

Ordinance No. 1562-08

Council Members Cimperman and Zone

An Emergency Ordinance

Repealing Section 347.02 of the Codified Ordinances of the Cleveland, Ohio, 1976, as amended by Ordinance No. 1470-06, passed December 11, 2006, relating to restrictions on location of stables, poultry enclosures and other enclosures and supplementing the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 347.02 thereof, relating to restriction on the keeping of farm animals and bees

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That existing Section 347.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1470-06, passed December 11, 2006 is hereby repealed.

Section 2. That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Section 347.02 thereof, to read as follows:

Section 347.02 Restrictions on the Keeping of Farm Animals and Bees

(a) **Purpose.** The regulations of this section are established to permit the keeping of farm animals and bees in a manner that prevents nuisances to occupants of nearby properties and prevents conditions that are unsanitary or unsafe.

(b) **Poultry, Pigeons, Rabbits and Similar Animals.** The keeping of poultry, pigeons, rabbits and similar animals, and enclosures for the keeping of such animals, shall be governed by the following regulations.

(1) **In Residential Districts.** In Residential Districts, the following regulations shall apply.

A. **Number.** No more than six (6) such animals may be kept on a parcel of land that is 4,800 square feet or less in area. One additional such animal may be kept for each additional five hundred (500) square feet of parcel area in excess of 4,800 square feet.

B. **Setbacks.** The enclosures or coops housing such animals may not be located in front yard or side street yard areas and shall not be located within eighteen (18) inches of a property line nor within five (5) feet of a dwelling on another parcel nor within five (5) feet of the permitted placement of a dwelling on an adjoining vacant parcel. No animals shall be kept in required front yard areas.

C. **Prohibitions.** No roosters may be kept in a Residential District except on a parcel that is at least one (1) acre in area and only if the enclosure for the rooster(s) is at least one hundred (100) feet from all property lines. For parcels greater than one (1) acre in area, one (1) additional rooster may be kept for each 24,000 square feet in excess of one (1) acre. No predatory birds may be kept on any property.

D. **Enclosures, Coops and Cages.** All animals shall be provided with a covered, predator-proof house, coop or cage that is thoroughly ventilated, designed to be easily accessed and cleaned, and of sufficient size to permit free movement of the animals. In addition, chickens and other poultry shall have access to an outdoor uncovered enclosure adequately fenced to contain the birds and to prevent access by dogs and other predators and providing at least nine (9) square feet of area for each bird.

E. **Fences.** Any yard area in which animals are kept shall be enclosed by a permitted fence at least six (6) feet in height in rear yard and interior side yard areas and sufficient to contain animals on the subject property.

(2) **In Non-Residential Districts.** In zoning districts other than Residential Districts, all regulations applicable in Residential Districts shall apply except that the number of such animals shall be limited to one (1) animal for each two hundred (200) square feet of lot area.

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(c) **Horses, Cows, Goats and Similar Animals.** The keeping of horses, cows, goats and similar animals, and enclosures for the keeping of such animals, shall be governed by the following regulations.

(1) **In Residential Districts.** In Residential Districts, no horses, cows, goats or similar size animals shall be kept on a parcel of land less than 24,000 square feet in area. For a parcel that is at least 24,000 square feet in area, a maximum of two (2) such animals may be kept on the property, with one (1) additional animal permitted for each additional 2,400 square feet of area. Stables or other enclosures for such animals shall not be permitted in front yards or in side street yards and shall be set back at least forty (40) feet from any street and from any property other than a property located in an Industrial District and shall be set back at least one hundred (100) feet from a dwelling on another parcel or from the permitted placement of a dwelling on an adjoining vacant parcel.

(2) **In Non-Residential Districts.** In zoning districts other than Residential Districts, no horses, cows, goats or similar size animals shall be kept on a parcel of land less than 14,400 square feet in area. For a parcel that is at least 14,400 square feet in area, a maximum of two (2) such animals may be kept on the property, with one (1) additional animal permitted for each additional 1,200 square feet of area. Stables or other enclosures for such animals shall be set back at least forty (40) feet from any street and from any property other than a property located in an Industrial District and shall be set back at least one hundred (100) feet from a dwelling on another parcel or from the permitted placement of a dwelling on an adjoining vacant parcel.

(d) **Bees.** The keeping of bees, and associated beehives, shall be governed by the following regulations.

(1) **In Residential Districts.** In Residential Districts, the following regulations shall apply.

A. **Number.** No more than one (1) beehive shall be kept for each 2,400 square feet of lot area.

B. **Location and Setbacks.** No beehive shall be kept closer than five (5) feet to any lot line, and no beehive shall be kept in a required front yard. The front of any beehive shall face away from the property line of the Residential property closest to the beehive.

C. **Fences and Shrubs.** Any yard area in which a beehive is placed shall be enclosed by a solid fence or dense hedge, known as a "flyway barrier," at least six (6) feet in height. No such flyway barrier shall be required if all beehives are located at least twenty-five (25) feet from all property lines and for beehives that are located on porches or balconies at least ten (10) feet above grade, except if such porch or balcony is located less than five (5) feet from a property line.

D. **Water Supply.** A supply of fresh water shall be maintained in a location readily accessible to all bee colonies on the site throughout the day to prevent bees from congregating at neighboring swimming pools or other sources of water on nearby properties.

(2) **In Non-Residential Districts.** In zoning districts other than Residential Districts, all regulations applicable in Residential Districts shall apply except that the number of beehives shall be limited to one (1) for each 1,000 square feet of lot area.

(e) **Sanitation and Nuisances.** Farm animals shall be kept only in conditions that limit odors and noise and the attraction of insects and mice so as not to cause a nuisance to occupants