



# City of Gahanna

200 South Hamilton Road  
Gahanna, Ohio 43230

## Meeting Minutes Planning Commission Workshop

*Donald R. Shepherd, Chair*

*Bobbie Burba, Vice Chair*

*David K. Andrews*

*Kristin E. Rosan*

*Thomas J. Wester*

*Jennifer Price*

*Joe Keehner*

*Kayla Holbrook, Deputy Clerk of Council*

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Wednesday, November 2, 2016

6:15 PM

City Hall

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### OPEN MEETING

Chair Shepherd called the meeting to order at 6:15 p.m.

Shepherd said under the regular meeting, hearing of visitors, you can add comments then; will not allow public comment during the workshop.

**Present** 6 - Donald R. Shepherd, Bobbie Burba, Kristin E. Rosan, Thomas J. Wester, Jennifer Tisone Price, and Joe Keehner

**Absent** 1 - David K. Andrews

### ITEMS:

#### [CC-0002-2016](#)

To recommend to Council, changes to Part Eleven - Planning and Zoning Code, to form a Chapter 1170, Regulation of Chickens, of the Codified Ordinances of the City of Gahanna.

(Advertised in the RFE on 11/10/2016)

Chair Shepherd asked if anyone had any questions or if staff had comments on changing our code to allow chickens; Keehner said he asked the MORPC Agricultural person for input but has not heard back; local food is an important issue; code to regulate backyard chickens is not a bad idea; outlawing them is probably a bad idea; not comfortable with cell towers but legally we could not talk about the health impacts; individual citizens should be able to have chickens in their backyard; is important to regulate; chickens for personal use should be kept healthy and clean; interesting issue; surprised there is such an emotional outburst of pros and cons; trying not to be too subjective; did research on the pros and cons; the so-called-cons could be addressed in the code; will spend more for eggs but there have to be more reasons than the price of eggs; this is a rural small town turned into a suburb; Shepherd

asked Gard if Brian Reynolds is still the enforcement officer; Gard said yes and she is the supervisor; Shepherd asked about the enforcement aspect, would Brian be expected to enforce; asked if staff has discussed; Gard said would be Brian and the Police Department; Shepherd asked if Police would be fact-finding or how it would work; Gard said right now if someone is in violation would be given a warning notice letter, the Police Department has a part in it; depends on the section of code; would be a dual operation; Shepherd asked if there is time in the day for the City to keep up with the families who want chickens; or does he have trouble keeping up with his current workload; Gard said he is busy, more in the grass season; does not have downtime; if we are charged with doing this, we will do it; Shepherd asked if he has knowledge on what is safe; Gard said does not believe so; Rosan said her law partner is on Bexley City Council; they have a similar code; asked for his feedback; we have received a lot of feedback; he said there have been no issues at all; no complaints to the City; no one has approached him personally; believes it has been a good thing personally; those with backyard chickens appear to be doing exactly what they should be doing; believes it has been a couple years; Gard said we looked at their code; believes its been a couple years they've had the code; Rosan said believes there is testimony that there have not been many households that have it in Bexley; in Gahanna believe people have them and want to come out of the shadows and there may be a few more who want them; this is a big committment on their end to own chickens; would expect we would have a similar response in Gahanna; folks that do go through the trouble, will likely follow regulations; thinks Bexley is a good example we can look to; median property value and income is likely higher in Bexley and they have no issues; more comfortable with the proposal with that being said; Price asked if we can create a pilot program in some way; maybe a limited number of permits; test how enforcement is working and other items that may need addressed; Shepherd asked Weber; Weber said will be awfully hard; sees issues with a pilot program; Rosan said there are people in Gahanna with chickens; Gard said we have had complaints; Weber asked how you decide who can apply for a permit; hard to repeal once you have it; believes it needs to happen or not; Rosan said we can tighten up code in the future and allow a year for those to be in compliance; like any other state regulation; Price said is generally supportive of the direction we are going and allowing backyard chickens; believes it will self regulate; we live in an area where houses are closer; Weber likes the idea of an annual permit; can always tweak it; Rosan said likely something that could be included in code; maybe that limitation helps to at least get it passed; Weber struggles with limiting the number of permits; Price said we can put parameters in place in the code to address humane treatment; kind of subjective want to make sure

there is a way to address mistreatment; does not see these issues but would like to get ahead in addressing them; similar to the process of removing a dog; Weber said one concern is the permits; the code is separated; you have language in 505 and in Chapter 11; suggest a permit section in one or the other; Rosan said the proposal addresses those issues; asked where the City would take the chickens if they were removed; the code addresses the power of removal; Shepherd asked why this is in two different parts of code; Weber said may have to ask City Attorney; Weber asked about rental properties; Shepherd said usually in the lease agreements; Wester asked about Homeowner Association (HOA's); Rosan said asked Shane about that; there is a policy position the City has taken in previous years; not the City's responsibility in previous years; currently as I understand, if there is a deed restriction the City will not issue the permit; will not enforce deed restriction but will not issue permit; Price asked if HOA's have guidelines; Rosan said enforced the same as deed restrictions; Weber said a lot of HOA's have died but have deed restrictions still; they will not be enforced; Rosan said there is a private right of enforcement on deed restrictions; any neighbor has ability to enforce deed restrictions; Shepherd said that happened with fences a lot of the time; asked Weber if we open the City to liability for diseases; Weber asked if they have any more diseases than cats, dogs or other animals; limited and not a concern for him; Price asked if Franklin County has regulations; Rosan said Franklin County allows chickens; Gard said the City of Gahanna does not prohibit chickens; they are allowed in Estate Residential 1 and 2 zoning districts; those zonings encompass 1 acre plus lots; you can have farm animals there; does take a conditional use; Price asked what is a percentage of residences are in that zoning, likely less than 10%; Shepherd asked if there are complaints with those properties; Gard said no; Keehner said the idea of having code that is reviewable every so often would eliminate some of the issues addressed; Burba said would have to get down to each thing to address; Rosan asked Gard if the draft was updated to address the neighbor veto; Gard said no; Rosan said we have not talked about updating the code, just some concerns; the neighbor veto could encourage neighbor disputes; Burba said a privacy fence should address some of the concerns as well.

Shepherd said the public hearing on the 16th; will make a recommendation to Council or not; Weber said would want some code drafted to recommend to Council; might not be ready to recommend code after public hearing; Shepherd asked if they should individually contact someone to put things into a code; Gard said would discuss with the City Attorney; Burba said would replicate what we did with the cell tower code; Weber suggested a meeting with City Attorney to go over the code; Price said Council has authority to change code; we only have

jurisdiction on Chapter 11; Price said there is another process with Council for citizen input; amendments can be made.

**Public Hearing Date: 11/16/2016**

## **ADJOURNMENT**

7:00 p.m.