



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

Wednesday, November 2, 2016

6:15 PM

City Hall

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.