

**HOUSING & BUILDING STANDARDS COMMITTEE MEETING
WEDNESDAY, JANUARY 9, 2013
6:30 PM**

CHAIRMAN O'HARE HAS CALLED A HOUSING & BUILDING STANDARDS COMMITTEE MEETING FOR **WEDNESDAY, JANUARY 9, 2013** AT **6:30 PM** IN THE EUCLID MUNICIPAL CENTER COUNCIL CHAMBER.

AGENDA

Discussion of Euclid involvement in the Cleveland Restoration Society Program.

Ord. (186-12) An ordinance enacting Section 1351.04 "Agricultural Uses in Residential Districts" and Section 1351.05 "Restrictions on the Keeping of Farm Animals" of Chapter 1351 "U1 Single-Family House Districts" of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid to permit and establish regulations of agricultural uses and the keeping of farm animals in U-1 residential districts. (Sponsored by Councilperson Langman, McLaughlin, O'Hare)

Ord. (187-12) An ordinance amending Section 1377.05 "Structure for Animals" of Chapter 1377 "Accessory Uses in Residential Districts" of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid to allow sheds, coops and similar structures as accessory structures in a U1, U2 or U3 Use District. (Sponsored by Councilpersons Langman, McLaughlin, O'Hare)

General Discussion

REGINA CAHILL
CLERK OF COUNCIL

COMMITTEE: JONES, LANGMAN, SCARNIENCH, VAN HO, O'HARE

Ordinance No.

By – Councilpersons Langman, McLaughlin, O'Hare

An ordinance enacting Section 1351.04 "Agricultural Uses in Residential Districts" and Section 1351.05 "Restrictions on the Keeping of Farm Animals" of Chapter 1351 "U1 Single-Family House Districts" of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid to permit and establish regulations of agricultural uses and the keeping of farm animals in U-1 residential districts.

WHEREAS, Urban farming is a growing trend and a number of larger cities across the country have passed legislation relating to agricultural uses and the keeping of animals; and,

WHEREAS, There has been increased interest by Euclid residents in growing their own produce and raising their own farm animals to save money on food; and,

WHEREAS, Regulations are necessary to limit the species and number of animals, provide for fencing and cooping requirements, and to prevent nuisances to neighbors; and,

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That Section 1351.04 "Agricultural Uses in Residential Districts" of Chapter 1351 "U1 Single-Family House Districts" of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid is hereby enacted to read as follows:

SECTION 1351.04 AGRICULTURAL USES IN RESIDENTIAL DISTRICTS

Agricultural uses in Residential Districts shall be subject to the following regulations regarding the keeping of farm animals.

(a) *Permitted Accessory Structures.* In addition to fences, as provided in division (b) of this section, a permitted agricultural use may be served by the following accessory structures: sheds, greenhouses, coops, cages, hoophouses, cold frames, barns, rain barrels, and composting, as regulated in division (d) of this section, and similar structures not exceeding ten (10) feet in height.

(b) *Fences.* Fences for agricultural uses shall be permitted in accordance with the regulations applicable to fences in Residential Districts.

(c) *Setbacks for Structures.* No permitted accessory structures to an agricultural use, other than approved fences, shall be located in a required front yard or side street yard area line or within eighteen (18) inches of an interior side or rear lot line.

(d) *Composting.* Refer to Euclid Codified Ordinance Chapter 1117 for regulations pertaining to composting.

(e) *Maintenance.* Any land devoted to agricultural use shall be well-maintained and shall be free of excessively tall weeds or grass. All accessory structures to an agricultural use shall also be well maintained and violation-free.

(f) *Building Permits.* No Building Permit or Certificate of Occupancy shall be required for establishment of an agricultural use. A Building Permit shall be required for installation of a fence or for construction of a barn or other accessory structure routinely requiring such permit, except that no Building Permit shall be required for cages, coops, or similar structures that are not permanently attached to the ground or to another structure and do not exceed thirty-two (32) square feet in area nor ten (10) feet in height.

Section 2: That Section 1351.05 "Restrictions on the Keeping of Farm Animals" of Chapter 1351 "U1 Single-Family House Districts" of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid is hereby enacted to read as follows:

SECTION 1351.05 RESTRICTIONS ON THE KEEPING OF FARM ANIMALS

(a) *Purpose.* The regulations of this section are established to permit the keeping of farm animals in a manner that prevents nuisances to occupants of nearby properties and prevents conditions that are unsanitary or unsafe.

(b) *Chickens, Ducks, Rabbits and Similar Animals.* The keeping of chickens, ducks, rabbits and similar farm animals, and cages, coops and enclosures for the keeping of such animals, shall be governed by the following regulations:

1. *Number.* No more than one (1) such animal shall be kept on a parcel of land for each eight hundred (800) square feet of parcel or lot area with the maximum number being no more than a total of six (6) such animals.

2. *Setbacks.* The coops or cages housing such animals may not be located in front yard or side street yard areas and shall not be located within five (5) feet of a side yard line nor within eighteen (18) inches of a rear yard line, except where the rear lot line forms the side lot line or front lot line of an abutting property, in which case the setback from such rear lot line shall be five (5) feet. No animals shall be kept in required front yard or side street yard areas.

3. *Coops and Cages.* All animals shall be provided with a covered, predator-proof coop or cage 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 exclusive of areas used for storage of materials or vehicles. The total area of all coops or cages on a lot shall not be greater than thirty-two (32) square feet for up to six (6) animals. Coops and cages, singly or in combination, shall not exceed ten (10) feet in height.

4. *Enclosures and Fences.* Chickens and other birds shall have access to an outdoor enclosure adequately fenced or otherwise bounded to contain the birds on the property and to prevent access by dogs and other predators and providing at least ten (10) square feet of area for each bird.

(c) *Sanitation and Nuisances.* Farm animals shall be kept only in conditions that limit odors and noise and the attraction of insects and rodents so as not to cause a nuisance to occupants of nearby buildings or properties and not to cause health hazards. Furthermore, farm animals shall not be kept in a manner that is injurious or unhealthy to the animals being kept on the property.

(d) *Animal or Bird Noise.* It shall be unlawful for any person or other party operating or occupying any building or premises to keep or allow to be kept any animal or bird that makes noise so as to habitually disturb the peace and quiet of any person in the vicinity of the premises.

(e) *Building Permits.* A Building Permit shall be required for installation of a fence or for construction of a stable or other structure routinely requiring such permit, except that no Building Permit shall be required for cages, or coops that are not permanently attached to the ground or to another structure and do not exceed thirty-two (32) square feet in area nor ten (10) feet in height. No Building Permit shall be required for the barrier constituting a required enclosure if such barrier is not permanently attached to the ground and does not exceed three (3) feet in height; and no permit shall be required for a "flyway" barrier not exceeding six (6) feet in height and six (6) feet in length.

(f) *Permit Application to Building Department.* Anyone proposing to keep farm animals on a property in the City of Euclid shall apply for a permit from the City of Euclid through its Building Department on a form provided by that office and according to the fee schedule of the department.

(1) *Permit Application.* The permit application shall include the following information:

A. The name, phone, phone number and address of the applicant;

B. The location of the subject property;

C. The size of the property;

D. The number of animals to be kept on the property;

E. A description of any proposed cages, coops, fences or enclosures;

F. A scaled drawing showing the precise location of cages, coops, enclosures, beehives, stables and fences in relation to property lines and to houses on adjacent properties;

G. A description of the manner by which feces and other waste materials will be removed from the property or will be treated so as not to result in unsanitary conditions or in the attraction of insects or rodents;

H. A signed statement from the property owner, if the applicant is not the property owner, granting the applicant permission to engage in the keeping of farm animals as described in the registration; and

(g) *Building Conditions.* The keeping of farm animals shall not be permitted on a property occupied by a building that has been condemned by the Department of Building and Housing.

(h) *Enforcement.* The Building Commissioner, Zoning Commissioner or his designee shall have the authority to inspect any property to determine compliance with the regulations of this section regarding the construction and permitted placement of enclosures, fences, cages, coops, stables and other structures used in the keeping of farm animals and shall have the authority to enforce the regulations of this section as they apply to such matters.

(i) *Complaint Petitions.* Complaint petitions signed by 50% of property owners and/or tenants within 200 feet of a parcel containing a farm animal permitted under this ordinance must be heard by the Planning and Zoning Commission to determine if the use has created nuisance conditions affecting nearby property owners and/or tenants.

(j) *Definitions.* Terms used in this section shall have the meanings assigned to them in the following definitions:

(1) *Farm Animal.* "Farm animal" means any domestic species of animal that is kept and raised for use as food or in the production of food or in the operation of a farm and is not a house pet such as a dog, cat or similar animal.

(2) *Coop and Cage.* "Coop" and "cage" mean a structure, not necessarily attached to the ground, with a top and sides and designed to provide shelter and protection for small animals or birds.

(3) *Enclosure.* "Enclosure" means a set of walls or fences designed to confine animals or birds to a space that is large enough to permit the animals and birds to roam relatively freely in an open yard area.

(4) *Similar Animal.* Any farm animal that is similar to other animals listed in a particular category of permitted animals with respect to impacts on nearby properties, including noise, odors, safety hazards or other nuisances.

(k) *Prohibited Animals.* No roosters, geese, ducks, turkeys, horses, cows, alpacas, llamas, mules, sheep, goats or swine may be kept in a Residential District.

Section 3: That Section 1351.04 "Agricultural Uses in Residential Districts" and Section 1351.05 "Restrictions on the Keeping of Farm Animals" of Chapter 1351 "U1 Single-Family House Districts" of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid to permit and establish regulations of agricultural uses and the keeping of farm animals in U-1 residential districts are hereby enacted.

Section 4: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5: That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor

Ordinance No.

By – Councilpersons Langman, McLaughlin, O’Hare

An ordinance amending Section 1377.05 “Structure for Animals” of Chapter 1377 “Accessory Uses in Residential Districts” of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid to allow sheds, coops and similar structures as accessory structures in a U1, U2 or U3 Use District.

WHEREAS, Euclid City Council is contemplating changes to Euclid Codified Ordinances regarding agricultural uses in residential districts and the keeping of smaller farm animals; and,

WHEREAS, In such legislative changes, the ordinances would permit the keeping of chickens, ducks, rabbits and similar animals; and,

WHEREAS, In order to effectuate such legislative changes, sheds, coops and similar structures should be permitted as accessory structures in residential districts; and,

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That Section 1377.05 “Structure for Animals” of Chapter 1377 “Accessory Uses in Residential Districts” of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid is hereby amended to read as follows:

1377.05 STRUCTURE FOR ANIMALS

~~No loft, shed or other structure shall be permitted as an accessory use in a U1, U2 or U3 Use District which is intended or used for the raising, training or keeping of more than four animals.~~

Sheds, greenhouses, coops, cages, hoopouses, cold frames, barns, rain barrels, farm stands, and similar structures not exceeding ten (10) feet in height, as regulated in Sections 1351.04 and 1351.05, are permitted as accessory structures in a U1, U2 or U3 Use District.

Section 2: That Section 1377.05 “Structure for Animals” of Chapter 1377 “Accessory Uses in Residential Districts” of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid is hereby amended.

Section 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor