

RESOLUTION NO. 2023-06-14-(009)

**AN ORDINANCE AMENDING CERTAIN PARTS OF TITLE
1 OF THE HENRY COUNTY INDIANA, DEVELOPMENT
CODE IN ORDER TO ALLOW URBAN CHICKENS**

WHEREAS, to allow homeowners the additional utility of their property and to improve quality of life for the residents of Henry County, the County Commissioners believe~~s~~ it is in the best interest of the County to permit residents in areas zoned Residential (R1 and R2) and under the guidance of the Henry County Office of Planning and Zoning to keep a limited number of chickens on their properties.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY
COMMISSIONERS, AS FOLLOWS:**

SECTION 2.2 Code titled "DEFINITIONS" shall be amended as follows:

A new definition for the term "**URBAN CHICKENS**" is added to read:

URBAN CHICKENS. Female chickens of the species *gallus gallus domesticus*, that conform to the restrictions imposed in this code. This definition excluded all other poultry and fowl such as, without limitation, roosters, peacocks, turkeys, and waterfowl.

SECTION 6.2 Code titled "PERMITTED USES, ACCESSORY USES AND
COMMISSION APPROVED USES"

The use Urban Chickens be added and be noted as a permitted (P) use is in areas RR 5+ acres, and as a Commission Approved Use (CAU) in areas zoned RR<5 acres, R1 and R2.

(A) Notwithstanding anything in Title 1 in the Henry County Development Code to the contrary, a person living on a parcel of land zoned RR, R1, or R2 may keep Urban Chickens with approval by the Building Department, Office of the Zoning Administrator, or the Board of Zoning Appeals, provided that the following conditions are met:

(1) No Roosters (male chickens) shall be kept under provision of this ordinance.

(2) There shall be no more than 6 (6) Urban Chickens on a parcel.

(3) Urban Chickens must be kept completely and securely always enclosed and under the control of the owner and on the owner's property. "Free Range" chickens shall not be allowed on Residentially zoned parcels of less than 5 acres

(4) A chicken coop, an enclosed structure for harboring chickens that provides shelter from the elements, shall be provided. The chicken coop shall be situated a minimum of ten (10) feet from property lines and fifty (50) feet from any neighboring dwelling existing at the time of issuance of a permit to raise chickens and a minimum of 10 feet from the principal dwelling. A freestanding coop shall be 10 feet or less in height. The coop must provide at least 4 (4) square feet of space per chicken.

(5) If on a property zoned Rural Residential consisting of 5 acres or more, an enclosed run need not be provided if the coop is located inside an area completely enclosed by a fence of not more than 6 feet in height.

(6) An enclosed run area is to be provided and be no larger than 100 square feet. No run shall be closer than 50 feet from a property line that adjoins a property with a dwelling located within 50 feet of the adjoining property line.

(7) Urban Chickens and coops shall be confined to the rear or side yard of the property. Chickens may be permitted in the side yard area which is parallel to the rear of the house.

(8) Any Urban Chickens kept in accordance with the provisions of this Section shall be for non-commercial, personal use only and may not be slaughtered on the property.

(9) The chicken coop shall be maintained in a sanitary condition and in compliance with all applicable health regulations of the State of Indiana, and Henry County.

(10) The chickens shall be kept in the coop from sunset to sunrise.

(11) All food and waste material shall be stored in covered containers with tight fitting lids and located a minimum of fifty (50) feet from property lines.

(12) Chickens and their enclosures shall be kept in neat, clean, and sanitary conditions, free from offensive odors, excessive noise or any other condition that would constitute a nuisance.

(13) Restrictive covenants regarding the keeping of livestock or poultry that are in existence at the time of adoption of this ordinance are binding.

(14) The keeping of chickens is an accessory use to a single-family dwelling.

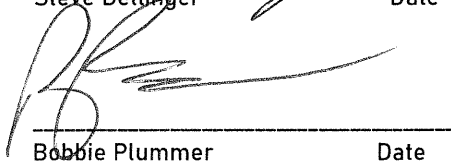
(15) The sole purpose of keeping Suburban Chickens is for the private consumption of eggs by members of the household and not for commercial purposes. In no case shall any product produced or made as the result of any keeping of Suburban Chickens as provided in this section be offered for sale on any property zoned for residential use.

(16) An Urban Chicken permit must be obtained from the office of Building and Zoning if a CAU is needed for the property. A CAU becomes non-valid if the property is sold or changes ownership. The new owner may apply for a new CAU.

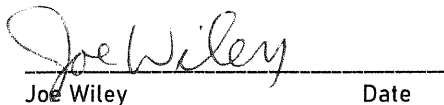
(17) During the CAU process, the Planning Commission may increase a setback if an objecting party or parties and an applicant can come to an agreement regarding a setback distance other than the minimum required in this ordinance.

 Steve Dellinger 6/14/23

Steve Dellinger Date



Bobbie Plummer Date



Joe Wiley Date