the proposed Code and approved Case #PZ-22-27 at its regularly scheduled and advertised meeting on July 14, 2022, to amend the Codified Ordinances making a positive recommendation to City Council that the proposed amendments be adopted; and

**WHEREAS**, this Ordinance shall be reviewed in one year by City Staff, by members of the Planning and Zoning Commission, City Council and representatives for the Central Ohio Beekeeping Association (COBA); and

**WHEREAS**, amending Chapters 505 and 1121, as identified in Exhibit "A", attached hereto and incorporated herein, provides for small-scale chicken rearing and beekeeping while promoting the general health, safety, and welfare of the City and its residents.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Hilliard, Ohio, that:

**SECTION 1.** Council finds that amending Chapters 505 and 1121 of the City's Codified Ordinances as identified in Exhibit "A", **attached** hereto and incorporated herein, is in the City's best interest. The

changes and additions to Chapters 505 and 1121, as shown in track changes in the attached Exhibit "A" are approved and shall be incorporated in the City's Codified Ordinances.

**SECTION 2.** All other provisions of the City's Codified Ordinances, not modified herein, remain unchanged and are in full force and effect.

**SECTION 3.** This Ordinance shall be in effect from and after the earliest time provided for by law.

**ATTEST:**

**SIGNED:**

  
Diane C. Werbrich, MMC  
Clerk of Council

  
President of Council

**APPROVED AS TO FORM:**

  
Philip K. Hartmann  
Director of Law

✓ Vote Record - Ordinance 22-27						
<input type="checkbox"/> Adopted			Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Adopted as Amended						
<input type="checkbox"/> Passed						
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Tabled						
<input type="checkbox"/> Held Over						
<input type="checkbox"/> Referred						
<input type="checkbox"/> Withdrawn						
<input type="checkbox"/> First Reading						
<input type="checkbox"/> Positive Recommendation						
<input type="checkbox"/> No Recommendation						
	Andy Teater		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Omar Tarazi		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Les Carrier		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Tina Cottone		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Peggy Hale		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Pete Marsh		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Cynthia Vermillion		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**CERTIFICATE OF THE CLERK**

I, Diane C. Werbrich, Clerk of Council for the City of Hilliard, Ohio, do hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance No. 22-27 passed by the Hilliard City Council on the 12th day of September 2022.

IN TESTIMONY WHEREOF, witness my hand and official seal this 12th day of September 2022.

  
Diane C. Werbrich, MMC

## 505.14 PROHIBITION ON THE KEEPING OF ANIMALS, BEES, REPTILES, FOWL, OR LIVESTOCK WITHIN THE CITY LIMITS

- (a) No animal including, but not limited to bees, reptiles, fowl, livestock, including horses mules, cows, sheep and hogs, shall be kept, harbored, raised or permitted to run at large on any property either public or private within the City limits by any person, except as otherwise permitted by Sections 1121.07 to 1121.09 of the Codified Ordinances of the City of Hilliard, Ohio.

### 1121.07 OTHER PROVISIONS

- (a) Domestic Animals.
- (1) The keeping of household pets, including dogs, cats, fish, birds, hamsters and other animals generally regarded as household pets is permitted as an accessory use in any Residential District. However, no more than four dogs or cats, six months of age or older, in any combination, shall be kept or housed in or at one dwelling unit.
  - (2) Agricultural animals such as, but not limited to, horses, cattle, goats, pigs, and sheep ~~and chickens~~ are permitted in the R-R District on parcels of three acres or more; provided that the total number of agricultural animals permitted on parcels of 10 acres or less shall be limited to one animal per gross acre. Manure storage areas shall be located at least 75 feet from any adjoining property line.
  - (3) Any area where permitted animals are kept shall be maintained in a safe and sanitary condition.
  - (4) Non-commercial raising of chickens and honeybees on permitted residential properties shall be maintained in accordance with Sections 1121.08 and 1121.09 of the Codified Ordinances of the City of Hilliard, Ohio, respectively.

### 1121.08 BACKYARD CHICKENS

- (a) *Purpose.* The purpose of this section is to provide general criteria for the raising of small-scale chickens in an environment for personal use within the municipality.
- (b) *General Requirements.* The keeping of chickens is permitted on residential parcels within the R-R, Rural Residential District; R-1 Low Density Residential District; the R-2, Low/Medium Residential District and the PUD, Planned Unit Development District subject to the following requirements:

Maximum Number of Chickens Permitted			
Zoning Classification	<0.5-acre	0.5-2.99 acres	3.0-10.0 acres
R-R	0	6*	3 per acre*
R-1	0	6*	6*
R-2	0	6*	6*
PUD	0	6*	6*

**\*Maximum number may include ducks and/or roosters for properties one acre or greater in size per the requirements specified within this section of the Code.**

- (1) The keeping of more chickens than permitted above as an accessory use shall be regulated as a general agricultural operation that must comply with Section 1121.07(a).

- (2) In addition to the regulations provided in this chapter, property owners shall be responsible for adherence to all applicable deed restrictions and homeowners association requirements.
- (3) Chickens shall be kept for personal use only. Selling chickens, eggs, meat or other chicken-derived products or manure on-site and the breeding of chickens for commercial purposes is prohibited.
- (4) No chickens shall be permitted within the residence, on an enclosed porch or within an attached garage.
- (5) Slaughtering of animals on-site is prohibited. Any broilers raised on site must be processed off-site in an approved facility in accordance with all State and Federal laws.
- (6) No roosters are allowed except as permitted by Section 1121.07(a)(2) and 1121.08(b)(7).**
- (7) For applicable properties one acre or greater in size, ducks and roosters shall be permitted in lieu of or in combination with chickens. The maximum number of ducks, roosters and/or chickens or any combination thereof shall not exceed the maximum number prescribed by the table in Section 1121.08(b). No ducks, geese, pigeons, turkeys, peafowl or other poultry/fowl are otherwise permitted except as permitted by Section 1121.07(a)(2).**
- (c) *Shelter.* All chickens must be maintained on a parcel with a kept shelter for the health and welfare of the animal that will protect them from the elements and predators. All shelters must be constructed of quality materials utilizing standard building techniques, be adequately ventilated and be kept in good working order. A minimum of 4 square feet of enclosed space is required per chicken.
- (d) *Foraging.* All chickens must be kept in a confined yard that provides at least 8 square feet of space per chicken. Chickens shall be managed in such a way as to prevent trespassing or creation of a nuisance to surrounding properties or the public right-of-way. No foraging is permitted forward of the primary structure.
- (e) *Placement.* All structures shall only be permitted within the rear yard and shall be located at least 15 feet from all property lines. No structure for the purpose of raising chickens shall be placed within any utility or stormwater easement.
- (f) *Sanitation.* Areas devoted to the keeping of chickens shall be maintained in a clean and sanitary condition free from accumulations of animal waste, feed, debris, etc. with the following requirements:
  - (1) All feed must be kept in a rodent-proof and predator-proof container.
  - (2) Composting manure must be maintained in a safe and sanitary condition and be located no less than 25 feet from the side or rear property line.
- (g) *Zoning Certificate Required.* Prior to the installation of any chicken shelter or prior to the commencement of any animal husbandry activities regulated within this section of the Code, an approved zoning certificate is required in conformance with Section 1141.03.
- (h) *Fence Permit Required.* Prior to the installation of any confined chicken yard or prior to the commencement of any husbandry activities regulated within this section of the Code, an approved fence permit is required in conformance with Section 1121.02(d)(2).
- (i) *Penalty.* Whoever violates any provision of this chapter shall be guilty of a minor misdemeanor and punishable as permitted by law (see Section 1141.06 for penalty and enforcement). Each day such

violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. Any person who commits a subsequent offense within one year of a prior offense hereunder shall be guilty of a misdemeanor of the fourth degree. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

### 1121.09 REAR YARD BEEKEEPING

- (a) *Purpose.* The purpose of this section is to provide general requirements for backyard beekeeping as a personal use within the municipality.
- (b) *General Requirements.* The keeping of honeybee hives (colonies) is permitted on residential parcels within the R-R, Rural Residential District; R-1 Low Density Residential District; R-2, Low/Medium Residential District and the PUD, Planned Unit Development District subject to the following requirements:

Maximum Number of Hives Permitted			
Zoning Classification	<0.5-acre	0.5-2.99 acres	3.0-10.0 acres
R-R	0	5	2 per acre
R-1	0	3	3
R-2	0	3	3
PUD	0	3	3

- (1) The keeping of more hives than permitted above as an accessory use shall be regulated as a general agricultural operation that must comply with Section 1121.07(a).
  - (2) For each colony permitted to be maintained in accordance with this Section, there may also be maintained on the same property one additional hive derived from a swarm or split made during the foraging season. Such hives as a part of natural expansion may be sold to other beekeepers to maintain the maximum permitted number of hives.
  - (3) Any property containing a hive shall have a currently valid Apiary License for the **property owner beekeeper**, as obtained from the Ohio Department of Agriculture (ODA) Division of Plant Health and be subject to annual inspection from the ODA. **A copy of the license must be made available to the Planning Director or designee upon request.**
  - (4) Colonies shall be kept for personal use **only or be maintained by a registered beekeeper**. Selling honey, beeswax propolis or other hive-derived products on-site and the breeding of honeybees for commercial purposes is prohibited.
  - (5) **No leasing of land for the placement of hives by another beekeeper is permitted unless done so with a beekeeper who is a registered member of a local beekeeping organization as recognized by the Ohio State Beekeepers Association. Provisions of this code are for the intent of personal beekeeping.**
  - (6) In addition to the regulations provided in this chapter, property owners shall be responsible for adherence to all applicable deed restrictions and homeowners association requirements.
- (c) *Placement.* All hives and associated equipment shall only be permitted within the rear yard. All hives shall be set back a minimum of 20 feet from the rear and side property lines. All hives shall also be placed a minimum of 75 feet from an adjacent primary residence.



- (d) *Orientation.* Hive entrances should be oriented away from adjacent properties whenever possible so that flight paths do not interfere with adjacent properties. In all cases, placement of hives shall adhere to applicable Flyway Barrier requirements in paragraph (e) of this section.
- (e) *Flyway Barrier.* In all cases, a flyway barrier 6 feet in height shall be provided to shield any part of a property line that is within 30 feet of a ground hive. The barrier shall consist of a wall, fence, dense vegetation or a combination thereof, such that honeybees will fly over rather than through the material to reach the colony. Vegetative solutions are recommended to provide additional opportunity for foraging and pollination.
  - (1) Any required flyway barrier must continue parallel to the property line of the lot upon which the apiary is located for 10 feet in any direction beyond the extent of the hives.
  - (2) If a barrier of dense vegetation is to be used, the initial planting shall be four feet in height at the time of installation.
  - (3) A flyway barrier is not required if the property adjoining the property upon which an apiary is located is undeveloped, zoned agricultural or industrial or is a wildlife management area or naturalized parkland with no trails located within 50 feet of the apiary.
  - (4) A flyway barrier is not required if the hives are located on the roof of a structure containing at least one full story, provided that the hives are located at least 75 feet from any adjacent and occupied structure.
- (f) *Fence Permit Required.* Prior to the installation of any flyway barrier, hives or prior to the commencement of any apiary activities regulated within this section of the Code, an approved fence permit for flyway barrier fencing is required in conformance with Section 1121.02(d)(2).
- (g) *Standards of Practice.* All beekeeping activities shall be maintained utilizing best management practices and are encouraged to adhere to the Ohio Department of Agriculture's Apiary Best Practices, as may be amended hereafter.
  - (1) All bee colonies shall be kept in hives with removable frames and other hive body components (supers, brood chambers, bottom boards, covers, etc.) that are maintained in sound and usable condition.
  - (2) A suitable supply of water shall be made available to the colonies (excepting Winter dormancy from November 1 through March 1) that is placed in a location near the hives to minimize bees seeking water on surrounding properties. No water source shall be permitted in a manner that creates a health hazard.
  - (3) Each beekeeper shall ensure that no wax comb or other material is left on the ground that might encourage robbing or aggressive behavior.
  - (4) In any instance in which a colony exhibits unusually aggressive behavior, it shall be the responsibility of the beekeeper to promptly implement actions to address the behavior.
- (h) *Liability.* The beekeeper shall assume any and all liability for their bees and therefore are advised to determine whether personal insurance policies cover beekeeping activities.
- (i) *Zoning Certificate Required.* Prior to the installation of any hives or prior to the commencement of any apiary activities regulated within this section of the Code, an approved zoning certificate is required in conformance with Section 1141.03.

- (j) *Penalty.* Whoever violates any provision of this chapter shall be guilty of a minor misdemeanor and punishable as permitted by law (see Section 1141.06 for penalty and enforcement). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. Any person who commits a subsequent offense within one year of a prior offense hereunder shall be guilty of a misdemeanor of the fourth degree. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.