



Office of the City Manager
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Memo

To: Members of Community Development Committee
From: Dana L. McDaniel, City Manager
Initiated by: Jennifer M. Rauch, AICP, Director of Planning
Date: March 16, 2021
Re: Request for Chickens in a Residential District

Summary

During the April 27, 2020 meeting, City Council considered a resident's request at 7535 Bellaire Avenue to allow backyard chicken coops. The resident requested Council consider a change to the Zoning Code to allow chickens to be kept in certain residential zoning districts (see attached). City Council discussed the topic and requested the topic be discussed at a later date by another Council appointed group or committee.

Background

At the May 18, 2015, City Council meeting, Dublin residents requested City Council revise the Zoning Code to permit chickens in residential areas. City Council requested staff research other communities' approaches to addressing this increasingly popular trend of keeping chickens in urban areas and provide Council with options for potential changes to the Zoning Code. At the July 1, 2015 City Council meeting, Council members discussed the follow-up information provided by staff. After a short discussion Council decided not to move forward with an amendment to the Zoning Code to allow chickens in any residential zoning districts.

Current Code

The City of Dublin Zoning Code permits *Agriculture* (including farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry). Chicken keeping is categorized as poultry husbandry and would therefore be permitted in the Rural zoning district. The Rural zoning district requires 40,000-square-foot lots that are 150 feet wide. There are few residential lots in the City zoned Rural (three are along Hyland-Croy Road, including the remaining undeveloped land from the Riviera Country Club, one is located along Manley Road and one along Brock Road). Some scattered school and church sites within the City are also zoned Rural, as well as undeveloped land in the southwest area. No other zoning district in the City permits any type of agricultural use.

Additionally, there are properties within the City of Dublin with non-conforming uses that would have been permitted under the previous zoning district. There are a handful of examples where residential properties owners are permitted to keep livestock, based on the prior zoning district allowances. Any amendments considered or adopted would not alter the status of these existing, non-conforming properties.

Benchmark Research

Staff conducted local and national research to determine the different regulations in place. Locally, Franklin County, the City of Columbus, Worthington, and Bexley allow chickens in residential districts with varying rules and regulations as to number of chickens and location of coops.

Similar to Dublin, nearby communities such as Hilliard, Pickerington, Westerville, New Albany and Orange Township only allow the keeping of chickens in agricultural or rural zoning districts, with a minimum lot size between three and five acres. Few lots in these municipalities are zoned rural or of the required size. Grove City and Shawnee Hills do not allow chickens in their communities.

Options

1. Keep Current Regulations

Few residential properties within the City of Dublin are zoned Rural and this option will align with a majority of nearby communities.

2. Code Amendment to Permit Chickens in Residential Districts

Appropriate development standards could be adopted addressing required lot size, the permitted number of chickens, the prohibition of roosters, the location of coops and fencing, and maintenance of the area where the chickens are kept (and prohibiting slaughtering of chickens). Code amendments will also need to address the numerous neighborhoods within the City that are regulated under individual PUD texts. Ongoing code enforcement will be required to ensure that all development restrictions are met. Individual HOA rules may not align with a Code amendment.

3. Code Amendment to Require a Special Permit to keep Chickens

Board of Zoning Appeals review and approval is required for special permits and could include keeping chickens on residential properties. The Code amendment would need to address review criteria for this type of special permit as well as appropriate development standards similar to those provided for in 2, above.

Recommendation

Staff requests guidance from the Community Development Committee regarding the proposed options.

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Ms. Fox asked about the DAC need for funding. Could the Art in Public Places piece budgeted for next year be deferred? This would be an opportunity for alternate funding, if that is necessary.
Mr. McDaniel responded that Mr. Guion has provided some options for consideration by Council. Staff has requested additional information to understand their budget gap.
Ms. Fox agrees with Ms. Alutto that the items she identified be referred to Finance Committee.
Ms. De Rosa agreed.
Mr. Keeler and Mr. Reiner concurred.
Mr. Reiner added that the bed tax grants and BYN grants should be delayed until later in the year.

The Clerk and Ms. Burness reported there was no input was received from the public regarding the budget presentation.

Mayor Amorose Groomes moved to refer the items related to the DAC and the DCVB to the Finance Committee. (The BYN and bed tax grants are already in the Committee’s purview.) (A decision regarding the next steps for the remainder of items on the slide was not made at this time.)
Ms. Alutto seconded the motion.
Vote on the motion: Ms. Alutto, yes; Mayor Amorose Groomes, yes; Mr. Keeler, yes; Vice Mayor De Rosa, yes; Ms. Fox, yes; Mr. Peterson, yes; Mr. Reiner, yes.

- Chicken Coop – Zoning Restriction Discussion

Mr. McDaniel stated that resident Helen Flood, 7535 Bellaire requested the potential of installing chicken coops on her property to raise chickens. Council had previously discussed this topic in 2015, and he is advancing this to Council for consideration and to determine how they want to handle this request.

Ms. Husak stated that Council last considered this topic back in 2015. The only zoning district that allows the raising of farm-type animals is the Rural district and there are only a few in the City with that classification. Ms. Flood’s property is in an R-1, restricted residential zoning category and it lies east of Dublin Road in the Bellaire-Limerick area. She has a large lot and her neighbors do not object, according to Ms. Flood. However, it is not a permitted use in this District. Staff has advised her of this and she requested that Council reconsider this issue. Staff has done research of adjacent municipalities and found only one that allows this on any zoning district other than Rural zoned lots of two acres. She is seeking Council input on referring to a committee, drafting a Code amendment, or other action.

Mayor Amorose Groomes asked if Council would like to refer this to PZC.

Mr. Peterson stated that the memo indicates that none of the surrounding suburbs inventoried would allow this on a property with this zoning category.
Ms. Husak clarified that only Worthington allows this use on other than Rural zoned property.

Vice Mayor De Rosa noted that in 2015, Council decided not to amend the Code to allow this. Is there any change since 2015 of which Council should be aware?
Ms. Husak responded that in 2015, a resident housed chickens illegally in the City and it was identified by the Code Enforcement staff. It was resolved, and no one else has approached the City with a similar request since that time.
Vice Mayor De Rosa noted that this use would have implications for the surrounding homeowners as well.
Ms. Husak agreed, noting the questions would be in which zoning districts it would be allowed – not just the R-1. It would be a larger topic to be addressed citywide – not for one homeowner in one zoning district.
Vice Mayor De Rosa noted that, given the current COVID-19 and financial issues facing the City, the timing of such a discussion may not be the best.

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Mr. Keeler noted that when he read the memo and the benchmarking, there was not specificity about lot size noted. However, the cities of Columbus, Bexley and Worthington, as well as Franklin County allow chickens and chicken coops. Ms. Husak stated that staff was first seeking direction from Council about their desire to consider this request further. Staff would then provide more comprehensive information going forward for any review. Franklin County has a point system and is dependent upon the lot size for number of hens allowed. They do not allow roosters. If Council were to refer this to a committee or to PZC, all of that information would be included. Mr. Keeler stated that the resident has likely observed other communities allowing this, and may not be aware of the nuances. He is open to the conversation, but agrees that now is not the best time, given the number of critical items on Council’s plate. Ms. Flood did point out some sensible requirements that would need to be met, and the no rooster rule is universally accepted. Ms. Alutto stated that she, too, is open to the conversation but agreed that now is not the time to review this. She would advocate having PZC discuss the pros and cons of such a Code change and what the reasonable requirements would be for this. Mr. Keeler added that another important consideration is deed restrictions in neighborhoods. These may very well prohibit keeping of farm animals.

Mayor Amorose Groomes summarized that Council may want to have discussion of this matter in the future, but not at this time, and that PZC or CSAC could be a good venue for such a discussion. Ms. Fox commented that she would prefer any discussion be held at CSAC, given the workload of PZC.

Mr. McDaniel stated that he will communicate Council’s input to Ms. Flood.

STAFF COMMENTS

- Future Event Considerations/Summer 2020

Mr. McDaniel noted he provided a memo from Mr. Earman and Ms. LeRoy regarding the status of upcoming major events.

- Staff has been working closely with Lt. Col. Ret. Jeff Noble regarding the Memorial Day observance. It has been agreed that the procession will not take place, nor the same public ceremony at the cemetery. What is proposed is to have a videotape of a ceremony to be shared with the public and encouraging residents to observe Memorial Day at their homes. The luncheon would not be held this year.
- Regarding Independence Day, the decision has not been made at this time. Conversations about the Independence Day events are being held regionally. A decision is needed by May 15. He asked Council members to share any input. Staff has also identified some innovative ideas for celebrating Independence Day without large gatherings.
- In regard to the Dublin Irish Festival that attracts 100,000 people, a decision will need to be made by June 1 in order not to incur costs that cannot be recovered. Some sponsors have already agreed to roll over to 2021. Some entertainers are not certain if they will be able to travel.
- In regard to the Memorial Tournament, it has been rescheduled to July 13-19. He has worked with Dan Sullivan on this, and a working group has been established that includes Franklin County Public Health. There are challenges to overcome to operate it within the parameters required.

He summarized that there are challenges in making these decisions and many people are working together on the issues.

Mayor Amorose Groomes is aware that the DCVB is doing great work on events that can be done in the City under social distancing parameters. Perhaps someone can offer some ideas to observe Memorial Day at home and share that messaging with residents.

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161. The land is located just east of the new intersection under construction and involves the Wendy's on the south side of SR 161. Staff recommends dispensing with the public hearing and passage by emergency.

Mayor Keenan noted that the emergency is due to the timing issue related to construction of the project.

Mr. McDaniel confirmed that is correct.

Vice Mayor Gerber moved to dispense with the public hearing and treat as emergency legislation.

Mr. Lecklider seconded the motion.

Vote on the motion: Mr. Reiner, yes; Vice Mayor Gerber, yes; Ms. Salay, yes; Mr. Peterson, yes; Ms. Chinnici-Zuercher, yes; Mayor Keenan, yes; Mr. Lecklider, yes.

Vote on the Ordinance: Mayor Keenan, yes; Vice Mayor Gerber, yes; Mr. Reiner, yes; Mr. Peterson, yes; Ms. Salay, yes; Mr. Lecklider, yes; Ms. Chinnici-Zuercher, yes.

STAFF COMMENTS

Mr. McDaniel:

1. Thanked all of the parties who cooperated in the City's acquisitions and easements related to the roadway improvements.
2. Reported that a reception honoring Fred Hahn is scheduled for Wednesday, July 8 from 5:30 to 7:30 p.m. at the Recreation Center. The public is invited to attend.
3. Noted that Council has agreed to schedule a Special Meeting on Monday, July 13 with an executive session at 6 p.m. and the meeting at 7 p.m.
4. Reminded Council about the July 4th parade, concert and fireworks on Saturday, July 4. He hopes everyone is able to attend and that the weather is favorable.
5. Noted that the packet includes a memo regarding the Sister City or Friendship City international initiative.
6. Noted that a memo was provided in the packet relative to allowing chickens in residential districts and how Council may want to refer or work on this issue going forward. Any direction on this would be welcomed.

Mayor Keenan commented regarding the memo about the chickens in residential areas. Staff mentioned that perhaps the matter could be referred to the Community Development Committee. He asked for Council input.

Mr. Lecklider stated that he does not support referral of this matter. The memo has provided all of the information he needs. Further study would consume staff time and Committee member time. Hypothetically, if the City did allow chickens in residential areas, there would not be equal application across the City because of the various PUDs and their individual deed restrictions that would prohibit this.

Ms. Readler stated that even if the City amended the Code to permit chickens in residential areas in some manner, if deed restrictions would otherwise prohibit it, the property owners would have to comply with their deed restrictions. The restrictions could prohibit such items as accessory structures or farm animals.

Mr. Lecklider added that it seems confusing for the public. He assumes that the Muirfield deed restrictions would not allow chicken coops, and that comprises nearly a quarter of the community – in addition to several other neighborhoods that would prohibit this. In addition, the existing ordinance would have to be revised, which limits this activity to a minimum 40,000 square foot lot of 50 foot in width.

Ms. Chinnici-Zuercher agreed, noting that she could not support this legislation. Vice Mayor Gerber noted he concurs.

Mayor Keenan stated that the presentation by the family at a recent meeting was certainly heartfelt and he appreciates their passion. However, there are many unintended consequences if the City were to move forward with any such change.

Mr. Reiner asked if the City of Columbus allows chickens in residential areas.

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Ms. Readler responded that a permit must be obtained from the Columbus Health Department and there are development restrictions as well.

Mr. Reiner stated he cannot speak for the Muirfield Association unless this were considered by the Board. He believes that an ordinance can be written tightly that governs this, and containers could be moved around each day. It is done in many cities, but it is a complex system for property owners to adhere to in housing these chickens. It would require significant regulation.

Mayor Keenan summarized that a majority of Council does not support further study of this issue. He agrees with Mr. Lecklider that referring to Committee would require significant staff and Committee time, and there is not adequate Council support of changing the current law for the reasons discussed.

Ms. Salay asked that staff notify the family of this decision.

Mr. McDaniel agreed to contact them.

Mayor Keenan asked for Council input about the international city proposals. Staff has indicated there is a distinction between a Sister City and a Friendship City designation, and staff is recommending that the City begin with a Friendship City program, if Council does want to proceed with this.

Mr. McDaniel thanked Mr. Kridler, Ms. Gilger and Ms. Puskarcik for doing the research on this matter. If Council would like to move forward with an international relationship – particularly with Mashiko, Japan – staff would recommend pursuing the Friendship City approach, and including the Consul General of Japan in this process. From a cultural exchange perspective, this would be a good choice. Staff would also recommend that Council consider some other strategic international relationships, such as the home city of Hidaka in Japan.

Mayor Keenan noted that he is supportive of pursuing these relationships. If Council is in agreement, staff can draft a letter to the Mayor of Mashiko, Japan to initiate the Friendship City process. Staff can also take steps to initiate the Hidaka home city in Japan for purposes of business relationships.

Mr. Reiner stated that the focus of the Mashiko relationship would be cultural exchange, and the others would be business related to Ohio industries.

Mr. Lecklider agreed with staff's recommendation and their bases for initiating this at the Friendship City level. Dublin has the largest population of Japanese in the state of Ohio and there is certainly a business aspect to this. After his trip to Ireland as their guest, he had a similar proposal that relates more to Dublin's heritage. Other Dublin communities in the U.S. have a relationship with Irish communities. Dublin, California has a Sister City relationship with a city in Ireland. He recognizes this requires staff time, and he suggested that an Ireland city be pursued at the Friendship City level should the opportunity exist.

Mr. McDaniel stated that at staff level, they believe there is opportunity to do these programs with other international cities and staff recommends pursuing those as well. Where Dublin industries have a presence – whether it is Sweden, India, Ireland – there is great opportunity for international relationships. In addition, the Honorary Consul of Austria office is in Dublin and that could be considered as well. He concurs that this Friendship City program should not be limited to one country.

Mayor Keenan stated that perhaps some Dublin service clubs could provide host families for the programs. He was surprised with the numerous other cities in and around Central Ohio that have had these relationships for many years. He believes this is a very worthwhile program.

Mr. McDaniel stated that, based on this discussion, staff will move forward with formalizing the Friendship City program with the ones identified in Japan and will suggest others going forward.

Mr. Lecklider commented regarding the memo in the packet about the Muirfield Drive buffer. He agrees that it appears some attention is needed to this landscaping buffer. The ultimate conclusion seemed to indicate it is a matter of enforcement – in terms of removal of dead trees and replacement of them. The legal basis for this was not clear to him. It does not seem entirely clear whose responsibility this is. If a property owner

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Ms. Cummings agreed that this is key to workforce attraction, a critical component for some industry clusters.

CITIZEN COMMENTS

Wallace Maurer, 7451 Dublin Road, Dublin stated that his subject matter for tonight is an agenda matter, so he will postpone any comments.

Audra Harder, Meghan Harder, Nicholas Harder, Mitchell Harder, 7448 Earlsford Drive, Dublin stated that they are accompanied by their parents, Susan and Bob Harder.

Audra Harder noted she is a freshman at Dublin Coffman High School and a lifeguard for the City of Dublin, together with her brother, Nick Harder. Her younger brother, Mitchell is a sixth grader at Karrer Middle School. Her older sister, Meghan is a graduate of Dublin Coffman High School and is currently a chemistry teacher at Dublin Jerome High School. Their family has resided in Dublin for 17 years and they are present to request that Council amend the Zoning Code to allow backyard chickens in residential areas of Dublin. Mitchell Harder stated that on his 12th birthday, he requested chickens as a gift, as he loves animals and wants to be a veterinarian. He and his sister contacted all of their neighbors to make sure there was no objection to the chickens. Hearing no objection, they then built a chicken coop, which houses three chickens. They make little noise and produce three eggs per day. They were not aware that residents could not have chickens on their property in Dublin until receipt of a letter from the City indicating the chickens would have to be removed. They are requesting Council approve a Code amendment to allow backyard chickens in Dublin. They asked neighbors to sign a petition to allow backyard chickens in Dublin, and have received only positive responses.

Meghan Harder noted that her sister is sharing pictures of the chickens, and her brother is sharing the petition signed by the neighbors in support of the backyard chickens. She noted that Franklin County made an amendment to their zoning code in 2013 to ease restrictions on raising chickens, ducks and rabbits for personal use. The information she referenced from Franklin County indicates that raising chickens, ducks and rabbits is considered an agricultural use and was prohibited on lots smaller than one acre and severely limited on lots between one and five acres. The 2013 amendment allows residents to raise chickens, ducks and rabbits on these smaller lots, while following reasonable developmental standards. These standards will help to avoid problems that may otherwise be associated with raising these animals in populated areas. She shared the benefits listed by Franklin County: 1) raising these animals can contribute to Franklin County's food security; 2) increasing access to fresh, local food products benefits citizens of Franklin county by promoting a healthy, sustainable and local food network; 3) providing nutritious food at an affordable cost; 4) raising backyard chickens, ducks and rabbits allows residents of all ages and incomes to access fresh food that they can raise themselves, which is especially beneficial in areas of limited grocery store access; 5) permitting healthy living, raising backyard chickens, ducks and rabbits brings physical, emotional and mental health benefits to residents; 6) sustainable land use. They have heard Dublin's slogan of "It is Greener in Dublin" and they would like to make this a lifestyle, not just a hollow slogan. They request that Dublin adopt a zoning code amendment or support the one Franklin County has adopted, allowing their family to continue their sustainable practice.

Mayor Keenan noted that the parents should be very proud of their children who have made a great presentation on this topic. He asked Ms. Readler to comment on behalf of the Law Department.

Ms. Readler stated that urban animal husbandry has become a topic of interest in recent years. Currently, the Dublin Code permits raising chickens in the Rural zoning district only. Staff has been gathering information on what other communities are doing in this regard, and can provide Council with a recommendation for review at an upcoming meeting.

Mr. Reiner commented that a few years ago, he proposed this same change. He is very supportive of the amendment to allow backyard chickens. This is a great family venture! Congratulations to the family on their forward thinking!

Mayor Keenan stated that staff will research this and provide a recommendation to Council.

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Ms. Salay noted that currently, this family is in a state of limbo as they have been asked to remove their chickens. She is not aware if there are other enforcement actions outstanding for this same activity. What will happen to the chickens while Council is reviewing this matter? She suggested that perhaps the Community Development Committee may want to review this issue, after the staff has provided a report. For a family who takes good care of the chickens, this is acceptable to the neighborhood. However, there could be a situation where that would not be the case, so it is important to study all aspects of the issue.

Ms. Readler stated that if Council is studying the issue and considering an amendment, the enforcement efforts could be held in abeyance, if there are not negative impacts.

Ms. Salay responded that if the neighbors are in concurrence and there is not a nuisance situation, that could be done.

Ms. Chinnici-Zuercher stated that begs the question about the timing of Council's decision, since Codes are in place to be enforced. Prompt review of this matter is needed.

Mr. Lecklider cautioned that there is another side to this. While he appreciates the presentation, he recalls that Council dealt with a similar matter some years ago with regard to carrier pigeons. Not everyone is supportive of the concept of backyard chickens, so it is important to have public input.

Mr. Reiner stated that large cities, such as Cleveland and New York have already adopted this type of legislation.

Mr. McDaniel stated that staff will report back on this issue.

CONSENT AGENDA

Mayor Keenan moved approval of the actions for the four items on the Consent Agenda. Vice Mayor Gerber seconded the motion.

Vote on the motion: Ms. Salay, yes; Mr. Lecklider, yes; Mr. Reiner, yes; Mayor Keenan, yes; Ms. Chinnici-Zuercher, yes; Mr. Peterson, yes; Vice Mayor Gerber, yes.

- Approval of 5-4-15 Regular Council Meeting Minutes
- Notice to Legislative Authority from Ohio Division of Liquor Control – Stock Transfer for Matt the Miller LLC, dba Matt the Miller, 6725 Avery-Muirfield Drive and Patio
- **Ordinance 37-15 (Introduction/first reading)**
Adopting the Proposed Tax Budget for Fiscal Year 2016. (Second reading/public hearing June 8 Council meeting)
- **Resolution 48-15 (Introduction/vote)**
Waiving Competitive Bidding Requirements, Pursuant to Section 8.04 ("Contracting Procedures"), Paragraph C ("Waiver of Competitive Bidding") of the Revised Charter for the Purchase of Beer for the 2015 Dublin Irish Festival.

SECOND READING/PUBLIC HEARING – ORDINANCES

Ordinance 34-15

Amending Ordinance No. 57-94, Passed June 20, 1994, as Amended by Ordinance No. 62-94, Passed June 27, 1994, and as Amended by Ordinance No. 44-03, Passed April 21, 2003, to Supplement the Public Improvements to be Made to Benefit the Parcels Identified in that Ordinance and Authorizing Make Whole Compensation Payments to the Dublin City School District and the Tolles Career and Technical Center.

Ms. Mumma stated that this a proposed modification to the McKittrick TIF, which was originally established in 1994. Consistent with modifications that the City has made to other TIFs, it permits the list of eligible infrastructure to include the infrastructure improvements along Riverside Drive, including the intersections of Tuller and Riverside Drive as well as John Shields Parkway and Riverside Drive.


There was no public testimony and no questions from Council.

From: Contact Council <no-reply@wufoo.com>

Sent: Friday, April 10, 2020 9:17 AM

To: Anne Clarke <aclarke@dublin.oh.us>; Judy Beal <jbeal@dublin.oh.us>; Jennifer Delgado <jdelgado@dublin.oh.us>; Dana McDaniel <dmcDaniel@dublin.oh.us>; Candace Jones <cjones@dublin.oh.us>; Nick Plouck <NPlouck@dublin.oh.us>; Homer Rogers <hrogers@dublin.oh.us>

Subject: Contact Dublin City Council [#925]

Name *	Ellen Flood
Email *	ellenflood7@gmail.com
Address *	 7535 Bellaire Ave. Dublin, Ohio 43017 United States
Phone Number *	(614) 946-2265
Subject *	Chicken Coop
Comments *	<p>Hello,</p> <p>I live in a 'Restricted Residential' area and we have 2 acres surrounded by trees. I am aware that in 2015 there was a request to allow backyard chicken coops and it was denied. However, the president has changed in that other local governments have recently changed their codes to allow backyard chicken coops under certain conditions. I am wanting to propose a change to the code and wondering what my next steps should be.</p> <p>With thanks,</p> <p>Ellen</p>
