

**Athens City Planning Commission
Minutes of Regular Meeting
Thursday, July 6, 2023 12:00 p.m.**

The regular meeting of the Athens City Planning Commission was held in City Council Chambers, third floor of City Hall, on July 6, 2023.

Attendees: John Wharton, Pat Lawson, Bret Howard, Clinton Kuenzli, Rob Delach

1. Call to Order

Steve Patterson called the regular meeting of the Planning Commission to order at 12:00 p.m. and administered the oath to those in attendance planning to speak before the commission. Quorum was established with four members present.

PLANNING COMMISSION MEMBERS:

Steve Patterson, Chair	Present
John Kotowski, Vice Chair	Present
Nancy Bain	Present
Austin Phillips	Absent
Andy Stone, Service-Safety Director	Present

STAFF:

David Riggs, Code Enforcement Director	Present
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2. Disposition of Minutes

John Kotowski moved to approve the June 15, 2023 minutes with one correction on Page 2 under Discussion. Nancy Bain seconded. All present voted aye, motion passed 4:0.

3. Cases

None

4. Communications

University Estates (UE) P.U.D./Affordable Housing Development

David Riggs

- The PUD process is a bit complicated. It starts with Planning Commission review/approval of preliminary plans, then the final plan will come up after a Public Hearing and then a recommendation (if approved) would go to City Council for review.
- The plan is to take 15 undeveloped lots on Homestead Court and turn them into 43 lots, some with zero setbacks.
- In 2019, City Council created the Affordable Housing Plan for low and moderate income housing, and then in 2020 a TIF was included as part of the plan. Some TIF money will be used as part of this project.

- A public hearing has to be held – it has to be advertised 14 days in advance so the earliest to hold the hearing would be July 20th.

Discussion

- Steve P: These units will be built but the lots may not line up where the unit is placed. Have party walls with these units that you have to build around, so this is a challenge.
 - David R: The Planning Commission is approving the preliminary plan, not a plat. Minor adjustments can be made to this plan as the development progresses. The final plat will be created/recorded after final completion of the development.
 - Andy S: The TIF is offsetting the cost. They will have to build in phases, and so phasing will also happen when it comes to approving the plats. Can't sell units until plat approval.
 - David R: Spoke with the law director about the re-plating process. Re-plating does not need to go through the Planning Commission at each step.
- Andy S: Asked Patrick Lawson/Cornerstone to establish the structure by which maintenance will be able to be done on each building in the future. Language should be included in the deeds.
 - John Wharton/Ohio Realty and UE HOA: They will address this by a deed restriction that will grant a solution. They don't want an HOA, but they (UE HOA) would like them to join their HOA.
 - Andy S: The HOA is between them. The deed restriction is a good method.
- Andy S: They will need to identify access to the rear of the properties, maybe a cross access easement. He is supportive of this unique affordable housing development in the city.
- John K: If something were to come up during the development and they wanted to increase the number of units they would have to come back to the commission for approval.
 - Patrick L: Does not anticipate coming back and asking to add units, however, there is flexibility in the number of units if they need to reduce them for some unforeseen issue during development.
- Andy S: Requested utility tap information.
 - Clinton Kuenzli/The Buckley Group noted that this detail is available on page C-5 of the plan. (This page was not provided prior to the meeting so he shared this plan page with the commissioners.)
 - Andy S: Asked if the 1" line is inside or outside the public right of way and Clinton K. affirmed that it is outside. Plan and Profile Sheet, C11.
- Andy S: Regarding the shared access question he mentioned earlier, utility access should be considered in the deed restriction as well.
- Nancy B: Asked if there be space for playground equipment for children.
 - Clinton K: No room for play equipment.
 - John W: The UE HOA controls the installation of play equipment for UE, so they are recommending that this new development become members of the UE HOA. Most of

the interest in this development has been from folks who are older and wanting to downsize.

- Rob Delach/Morris Avenue: Asked if there were any street trees in the preliminary plan.
 - John W: The development is surrounded by trees, it is called "Wood's Edge".
 - David R: During the PUD process, the Planning Commission (and City Council) can waive this requirement along with other requirements that can't be met, like 20% open space, setbacks, and bulk controls, etc.

Steve P. commented that this has been in planning for some time and he is supportive of affordable housing in Athens. This will come back as a case.

Proposed Zoning Amendments/Chickens

David Riggs

- Continuing the discussion from the last meeting. Regarding allowing poultry/chickens in residential zones, he distributed the suggested language (attached for reference) to the commissioners. Mr. Riggs read through the suggested changes to 23.04.01 that included two (B) choices he drafted to be considered. Some communities require licensing for the keeping of chickens but he would not recommend that for Athens. Current Title 9 (09.01.01 and .07) contains language to control nuisance animals.

Discussion

- Andy S: The Environment and Sustainability Commission shared survey results that they distributed previously on this topic – the feedback was generally positive in support of this. He is in support but does want to review the regulations of the zoning code to avoid any unforeseen issues. He asked for a definition of "predator proof structure".
- David R: Noted that "animals at large" can't be running loose, chickens can fly out of structures that aren't enclosed on the top.
- John K: Recently built a chicken coop and it can be built with a covered pen for running.
- David R: The first B choice is very open, the 2nd B choice (his recommendation) is more detailed.
- Ron D: The first choice still seems too onerous, so something less restrictive than that would be better. There are already chickens being kept in the city and roaming the streets. At the last meeting it was suggested that making sure that immediate neighbors were okay with a neighbor keeping chickens was included in the language. Are these suggestions including this or any permitting or licensing requirement?
- David R: This is not included in his proposal. Several communities require licensing/permitting but he doesn't recommend this for Athens as it would be too much for his department as far as inspection/enforcing.
- Andy S: The city does receive complaints of chickens running loose but no owners step up and claim ownership.
- Steve P: There is a mechanism in Code (Title 9) for a neighbor to lodge a complaint.

Proposed Zoning Amendments/Sign Regulations

David Riggs

- This was discussed at the last meeting. The proposed changes are good to go and could go to City Council.

Steve P. reviewed the suggested changes to 23.03.13. Sign regulations (attached for reference), and asked for a motion.

Andy Stone moved to accept the 23.03.13. Sign regulations suggested changes as discussed during the June 15, 2023 Planning Commission meeting and to submit a recommendation to City Council for review/approval. John Kotowski seconded. All present voted aye, motion passed 4:0.

5. Reports from City Planner and Director of Development & Code Enforcement

Andy Stone/Stimson Avenue Corridor Technical Assistance Planning Update

- He has been working with ACEDC through a Technical Assistance Grant awarded to the city by Ohio Southeast (JobsOhio) for assistance in planning in corridors.
- American Structurepoint was hired to draft an Existing Conditions Report (he will share this with the commissioner's) and a Redevelopment Design of this corridor.
- This is an Opportunity Zone in Athens.
- The city did some rezoning in this corridor recently as related to parking.
- He reviewed American Structurepoint's Future Transects Map and redevelopment concept drawings that were included in the packet (attached for reference).

The commissioners discussed the concept drawings. Steve P. noted that the "Recreational Commercial Zone" indicated on the Future Transects Map is not within the Opportunity Zone, yet there is opportunity there. David R. said that he has received calls of interest in portions of this zone. Andy S. noted that a zoning overlay in would show flexibility to allow other uses. Nancy B. does not want the redevelopment to displace housing. John K. agreed and added that he did not want the character of the area to be altered negatively. Steve P. mentioned that when the new AFD Headquarters was in design a lot of thought was given to this being a major entry into Athens.

David Riggs/No Report

6. Opportunity for Citizens to Speak

None

7. Announcements & Other Business

- Next meeting July 20, 2023

8. **Adjournment**

The meeting was adjourned at 1:02 p.m.

23.04.01. - R-1 Residential Zone (One-Family).

The following regulations shall apply in all R-1 Zones:

(A) Principal permitted uses:

- (1) Residential—One-family or one "housekeeping" unit detached dwellings.
- (2) Institutional and cultural—Churches and other places of worship and Sunday school buildings located not less than 20 feet from any other lot in any R-Zone, schools and colleges for academic instruction, located not less than 40 feet from any other lot, public libraries, public museums, public art galleries and similar public cultural uses, located not less than 20 feet from any other lot in any R-Zone cemeteries.
- (3) Recreational—Public parks, playgrounds, recreational and community center buildings and grounds and golf courses, country clubs, tennis courts and similar recreational uses, all of a noncommercial nature; provided that any principal building used thereon shall be located not less than 40 feet from any other lot in any R-Zone.
- (4) Essential services—(See Chapter 23.10.)
- (5) Planned Unit Development (PUD) (See Title 21).
- (6) Residential health care facilities—Residential care facilities for the developmentally disabled, provided that such facilities comply with all federal, state and local laws and regulations.

(B) Permitted accessory uses: Accessory uses, buildings or other structures customarily incidental to any aforesaid permitted or conditionally permitted uses may be established; erected or constructed; provided, that such accessory uses shall not involve the conduct of any business, trade or industry, unless otherwise authorized herein, or any private way or walk giving access to such activity, or any sign other than authorized herein and not including the board of animals or the keeping of fowl or farm animals except in a building at least 100 feet distant from every ~~lot line adjacent home~~. Accessory uses may include the following:

Or alternately:

(B) Permitted accessory uses: Accessory uses, buildings or other structures customarily incidental to any aforesaid permitted or conditionally permitted uses may be established; erected or constructed; provided, that such accessory uses shall not involve the conduct of any business, trade or industry, unless otherwise authorized herein, or any private way or walk giving access to such activity, or any sign other than authorized herein and not including the board of animals or the keeping of ~~fowl or~~ farm animals except in a building at least 100 feet distant from every lot line adjacent home. **Female chickens (no roosters) may be kept for personal enjoyment in an outdoor, predator proof structure. No more than four (4) chickens may be kept at any time. All other types of fowl shall be considered to be farm animals.** Accessory uses may include the following:

9.01.01. - Animals at large.

(A) No person, being the owner of any animal or fowl, excepting unleashed domestic cat(s), or harboring or having charge or control of the same, shall permit such animal or fowl to run at large in any street, lane, alley, market space or public ground, or shall permit such animal or fowl to go upon or enter any private yard, lot or enclosure, without consent of the owner of such yard, lot or enclosure.

(B) For purposes of this section, it shall be unlawful for any owner, harborer, or person in charge of any dog to take or allow said dog to go onto public property or in a public place without being on a leash.

(C) No person, being the owner, harborer or having charge or control of a dog shall permit such dog to cause physical harm to any person. For purposes of this section, "physical harm" shall mean any injury or other physiological impairment regardless of its gravity or duration, provided that no person engaged in illegal activity shall be protected under this section.

(D) The owner, harborer, or person having charge of any animal or fowl, excepting unleashed domestic cat(s), shall have in their possession necessary implements to remove any excrement or objectionable wastes deposited on public or private property other than their own within the municipality or in any area under the jurisdiction of the municipality, and shall remove such excrement immediately.

9.01.07. - Harboring animals deemed a nuisance, when.

(A) No person shall permit any animal or fowl to be kept in any yard, pen, sty, stationary or moving vehicle, or in any other place which is unclean, unsanitary, or productive of offensive odors.

(B) No person shall permit or suffer any animal or fowl harbored by them to become noisy so as to cause disturbance of the peace and quiet of the neighborhood.

PASSED: May 14, 2012
BY: Muething

ORDINANCE NO. 2012-02

ORDINANCE ADOPTING SECTION 154.54 TO PERMIT
DOMESTICATED CHICKENS IN THE VILLAGE

WHEREAS, Amberley Village encourages residents to pursue healthy eating options, which includes locally and organically grown and raised food sources;

WHEREAS, in recent years there has been a significant trend around the nation and the region to promote urban farming, including the raising of domesticated chickens on residential properties;

WHEREAS, chickens are permitted in a large number of surrounding communities under certain conditions, including the City of Cincinnati, Deer Park, Norwood, Montgomery, Madeira, Wyoming, Glendale, Milford, Terrace Park and Indian Hill;

NOW, THEREFORE, BE IT ORDAINED BY THE Council of Amberley Village, State of Ohio, six (6) members elected thereto concurring:

SECTION 1: Section 154.54 of the Municipal Code of Ordinances, which is to be added to and amends the Municipal Code of Ordinances, reads as follows:

§ 154.54 CHICKENS.

(A) Notwithstanding other provisions in the Village Code of Ordinances, chickens may be kept within the Village in any residential district subject to the following rules and conditions.

(B) For purposes of this section, chickens are not deemed to be “farm animals” as defined in the Village Code of Ordinances so long as said chickens are kept, raised, or used in any manner related to a personal or household use, such as for personal consumption, education, or to maintain such animals as pets. Chickens may not be kept, raised or used for commercial purposes, including but not limited to the sale of chickens or eggs or to convey the same for profit, in which case such chickens are deemed to be “farm animals” as defined in this Code.

(C) *Restrictions.*

(1) Each household in the Village may keep up to six chickens on the premises at any one time. If two residents share a common chicken habitat or coop on one property, up to 12 chickens may be kept on the premises.

(2) Only female chickens, aka hens, may be kept in the Village. Males, aka roosters, are not allowed at any time.

(3) No chickens may be slaughtered on any residential property in the Village.

(4) Chicken feed must be kept in a rodent- and predator-proof container.

(D) *Habitat.*

(1) Chickens may only be maintained outdoors in a predator-proof chicken house, coop, or other structure that is thoroughly ventilated, of sufficient size to permit free movement of the animals, designed to be easily accessed, cleaned, and maintained by the owner, and at least two square feet in size for each chicken.

(2) All such structures are herein defined as “habitat” or “habitat structure” and shall be considered as accessory structures as defined elsewhere in this Code. A zoning permit is required for this and all other accessory structures. All such structures shall comply with the provisions set forth in Section 154.12, including but not limited to a 20-foot setback from adjoining property lines in Residence A Districts, and a 12-foot setback from such lot lines in Residence B Districts.

(3) In addition to the other conditions and restrictions applicable to accessory structures, at least 50% of any structure housing chickens must be appropriately screened from the street and abutting properties by either a fence, wall, or landscaping as permitted in the Village to provide reasonable and appropriate cover to reduce, lessen, or obscure the visual impact of the structure. Such screening shall be evenly spaced around the structure as appropriate.(4) Chickens shall be enclosed within the habitat structure at night from sunset to sunrise. If chickens are allowed by the owner to be outside of the structure from sunrise to sunset, the chickens must be contained within an area that is fenced or surrounded by other barriers (“containment area”) so as to prevent access to the chickens by dogs or other predators, and to prevent chickens from travelling outside of the containment area.

(5) All areas in and around the chicken habitat structure must be maintained in a clean, safe, sanitary and orderly manner for the health and welfare of the chickens as well as all other animals and persons. No part of the structure or surrounding area shall constitute a nuisance. In addition to the provisions and remedies set forth in the Property Maintenance Code, no person shall allow the chickens or the habitat to be a nuisance, including but not limited to allowing noxious odors or any noise of a loud or persistent and habitual nature.

(E) *Permits.*

(1) No person shall keep a chicken on property within the Village without a permit issued by the Village. There is no fee for the permit. The Village Manager has the authority to consider all such permit applications as well as revocations of any such permit. Applications for a permit shall be made in writing and submitted to the Manager. A decision on a permit application shall be made by the Manager within 15 business days of receipt, excluding weekends and holidays. If a permit application is denied, or if a permit is revoked, the property owner may appeal the Manager's decision to the Board of Zoning Appeals within seven business days of the date the Manager's written decision is issued. The Manager may, at his or her sole discretion, provide an extension of time for good cause to any person filing an appeal. If a permit is revoked, the property owner may continue to maintain chickens on the subject property pending an appeal and decision by the Board of Zoning Appeals unless the revocation is due in whole or part to a nuisance, in which event such nuisance must be remedied as directed by the Manager whether or not the revocation is appealed.

(2) Any person submitting an application for a permit under this section shall consent to an inspection by the Village of the property where the chicken(s) will be kept.

(3) If the Manager becomes aware of a possible violation of this section on property subject to a permit under this section, the Manager shall be permitted to inspect the property at any reasonable time after written notice to the occupants of the subject property to determine whether or not a violation exists. If the Manager determines that a violation of the Village Code of Ordinances exists, the property owner shall be notified to bring the property into compliance within a reasonable amount of time as determined by the Manager. If the property is not brought into compliance within the time to remedy a violation, the permit shall be automatically revoked.

(F) The Village Manager may designate any employee or agent of the Village to perform any of the duties of the Manager, or exercise the authority of the Manager, as prescribed by this section.

(G) *Penalty.* Whoever violates this section is guilty of a minor misdemeanor. Each day the violation exists constitutes a separate violation.

SECTION 2: If any section, paragraph, subsection, clause or provision of this ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this ordinance as a whole, or any other part hereof.

SECTION 3: The Health, Education & Welfare Committee shall revisit and review this ordinance no later than one year from the effective date hereof.

SECTION 4: That this Ordinance shall take effect and be in force at the earliest date allowed by law.

Passed this 14th day of May, 2012.

Mayor J.K. Byar

Attest:

Nicole Browder, Clerk of Council

Ordinance Vote:

Moved: Muething Second: Doering

Byar	<u>Aye</u>
Wolf	<u>Aye</u>
Hattenbach	<u>Aye</u>
Muething	<u>Aye</u>
Bardach	<u>Aye</u>
Warren	<u>Nay</u>
Doering	<u>Aye</u>

I, Clerk of Council of Amberley Village, Ohio, certify that on the ____ day of May, 2012, the forgoing Ordinance was published pursuant to Article IX of the Home Rule Charter by posting true copies of said Ordinance at all of the places of public notice as designed by Sec. 31.40(B), Code of Ordinances.

Nicole Browder, Clerk of Council



Hens (female chickens) shall not be kept in such a manner as to constitute a nuisance to the occupants of adjacent property. (Roosters and Peacocks are prohibited in the city limits.)

Although keeping backyard poultry can be fun and educational, owners should be aware they can carry harmful germs that make people sick. Take precautions when handling poultry litter to avoid potential health risks.

When disposing of chicken waste, be mindful in preventing the discharge of pollutants into stormwater runoff, which enters the storm sewer system.

Also, proper disposal and/or composting will minimize fly breeding and wind induced pollutants from stored manure.

Dispose of chicken manure/waste frequently and in a proper manner --

- Manure and coop waste shall not be allowed to accumulate in such a way that causes an unsanitary condition or disease and odors detectible on another property.
- The coop and its surrounding area must be cleaned frequently to control disease and odor.
- All manure, uneaten feed, and other trash shall be removed, discarded properly disposed of and/or properly composted in a timely manner.

➤ Proper composting of poultry waste can be done by many methods. It will require some research to find which method works best for your environment.

➤ For an on-line publication on composting of poultry litter, visit the UT Agriculture Extension Service website at:
<https://extension.tennessee.edu/publications/Documents/Info%20319.pdf>

➤ Manure and coop waste that is not properly composted must be secured and double bagged in solid waste bags and kept in a solid waste container.

Sanitary conditions of the henhouse -

- The enclosure and surrounding area must be covered, fenced, clean, dry, odor-free, and in a neat and sanitary condition at all times.
- The chicken coop should provide hens with an adequate, safe, well ventilated, sturdy shelter from extreme temperatures with housing areas and feeders/waterers that can be easily cleaned and disinfected.

➤ Chickens should have access to feed and clean water at all times.

➤ Feed and water shall be inaccessible to rodents, wild birds, and predators, including dogs and cats.

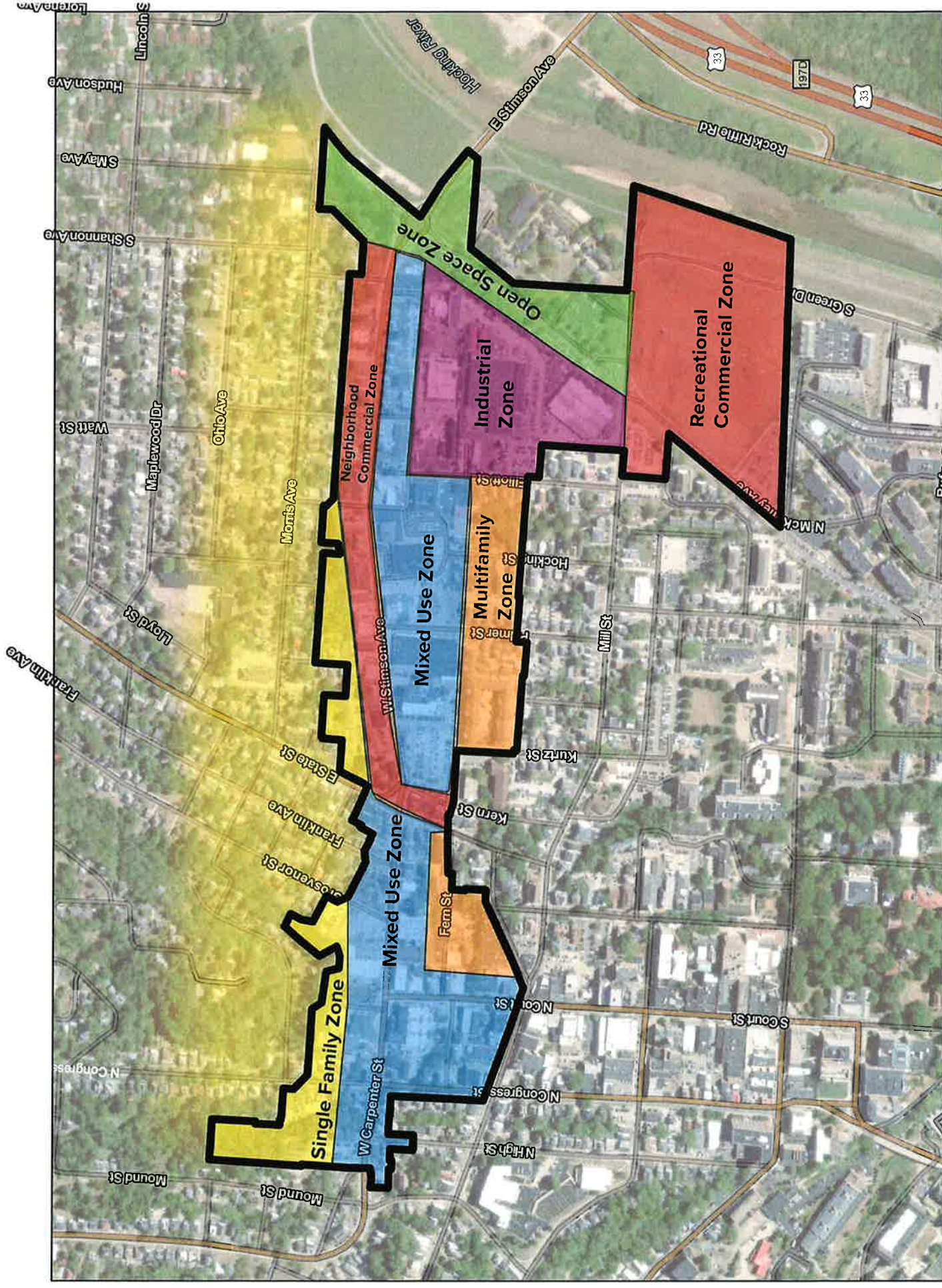
➤ For questions regarding compliance of the ordinance, please contact Animal Control at 423-559-3333.



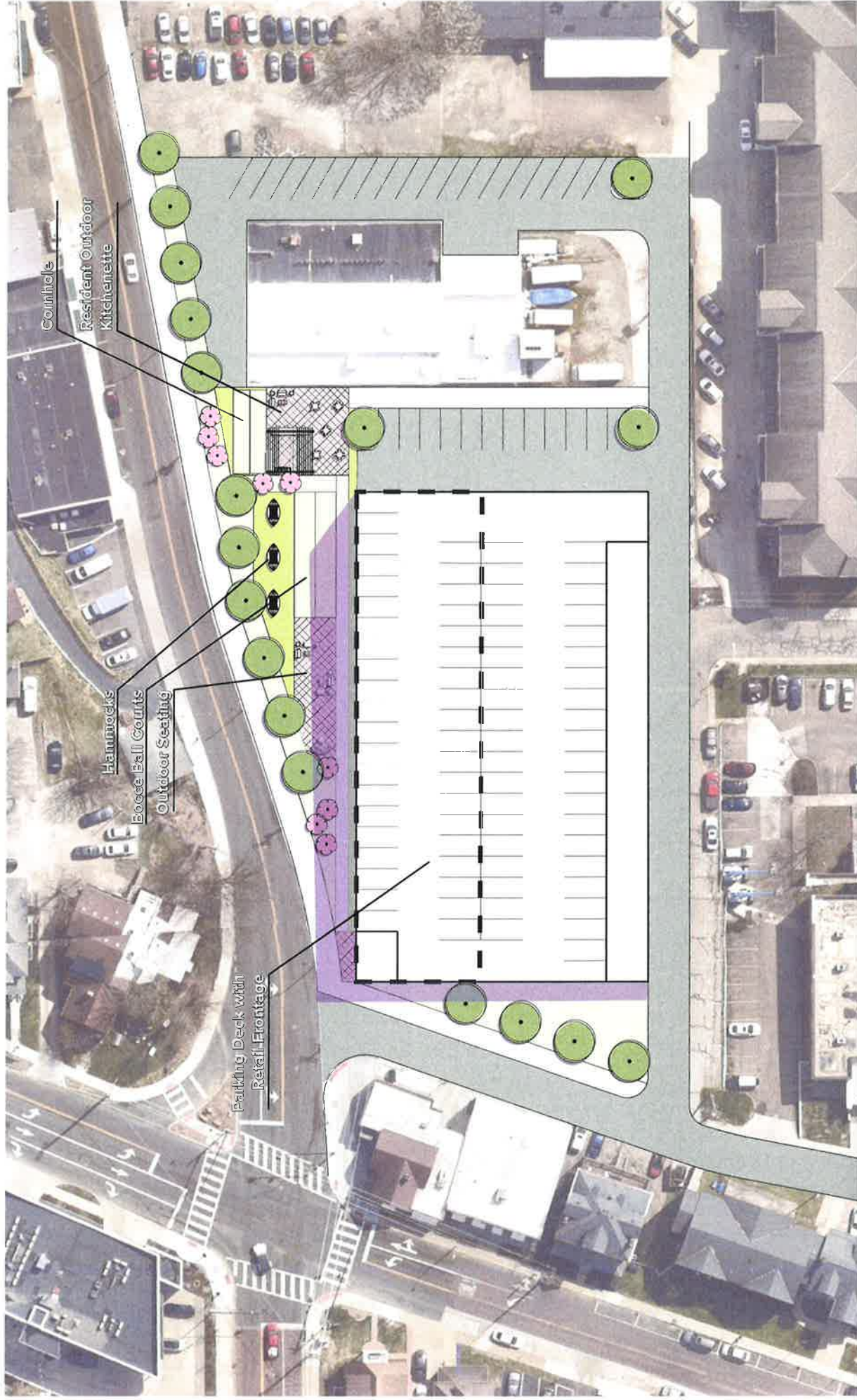
City of Cleveland
 190 Church Street N.E.
 Cleveland, TN. 37311
www.clevelandtn.gov
 423-472-4551

23.03.13. Sign regulations.

- (L) Temporary signs. All temporary signs shall be maintained in a safe condition and in good repair or be removed immediately.
- (1) Advertising signs. Except in the Downtown Business District (B-2D), in zones where advertising signs are permitted, temporary advertising signs announcing sales, new products or special business events may be permitted in addition to the maximum sign face area of a permanent business sign.
- (a) Special sales and special events. Advertising banner, posters, **feather flags**, pennants, ribbons, streamers, strings of lights, or other similar devices, with or without letters, words, numbers, logos or graphics, for the purpose of advertising or attracting attention to a special sale or to a special event upon the premises may be permitted for a period not to exceed 30 consecutive days, if approved by the zoning inspector. No more than four permits shall be issued for the erection of a temporary sign by any person on any one building or premises in any year. ~~The maximum total signage of temporary signs shall be the same as the maximum size of a permanent free-standing sign allowed in the zone.~~ **The maximum number of temporary signs shall not exceed two (2) per property. For multiple businesses operating on one property the maximum number of temporary signs shall be one (1) per business. The maximum total signage area for all temporary signs shall not exceed 50 sf.**
- (b) Downtown Business Zone (B-2D). Temporary advertising is allowed without permit application when the total sign/signs face area does not exceed ten square feet, is not placed on or above the public right-of-way and does not encumber the public sidewalk. Signage is limited to posters, chalk boards, grease pencil boards and the like, advertising daily specials or special events, and does not include banners, pennants, ribbons, streamers, strings of lights or other similar devices. All other temporary advertising is prohibited.
- (c) Temporary project free-standing sign. One temporary project free-standing sign not exceeding the regulations of the use district in which it is located shall be permitted if it is located on the lot of a proposed building or a building under construction. Permits for such signs shall be for a period not exceeding one year. However, such permits may be renewed while construction is pursued diligently. Project signs shall be removed within 14 days of the commencement of the intended use.



Draft Future Transects Map
Stimson Avenue Corridor Plan



Focus Area 1 Stinson Avenue Corridor Plan



