

PLANNING & ZONING COMMITTEE

OCTOBER 14, 2020

The meeting was called to order at 5:32 p.m. by Chairman Tim McCarthy. Committee members present were Cory Kuhlman, Tim McCarthy, and Barry VanHoozen. Also present were Bridgette Kabat, City Administrator, Kate Sandretto, Law Director, Brody Walters, Planning and Zoning Administrator, and Mark Easterling, Deputy Planning and Zoning Administrator.

CODE AMENDMENTS REGARDING CHICKENS

The Committee considered proposed Code Amendments to Chapter 1215.02(180) Specialized Animal Raising and Care, Chapter 1215.02(180.1) Keeping of Chickens, and Chapter 1225.08 Land Use Table that were the subject of a public hearing held on October 6, 2020. These changes would allow the keeping of up to six hens within zoning districts A, R1, R2, and R3 with certain accompanying requirements. The Planning Commission voted 5-1 to maintain the status quo and not approve the Code Amendments.

Scott and Caroline Strzesynski, 1010 Mulberry Street, were present in support of the proposed Code Amendments. Ms. Strzesynski said that they are down to three chickens and are hoping they can get back up to six, which would be permitted with these amendments. She said that they compost the waste and they feel that this is more permaculture than agriculture. She added that the chickens are not noisy.

Greg Bade, 26579 Cedarwood Lane, was present. Mr. Bade stated that he is a member of the Planning Commission. He said that only one current member of the Commission was on when the last legislation was passed. He said that he felt the ordinance was a little too general, and he has concerns about compliance.

Mr. McCarthy noted that the ordinance would not permit hens in R-4 zoning districts, it would require a minimum lot size of 7,500 square feet, and would require the chickens to be kept in a backyard, with at least a 10' setback on the coop and run. There was a lengthy discussion regarding lot sizes. Mr. Walters said that he feels the lot size is more relevant than the zoning district. He recommended that the lot size be at least a quarter acre, which is the original lot size for lots within the boundaries before lot splits were allowed. There was also discussion regarding the 10' setback, and the Committee decided that 15' would be more appropriate.

Mr. Kuhlman asked about using a special approval use process because then neighbors would be notified. Mr. Walters noted that there is a \$200 fee for special approval use applications. Mr. McCarthy said that he thinks the requirements that have to be met to raise hens would achieve the goals without going through the special approval use process.

Mr. Kuhlman said that he would like to see minimum requirements for the coop and run, and he would like to see language requiring humane treatment of the hens. Mr. McCarthy asked that Mr. Walters and Ms. Sandretto look at other communities' hen ordinances. Mr. McCarthy said that he is hearing that the Committee is receptive to keeping of hens with the proper restrictions. He said this will be considered at next month's meeting.

CODE AMENDMENT REGARDING PARKING LOT MAINTENANCE

The Committee considered a proposed Code Amendment to Chapter 1250.06(a) that was the subject of a public hearing on October 6, 2020. Mr. Easterling said that the Code Amendment would allow for maintenance of cracks and pot holes in a parking lot without going through the Planning Commission process. The Planning and Zoning Division recommended that the Code Amendment allow maintenance of up to 10% of the parking lot each year, and the Planning Commission recommended that maintenance of up to 20% be permitted. Mr. Easterling stated that the 10% language mirrors what is permitted for driveways. The Committee discussed the 10% versus 20%. Mr. McCarthy said that you want to allow maintenance but, if it's too generous, the parking lots will never be brought into compliance. The Committee agreed to the 20% and recommended 3-0 to approve the proposed Code Amendment.

OTHER BUSINESS

Ann Steck, 26450 Laurel Lane, was present regarding a driveway matter. She was unaware that she needed a driveway permit, and her contractor installed her driveway without a permit or inspection. She said she received a letter from the Planning and Zoning office stating that she could have a ground penetrating survey done to verify the depth. She said that these are unprecedented times, and she asked for relief on the regulations.

Mr. Walters said that unfortunately the resident is stuck between her contractor and the rules. The contractor was not licensed and bonded with the City at the time he did this work and has had multiple offenses with their office. Mr. Walters said the Planning and Zoning Division's goal is to resolve this without additional cost to the resident. He said that the City is going to call the bond of the contractor and will work with Ms. Steck to have the driveway re-installed. Mr. Kuhlman asked if the list of licensed contractors can be placed on the City's website. Mr. Walters said he can look into it. Mr. VanHoozen acknowledged that it could be a challenge to keep it current because the status could change day to day.

Brittney and David Nejman, 1330 Running Brook Drive, were present to request a variance be approved to keep their pool where it was installed even though it is closer than the required 15' to the property line, or that the required setback be lowered. Ms. Nejman explained that they have numerous utility lines running through their yard. She said the location of the above ground, buried pool is restricted because of where the electric lines are.

Mr. Walters stated that the permit that was pulled showed the proper setback and sometime during construction the location of the pool got shifted. He explained that the setback is not something that falls within the purview of the Board of Zoning Appeals. Mr. McCarthy said that the Committee does not have the authority to grant a variance that a subordinate body could not grant.

Law Director Sandretto stated that the Administration is dealing with another pool issue – an in-ground pool that was installed within the 15' setback. She said the Administration is reviewing how to move forward. Mr. McCarthy asked that the Nejmans sit tight until next month.

Mr. Walters distributed the Planning and Zoning budget worksheet. Ms. Kabat stated that developer inspection payments were reduced and wages are reduced because there will only be 26 pay periods as opposed to 27 this year.

There being no further business, the meeting adjourned at 7:19 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Timothy G. McCarthy". The signature is written in a cursive, flowing style.

Tim McCarthy, Chairman
Planning & Zoning Committee

Next meeting: Thursday, November 12, 2020 at 5:30 p.m. which is a change from the regular date and time.