

**MINUTES OF THE WORK SESSION OF THE COUNCIL OF THE  
CITY OF AVON, OHIO HELD MONDAY, MAY 15, 2023  
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING  
AT 7:30 P.M.**

PRESENT: Council Members: 1<sup>st</sup> Ward – Jennifer Demaline; 2<sup>nd</sup> Ward - Dennis McBride; 3<sup>rd</sup> Ward and Council President Pro Tem -Tony Moore; 4<sup>th</sup> Ward - Scott Radcliffe; Council-at-Large – Craig Witherspoon; Mayor – Bryan Jensen; Planning/Economic Development Coordinator – Pam Fechter; Law Director – John Gasior; Clerk of Council – Barbara Brooks

ABSENT: Council-at-Large – Tammy Holtzmeier; Council-at-Large and Council President – Brian Fischer; City Engineer – Ryan Cummins; Finance Director– Steve Presley; Safety/Public Service Director – Duane Streator

Council President Pro Tem, Tony Moore called the meeting to order.

1. [ORDINANCE NO. 55-23](#) – AMENDING SECTIONS 1262.03, 1264.03, 1270.03, 1274.03 AND 1278.03 OF THE AVON CODIFIED ORDINANCES AS THEY PERTAIN TO FARMS AND LIVESTOCK IN THE CITY OF AVON Planning Referral/Mr. Gasior

A Public Hearing will be held on Monday, May 22, 2023 at 7:05 p.m.

The Third of Three Readings of Ordinance No. 55-23 will be held on Monday, May 22, 2023

Mr. Gasior advised these Ordinances were originally drafted and submitted to City Council back on April 17<sup>th</sup> and there have been some changes made since that date. He explained they have added in the 1262.03 Schedule of Permitted Uses in the R-1 and R-2 Districts as follows:

- Farm w/o Livestock – Permitted Use
- Farm w/Livestock – Requires 2 acre minimum – Special Use
- Accessory Farm Building (in excess of accessory building allowance set forth in 1262.08(a)) – Special Use
- Commercial Farm – Minimum 10 contiguous acres – Special Use
- Commercial Farm Building – Special Use
- Accessory Commercial Farm Building – Accessory Use
- Chicken Coops – as permitted in 618.12 – In Excess of 2 acres - Permitted Use, Less than 2 acres – Special Use
- Rabbit Hutches – as permitted in 618.12 – In Excess of 2 acres – Permitted Use, Less than 2 acres – Special Use
- Non-Commercial Riding Stable (min. 2 acres) – Special Use

Changes to 1264.03 Schedule of Permitted Uses in the R-3 District are as follows:

- Farm w/o Livestock – Permitted Use
- Farm w/Livestock – Requires 2 acre minimum – Special Use
- Accessory Farm Building (in excess of accessory building allowance set forth in 1262.08(a)) – Special Use
- Commercial Farm – Min. 10 contiguous acres – Special Use
- Commercial Farm Building – Special Use
- Accessory Commercial Farm Building – Accessory Use
- Chicken Coops and/or rabbit hutches as permitted in Chapter 618 – Use Not Permitted in R-3
- Non-Commercial Riding Stables (min. 2 acres) – Special Use

Changes to 1270.03 Schedule of Permitted Uses in the C-1, C-2, C-3 and C-4 Districts are as follows:

- Veterinary office and/or hospital – C-1 – Use Not Permitted; C-2, C-3, C-4 – Special Use
- Animal Boarding – C-1, C-2, C-3 – Use Not Permitted; C-4 – Special Use
- Farms or Commercial Farms – C-1, C-2 – Use Not Permitted; C-3, C-4 – Special Use

- Pet Store – Special Use
- Commercial Dog Kennels – C-1, C-2 – Use Not Permitted; C-3, C-4 – Special Use
- Commercial Riding Stables or Riding Academics – C-1, C-2 – Use Not Permitted; C-3, C-4 – Special Use
- Accessory Uses –
  - Fences, Off-Street Parking, Signs, Waste Storage Facilities – Accessory Uses

Changes to 1274.03 Schedule of Permitted Uses in the O-1 and O-2 Districts are as follows:

- ~~Farms or Commercial Farms~~ – Eliminated from this district

Changes to 1278.03 Schedule of Permitted Uses in M-1 and M-2 District are as follows:

- Farms or Commercial Farms † – Permitted Use
- Raising of Animals for Medical Experimentation: raising of fur-bearing animals for commercial purposes; commercial dog kennels; commercial riding stables or riding stables or riding academics; animal boarding – Special Use

Mr. Gasior noted that the † cross symbol denotes – Farm or Commercial Farm of less than 10 contiguous acres but more than 2 acres is a Special Use.

Mr. McBride asked why they would not just keep the 10 acre minimum in the M districts.

Mr. Gasior clarified that farms or commercial farms in the M district is a Permitted Use except if it is less than 10 contiguous acres but more than 2 acres is a Special Use. He advised it was supposed it could be a Permitted Use in an Industrial District although he did not see it happening as he hoped the industrial land would be used for more taxable purposes.

Mr. McBride advised he did not see what the front, rear and side setbacks would be in any of these districts to which Mr. Gasior said they would be going over that in subsequent legislation. Mr. McBride said he also hoped they address noise and odors crossing over to neighboring properties, to which Mr. Gasior said they would be getting to that as well.

Mr. Gasior advised Ordinance No. 55-23 was laying out what each district is going to allow either as a Permitted Use or a Special Use or if it is Prohibited. He said they have not made any of the changes too dramatic except create the Special Use, which is something he believes everyone including the Planning Commission was onboard with adding. Mr. Gasior reminded Council that this is going before the Planning Commission on Wednesday, May 17, 2023. He stated the Planning Commission saw the rough draft of the proposed changes at their April Meeting and they knew that once the proposed changes were fairly established that they would be reviewing the final product prior to Council voting on May 22<sup>nd</sup>.

Mr. McBride asked if Mr. Gasior worked on these changes with any interested parties.

Mr. Gasior advised he worked with the Planning Coordinator, Ms. Fechter, as well as residents who have prior or active working knowledge of animal farms: Don Meyer, Kathleen McNally, and Don Mitterholzer. He said he also worked with resident, Dave Cupar.

Mr. Witherspoon said the terminology of farms has him wondering if that only related to livestock and not crop farming. He stated that not everyone who has a farm owns livestock.

Mr. Gasior advised a farm is a Permitted Use and it will remain a Permitted Use and it does not matter the size of the crop farm. He said a commercial farm is a Permitted Use in a residential district regardless of size if there are no livestock. Mr. Gasior gave the example that a farmer could plant all the corn or soybeans he wants.

Mr. Witherspoon inquired if the section related to farm buildings has been considered as well for farms with no livestock to make sure that it will be a Permitted Use with someone growing soybeans.

Mr. Gasior advised they were essentially leaving the Code the same when it comes to commercial farm buildings or farm buildings such as stables and kennels. He said there is one slight change, and he would go over that later in the meeting related to the 100' requirement. Mr. Gasior stated there is a requirement in the current Code that says that a barn or a stable has to be 100' from a dwelling, but it currently states that it does not have to be the owner's dwelling. He advised they were changing the Code so that it is 100' from any dwelling for sanitary provisions.

2. [ORDINANCE NO. 56-23 – AMENDING SECTION 1280.04 OF THE AVON CODIFIED ORDINANCES DEALING WITH LOT AND YARD REGULATIONS FOR SPECIAL USES IN RESIDENTIAL DISTRICTS AS APPLIED TO FARMS AND LIVESTOCK](#) Planning Referral/Mr. Gasior

A Public Hearing will be held on Monday, May 22, 2023 at 7:10 p.m.

The Third of Three Readings of Ordinance No. 56-23 will be held on Monday, May 22, 2023

Mr. Gasior said this section of the Code would only apply to R-1, R-2 and R-3 districts. He explained the changes to 1280.04 as follows:

- Commercial Farm – all three districts – 10 contiguous acres – 200 ft. of frontage – 75 ft. side yard setback – \*(7) front yard setback
- Commercial Farm Building – 10 contiguous acres – 200 ft. of frontage – 75 ft. side yard setback
- Farm w/Livestock – all three districts – 2 acres minimum – 150 ft of frontage – \*(7) - 60 ft. side yard setback – 25 ft. side and rear parking setback
- Non-commercial Riding Stable – all three districts – 2 acres minimum – 150 ft of frontage – 60 ft. side yard setback – \*(7) – 60 ft side yard setback – 25 ft side and rear parking setback
- Notes\* – (7) Comply with regulations for the district in which the Special Use is located or Section 618.12 or Chapter 668, whichever is more restrictive.

Mr. Gasior advised they worked hard on trying to make sure that the setbacks can be maintained. He mentioned there have been several revisions to this point and a lot of thought has gone into this topic. Mr. Gasior stated that previously Codified Ordinance Section 618.12 dealt with horses, and it set the 2-acre minimum and that is where they started and decided to include livestock into the equation. He advised that 2-acre minimum is good for anything that walks on 4 legs and has fur and the like. Mr. Gasior noted there is also a 200 lb. provision in the Code as far as registration is concerned because if an animal that size gets loose, it should be reported to the Police Department as it could cause damage. But they started with the 2-acre minimum and expanded from there. He said the definitions in Ordinance No. 59-23 incorporated all of these definitions that appeared in the 600 and 1200 sections of the Code so that everyone reading the Planning and Zoning Code knows what livestock is and when reading the Code, the regulations could be understood and followed when it comes to livestock. Mr. Gasior pointed out that most importantly none of this is going to impact anyone in the City who is already farming with or without livestock because none of it is retroactive, it is all prospective with the exception of registration as outlined in Ordinance No. 73-23. He said the registration will be required primarily as a safety precaution because if a resident owns animals of that size, it is important to let the proper authorities know. Mr. Gasior stated they were taking the reporting away from the Police Department and placing it with the Zoning Enforcement Officer who is probably the person who will be out there enforcing any Code violations anyway. He advised the Safety Director is over the Zoning Enforcement Officer and will be on file in the Police Department.

Mr. McBride said he had more questions as they relate to odors, vermin and the like.

Mr. Gasior advised a lot of that is covered in Ordinance No. 73-23 as it is basically a nuisance Ordinance for stables and kennels. He said all of the Special Uses that are being provided for in those farm buildings includes stables and kennels.

3. [ORDINANCE NO. 57-23 – AMENDING SECTION 1280.05 OF THE AVON CODIFIED ORDINANCES DEALING WITH LOT AND YARD REGULATIONS FOR SPECIAL USES IN NONRESIDENTIAL DISTRICTS AS APPLIED TO FARMS AND LIVESTOCK](#) Planning Referral/Mr. Gasior

A Public Hearing will be held on Monday, May 22, 2023 at 7:15 p.m.

The Third of Three Readings of Ordinance No. 57-23 will be held on Monday, May 22, 2023

This legislation pertains to Special Uses in C-1, C-2, C-3, C-4, M-1, M-2 Districts

Mr. Gasior pointed out (hh) Veterinary Offices and/or Hospitals. He said they added hospital because there is a hospital in the C-2 District not far from the Avon Isle and these Veterinary Hospitals would be Special Uses in the C-2 and C-3 Districts. Mr. Gasior said (ll), (nn), (oo), (pp), (qq) all coincide with what he read earlier when they were going over Ordinance No. 55-23.

4. ORDINANCE NO. 58-23 – AMENDING SECTION 1280.06 OF THE AVON CODIFIED ORDINANCES DEALING WITH SUPPLEMENTAL REGULATIONS FOR CERTAIN SPECIAL USES AS APPLIED TO FARMS AND LIVESTOCK Planning Referral/Mr. Gasior

A Public Hearing will be held on Monday, May 22, 2023 at 7:20 p.m.

The Third of Three Readings of Ordinance No. 58-23 will be held on Monday, May 22, 2023

Mr. Gasior advised they added:

Subsection (b) Farms, Accessory Farm Buildings, Commercial Farm and Commercial Farm Buildings.

Subsection (1)(A) refers to the 2-acre lot minimum for farms on which livestock, poultry, etc are kept.

Subsection (1)(B) refers to any more than one head of livestock must have an additional half-acre land for each additional head of livestock kept on the lot. He said that is consistent with the Code as it is currently written in 618.12.

Subsection (1)(C) adds the words, “head of livestock” so that there is no mistake when talking about one animal versus several. He said this is also where it is referenced that all stables, yards, corrals where livestock are kept shall be maintained in a sanitary condition and in good repair so as to prevent the breeding of flies, the emission of deleterious and offensive odors and other nuisance conditions, and to ensure the confinement and to ensure the confinement of any such livestock being kept.

Mr. Gasior noted this is a Special Use requirement and will be a part of any Special Use being granted for a farm or a commercial farm. He stated if there are complaints about odors and rodents and the like, the applicant can be brought back on that Special Use Permit and be told that they are in violation because of the nuisance conditions existing on the property.

Mr. McBride suggested that rodents should be specifically called out and that it should be listed as a strict liability that if they are found to be on the property that the Special Use is revoked and that would include odors as well.

Mr. Gasior suggested they see how this plays out as they go along. He confirmed that rodents are named in the Ordinance. Mr. Gasior advised rodents and odors are addressed in Section (b)(1)(E), the owner or person or in charge of any livestock on any lot area less than ten (10) acres shall utilize the appropriate management practices with respect to manure to prevent rodents, the breeding of flies and the emission of harmful or offensive odors. Manure piles must be removed at least two (2) times per year, for lot sizes greater than ten (10) acres and at least once monthly for lot sizes less than ten (10) acres. Subsection F states, No accessory farm structures or commercial farm buildings, including buildings, shelters, pens, stables, and runways, shall be located within one hundred (100) feet of any dwelling and adjacent property line. Accessory farm structures must be located in the rear yard and must otherwise comply with the provisions of this Code, including but not limited to those related to lot coverage and height.

Mr. McBride advised he would like to see the language, “and no variance may be granted by any board” because someone might request such a variance.

Mr. Gasior advised it was likely to happen, but he does not believe we should do that because the Charter specifically says that Planning and Zoning boards are established to grant variances from anything in the Planning and Zoning Code. He cautioned that if Council took that authority away that they may run into a legal problem because the Charter specifically says those bodies have that authority and Council cannot override the Charter. Mr. Gasior said he felt this new language was going to be strict and it was not that it cannot be tweaked later on, but as long as he has served as the City Law Director, he has never had to consider anything that had anything to do with livestock until a year ago and it was based on one or two complaints. He stated those one or

two complaints generated all this work, which overall they are not changing a lot, but he believes they have satisfied some people's concerns simply by expanding the definition of horses to now be livestock.

Mr. Radcliffe advised they added a few rules with the Special Use and agreed it was a lot of work over the last year to come to this point.

Mr. McBride advised there is a house on Mills Road west of SR83 that is infested with mice and the stables are more than 100 feet from the house. He said it does not take much.

Mr. Gasior advised they have a provision that requires the feed for livestock to be in an impenetrable container unless that is impracticable. He said they added unless impracticable because when placing a load of hay for the horses the hay cannot be placed in an impenetrable container; the horses just eat the hay.

Mr. Radcliffe added or a wood pile someone might have for a fire pit.

Mr. Gasior advised he did not want to belabor these, but he wanted them to get the flavor of what they were trying to do and this carries through on all of this.

5. [ORDINANCE NO. 59-23 – AMENDING SECTION 1222.02 OF THE AVON CODIFIED ORDINANCES TO DEFINE TERMS RELATED TO FARMING AND LIVESTOCK](#) Planning Referral/Mr. Gasior

A Public Hearing will be held on Monday, May 22, 2023 at 7:25 p.m.

The Third of Three Readings of Ordinance No. 59-23 will be held on Monday, May 22, 2023

Mr. Gasior advised the definitions are self-explanatory. He said anytime the word appeared in the Planning and Zoning Code they made sure there was a definition for it such as: Animal, Commercial Farm, Commercial Farm Building, Coop, Hutch, Keeping or Harboring, Kennel, Livestock, Poultry, Runways and Stables were all added to the definition section. Mr. Gasior stated those are the new definitions that will appear in the 1200 Section and some of them came from 618 and some came from 668. He advised they also were trying to help the Codifier as the definitions were listed alphabetically and when adding a definition, the number would have changed so when adding a word between number 3 and number 4 they decided to number it 3-A and so on.

6. [ORDINANCE NO. 60-23 – TO ACCEPT IMPROVEMENTS IN FIELDSTONE LANDING SUBDIVISION NO. 1](#) Mr. Streator

The Third of Three Readings of Ordinance No. 60-23 will be held on Monday, May 22, 2023

Mr. Gasior advised he spoke with Mr. Streator and as of last Friday, the developer still had not completed some punch list items. He said if they get everything accomplished, they can be on the agenda for May 22<sup>nd</sup> and if they do not get everything done, they can be removed and not acted on.

Mr. Witherspoon said he heard the developer wanted to eliminate a stub street and he asked Ms. Fechter to explain.

Ms. Fechter advised the developers were in front of the Planning Commission to request that the stub street be eliminated, but the Planning Commission did not support that request, and she confirmed the stub street is on the approved plat.

7. [ORDINANCE NO. 72-23 – AMENDING SECTION 618.12 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO REGULATE LIVESTOCK, POULTRY AND RABBITS](#) Mr. Gasior

Mr. Gasior advised from the way this section was worded prior to the amendment, it only dealt with horses. He said it is going to be amended to say **Livestock and Poultry**.

- Definitions
  - **Definitions of terms used in this section if not contained herein are found in Section 1222.02(b) of the Planning and Zoning Code (Part XII).**

- (b) Location of Stables
  - Stables shall be located on a lot as an accessory structure and regulated in conformity with the **Planning and Zoning Code**.
- (c) Minimum **Livestock Requirements**
  - No person shall keep any **livestock** on a lot within the City unless such person **is in compliance with Part XII of the Avon Codified Ordinances otherwise known as the Planning and Zoning Code and the minimum requirements set forth therein**.
- (d) Fenced Lot and Stable Required
  - No person shall keep **livestock** on any lot within the City unless a fenced corral and a stable to retain such **livestock** are constructed on such lot.
- (e) Registration **of Livestock in Excess of 200 pounds**
  - No person shall stable a **head of livestock in excess of 200 pounds** within the City without registering such **head of livestock**. Registration shall be made at the office of the **Zoning Enforcement Officer** and shall set forth the name, age, breed and any special markings peculiar to such head of livestock and the name, address and telephone number of the owner and keeper of such head of livestock.
- (f) Sanitary Regulations
  - All stables, yards and corrals where ~~horses~~ **livestock** are kept shall be maintained in a sanitary condition. They shall be kept clean and in good repair so as to prevent the breeding of flies and the emission of deleterious and offensive odors.
- (g) **Poultry and/or rabbits**
  - **(1) Poultry and/or rabbits, are permitted in the R-1 Single Family and R-2 Two Family Residential districts, but subject to all regulations set forth in this Section, Chapter 668 and the Planning and Zoning Code. (2) Poultry shall be kept in a covered, predator-proof coop that meets all building size and setback requirements in the Planning and Zoning Code, is well-ventilated and designed to be accessed for cleaning. The enclosure shall be maintained in good repair at all times. (3) Poultry shall have access to an outdoor enclosure or run that is adequately fenced to contain the poultry on the property, to prevent them from running at large and to prevent access by predators. The combined area of the coop and run shall allow at least six (6) square feet per fowl. Maximum allowable quantity of fowl in R-1 & R-2 shall be twenty-five (25).**

Mr. Gasior advised if a resident should come to the City saying they have 28 chickens they could apply for a variance from the Board of Zoning and Building Appeals showing that you have 6 square feet per chicken in your coop and run and they may grant such a variance.

- **(4) Roosters are prohibited in all districts. (5) The combined area of the hutch and run shall allow at least five (5) square feet per rabbit. Maximum allowable quantity of rabbits permitted on less than two (2) acres shall be 25.**
- (h) **Prohibited Animals**
  - **No person shall harbor, maintain or control a wild, dangerous, undomesticated animal within the City**

Mr. Gasior advised the above would deal with residents who may try to have a “pet” cougar or a tiger or a lion or an alligator and the like.

- (i) Application of Regulations

- The provisions of divisions (c) thru (e) of this section shall apply to all ~~horses~~ **livestock, poultry and rabbits** hereafter acquired and kept within the City after the adoption of this section. **The provisions of division (c) thru (e) of this section shall apply to all horses presently or hereafter kept within the City.** The provisions of divisions (d) thru (f) of this section shall apply to all ~~horses~~ **livestock** presently or hereafter kept within the City.
- (j) Penalty
  - Whoever violates any of the provisions of this section is guilty of a minor misdemeanor on their first offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. The penalty shall be as provided in Section 698.02. **A conviction for a second offense within twelve (12) months of the offender's prior conviction under any of provisions of this Section shall be deemed a fourth degree misdemeanor and punishable accordingly.**

Mr. Gasior advised in the Penalty section they were being quite lenient by saying that a first offense is a minor misdemeanor, but a separate offense shall be deemed committed each day during or on which the violation continues. He said once the City has notified the offender of a violation, the offender has to do something to obey the order. Mr. Gasior stated a conviction for a second offense in any of these provisions that takes place within twelve months will be deemed a fourth degree misdemeanor. He advised the significance of that is that there is basically a slap on the wrist for the first offense and \$150 fine is the maximum. But for a second offense, the offender could face jail time because an M4 carries 30 days in addition to the \$250 fine. Mr. Gasior said they added a stronger penalty so that if an offender does not learn their lesson from the first citation, the second citation should definitely get their attention if it happens within a year.

Mrs. Demaline asked Mr. Gasior to confirm that the residents who already have livestock will be grandfathered in.

Mr. Gasior advised absolutely, except for the registration. He said up to this point, all any resident had to do was register their horse because that is all that was covered under Section 618 previously. Mr. Gasior stated they have since added the word livestock replacing horse and the City is going to ask people who have livestock in excess of 200 pounds to register with the Zoning Enforcement Officer. He advised the way he sees that happening is that if there is a complaint the Zoning Enforcement Officer would go out to the property and address it and lets say there are 4 horses on a 2-acre lot, it would be pointed out that they need to register those horses and that the lot is not big enough for that many animals. Mr. Gasior said the same is true if someone has a calf they are raising, and it gets bigger and then it is slaughtered and feeds the family. He stated at some point that cow will be over 200 pounds by the time it goes in to be slaughtered and the same is true for pigs. Mr. Gasior advised if the livestock will be kept for any length of time the resident should register the animals and the Zoning Enforcement Officer may be called out to let them know of the registration requirement and the registration would be given to the Police Department by the Zoning Enforcement Officer for the file. He said a fee was discussed and it can be added at a later date, but right now there is no fee to register. Mr. Gasior felt the City would eventually come up with a registration fee, but most people who have horses now hopefully have registered them. He wondered if there was already a fee for horse registration in the Code and said he would have to look into that and let Council know before the vote and if there is a fee that they would use that same fee for any livestock over 200 pounds.

Mr. McBride asked if the owners need to bring the livestock in or just register the brand.

Mr. Gasior said he believes what they are asking for are some identifying marks, but he did not feel it was going to be a problem. He felt the registration form was more important and assumed there is already a form available at the Police Department because it has been in the Code since 1966 or 1968 and he believes the Police have some animals registered so that would be checked out. Mr. Gasior said Mr. Streater was absent tonight but he would talk to him and find out. He suggested the form be put on the City website and people could access it and fill it out and send it in by email.

Mr. Gasior advised in section 668.02 Zoning Regulations they took out subsection (b) because the penalty section would be at the end of this Chapter in 668.09. He said they went over this with Ordinance No. 55-23 primarily where they identified where these Uses are going to be permitted. Mr. Gasior stated what they are saying is that all of these raising of animals as defined by farms and livestock that Part 12 of the Avon Codified Ordinances is where they go to find out what the regulations are. He advised Ordinance No. 55-23 tells you what zoning districts allow livestock and Section 1280.05 is the non-residential Special Uses and in Section 1280.06, which is Ordinance No. 58-23, will have additional regulations. Mr. Gasior pointed out that in Section 668.03, they went to 60' on the required setback from adjacent property lines for noncommercial riding stables and the veterinary hospital has to comply with the district regulations in which it is located.

(a) **Unless otherwise specified in Part 12 of the Avon Codified Ordinances**, none of the following uses may be located within 100 feet of any dwelling. All buildings, pens and runways, exclusive of pasture, for housing or keeping, animals and livestock shall not be less than the following setbacks:

|  | <u>Required Setback From Street or Roadway (ft.)</u> | <u>Required Setback From Any Adjacent Property Line (ft.)</u> |
|--|--|---|
| Commercial riding stables, fur-bearing animal hutches and hutches of animals for medical experimentation | 150  | 150   |
| Noncommercial riding stables   | 150  | <del>25</del> 60  |
| Commercial dog kennels, boarding   | 300  | 150   |
| Veterinary hospitals   | <del>100</del> (1)                                   | 50  |
| <b>(1) Shall comply with District Regulations</b>  |  |   |

Mr. Gasior noted they were keeping most of the setbacks and provisions that were dealt with for horses and were basically saying it now applies for livestock.

Mr. McBride said it states, "none of the following uses may be located within 100 feet of any dwelling." He asked if that meant any dwelling only or if it would also mean adjoining lot line.

Mr. Gasior advised there is a setback requirement from the lot line in the Code. He said they also have setbacks in the Planning and Zoning Code for accessory buildings such as a shed. Mr. Gasior stated a stable has their own setbacks, which he believed was 100 feet from a dwelling. He advised when thinking about setbacks in the City, the house has to be 50 feet off the rear line and someone else's has to be 50 feet off the rear line so there would be no way someone could put a stable in a backyard of regular size residential lot.

Mr. McBride advised he was thinking of a use unless otherwise provided in Part 12. He said it cannot be located within 100 feet of a dwelling and if there was no dwelling on the adjacent property, they would meet that standard.

Mr. Gasior advised yes, but there was still a setback requirement for the stable.

Mr. McBride said he was just making sure that we were not missing something. He stated if someone then buys the lot next door and it is 100 feet wide and they build a house and it could be 25 feet from that sideline.



Mr. Gasior advised in that instance they would have nonconformity. He said they would be coming to the nuisance so to speak.

Mr. McBride advised they should not allow that to occur where it does not already exist.

Mr. Gasior stated he understands what Mr. McBride is saying and it might be beyond what they want to deal with tonight. He said he does not know how much of an impact any of this is really going to make when we have had many of these provisions in place with the one exception that it dealt only with horses and the City has never had any real issues. Mr. Gasior advised so, changing that to livestock and maintaining all of these old setbacks he could not imagine it causing issues. He said on top of everything else those who are grandfathered are legal and this change is applied proscriptively so he did not know how many lots were even going to be affected by some of this.

Mr. Radcliffe felt this was a giant step forward.

Mr. Gasior advised hopefully the final draft of these pieces of legislation related to livestock will be in front of the Planning Commission this week before it comes back to Council for the vote. He clarified that there were tweaks even today, but he indicated they were getting closer and felt they have covered it with seven people providing input and reading over the Code trying to pick up on everything they could think of. Mr. Gasior said when D.B. Hartt did the Planning and Zoning Code in 2001, they were fixing that Code for the next ten years and they may still be fixing it. He stated they do the best they can.

Mr. McBride advised he feels that they did a great job and he knows it took a lot of work on Mr. Gasior's part to get this all hammered out and he was the one doing the lion's share. He believes they were working on Saturday. Mr. McBride agreed that they probably would not have a lot of issues except for some residential owners who might think they can have a chicken coop on twenty feet of property.

Mr. Gasior advised Don Meyer, resident at 4015 Stoney Ridge Road, has been helpful with practical solutions such as setbacks on this issue as he has some experience with larger animals. He said he appreciates all those who provided input and Ms. Fechter helped a lot and it is 99.9% complete.

## 9. REPORTS AND COMMENTS

MAYOR JENSEN had no comments.

COUNCIL MEMBERS:

MRS. DEMALINE, WARD 1 had no comments.

MRS. HOLTZMEIER, AT LARGE was absent.

MR. MCBRIDE, WARD 2 had no comments.

MR. RADCLIFFE, WARD 4 had no comments.

MR. WITHERSPOON, AT LARGE had no comments.

MR. FISCHER, AT LARGE was absent.

MR. MOORE, WARD 3 had no comments.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER was absent.

MS. FECHTER, ECONOMIC DEVELOPMENT/PLANNING COORDINATOR had no comments.

MR. GASIOR, LAW DIRECTOR had no comments.

MR. PRESLEY, FINANCE DIRECTOR was absent.

MR. STREATOR, SAFETY DIRECTOR/PUBLIC SERVICE DIRECTOR was absent.

AUDIENCE:

There were no comments from the audience members.

10. ADJOURN: 8:35 p.m.

There being no further business, the Work Session of Council was adjourned.

PASSED: \_\_\_\_\_

SIGNED BY: \_\_\_\_\_  
Tony Moore, Council President Pro Tem

ATTEST: \_\_\_\_\_  
Barbara Brooks, Clerk of Council