

MINUTES OF PUBLIC HEARING

May 15, 2023

Temp. Ord. B-35

An ordinance approving a regulatory text amendment to Section 1133.04(A)(5) to allow for the keeping of chickens in R-2, R-3 and R-4 Zoning Districts, and declaring an emergency.

On the 15th of May, 2023, at 6:30 p.m. EST, public hearings were called to order and conducted regarding Temp. Ord. B-35 dealing with amending specific sections of the Codified Ordinances of the City of Cuyahoga Falls, Ohio. Notice of the hearing was published in the Falls News Press, a newspaper of general circulation in the City of Cuyahoga Falls. A true and accurate copy of the published Notices are attached to these Minutes.

Mr. Rob Kurtz, Planning Director, presented Temporary Ordinance B-35 to Council. Two members of City Council requested that the Planning Division draft text amendments for the Planning Commission's consideration that would allow residents to keep chickens on their properties in all single family residential districts. Currently, "Animal Services, Large" is an "allowed use" in NP-1 National Park and RR Rural Residential Districts and, as a "limited use" in R-1 Large Lot Residential Districts. The NP-1, RR, and R-1 Districts are generally characterized by large lots and are more rural in nature when compared to the remainder of the City.

The Planning staff does not support the change to allow chickens in all residential districts considering the following: Not adequate evidence provided to support amending the text of the Development Code; Given the smaller lots in R-2, R-3 and R-4 Districts, the potential negative impacts on adjacent properties are greater; Potential for increase in complaints/violations considering the smaller lot sizes and closer proximity of homes; The keeping of chickens is already permitted in NP-1, R-R & R-1 Districts.

At the April 4, 2023 Planning Commission meeting, the Commission members voted to recommend approval of TXT-22-00044 to allow for the keeping of chickens in R-2, R-3 and R-4 Districts by amending Section 1133.04(A)(5).

Proposed Text Amendment

Chapter 1133, Title 1, Part 11, Section 1133.04(A)(5) of the Codified Ordinances of the City of Cuyahoga Falls, is hereby amended to read as follows:

5. Domestic Animals.

a. No more than 3 (three) adult dogs, six months or older are permitted in any residential district, except as specified in 1131-1: Zoning Districts and Uses.

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b. Keeping of swine, goats, llamas, mink, geese, chickens, pigeons and other fowl, and other similar domesticated animals is not permitted in residential districts, as specified in subsections (c) and (d) below:

c. Keeping of chickens is an allowed use in NP-1 and R-R Districts and a limited use in R-1 Districts under the “Animal Services, Large” classification as specified in Table 1131-1: Zoning Districts and Uses, and further regulated in Section 1133.02 (G)(3).

d. Chickens, excluding roosters, may be permitted in R-2, R-3 and R-4 districts according to the following conditions:

(1) A total of 4 chickens are permitted in R-2, R-3 and R-4 zoning districts. Keeping of chickens is prohibited in any front yard or corner side yard.

(2) A minimum of lot width of 50 feet is required for the keeping of chickens

(3) All chickens shall be provided with a covered, predator-proof coop or other shelter that is thoroughly ventilated, designed to be easily accessed and cleaned, and of sufficient size to permit free movement of the animals. Such structures shall be set back a minimum of twenty (20) feet from all property lines.

(4) Chickens must be kept in a coop or coop run as specified in subsection 3 above, at all times.

(5) All coops and associated structures shall require a zoning certificate from the Planning Division. All coops and associated structures shall be constructed of quality, weather resistant materials including wood that is stained or painted or simulated wood products. Roofs for the coop or run should be angled to ensure rain and snow stay outside of the coop and run. The coop run shall utilize 19-gauge hardware cloth or a similar material.

(6) Any perimeter fencing shall comply with the standards specified in Section 1145.09. Any coop building shall be included in the calculation regarding the number and square footage of accessory structures permitted as specified in Table 1132-2.

(7) The maximum area for a coop is 60 square feet.

(8) Provision must be made for the storage of feed. A fully enclosed container equipped with a roof or lid shall cover all stored feed which shall be setback minimum of twenty (20) feet from all property lines.

(9) Provision must be made for the disposal of animal waste.

(10) The maximum height of a coop building shall be 7 feet.

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(11) A solid privacy fence a minimum of 6 feet in height shall be required in order to screen the coop from view of adjacent properties.

(12) No slaughtering of chickens shall be permitted in any residential district.

(13) No commercial sales of eggs shall be permitted on any properties located in R-2, R-3, or R-4 districts.

Mayor Walters gave a brief introduction and overview of zoning within the city.

Ms. Diana Colavecchio, Community Development Director, gave a background of the history of text amendments brought before the Planning Commission and how they are handled within the Community Development Department.

Ms. Nichols-Rhodes gave a presentation on backyard hens and introduced the applicants and original proponents of this text amendment.

Christin Boozer, 1658 14th Street, Cuyahoga Falls; Steven McIntosh, 261 E. 214th Street, Euclid and Michael L. Kubera, 3880 Eakins Road, Cuyahoga Falls spoke in favor of Temporary Ordinance B-35.

Robert Bealer, 1329 Treasch Drive, Cuyahoga Falls and Steven Spengler, 817 Chestnut Boulevard, Cuyahoga Falls spoke in opposition of Temporary Ordinance B-35.

Theresa A. Chmielewski, 1505 Main Street; Karin Cseak, 556 West Portage Trail Extension, Cuyahoga Falls; David Bertch, Jr., 2559 Sixth Street, Cuyahoga Falls and Jessica Pintiello, 2911 Norwood Street, Cuyahoga Falls spoke in favor of Temporary Ordinance B-35.

Thomas Sullivan, 447 Tallmadge Road, Cuyahoga Falls spoke in opposition of Temporary Ordinance B-35.

Mark Wilkerson, 2467 Sixth Street, Cuyahoga Falls, Pauline Larson, Thomas Court, Cuyahoga Falls and Harry Lehman, 2112 Ohio Avenue, Cuyahoga Falls spoke in favor of Temporary Ordinance B-35.

Cindy Stevens, 2424 Fourth Street, Cuyahoga Falls spoke in opposition of Temporary Ordinance B-35.

No further comments, either for or against the legislation, were offered by anyone in attendance.

E-mails sent to Public Comments for or in opposition of this text amendment have been attached to these minutes by the Clerk of Council.

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Certification

The undersigned, Dana M. Capriulo, Clerk of Cuyahoga Falls City Council, hereby certifies that the foregoing is a true and correct copy of the minutes of the public hearing held by the Council of the City of Cuyahoga Falls, Ohio, at 6:30 p.m. on Monday, May 15, 2023.

Dated: May 18, 2023

Dana M. Capriulo, Clerk
Cuyahoga Falls, Ohio City Council