

This Public Hearing was called to order on Monday, April 26, 2021 at 7:00 p.m. by Jon Hannan, Council President. Mrs. Field gave an invocation and then Mayor Broska led the Pledge of Allegiance.

PRESENT: Mike Lampa, John Ruediger, Jennifer Wagner, Jon Hannan, Julie Field

ABSENT: None.

ALSO PRESENT: Glenn Broska, Mayor  
Patricia Wain, Police Chief  
Rob Reinholz, Fire Chief  
Shawna Lockhart-Reese, HR Manager  
Mike Troyan, TMC Employee Benefits Group  
Caroline Kremer, Clerk of Council  
[by Zoom video conferencing:]  
Justin Ring, Council Member  
Chuck Kocisko, Council Member  
Sara Fagnilli, Assistant Law Director/Prosecutor  
Jenny Esarey, Finance Director  
Bill Miller, Service Director  
Matt Glass, GPD Group  
John Cieszkowski, Planning Director  
Patrick O'Malia, Economic Development Director  
Greg Mytinger, Parks and Recreation Director

T-7024 Zoning Text Amendment Regarding Keeping Chickens in Selected Residential Districts

Mr. Hannan opened the floor for comments. Susannah Cole, 10105 William Henry Drive, said, instead of the proposed 0.7 acre, could Council allow people to keep chickens on 1/3 of an acre. She said she also did not want roosters in the residential neighborhoods, but she felt keeping a small quantity of chickens was very beneficial because they were good for the ground, they provided fresh eggs, their manure was good to use in gardens, there were small coops (4'-8' that took very little room) that were a good size for 6 chickens. She added that certain breeds were very quiet and only made noise when there was an intruder, like a guard dog, and wouldn't disturb the neighbors as much as some other breeds.

She said there was already a problem in the City with predators (coyotes, etc.) that was increasing anyway, and adding chickens to a residential area wouldn't contribute much to that problem, especially if they were properly cooped in a style of chicken coop that would keep the chickens safe from predators.

Mr. Hannan mentioned that even if the City Code would allow chickens in a neighborhood based on the size of the property, there were private developments that may not allow it. Ms. Cole said each development should be able to decide on their own. She said there were some homes within Camelot Village that were a little larger at 1/3 acre and could have coops.

Mr. Ruediger mentioned that the proposed legislation required the coops to be at least 100' from all property lines, which would not work for her property. He also mentioned that the legislation said if at least 50% of the homes did not also have the size requirement, the one outlier property that did meet the size requirement still would not be allowed to keep chickens. Mr. Ruediger said most of the lots in Camelot Village were about 1/8 of an acre so the few that were large could not keep chickens under this proposal. Mr. Cieszkowski clarified that the minimal setbacks that would apply, if the owner had six hens maximum, was in R-1, R-2, R-T, R-R and O-C districts as the proposed legislation was currently drafted. If the owner wanted greater than six hens and roosters too, then they would have to comply with

the 100' setbacks. Mr. Cieszkowski mentioned that Camelot Village was zoned I-1 and therefore chickens would not be permitted as currently drafted in the I-1 district. Furthermore the City didn't have zoning oversight in Camelot Village; that fell under the auspices of the Manufactured Housing Commission. There were no internal lots so the Planning and Zoning Department could not note setbacks from lot lines and streets when there were no lot lines.

Ms. Cole said there was nothing in her contract that said she couldn't have them. Mr. Lampa suggested she check the Camelot Village Rules. Ms. Cole said she had moved in over 15 years ago and the rules didn't speak to farm animals. She said Camelot Village went by the City ordinances. Mr. Hannan summarized that under current City ordinances chickens were only permitted in the R-R and O-C zoning districts (not I-1) with certain setbacks. The City was proposing to permit chickens, with restrictions, in R-1, R-2, R-T, R-R and O-C with the larger setbacks required if there were more than six chickens and the smaller setbacks would apply for a maximum of six hens accessory to a dwelling unit.

Mayor Broska commented that if Ms. Cole's contract had only mentioned dogs and cats, then anything else was excluded. It was also an industrial area and chickens were not allowed. He added that Ms. Cole didn't own the land her mobile home was on, the land was leased although she owned her mobile home. The County did not have individual lots recorded within Camelot Village; the land her mobile home was on was part of a much bigger parcel, therefore, she didn't have property owner rights (Camelot Village maintained those rights). If Camelot Village was following the City ordinances, chickens would be excluded in Camelot Village because it was zoned I-1. Mayor Broska said Camelot Village was a non-conforming use because it was mobile homes prior to it being I-1.

Ms. Cole said Camelot Village seemed to allow everything. She was still here tonight to support the vote for allowing chickens on 1/3 of an acre or less because she was currently looking for property elsewhere and would want to have chickens and small farm animals.

Mr. Ruediger asked for some clarification on setbacks because the language in the different zoning districts seemed contradictory. Mr. Cieszkowski explained that the ordinance was drafted to permit up to six hens with restrictions. If the resident was going to keep six hens in the backyard, they could do so under the proposed §1151.33 with the setbacks listed in §1151.33(d) which was 10' from property lines and 20' from dwellings. The 100' setback was triggered when someone had more than six chickens, or six chickens and a rooster, because having more than six chickens was thought to be more agricultural in nature than a backyard hobby and would be required to be in the O-C or R-R districts and comply with the 100' setbacks instead of the lesser setbacks that were permitted for less chickens in a backyard.

Ms. Cole commented that in Cleveland people were able to keep chickens and roosters within 5 feet. Since Streetsboro used to be all farmland, she wondered why there was such strict regulations against chickens here.

Mr. Kocisko commented that Council had gone through this at least twice in the last 20-25 years and there were no changes made in the past because there was never an ending, there would always be another issue. He said "once you do it for one, you gotta do it for somebody else who was going to come back and look for a little more," so it died the last two times it was brought up. He wanted to give the history and educate the group. Ms. Cole thought the City would be able to do some kind of regulations or permits to check on the situations instead of worrying about the issue escalating. She thought the City could make money off the permits, or make money off people learning to take care of chickens properly.

Paul Yupa, 8749 Seasons Road, thought the legislation might be beneficial in the rural areas. He thought there were people in the rural areas that had a handful of chickens already, that didn't really fit the current zoning, but the chickens weren't really bothering anybody at the

hobby level. The way this legislation was written would help those residents in the rural areas to conform, to limit what they do, to eliminate the rooster factor, and to help make those people legitimate. He didn't think the current chicken-keepers were bothering anyone or we would hear about it.

Mr. Ruediger asked about the definition of a subdivision when it came to calculating 50% or more of the lots smaller than seven tenths (0.7) acre because he knew someone who lived next to a subdivision, but was not part of the subdivision or its HOA. Mr. Cieszkowski said he would pull the plat to see what was included in the subdivision to determine if that "outlier provision" applied or not. He noted some of the older subdivisions were not referred to by name anymore but were technically part of a subdivision.

Brad Teuton (and his son Cole), 225 Hale Drive, said he thought his household would qualify because their property was greater than 0.7 acre. He supported allowing chickens in the neighborhoods because it was a great hobby for kids.

Mr. Hannan asked if Hale Drive would qualify since there were only one or two properties that were greater than 0.7 acres and more than 50% of the lots were smaller than 0.7 acre, but was it a "subdivision." The homes on Harper Drive were larger R-1 properties and may qualify. Mayor Broska didn't think individual lots along a street would qualify as a subdivision. A subdivision was usually planned as a whole project. Mr. Cieszkowski and the Law Department would have to determine what properties qualified to keep chickens under this proposed ordinance.

Mrs. Cieszkowski said he had looked at three or four parcels on Hale Drive, all of which were greater than 0.7 acre, so he thought those properties would qualify, but each one would have to be evaluated on a case by case basis. He thought Hale Drive had all been platted as one major subdivision even though the homes were built at different times. Mr. Cieszkowski said the 0.7 acre and outlier provision had arisen when the Planning and Zoning Department was looking at Stonegate, which had about 95% of the parcels at less than 0.7 acre but some parcels at the eastern boundary and on cul-de-sacs that were greater than 0.7 acre. The deed restrictions at Stonegate prohibited chickens anyway. They had decided to use a majority and set it at 50%.

Mrs. Field commented that Stone Ridge was next to Stonegate and Stone Ridge did not have an HOA, so there were multiple homes that backed up to houses on McCracken Road and Stoneridge Drive that might have chickens visible from their backyard. Mr. Cieszkowski thought the majority of homes on McCracken Road and Highridge Drive were under the 0.7 acre threshold so that would not happen. He said they didn't think it was fair to allow chickens in a subdivision if only three parcels on a cul-de-sac happened to be greater than 0.7 acre and 95% of the other parcels in the subdivision were not.

Mr. Ring said he agreed wholeheartedly that it was only fair to restrict chicken for everyone if there were only a couple parcels in a subdivision that might qualify at 0.7 acre. He said he had thought about this issue since the last meeting and thought excluding the 50% may have an impact on the portions of the City that we thought we were going to be helping, like maybe at Hale Drive because most people don't think of those areas as subdivisions. He wanted to make sure what Council did and what Council passed was actually going to help in a practical nature and not just benefit a very few. He agreed with Mr. Yupa that this proposal would be great for some of the bigger rural areas like the R-R district. Mr. Ring wanted to understand where chickens would actually be allowed and who would be impacted. He wasn't against this proposal as presented provided it actually allowed some of the residents to enjoy the hobby of chicken keeping.

Mr. Hannan noted that the Sundet Family had sent a letter to Council in support of allowing property owners of Streetsboro (all neighborhoods) to keep a small flock of chickens and they were surprised Streetsboro had not adjusted their ordinances sooner because Cleveland Heights/Cleveland had allowed backyard chickens for quite some time and barking dogs could be more annoying than backyard chickens [see attached].

The Clerk confirmed the draft legislation was still in Committee. Mr. Cieszkowski would prepare an exhibit to show where the keeping of chickens would be allowed under this proposal for the next Service Committee Meeting.

There being no further business to be addressed during this Public Hearing, and upon motion by Mr. Ruediger, seconded by Mr. Lampa, this meeting adjourned at 7:36 p.m.

ATTEST:

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Caroline L. Kremer, Clerk of Council

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Jon Hannan, President of Council