

**TOWNSHIP OF O'HARA
COUNCIL PUBLIC HEARING
JUNE 6, 2023
7:00 P.M.
AGENDA**

I. Opening Procedures

- A. Call to Order
- B. Pledge of Allegiance
- C. Roll Call

II. Public Comments Concerning the Proposed Zoning Ordinance Amendment to Allow Backyard Chickens in Residential Zoning Districts

The purpose of the public hearing on Tuesday evening is to receive public comment from residents and others regarding the proposed Zoning Ordinance Amendment. As proposed, the amendment will provide for domestic chicken keeping as a permitted accessory use in the R-1, R-2, R-3, R-4, CD-1 and CD-2 with related regulations.

III. Adjournment

A motion will be needed to adjourn the public hearing, followed by a second to the motion and a **voice vote**.

**TOWNSHIP OF O'HARA
ALLEGHENY COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF THE TOWNSHIP OF O'HARA AMENDING THE
TOWNSHIP ZONING ORDINANCE NO. 1361 TO PROVIDE FOR
DOMESTIC CHICKEN KEEPING AS A PERMITTED ACCESSORY USE
IN THE R-1, R-2, R-3, R-4, CD-1 AND CD-2 WITH RELATED
REGULATIONS**

WHEREAS, the **TOWNSHIP OF O'HARA COUNCIL** is authorized by the Municipalities Planning Code ("MPC") to regulate zoning and land use within the Township through its Zoning Ordinance as embodied in the current Township of O'Hara Zoning Ordinance; and

WHEREAS, the Township of O'Hara Council desires to amend its Zoning Ordinance to provide for, and regulate the keeping of chickens for personal use in the R-1, R-2, R-3, R-4, CD-1 and CD-2 Zoning Districts as reflected in Exhibit A; and

WHEREAS, the Township has, in accordance with the requirements of the MPC, submitted the proposed amendments to its Planning Commission, which gave its recommendations regarding the proposed amendments at its duly noticed public meeting; and

WHEREAS, Township Council held a duly noticed and advertised Public Hearing on June 6, 2023 to take public comments on the proposed amendment, and has duly advertised the Ordinance for consideration and enactment; and

WHEREAS, Township Council, having received public comments and the recommendation of the Township Planning Commission, finds that the enactment of the proposed amendments to the Township Zoning Ordinance will be beneficial to the Township and consistent with the Pennsylvania MPC.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township of O'Hara Council, and it is hereby Ordained and Enacted by the authority of the same as follows:

SECTION 1. Section 455-4.2.B (R-1 District) is amended by adding the following as a new Subsection 17:

- 17. "Keeping of Domesticated Chickens" (see Section 455-14.43).

SECTION 2. Section 455-5.2.B (R-2 District) is amended by adding the following as a new Subsection 16:

- 16. "Keeping of Domesticated Chickens" (see Section 455-14.43).

SECTION 3. Section 455-6.2.B (R-3 District) is amended by adding the following as a new Subsection 16:

16. “Keeping of Domesticated Chickens” (see Section 455-14.43).

SECTION 4. Section 455-7.2.B (R-4 District) is amended by adding the following as a new Subsection 16:

16. “Keeping of Domesticated Chickens” (see Section 455-14.43).

SECTION 5. Section 455.8.2.C (CD-1 and CD-2 Districts) is amended by adding the following as a new Subsection 14:

14. “Keeping of Domesticated Chickens” (see Section 455-14.43).

SECTION 6. Definitions

Flock - A group of animals, such as birds, assembled together.

Domestic chicken - A bird that cannot survive without human help.

Mobile Chicken Coop - Any chicken coop with wheels to provide mobility.

SECTION 7. A new Section 455.14.43 is added to read as follows:

455-14.43 Keeping of Domesticated Chickens

The following shall apply to permitted accessory uses and structures for Keeping of Domesticated Chickens in Districts where specifically allowed:

A. Permit

1. A property owner shall be required to obtain a permit for the keeping of domesticated chickens in a stationery or mobile chicken coop. If a stationery chicken coop is relocated, a new permit shall be required.
2. A chicken coop or other related structure may only be an accessory structure and must comply with this section and other applicable provisions of the Zoning Ordinance.
3. This permit shall be in addition to any other required permit (such as, but not limited to, a building permit, electrical permit, or fence permit, if needed).

4. Applications for a permit shall be submitted to the Zoning Officer and shall include such information as is required. Such application shall include a plan showing conformance with all applicable regulations including: a dimensioned site plan or existing survey of the property showing the location of the chicken coop and run, if provided; the designated area for the mobility of a mobile chicken coop; and the management of manure and wastes.

B. Chicken Coop Location

1. The chicken coop and run, if provided, must be in the rear yard.
2. The entire chicken coop, and any run structure, stationery or mobile, in the R-1, R-2, R-4 and CD-1 and CD-2 zoning districts must be located at least 10 feet from any property line at all times. The entire chicken coop and any run structure, stationery or mobile, in the R-3 zoning district must be located a minimum of five (5) feet from any property line at all times.
3. Mobile chicken coops are limited to one (1) mobile chicken coop per property.
4. The location of a mobile chicken coop shall be located in the designated area specified in the approved plan.

C. Number of Chickens Permitted

1. Three (3) chickens are permitted for the first 10,000 square feet of the lot. Each additional chicken will require 2,000 additional square feet of the lot. Lots less than 10,000 s.f. shall have a maximum of three chickens. No more than 20 chickens are permitted at one time.
2. Mobile chicken coops, and runs if provided, shall house a maximum of four (4) chickens.

D. Coop Requirements

1. Space - Coops, without a chicken run, shall permit at a minimum, three (3) square feet per chicken. Coops with a chicken run shall permit a minimum of two (2) square feet per chicken.
2. Height - A coop shall not exceed eight (8) feet in height.
3. Size - A coop shall not exceed a maximum size of 100 s.f.

4. General - Coops shall be constructed from proper building materials and structurally sound. The coop shall be predator proof, well maintained and in good repair, provide natural lighting and adequate ventilation, and protection from weather.

E. Chicken Run Requirements

1. A chicken run, if used, shall be predator proof, well maintained and in good repair. Chicken run shall be constructed from proper building material. The minimum gauge chicken wire that shall be used is 20-gauge. Other materials may be used subject to Township approval.
2. Chicken run may not exceed seven (7) feet in height.

F. Collection and Management of Manure and Wastes

1. Property owner shall comply with the Township Zoning Ordinance, Section 455-18.5, Storage and Waste Disposal, Items C and D, as well as all applicable State and Federal Laws and Regulations.

C. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transported off the lot by natural causes or forces; nor shall any substance which can contaminate wells, watercourses, or potable water supplies otherwise render such wells, watercourses, or potable water supplies undesirable as sources of water supply or recreation; nor shall any substance which will destroy aquatic life be allowed to enter any wells, watercourses, or potable water supplies.

D. Any materials or wastes which might cause fumes or dust or which constitute a fire hazard, or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers adequate to eliminate such hazards.

2. The property owner shall comply with Township Nuisance Ordinance, Section 295-6, Health Concerns, Item B.2.d.

d. No person shall place, throw or deposit garbage, refuse, waste, rubbish, papers, or decaying plant, animal or vegetable matter of any kind, including tree or plant cuttings, upon or along any street or highway, or upon public property, or along the bank of any stream or watercourse within the Township.

i. Nothing in the foregoing shall prohibit a person from properly maintaining a compost pile upon property owned or occupied by them on which may be thrown leaves, lawn clippings, garden trimmings, food waste, organic materials and manure, so long as a nuisance shall not result there from.

3. Chicken manure will only be accepted in the municipal waste collection system as a municipal waste product when the chicken manure is tied and sealed in a plastic garbage bag and weighs no more than 50 pounds.

G. Odor

1. No person shall manufacture, create or maintain any continuous or repeated odor or smell which is offensive, obnoxious, troublesome, annoying or unpleasant emanating from a property and is likely to interfere with the ordinary enjoyment of other property in the vicinity.

H. General Chicken Requirements

1. Chicken feed shall be kept in secure rodent-proof containers.
2. No roosters are permitted.
3. Chickens must be in a secure coop, run or fenced-in area in the rear yard at all times.
4. No butchering or cleaning of butchered chicken is permitted in plain sight.

I. Other Requirements

1. No selling of eggs is permitted.
2. No selling of butchered meat is permitted.
3. No selling of chicks or chickens is permitted.
4. If not used, the chicken coop, and chicken run, if provided, must be converted to another permitted use, or removed in accordance with Township Nuisance Ordinance, Section 455-18.1, Compliance.
 1. No use, land or structure in any district shall involve any element or cause any condition that may be dangerous, injurious or noxious, or cause offensive odor, smoke, dust, dirt, noise, vibration, glare, excessive traffic, attract vermin or rodents or constitute a nuisance or be a detriment to the health, safety, moral or general welfare of the community or to any other person or property in the Township.
5. The chicken coop, and chicken run if provided, shall be free of infestation in accordance with Township Nuisance Ordinance, Section 295-6,B.1, Health Concerns - Infestation/Sanitation.

1. The infestation of insects, rats, vermin or other pests. The owner shall be responsible for promptly exterminating insects, rats, vermin or other pests found by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken by the owner to eliminate insect, rats, vermin or other pests from harborage and prevent re-infestation.

6. A dog or cat that kills a chicken shall not, for that reason alone, be considered a dangerous or aggressive animal if a chicken is off the owner's property.

SECTION 8. EFFECTIVE DATE. This Ordinance shall take effect and be in force immediately from and after its enactment as required by law.

SECTION 9. If any Section, subsection, sentence, clause or phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portion thereof.

ORDAINED AND ENACTED into law this _____ day of _____, 2023.

TOWNSHIP OF O'HARA

ATTEST:

Julie A. Jakubec, CPA, CGMA
Township Manager

Robert John Smith
Council President

First Reading:	<u>Hammill - Payne</u>	<u>7 - 0</u>	<u>05/09/2023</u>
Public Hearing	<u>06/06/2023</u>		
Second Reading and Adoption:	_____	_____	_____
Advertised:	_____	Codified	_____