

CONCORD TOWNSHIP ZONING COMMISSION  
LAKE COUNTY, OHIO  
REGULAR MEETING

Concord Town Hall  
7229 Ravenna Road  
Concord, Ohio 44077

March 7, 2023  
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Zoning Commission members present:

Rich Iafelice, Chairman  
Rich Peterson, Vice Chair  
Andy Lingenfelter, Member  
Hiram Reppert, Member  
Ron Terriaco, Alternate Member

Also Present:

Heather Freeman, Planning & Zoning Director/Zoning  
Inspector  
Keith Petersen, Esq., Legal Counsel

**Melton Reporting**  
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1 7:00 p.m.

2 CHAIRMAN IAFELICE: Good evening. I would like to  
3 call to order the meeting of the Concord Township Zoning  
4 Commission here on Tuesday, March the 7th. So with that,  
5 Heather, if you could call the roll, please.

6 MS. FREEMAN: Yes, I will.

7 Mr. Lingenfelter?

8 MR. LINGENFELTER: Here.

9 MS. FREEMAN: Mr. Reppert?

10 MR. REPPERT: Here.

11 MS. FREEMAN: Mr. Peterson?

12 MR. PETERSON: Here.

13 MS. FREEMAN: Mr. Terriaco?

14 MR. TERRIACO: Here.

15 MS. FREEMAN: Mr. Iafelice?

16 CHAIRMAN IAFELICE: Here.

17 Thank you, Heather.

18 Good evening, members. I hope everybody is well.  
19 The first order of business on our agenda is approval of the  
20 minutes of February the 7th, 2023. I am going to make the  
21 first observation of the minutes, since I wasn't present last  
22 month, that I'm going to be challenged to adjourn by 7:45. My  
23 compliments to Mr. Peterson, standing in, to finish the  
24 meeting by 7:45. So good for you.

25 But, no, any comments on the minutes, questions on  
26 February 7th, please?

27 MR. REPPERT: No comments here.

28 MR. LINGENFELTER: Wow.

29 MR. TERRIACO: No comments.

30 MR. REPPERT: Yeah.

1 MR. LINGENFELTER: That's impressive. I would say  
2 that was a first but I think that was a second.

3 MR. PETERSON: Then, Mr. Chairman, I will make a  
4 motion to approve the minutes for the February meeting.

5 CHAIRMAN IAFELICE: I have a motion to approve the  
6 minutes of February 7, 2023. Do I have a second?

7 MR. REPPERT: I will second.

8 MR. TERRIACO: Second.

9 CHAIRMAN IAFELICE: And a second. All in favor say  
10 aye. Any opposed? I abstain.

11 (Four aye votes, no nay votes, one abstention.)

12 CHAIRMAN IAFELICE: Okay, thank you.

13 Moving on to Correspondence, I know last month, I  
14 guess from the minutes, there was a piece of correspondence  
15 involving the item that we have on our agenda here this  
16 evening, poultry. Is there any other correspondence received  
17 in the last month, Ron? Hiram?

18 MR. TERRIACO: No.

19 MR. REPPERT: None.

20 CHAIRMAN IAFELICE: No?

21 MR. REPPERT: None here.

22 CHAIRMAN IAFELICE: Andy?

23 MR. LINGENFELTER: Nothing from me.

24 MR. PETERSON: I have none.

25 CHAIRMAN IAFELICE: Nothing at all, none for me.

26 MR. LINGENFELTER: It was, it was unusually quiet.

27 CHAIRMAN IAFELICE: Unusually quiet, which is good.

28 Middle of -- Quiet is good. It was a mild winter.

29 MR. LINGENFELTER: Quiet is good.

30 CHAIRMAN IAFELICE: Yeah, yeah.

1           If I may, we have a gentleman here from, in the  
2 public. We usually do Public Participation before New  
3 Business. May I ask, may I ask if you are here to discuss, to  
4 listen in on the poultry regulations, sir?

5           MR. MARTIN: Yes.

6           CHAIRMAN IAFELICE: Okay. So with that, there is no  
7 other person present, I might hold the Public Participation  
8 until we have that discussion in case you may have some  
9 questions for us.

10          MR. MARTIN: Sure.

11          CHAIRMAN IAFELICE: Just take it a little bit out of  
12 order of our agenda.

13          MR. MARTIN: Sure.

14          CHAIRMAN IAFELICE: Just to allow you that time  
15 after.

16          MR. MARTIN: Okay.

17          CHAIRMAN IAFELICE: Okay, very good.

18          So I will move on to New Business, postponing Public  
19 Participation for a moment, a work session to review poultry  
20 regulations. Before we begin, Heather has some slides to  
21 present, to review with us. I have to admit, reading through  
22 the minutes, my compliments on the discussion. It was very  
23 widespread. It brought up points that might not have occurred  
24 to me in my mind. So I read with keen interest and it kind of  
25 helped, helped me prepare this evening, the way your  
26 discussion was had last month. So I appreciate that.

27          So with that, Heather has some slides to present,  
28 overview of this. Heather.

29          MS. FREEMAN: Thank you. So I know, based on some  
30 residents asking the township to take a look at our existing

1 zoning requirements regarding agricultural uses, specifically  
2 chickens, I thought, before we got into that, that I would  
3 give just a little bit of background information on where the  
4 township derives its authority for regulating agricultural  
5 uses.

6 Sorry. Some of this is cut off. Is there a way to  
7 adjust that or --

8 While Brian is trying to make it fit on the screen  
9 here a little bit better, so just a brief outline here. The  
10 townships are creatures of the state. We only can do with  
11 zoning what the Ohio Revised Code allows us to do. So  
12 Section 519.21 does contain some limitations on what the  
13 Zoning Commission can do. One of the topics within that is  
14 agricultural uses.

15 Sorry. I was just going to go over the definition  
16 briefly of what the ORC defines "agriculture" as, and then go  
17 over briefly our existing requirements that we already have in  
18 our Zoning Resolution regarding agricultural uses, and then  
19 take a look at some of the findings that we found when taking  
20 a look at other surrounding communities and how they treat  
21 chickens and other agricultural uses.

22 It's not going to click to the next slide.

23 THE VIDEOGRAPHER: I don't see a way of --

24 MS. FREEMAN: Just go back to the function.

25 THE VIDEOGRAPHER: Okay.

26 MR. TERRIACO: This is an instructor's worst  
27 nightmare.

28 CHAIRMAN IAFELICE: Oh, yeah.

29 MS. FREEMAN: Okay, all right. This is why I want a  
30 really big TV in here or something. I don't like -- This

1 setup is a little weird.

2 CHAIRMAN IAFELICE: Put that in the budget.

3 MS. FREEMAN: So I am not going to read all the  
4 words on the slide. And I did provide you in your packets the  
5 actual, you know, sections of the ORC, so you have that  
6 verbatim. But, basically, townships have no ability to  
7 regulate any type of agricultural use, building or structure  
8 if the, if it's located on a parcel of land that's 5 acres or  
9 larger. We just don't have the ability to do that.

10 Town -- But ORC 519.21 does allow townships, if they  
11 adopt it in their Zoning Resolution, to regulate agricultural  
12 uses on lots if they are located within a platted subdivision  
13 that was created under Section 711.05, .09 or 711.10, or if  
14 they, or if they are in an area containing 15 or more lots  
15 that were approved under Section 711.131. And the county  
16 Planning Commission actually is the entity that reviews and  
17 approves those types of lot splits and/or major subdivisions.  
18 So we do work with the county a lot on, is this in an area  
19 where we're allowed to regulate ag or not before making  
20 decisions moving forward on zoning.

21 CHAIRMAN IAFELICE: Heather.

22 MS. FREEMAN: Yeah.

23 CHAIRMAN IAFELICE: So the county, in terms of lots  
24 that are greater than 5, they have jurisdictional authority?

25 MS. FREEMAN: No.

26 CHAIRMAN IAFELICE: Who does?

27 MS. FREEMAN: No one, not per zoning, no. Trustees  
28 cannot. You know, those agricultural uses probably would fall  
29 under various different entities as far as, I know like the  
30 Health Department has some regulations regarding manure and

1 like hogs, things like that.

2 CHAIRMAN IAFELICE: Okay.

3 MS. FREEMAN: There could be other agencies in the  
4 State of Ohio that would regulate that. But when we're  
5 talking about townships and can you regulate agriculture, we  
6 can't regulate any agricultural use through our zoning or any  
7 action of our BZA.

8 CHAIRMAN IAFELICE: Oh, I understand the township.

9 MS. FREEMAN: Yep.

10 CHAIRMAN IAFELICE: I assume somebody regulates a  
11 structure, a building.

12 MS. FREEMAN: No, cuz, yeah, because even if we deem  
13 a building an agricultural building, then the Building  
14 Department also would not require any kind of building  
15 permits.

16 CHAIRMAN IAFELICE: Okay.

17 MS. FREEMAN: Yes, yes.

18 MR. REPERT: So I can put up a silo in my, in my  
19 yard?

20 MR. LINGENFELTER: If you wanted to.

21 CHAIRMAN IAFELICE: Well, your lot is about 2 acres.

22 MR. REPERT: Yeah.

23 MS. FREEMAN: So you fall in an area where we do  
24 regulate agricultural uses because we did adopt some rules  
25 regarding that.

26 MR. REPERT: This is fine, okay.

27 MS. FREEMAN: So why is this -- Can you go to the  
28 next slide, Brian?

29 THE VIDEOGRAPHER: Yeah.

30 MS. FREEMAN: I don't know why it's not working.

1           Okay. So can't regulate anything over 5 acres. We  
2 can regulate them in certain situations if it's in a platted  
3 development or in an area of 15 or more lots.

4           CHAIRMAN IAFELICE: While we're waiting, can  
5 somebody define "poultry husbandry" for me?

6           MS. FREEMAN: Well, my next slide actually was the  
7 definition of "agriculture" per the Ohio Revised Code.

8           CHAIRMAN IAFELICE: Okay.

9           MS. FREEMAN: I wasn't really going to read the  
10 whole thing but it's pretty wide. Agriculture includes not  
11 only farming but ranching, aquaculture, apiculture, which is  
12 having bees -- some of these, I don't, I am not really  
13 familiar -- horticulture, viticulture, animal husbandry,  
14 including but not limited to the care and raising of  
15 livestock, equine, fur-bearing animals, and then you get into  
16 the poultry husbandry and the production of poultry, poultry  
17 products. And it even goes into, you know, dairying, field  
18 crops and vegetables and nursery stock and it's very specific.

19           I am just going to come over here and click it. I  
20 just need to advance to the next slide.

21           THE VIDEOGRAPHER: I did.

22           MS. FREEMAN: Sorry.

23           THE VIDEOGRAPHER: It's like it's locked.

24           MR. LINGENFELTER: We need somebody knows what  
25 they're doing with IT here.

26           MR. PETERSON: You're an IT guy.

27           CHAIRMAN IAFELICE: He's sitting here.

28           MS. FREEMAN: Why is it not up there?

29           MR. LINGENFELTER: Is it in a PowerPoint?

30           MS. FREEMAN: Yeah. I know, it's super simple but,



1 for whatever reason, it's not.

2 MR. LINGENFELTER: Close it and reopen it.

3 THE VIDEOGRAPHER: That's what I was trying to do.

4 MR. LINGENFELTER: Oh, there you go. Go to  
5 slideshow.

6 CHAIRMAN IAFELICE: Okay.

7 MS. FREEMAN: Okay. So this was that long  
8 definition of agriculture. I'm not going to go into that.

9 But, again, still looking at ORC 519.21, it allows  
10 townships to regulate the agriculture on lots that are 1 acre  
11 or less in size. We can also regulate buildings and  
12 structures that are incident to the use of agricultural uses  
13 if the lot is between, greater than 1 acre but less than 5  
14 acres. And it does also give us the authority to regulate  
15 dairying and animal and poultry husbandry on lots that are  
16 greater than 1 acre but less than 5 acres, but no -- yeah, but  
17 greater, yeah, less than 5 acres when at least 35 percent of  
18 the lots in the subdivision are developed with at least one  
19 building.

20 So this section of the ORC also goes on and provides  
21 for additional opportunities for townships to regulate other  
22 agricultural type uses, such as farm markets, biodiesel  
23 production, energy production. The, in some of the newer  
24 sections added to the ORC was the biological derived methane  
25 gas production and also agritourism. We do have some  
26 regulations also regarding the farm markets but we have not  
27 written anything on the last three bullet points, so those can  
28 be something in the future we look at.

29 But back in 2011 the township did adopt zoning per  
30 the allowance of the ORC to regulate agricultural uses in some

1 areas. So, and I apologize this is cut off, but Section  
2 6.01(B)(2)(A) of the Zoning Resolution currently states that,  
3 if your lot is 1 acre or less and you are located within a  
4 platted subdivision, the only type of agricultural use you're  
5 allowed to do is, includes raising fruits, vegetables or  
6 nursery stock for your private use, consumption or you could  
7 do an incidental sale as well, so a small little sale from  
8 your front yard. And then it goes on to, you know, how we  
9 regulate the size of the building and the location and things  
10 like that.

11 We also have in there right now, if you have a lot  
12 that's greater than 1 acre but less than 5 acres, we have some  
13 restrictions on where the buildings can be located but we  
14 don't really limit the type of agricultural uses. So,  
15 basically, anything that falls under the definition of  
16 "agriculture" per the ORC would be permitted if it met all the  
17 criteria as far as the setbacks and things like that. So if  
18 someone wanted to have chickens on a 2 acre lot, they could  
19 have that already with our regulations that are already in  
20 existence as long as the coop structure that they're going to  
21 house the animal in would meet the setbacks that we actually  
22 have in the next session that is specific to dairying and  
23 animal and poultry husbandry.

24 So those setbacks are a little bit larger than it  
25 would typically be for a traditional like barn or shed that  
26 you might be using for storage. If you are going to house  
27 animals, we require that structure to be at least 70 feet back  
28 from the road right-of-way, 25 feet away from side and rear  
29 lot lines. And if you have a well on your property, we have a  
30 distance from your well as well, which is 100 feet.

1                   CHAIRMAN IAFELICE:   Okay.

2                   MS. FREEMAN:   So that's, that's what we have in  
3 place.  We, pretty much, adopted that since 2011.  It really  
4 hasn't been any tweaks.  I think we moved it a little bit in  
5 the section that it's in but it really hasn't changed since  
6 2011.

7                   This is, this is an example of, actually, a place in  
8 Concord.  It's about a 3 acre lot.  This is a photo that we  
9 took from the street, basically, from Hoose Road.  They fall  
10 within that 1 to 5 acres.  They're about 3 and a half acres.  
11 And under this zoning district, they're allowed to have  
12 poultry.  So this resident actually had chickens and ducks,  
13 and there were a lot of them, and all the coops met all the  
14 setbacks.  The house is probably 200 feet off the road, if not  
15 more, 300 feet.  And based on the way that their house was  
16 built and their yard and the lot and everything, the best  
17 place for them to put everything was in the front yard.  Still  
18 met all the setbacks.  They're more than 70 feet back from the  
19 road right-of-way.  They're on city water, so we didn't have  
20 to worry about a well, and they meet all the other side yard  
21 setbacks.

22                   But we don't have a limitation on the number,  
23 currently, of chickens or fowl or poultry or anything that  
24 they're allowed to have, which basically allowed them to have  
25 as many as they wanted.  So they, probably, they had like four  
26 coops.  There are another four coops somewhere else.  And if  
27 you recall, under our zoning, if you're over 2 acres, you can  
28 have multiple accessory buildings as long as each one doesn't  
29 exceed that 1,532 square feet, and that applies to this, too.  
30 We don't have any separate restrictions for those agricultural

1 uses, so it could get big.

2 This is another location over on Fay Road. These  
3 people just have a very modest little coop structure here and  
4 a run, you know, for some chickens as well. So it could be  
5 very small like that. And this is, this, actually, this lot  
6 is not in an area where we can regulate ag. It's not in a  
7 platted subdivision, it's not in an area where we had 15 or  
8 more of those lot splits. So they actually did not even have  
9 to come to us to get a zoning permit for that because it's not  
10 located in an area where we can regulate it.

11 I did look into, I checked with a couple other  
12 agencies because I know there was some questions at the least  
13 meeting if, like, the Health Department ever gets involved in  
14 any of this. I did email and reach out to Chris Loxterman at  
15 Lake County General Health District -- he is the environmental  
16 health supervisor there -- just to see if they had any, any  
17 regulations that would cross over on, you know, poultries or  
18 chickens or any thoughts, you know. I told them what we were  
19 kind of talking about. And he came back and said that the  
20 Health Department does not have any regulations that, over  
21 chickens. They have some requirements but more specific to  
22 the hogs, if someone is going to have hogs, and then manure.  
23 So there isn't anything specific as far as chickens and how  
24 the Health Department would get involved. So they're not  
25 currently involved with anything, you know, on, regarding that  
26 and they wouldn't be even if we added something.

27 I also, when researching some of the other  
28 communities and how they, you know, police or enforce their  
29 requirements, a lot of them you will find out like the police  
30 department gets involved in enforcement on this kind of stuff.

1 And there is something in the Ohio Revised Code. I don't know  
2 if I gave you a copy of this but it's Section 951.02 and it's  
3 Animals Running at Large on public roads or grazing on other  
4 people's land. So, basically, there is a law that doesn't  
5 allow, you know, it could be a violation of the Ohio Revised  
6 Code if you have pets, chickens, animals that come into the  
7 roadway or if they're trespassing on neighbor's properties.  
8 You could call the sheriff. You could get ticketed for  
9 something like that.

10 So I thought that was interesting because I know  
11 there was some questions and concerns about, if people were  
12 going to have chickens, making sure they weren't free range  
13 going onto the neighbor's. And the first picture I showed  
14 you, there was an instance with those people did have chickens  
15 coming over onto other people's property, including township  
16 property.

17 So, oh, I also did, in our eGrapevine that we send  
18 out monthly, I put a little blurb in there, just because I  
19 knew we were going to have this meeting, just to let folks  
20 know we were going to have a conversation. I think that's  
21 probably why a couple individuals showed up, maybe to give  
22 their thoughts on it, but just to let people know that this is  
23 what we're looking at and, you know, some feedback on it. I  
24 heard back from like six people, kind of in different, with  
25 different thoughts behind it.

26 A gentleman over on Cheryl Drive said it was a bad  
27 idea and that you should have to have 5 acres if you're going  
28 to have chickens. Another gentleman was excited about the  
29 idea that, because -- I am sorry. He was excited about the  
30 idea about raising chickens, being able to raise your own food

1 and that opportunity. Some residents over on Colleen Drive,  
2 yes, yes, yes. Another gentleman on Cabriolet said he would  
3 be here at the meeting.

4 MR. MARTIN: That's me.

5 MS. FREEMAN: One of our, over in the Hunt Club, one  
6 of the people that's involved with their homeowners  
7 association emailed and just said, you know, if you have  
8 residents over in the Hunt Club that are asking, we have deed  
9 restrictions that would not allow that. So that is something  
10 else to consider we haven't talked about. So --

11 MR. LINGENFELTER: That was going to be my question.

12 MS. FREEMAN: Yeah.

13 MR. LINGENFELTER: The issue that I was thinking  
14 about, I don't know if that would be a legal counsel question  
15 or who would address that but, you know, what, so if the  
16 township has the regulations to allow it but then deed  
17 restrictions say no, who takes precedence? Do the deed  
18 restrictions override the township's regulations? So if the  
19 township says you're allowed to have them but you're in  
20 platted development where they say no chickens, then do you  
21 have to follow the deed restrictions or can you defer to the  
22 township regulations?

23 MR. PETERSEN: Most likely, you would defer to the  
24 deed restriction. Even if, just anything that is allowed but  
25 is, as long as the deed restriction has been in place since  
26 you purchased the home, it applies to all of the different  
27 homes that it covered, most likely the deed restriction would  
28 prohibit you from being allowed to have chickens. Now,  
29 granted, you would probably be, the HOA or whatever group it  
30 is over it would be limited to, you know, fines or what

1 recourse they have through that. You wouldn't be able to get,  
2 you know, the local police department or, you know, the  
3 township zoning involved with it but they could try to enforce  
4 it through their means.

5 MR. LINGENFELTER: So they wouldn't be -- So if they  
6 had a deed restriction in place from a homeowners association  
7 standpoint, then they wouldn't, the homeowners association  
8 wouldn't be able to rely on the township to enforce that deed  
9 restriction, or the Lake County Sheriff or whoever?

10 MR. PETERSEN: Generally speaking, I think so.  
11 Again, it's kind of hard to tell, you know, because every deed  
12 restriction, I mean, some of them go back a long time, you  
13 know, they've been recorded since the initial plat  
14 development. But most of the time, HOA restrictions,  
15 covenants are enforced by the HOA.

16 MR. LINGENFELTER: All right, okay.

17 CHAIRMAN IAFELICE: Heather, you mentioned, going  
18 back, the chickens running across the road.

19 MS. FREEMAN: Yeah.

20 CHAIRMAN IAFELICE: Is not the --

21 MR. LINGENFELTER: Why? It raises the question.

22 CHAIRMAN IAFELICE: Why did the chicken cross the  
23 road? He's being funny over here.

24 Do our regulations require, beyond the coop, that it  
25 be fenced in? Is it not --

26 MS. FREEMAN: Right now, the way our regulation are  
27 written, it's not very specific --

28 CHAIRMAN IAFELICE: It isn't, okay.

29 MS. FREEMAN: -- to any type of animal. So after  
30 we, really looking at this section, maybe kind of think about,

1 even if we don't allow it on smaller lots, we might need to  
2 make some tweaks --

3 CHAIRMAN IAFELICE: Yep, okay.

4 MS. FREEMAN: -- to our current resolution as it  
5 relates to lots greater than 1 acre yeah, because we don't  
6 even mention "coop" in our ag zoning. So taking a look at  
7 other communities and what they say, like, it really is like  
8 maybe we need to hone in the text a little bit and be more  
9 specific to requiring a coop that's, you know, secure from  
10 predators and having a run and making sure that they're not  
11 free range and having a fenced-in area and maybe even having  
12 that fenced-in area set back from the property lines because,  
13 right now, we just have the building has to be set back from  
14 the property lines but, really, I would think any enclosure  
15 for that animal, if you're going to have it, should meet those  
16 setbacks.

17 CHAIRMAN IAFELICE: Since you brought that up,  
18 Heather, you did a wonderful job with these other communities,  
19 your overview of this data that you provided.

20 MS. FREEMAN: Yeah. And before we get into that --  
21 I'm sorry.

22 CHAIRMAN IAFELICE: Oh, please.

23 MS. FREEMAN: There was one more email we had from  
24 another resident over on Allegheny. He has some concerns  
25 about it based on, I guess, a neighbor already in his  
26 development has some poultry, including a rooster that's been  
27 annoying to him. He was worried about, you know, if people  
28 had chickens, you know, and if there was a creek on their  
29 property, would the waste be going into the creek and what  
30 kind of impacts that might have. And then he was worried



1 chickens trespassing on other people's property and damaging  
2 it and didn't feel like it was moving in the same direction  
3 that the township's been moving to be more urbanized. So --

4 CHAIRMAN IAFELICE: Oh, okay.

5 MS. FREEMAN: So that was -- And I will forward all  
6 these if you want to read them all.

7 CHAIRMAN IAFELICE: Okay, great. Thank you.

8 MS. FREEMAN: I am kind of summarizing for you but  
9 that's kind of what we heard, very informal.

10 And then, yes, we did try to, Celina and I worked  
11 on, you know, trying to take a look at all of the, pretty  
12 much, we almost looked at all the Lake County townships,  
13 municipalities and then I kind of went a little bit to some  
14 communities in Cuyahoga. But it was all over the place  
15 regarding really the, whether or not the, whether or not the  
16 communities allowed it.

17 I mean, a lot of them you are seeing, yes, they're  
18 allowed, but if you look at some of the minimum lot sizes,  
19 they're large lots. So, for example, on the first page at the  
20 very bottom, so Painesville City, they allow them but you've  
21 got to have 5 acres. This one is interesting because you can  
22 have them in a couple of the districts. They have to be  
23 enclosed. But most of the lots are actually under 5 acres, so  
24 it's not very likely that you will be able to have them.

25 I also kind of think that, talking with some of the  
26 officials, like people have them but if there is no complaints  
27 sometimes there is not a lot of proactive enforcement on that.

28 CHAIRMAN IAFELICE: My kind of take on this is that  
29 the communities that are high density, small lots, it's all,  
30 it's relative, the Eastlakes, the Fairport Harbor.

1 MS. FREEMAN: Yes.

2 CHAIRMAN IAFELICE: Small lots, so there are  
3 restrictions, is on a small lot, they allow them.

4 MS. FREEMAN: Yes, yeah, and that's what I tried to  
5 do, yeah. So if they did not define a minimum lot size, what  
6 I did is I just listed what their minimum lot sizes were.

7 CHAIRMAN IAFELICE: Minimum lot size.

8 MS. FREEMAN: Because they, specifically like for  
9 Chardon, the City of Chardon, they don't really specify a  
10 minimum lot size to allow poultry but they allow it. So we  
11 looked at, okay, so in all their residential districts, what's  
12 the range of lot sizes? And that's why I put that 55, from a  
13 small is 5,500 square feet to a minimum lot size of 2 acres,  
14 so all within that range.

15 CHAIRMAN IAFELICE: Fifty-five, that's 50 by 100.

16 MS. FREEMAN: Yeah.

17 CHAIRMAN IAFELICE: It's like Fairport. There is 40  
18 foot lots in Fairport.

19 MR. REPERT: That's less than --

20 CHAIRMAN IAFELICE: Painesville.

21 MR. REPERT: A little bit over a tenth of an acre.

22 MR. LINGENFELTER: Right.

23 CHAIRMAN IAFELICE: Yeah.

24 MS. FREEMAN: Hold on.

25 MR. REPERT: Here is one 3,600 square feet, Mentor-  
26 on-the-Lake.

27 CHAIRMAN IAFELICE: Yeah, because the minimum lot  
28 size because it's not specified, as you indicated, Heather.

29 MS. FREEMAN: Correct, yeah.

30 CHAIRMAN IAFELICE: They show up to half an acre.

1 MR. REPPERT: Okay.

2 MS. FREEMAN: Some of the communities made like a  
3 conditional use permit. So, interesting, like the Painesville  
4 Township on the second page, that's a good comparison. If you  
5 have less, if your -- wait -- if you have less than .5 acres,  
6 you have to get a continual use permit. So you have to go to  
7 the BZA to get approved before you can have the poultry. But  
8 if you're over the .5 acres, then it's just a permitted use  
9 and you would just come to the zoning inspector and get a  
10 zoning permit. They do have setbacks similar to like what we  
11 would have, 20 feet.

12 But what I found interesting is lot of communities  
13 were actually prohibiting these structures from being in the  
14 front yard. That way, you would prevent --

15 CHAIRMAN IAFELICE: I saw that.

16 MS. FREEMAN: -- a case like we had, you know, if  
17 the house is set back far, if you were worried about somebody  
18 having that in the front yard. And they've written it in such  
19 a way that you couldn't even do it to the sides of the house,  
20 it really has to be behind the house.

21 MR. REPPERT: That one on Hoose is a real eyesore.

22 MS. FREEMAN: Yeah. And the last time I was there,  
23 like, there were no poultry but the structures were still  
24 there, so I don't know what's going on with that, yeah.

25 MR. REPPERT: Nasty looking.

26 MS. FREEMAN: And that comes to like, you know, what  
27 Painesville Township has done is they actually limited the  
28 area that you can use on your property. So within that back  
29 yard, you can use no more than 25 percent of that land area  
30 for your agricultural use. That's something else to consider.

1 Somebody wouldn't use their whole entire back yard.

2 So, and then a lot of communities put a limit on the  
3 number and type of poultry because poultry is chickens, it's  
4 geese, it's turkeys, it's ducks, it's roosters. So you would  
5 want to be very specific if you wanted to limit or prohibit  
6 certain types of animals, such as roosters, which tend to be  
7 the annoyance for folks.

8 Then some of the communities, including Painesville  
9 Township, required screening, so like either natural  
10 vegetation from the adjoining property owners or fencing so  
11 your neighbors wouldn't have to look at them. So, and  
12 even there is one --

13 CHAIRMAN IAFELICE: I was surprised to see western  
14 Lake County, Wickliffe and Willoughby.

15 MS. FREEMAN: Oh, yeah, yes.

16 CHAIRMAN IAFELICE: I had no idea.

17 MS. FREEMAN: Let's go to the last page. Yeah, I  
18 know. And Willoughby's was relatively new and, actually,  
19 Wickliffe's was almost identical, so they probably shared  
20 ordinances when we were looking there. But, yeah, I mean,  
21 like Willoughby, they have, typically, they have small lots  
22 ranging from 6,000 square feet to 15,000 square feet. And  
23 just for reference, you know, in our, most of our lots are  
24 half acre, like 22,000 square feet if you're on the west side  
25 of Concord in the R-1. When you get over to the east side of  
26 Concord and the R-4, you're minimum 1 acre.

27 So, but Willoughby, you know, they have, again,  
28 relatively smaller setbacks based on the lots being smaller  
29 than what we would typically have, but they do, they require  
30 that the coops be in the back yard. They don't allow them in

1 the front. They have to be 5 feet from side and rear lot  
2 lines. And then they really put a maximum size on that coop  
3 and really shrinking it down, 32 square feet, just enough to  
4 house your six chickens that you're allowed to have there but  
5 no roosters. And they also require and make sure that they  
6 have access to an outside area that's still like fenced in.  
7 They also allow bees, apiculture.

8 Wickliffe, again, similar regulations but they also  
9 allow ducks and rabbits and other similar farm animals. So  
10 you might get somebody who is like doing 4-H. And I know I've  
11 been asked here even like someone who had a son or daughter  
12 that was trying to do 4-H and they wanted to raise, you know,  
13 some animals outside for a short amount of time. And the way  
14 our resolution is written, it doesn't allow that unless you've  
15 got the 1 acre. But Wickliffe also then prohibits the geese  
16 and the turkeys and roosters. So --

17 CHAIRMAN IAFELICE: But they permit it in all  
18 districts.

19 MS. FREEMAN: Yeah, yeah. I don't think people in  
20 commercial are going to do it.

21 CHAIRMAN IAFELICE: You could go to your 7-Eleven  
22 and there would be chickens behind it.

23 MS. FREEMAN: There technically could be. I don't  
24 know, yeah. So, yeah, yeah.

25 CHAIRMAN IAFELICE: Okay.

26 MS. FREEMAN: I mean, I thought it was interesting.  
27 Like South Euclid, I went and looked over there too because,  
28 actually, that was the one community that the initial  
29 residents were talking about. When they moved from there to  
30 here, they thought that they also could continue to have

1 poultry and we found it that we were more strict than the  
2 community that they had moved from. So I was like, let me  
3 take a look at what they allow there. Similar to some of the  
4 other W communities here in Lake County, I found it  
5 interesting. They flat out prohibit the slaughtering, which  
6 is good, I guess. Maybe they had a problem with that,  
7 slaughtering of the chickens. They talk about making sure  
8 everything is sanitary and stuff like that as well and address  
9 the manure, too.

10 So, but it's kind of, you know, all over the place  
11 but definitely a trend, I think, of communities allowing it in  
12 more urban areas. And I am happy to answer any questions you  
13 have at this point or see where the discussion goes.

14 CHAIRMAN IAFELICE: A lot of questions.

15 MS. FREEMAN: Yeah.

16 CHAIRMAN IAFELICE: But thank you, Heather, for all  
17 that information.

18 MR. REPERT: Boy, this is amazing.

19 CHAIRMAN IAFELICE: Yeah, yeah. Thank you very much  
20 for all the research on this. It's been very helpful.

21 Before we come, I mentioned before, we delayed  
22 Public Participation. Now that we've had a presentation on  
23 this, I am going to open Public Participation. If anyone  
24 wants to comment on this item on our agenda or any item before  
25 this board, please come forward, state your name and address,  
26 please.

27 MR. MARTIN: Up here? Dan Martin, I am the one who  
28 sent the email from Cabriolet. I just came really to find out  
29 what the thought, what the thoughts were in the township in  
30 general. I live in Carriage Hills, if you know where that is.

1                   CHAIRMAN IAFELICE:    Sure.

2                   MR. MARTIN:    Been there for 25 years.  Bought the  
3 house from the original person who built it.  I believe, when  
4 I bought the house, they gave me the deed restrictions that  
5 were part of the neighborhood but there was never an HOA  
6 created, nothing was ever really developed in order to, you  
7 know, for lack of a better word, enforce that.  So above  
8 ground pools, privacy fences, things that were on that deed  
9 restriction, they ended up happening anyway.

10                   So, but I came really because I didn't, you know, I  
11 didn't buy my house 25 years ago to be next to a farm.  So  
12 understanding what, you know, once you kind of open up  
13 Pandora's Box, how do we get it back?  Because I am sure you  
14 will have some people that will build a cute little coop with  
15 a nice little run and it will be, you know, it will be nice  
16 and it will be pretty and they'll take care of it and they'll  
17 manage it.  But, you know, I don't want to be calling the  
18 police because somebody's chickens are in my pool, and that's  
19 where it gets to.

20                   And then, because we have that issue with people's  
21 dogs, you know.  People let their dog get out and then you've  
22 got the dogs in your yard going, you know, to the bathroom and  
23 all the issues you deal with that.  And I realize that's part  
24 of living with other people, it's going to happen.

25                   But chickens, that just seems to be -- I think our  
26 acre, our lot sizes are about an half an acre.  Mine feels a  
27 little bigger because I have, I am on a corner, so I have a  
28 setback, easement setback on both sides.  So it feels bigger  
29 than that.

30                   So, really, that's where I really was, kind of, want

1 to know why we're talking about it because it sounds like, is  
2 it currently, if I understood what you said, it's permitted to  
3 have chickens on a property less than half an acre?

4 CHAIRMAN IAFELICE: No, no.

5 MR. REPPERT: No.

6 CHAIRMAN IAFELICE: No, sir.

7 MR. MARTIN: It's not?

8 CHAIRMAN IAFELICE: No, sir.

9 MR. MARTIN: Okay. I thought there was one of the  
10 sides early on when I was watching it that said something  
11 about --

12 CHAIRMAN IAFELICE: Over 1 acre.

13 MR. MARTIN: All right. So, right now, it's 1 acre.

14 CHAIRMAN IAFELICE: Over 1 acre up to 5.

15 MR. MARTIN: So the consideration right now is, do  
16 we want to make it less than that?

17 MR. LINGENFELTER: Right.

18 CHAIRMAN IAFELICE: Because of citizens' request for  
19 consideration.

20 MR. PETERSON: Egg prices, that was the concern.

21 MR. MARTIN: Yeah.

22 MR. PETERSON: Egg prices.

23 MR. MARTIN: But, I mean, it takes a lot of eggs,  
24 savings on eggs to pay for a coop and a bunch of chickens and  
25 a bunch of fencing and everything else. And I would imagine  
26 that's cyclical too, right? I mean, I would imagine that the  
27 eggs prices won't be there forever either.

28 MR. PETERSON: Right.

29 MR. MARTIN: But those are my concerns.

30 CHAIRMAN IAFELICE: Very good.



1 MR. MARTIN: Because I can see that, if this would  
2 become a problem, that we just sell our house and move. I  
3 don't want to have to, you know -- If somebody wants to raise  
4 chickens, they should go buy a house with enough acreage on it  
5 to raise chickens. So that's where I'm at.

6 CHAIRMAN IAFELICE: Very good, sir. I appreciate  
7 your comments. Thank you for sharing them.

8 Sir, state your name and address, please.

9 MR. AGOSTI: Chris Agosti, 9946 Aspen Court in  
10 Morley Hills Estates. And esteemed members of the community,  
11 thank you for having this meeting, discussing this.

12 I guess, one thing that's important is dispelling  
13 myths, and the need to have a rooster to have eggs produced by  
14 chickens is a myth. So we can have a quiet coop, very  
15 discrete that you wouldn't even know was present. I think  
16 your concerns, well stated, were decreasing the value of  
17 homes, decreasing the general, your enjoyment of the  
18 community.

19 CHAIRMAN IAFELICE: Sir, if I may interrupt, you  
20 could address the board. The gentleman is here but you can  
21 address us, please.

22 MR. AGOSTI: Okay. Yeah, I think, so I can  
23 understand the concerns of, of community members. What is  
24 this going to do to property values? Am I going to have,  
25 again, chickens in my pool? Basically, it's a question of,  
26 will citizens and members of the community be good members of  
27 the community? I would like to think that, certainly, people  
28 ought to be good members of the community, and what do you do  
29 whenever they're not? I think there are things that are in  
30 place to handle that.

1 I would draw your attention to the city of Cleveland  
2 who, in 2009, had adopted, actually, they're very  
3 comprehensive -- I don't know if they were in your notes --  
4 very comprehensive way of handling, it wasn't just chickens,  
5 it was chickens, ducks, rabbits or similar animals where, you  
6 know, one per 800 square feet of parcel or lot area in  
7 residential districts. Again, city of Cleveland. And then  
8 also allowing goats, pigs, sheep and similar animals on  
9 parcels greater than 2,400 -- 24,000 square feet. So it's  
10 very interesting what even what the city of Cleveland permits.

11 There was the one comment from the member, I think  
12 it was emailed, with concern about trending more toward the  
13 urban, an urban area and that chickens aren't, don't fit there  
14 and yet we have the city of Cleveland, which is an urban area,  
15 you know, allowing, at least in their code here, goats, pigs  
16 and sheep, ducks, chickens, rabbits. So I found that  
17 interesting myself.

18 Somebody mentioned the price of eggs. If you've  
19 looked at the price of eggs, they were double in December,  
20 January of this year, December of last year, from the year  
21 before. That's not insignificant. And I think what we have  
22 seen is that in, since 2020, since COVID, there's definitely  
23 been greater uncertainty of supply chain. And so members,  
24 certain members of the community feel, well, if we had more  
25 gardens, a more local food supply, there would be less concern  
26 about these things.

27 And, again, this is in our own, in our own local  
28 friends, things like that, Cleveland Heights, South Euclid,  
29 you know, thinking, well, if you can have them in places like  
30 that, surely you can have them in Concord, right? We have

1 farms in Concord and yet came to find, actually, it was not  
2 the case.

3 So what am I trying to say here? I think I would  
4 say let's, you know, there are certainly concerns to be  
5 raised. Why don't we find out what the larger community  
6 desires? And if there are problems, putting things into place  
7 to address those problems and deal with them. Thanks for your  
8 attention.

9 CHAIRMAN IAFELICE: Very good. Thank you, sir.  
10 Thank you for sharing those comments with us. Thank you.

11 If there is no one else from the public to address  
12 the board, the Public Participation is closed. We will go  
13 back to discussion amongst the board here on the poultry  
14 regulations.

15 MR. REPERT: Is there anybody on the phone?

16 MS. FREEMAN: No.

17 MR. REPERT: No, okay.

18 CHAIRMAN IAFELICE: I just opened it up for  
19 discussion for the board, kind of continuing learning more.

20 Thank you again, Heather, for investing that time,  
21 sharing that, very helpful.

22 As I mentioned before, I thought the board last  
23 month had made some very good observations, things that I  
24 hadn't thought of, which Andy just reiterated one of them,  
25 deed restrictions overriding, and a more restrictive covenant  
26 is probably governed by the HOA and how they enforce their  
27 restrictions.

28 MR. LINGENFELTER: If it's an active HOA.

29 CHAIRMAN IAFELICE: If it's an active HOA.

30 MR. LINGENFELTER: And that always seems to be the

1 issue with homeowners association and deed restrictions. Is  
2 the, is the homeowners association an active homeowners  
3 association? I think there are, there is legal precedent and  
4 there is some things that are out there that, basically, if  
5 they don't, if they don't or if they fail to enforce the deed  
6 restrictions over a certain period of time then they basically  
7 become moot. So, you know, and that's where you run into  
8 where people, like you said, above ground pools aren't allowed  
9 and, you know, certain styles of fences aren't allowed. Well,  
10 if somebody puts a fence in and nothing gets done about it,  
11 well, that pretty much, you know, it's pretty clear as to what  
12 good the deed restrictions are at that point. So if you don't  
13 have an active --

14 CHAIRMAN IAFELICE: Yeah. The only reservation I  
15 have on that, Andy, is it's still a recorded document.

16 MR. LINGENFELTER: Right.

17 CHAIRMAN IAFELICE: So I lived in a neighborhood  
18 where it wasn't as active but those things still, they are  
19 covenants, they are recorded in the county. So there were  
20 issues that were brought up even though we didn't have an  
21 active HOA in my former neighborhood.

22 But, nonetheless, really open for discussion here,  
23 any members of the board for comments, maybe further  
24 questions.

25 MR. PETERSON: I will take one, Rich.

26 CHAIRMAN IAFELICE: Rich, please.

27 MR. PETERSON: First of all, I am looking at the  
28 sheet here and many of these communities are cities or  
29 villages, which have a whole different level of enforcement  
30 than a township does. You will notice that in Mentor or

1 Chardon or Fairport it's contact, if you have a complaint,  
2 contact the police department. Obviously, we don't have a  
3 police department. And in a township, it's really hard to  
4 regulate just about anything. I look at our abandoned  
5 properties that we have in the township, people storing boats  
6 in driveways that have been there for years -- across the  
7 street from your dad, Ron, for example -- RVs that are stored  
8 improperly. There is no, no ability to enforce these things  
9 if you're a township.

10 And I mentioned last month, I took an informal  
11 survey of ten different people in different locations in  
12 Concord and it was ten to zero against chickens on a half acre  
13 lot. When you move into a sub-development, you know it's a  
14 sub-development, you know there are restrictions and it's not  
15 for farming. And chickens can be a real nuisance. I used to  
16 live in a, my last subdivision, and there was a rooster. Not  
17 supposed to be there but it took forever to get that rooster  
18 out of there and it was very loud and obnoxious. And it's  
19 just one more thing that we would have to police just because  
20 of a cyclical price of eggs, which a year from now probably  
21 won't even be an issue.

22 So I see no compelling argument to allow chickens on  
23 lots that are under a half acre, my opinion.

24 CHAIRMAN IAFELICE: Well said, Rich, thank you,  
25 thank you. Thank you for those comments.

26 Andy?

27 MR. LINGENFELTER: You're looking at me?

28 CHAIRMAN IAFELICE: I'm looking at you, yeah.

29 MR. LINGENFELTER: No, I will just reiterate what I  
30 said in the last meeting. My thoughts are that understanding

1 the circumstances, and things change over time, that I think  
2 if we're going to consider something like this, we should  
3 limit the number of chickens that somebody can have if it's  
4 less than the 1 acre lot size. You know, if you want to allow  
5 it in a subdivision, then I think it should be, we should be  
6 very specific as to what, what people can do. And I think the  
7 elimination of a rooster, because there really is no need for  
8 a rooster, so I don't see any reason for somebody to have a  
9 rooster. And I think that would be a big issue for a lot of  
10 people because of the noise and everything else that they  
11 create.

12           And I think what we do is we consider limiting the  
13 number of chickens you can have because, if it's a personal  
14 consumption thing, then I would think that, if you would put a  
15 cap on, say, for four or five chickens, maybe a half a dozen  
16 chickens, something in that neighborhood, I think that that,  
17 there is pretty good documentation and information available  
18 as to how many eggs a chicken will produce through the course  
19 of a week, a month, et cetera. So if it's personal, I think  
20 we can limit the number of chickens they have because, if it's  
21 personal consumption, then it's, I think that we can put a  
22 reasonable limit and keep things within, you know, within  
23 that, within the spirit of allowing people to raise their own  
24 chickens and do that without infringing on their neighbors',  
25 you know, right to the enjoyment of their property as well  
26 because chickens, for the most part, don't make a whole lot of  
27 noise. They don't -- And if we're dealing with a limited  
28 number of chickens, you're not going to have, probably, a  
29 whole lot of smell or a lot of issues with upkeep and things  
30 of that nature. And especially if they're penned, you know,

1 or inside some sort of an enclosure, you know, I would think  
2 that they would be, it would be pretty innocuous.

3 I think sometimes dogs and other pets have more,  
4 probably, more issues than a chicken would cause. So I would  
5 think that, in an environment like that in a subdivision, sans  
6 deed restrictions, obviously, but if there aren't any deed  
7 restrictions in place or if that sort of issue isn't  
8 specifically called out in a deed restriction, I think that a  
9 happy median would be to allow people to have chickens but a  
10 limited number of chickens in that and be very specific about  
11 how it has to be done, with setbacks. I think side yard  
12 clearances, setbacks, things of that nature, I think, are  
13 important, you know.

14 But I think, I think if somebody wants to have a  
15 couple of chicken for personal consumption use to lay some  
16 eggs and to have eggs for their family, I just personally  
17 don't see any issue with that.

18 CHAIRMAN IAFELICE: Okay. Thank you, Andy, thank  
19 you.

20 Ron, comments?

21 MR. TERRIACO: With the zoning text that's in place  
22 now, what kind of complaints do we get, if any, throughout the  
23 township?

24 MS. FREEMAN: Regarding chickens?

25 MR. TERRIACO: Chickens, yes.

26 MS. FREEMAN: The ones we've had is trespassing onto  
27 neighboring properties, concern, there was a concern that  
28 there were so many, the one that I had the pictures of.

29 MR. TERRIACO: So did, then how did we enforce that?

30 MS. FREEMAN: Well, we went over and spoke to the

1 resident first. I didn't even know that the resident in the  
2 one picture, you know, had that going on at that moment until  
3 the neighbor brought it to our attention. Went over there and  
4 talked to them, first of all, about the restrictions, you  
5 know, location of the coops and, you know, the importance of  
6 fencing. And they were trying. They were having issues with  
7 the fencing that they put up because there were gaps  
8 underneath it, so the poultry were coming out. And then they  
9 thought that, they assumed that the chickens wouldn't wander  
10 that far, because they were allowing them to free range during  
11 the day because their fenced enclosure area wasn't complete  
12 yet and we found them over at the park. So it was a couple  
13 conversations and site visits and trying to get them to, you  
14 know, secure their fencing. But --

15 MR. TERRIACO: So that, so it's more of a  
16 maintenance issue --

17 MS. FREEMAN: Yes.

18 MR. TERRIACO: -- of the owner, not so much the  
19 chicken creating noise or anything like that?

20 MS. FREEMAN: No, yeah. I mean, we've had, there is  
21 a, somebody has a rooster over by -- and Gineafowl, which are  
22 very loud, I guess, but they're on a lot where we can't  
23 regulate ag over by Button Road by Concord Plaza'ish, that  
24 area. I've talked to a resident on several occasions.  
25 They're somewhat annoyed by this rooster but that's not in an  
26 area where we can regulate the ag, so I couldn't help them out  
27 in that instance. But that was the other complaint.

28 MR. TERRIACO: Any odor complaints?

29 MS. FREEMAN: I've not, no, personally, no one's  
30 complained to me about odor, no, but I don't have any idea of



1 actually how many people have chickens in Concord. I mean,  
2 I am sure there are some folks that have them that we're not  
3 aware of. No complaints about odor.

4 MR. TERRIACO: So my comments would be, one, with  
5 deed restrictions or homeowners associations, that does become  
6 a challenge because I worked with one of the strictest codes  
7 for my previous employment and it was always a challenge going  
8 into communities or especially condominiums. I know we're not  
9 talking about condominiums. But deed restrictions always came  
10 up, so I would always come back to the complainant. What's in  
11 your deed restriction? Well, it's clear that they can't do  
12 this. It's clear that we can't do it in the fire code, but  
13 with the fire code you're moving into a residential area. So  
14 that it always became -- I could see it being the same here.  
15 It's in your deed restriction. It is. But you're still going  
16 to have to enforce it and it always became a challenge, so it  
17 became more work to enforce that.

18 I agree with Andy. Regulate the number of chickens  
19 in a -- no roosters. Regulate the number of chickens and make  
20 sure that it's a clean environment. But I think, before we go  
21 to that, we probably need to look at what's in place now and  
22 make sure that that is cleaned up before we step into another  
23 area to allow or not allow. That would be my comments.

24 CHAIRMAN IAFELICE: Thanks, Ron, thank you.

25 Before we go to Hiram, Heather, did you indicate,  
26 and I might have misread from the minutes -- you brought it to  
27 my attention, the fire code -- the Fire Department had comment  
28 or issue related to this? Do I recall seeing that in the  
29 minutes?

30 MS. FREEMAN: Oh, no, no, no, there was a question

1 about whether the Health Department would have --

2 CHAIRMAN IAFELICE: Health Department, not the Fire  
3 Department.

4 MS. FREEMAN: Yes, yeah.

5 CHAIRMAN IAFELICE: Sorry, okay. Thank you,  
6 Heather.

7 Hiram.

8 MR. REPERT: I'm not opposed to having chickens in  
9 half acre lots in general. They've got to be totally  
10 regulated, meaning setbacks, cages, the whole bit. The number  
11 has to be regulated. But the big, the big issue is, how are  
12 we going to enforce it? You can't, you just can't. So with  
13 that big issue sitting out there, and are we going to have,  
14 you know, 500 permits coming in next month to put a chicken  
15 coops? Nah, I don't think so. But in general I am, I am  
16 opposed to it from the regulation standpoint, from the  
17 enforcement standpoint. You're not going to be able to  
18 control it.

19 So, now, here is that, what are we doing now?  
20 What's the difference between 1 acre or 2 acre enforcement and  
21 half acre enforcement? I don't know if we're enforcing, if we  
22 have enforcement capabilities now anyway. So, you know, I am  
23 kind of torn both ways but, in general, if it were to come up  
24 to vote right now, I'd probably say no.

25 CHAIRMAN IAFELICE: Thank you, Hiram, thank you.

26 For me, I rest on what our charge here as a board is  
27 zoning and property owners' rights. While I am sympathetic to  
28 the issue, again, I think it's transient. I don't think it's,  
29 to react to something, I am sympathetic to it, to the cause  
30 but I would agree with the comments, particularly what Rich

1 says in regulation. But even before I get to that, in my  
2 mind, a half an acre platted subdivision in Concord, as  
3 whether it has deed restrictions or not, there are  
4 expectations of property owners in those developments. And  
5 not that they're unique from other parts of Lake County, I  
6 just feel that it's not appropriate. I just feel it's not  
7 appropriate in the platted developments that are in this  
8 township.

9 And then the regulation part is, also, just adds  
10 more work that I don't know how you regulate number and -- I  
11 just can't see a trespassing chicken. It's just like, it's, I  
12 find it inappropriate for us, in my opinion, in my opinion.

13 So the purpose here today was kind of a work session  
14 to discuss it and we have kind of presented our positions.

15 MR. REPERT: Yeah. Let's just take it from there  
16 and that's why I said, we have a hard time regulating it with  
17 the half acre lot. So what are we doing now with the 2 acre  
18 lot?

19 MR. PETERSON: There might only be a handful of  
20 people that even have chickens, so that's not an issue.

21 CHAIRMAN IAFELICE: Yeah, yeah. And there is, there  
22 are many more half acre lots in this township than there are 2  
23 acre lots, many more people. I mean, the population of the  
24 township now is, what, twenty --

25 MR. PETERSON: Twenty-two thousand.

26 CHAIRMAN IAFELICE: Twenty-two thousand people. And  
27 I don't know. The percentage that are on half acre lots is  
28 quite significant, I am guessing.

29 MR. REPERT: Yeah, I would --

30 CHAIRMAN IAFELICE: I'm guessing it's significant.

1 And this is --

2 MR. REPPERT: More half acre lots than 2 acre lots.

3 CHAIRMAN IAFELICE: Yes.

4 MR. PETERSON: Oh, way more.

5 CHAIRMAN IAFELICE: Yeah, way more. And for me, on  
6 that premise, it's, for me, chicken or poultry, it's an  
7 intrusion on the half acre lots. It's not right.

8 MR. PETERSON: I truly think that, if it were put to  
9 a vote of the residents of Concord, it would be 90 percent  
10 against, I really do.

11 CHAIRMAN IAFELICE: I don't disagree with that.

12 MR. LINGENFELTER: I think it would be interesting  
13 to see what happens, personally. I don't, I don't agree with  
14 that at all. I think you might be surprised.

15 MR. PETERSON: We have enough headaches now, you  
16 know, without introducing an element like that. For what  
17 purpose?

18 MR. LINGENFELTER: What are you afraid of? Put it  
19 out there. Let the people decide. Let them decide. I think  
20 that's a great idea. Let the people vote on it. You might be  
21 surprised. It might go down 90 to 10 and it might go 60/40  
22 for. You never know.

23 MR. PETERSON: I don't think so. Based on talking  
24 to the people that I talked to, nobody was in favor of it, not  
25 one, and that was from neighborhoods all over Concord.

26 MR. REPPERT: Put it out in the next Grapevine.

27 MR. LINGENFELTER: Well, I think, I'll you what, you  
28 know. If you want my personal opinion on this, I think, if  
29 you want to find out what the interest level is in the  
30 township, have a public hearing. See what happens. If this

1 place is packed, then you'll know it's an issue. If there is  
2 nobody here, then you'll know it's not an issue.

3 MR. REPPERT: Yeah.

4 MR. LINGENFELTER: Okay? Simple as that.

5 CHAIRMAN IAFELICE: Yeah.

6 MR. LINGENFELTER: Because we've had lots of public  
7 hearings where --

8 MR. REPPERT: Nobody is here.

9 MR. LINGENFELTER: -- that wouldn't even, the three  
10 people that are here tonight aren't even here.

11 MR. REPPERT: Yeah.

12 MR. LINGENFELTER: Okay, we've had public hearings.  
13 And we've had public hearings on other issues and we've had to  
14 open up the town, open up the fire station next door to take  
15 care of the overflow. So, you know, I've seen that pendulum  
16 swinging both directions. But I think if you really want a  
17 good, really want a good taste of what the township feels  
18 about this, put it on the agenda and put a public hearing out  
19 there and see what, how many people show up. I think that  
20 would be a very good measuring stick.

21 MR. REPPERT: Well, you've got the basis right here.

22 MR. LINGENFELTER: Right.

23 MR. REPPERT: All the restrictions and what people  
24 are going to do, you know.

25 MR. PETERSON: Keeping in mind that cities and  
26 villages have a lot more enforcement authority.

27 MR. REPPERT: Oh, yeah, yeah, yeah, you're  
28 absolutely right. We have very little enforcement capability  
29 here on something like this.

30 CHAIRMAN IAFELICE: Appreciate the dialogue,

1 appreciate the items. As chair, I think I want to close this  
2 out. I think we have a majority that we're not going to go  
3 forward. That's my impressions here. We don't have enough to  
4 pursue development of a regulation or to even to consider  
5 this.

6 Protocols, counselor, I don't know. It's not  
7 something before us. I don't need a motion in terms of  
8 closure of this. I can just pronounce it closed, I presume.

9 MR. PETERSEN: Yeah, if you're not going to --

10 CHAIRMAN IAFELICE: Take it any further to any type  
11 of legislation?

12 MR. PETERSEN: Correct, you would not need to make a  
13 motion.

14 CHAIRMAN IAFELICE: Is there any objection to that,  
15 to me proceeding to do that?

16 MR. PETERSON: No.

17 MR. REPPERT: No objection.

18 CHAIRMAN IAFELICE: Based upon, based upon what I  
19 have heard this evening?

20 MR. REPPERT: None here.

21 CHAIRMAN IAFELICE: Very good. Well, I will  
22 consider that item closed.

23 Thank you again, Heather.

24 Thank you for your participation this evening.

25 MR. MARTIN: Thanks, guys.

26 CHAIRMAN IAFELICE: We are going to consider that  
27 New Business closed.

28 MR. REPPERT: So the chicken is not going to go to  
29 the other side of the road?

30 CHAIRMAN IAFELICE: Correct.

1           Okay. Thank you, thank you, board members.

2       Let's -- I didn't make 7:45.

3           MR. LINGENFELTER: 8:01.

4           CHAIRMAN IAFELICE: 8:01.

5           MR. PETERSON: You are not going to beat me.

6           CHAIRMAN IAFELICE: But -- no. But what we have,  
7       the Old Business here is the work session that we will take on  
8       here to review the proposed amendments to the Zoning  
9       Resolution, Section 5, Definitions section, 22.03, Table of  
10      Uses, and Section 13, the Conditional Use Permit. Heather has  
11      put the proposed zoning text amendments in our packet. There  
12      is a number of them.

13                 Thanks again to Heather and colleagues. The work  
14      effort in producing this to this point has been good  
15      discussion, good give and take on the Table of Uses and so  
16      forth, so really appreciate it. I think we have something  
17      before us that, for consideration, that hopefully we can move  
18      forward.

19                 So with that, I believe, again, protocol is to take  
20      each amendment singularly for consideration, for vote, as we  
21      work through the proposed amendments. Am I correct on that,  
22      Heather?

23                 MS. FREEMAN: Did you want to just kind of go  
24      through them real quick or were guys thinking you're ready to  
25      move forward maybe initiating the actual amendment?

26                 CHAIRMAN IAFELICE: I am glad you brought it up. I  
27      was ready to move forward, so maybe I am being presumptive in  
28      that. I just thought there was a lot of work and discussion.

29                 MS. FREEMAN: Yeah.

30                 CHAIRMAN IAFELICE: Even up to last month's meeting.

1 MR. PETERSON: We talked through them a lot.

2 MS. FREEMAN: We talked about, yeah. I mean, just  
3 real quick --

4 CHAIRMAN IAFELICE: Please.

5 MS. FREEMAN: I can give the high level before you  
6 go through it all if you guys are ready.

7 CHAIRMAN IAFELICE: Yes, slow me down.

8 MS. FREEMAN: Yeah, so we have had several work  
9 sessions, obviously, about this and incorporated all of those  
10 changes into this document that we have discussed.

11 I do want to point out one thing. Amendment  
12 Number 3, this is something that we did not discuss, and this  
13 has to do with Section 22.07, letter (E)(4), in regards to the  
14 charity boxes, which are permitted accessory uses in  
15 commercial districts. So you know how you go to like the  
16 shopping center and there is those boxes, like put your  
17 clothes in here or, you know, basically, the charity boxes.

18 We had an issue come up over at Crile Crossing,  
19 actually, where two popped up in the front parking lot in a  
20 couple of parking spots and I worked with the property owner  
21 to get those removed. But I thought that, really, we should,  
22 if we don't want those things showing up in our commercial  
23 districts, we might want to add a line in here giving a  
24 restriction on the number and location of where they could be  
25 located.

26 So I thought, since we were kind of already looking  
27 at this -- And I get it if you guys are like, no, I need to  
28 think about this more. We can take this out. I thought it  
29 would be something easy that we might be able to put in since  
30 we're already updating this section, but basically putting a



1 limit on no more than two of those charity boxes on a lot, and  
2 that they cannot be located between the front wall of the  
3 building and the public road right-of-way.

4 CHAIRMAN IAFELICE: I thank you, Heather, because  
5 I had thought perhaps the board had discussed that last  
6 meeting.

7 MS. FREEMAN: Yeah, we did not. No, that's my  
8 fault.

9 CHAIRMAN IAFELICE: No, that's okay. So this is  
10 adding another item for you to regulate?

11 MS. FREEMAN: Yeah, but I think it's good because,  
12 you know, they become trash. What it ends up being is just a  
13 dumping ground for items that don't fit in the containers  
14 anymore.

15 CHAIRMAN IAFELICE: Okay, good point.

16 MS. FREEMAN: And I would rather put it in such a  
17 way where we have something. Like, okay, when they popped up,  
18 I had to kind of use my, you know, I had to look at, okay,  
19 what do I really have in my toolbox to tell this shopping  
20 center owner that they can't be there? Well, the only thing I  
21 really had was that they were short on parking spots. So they  
22 already had a variance to limit the number of parking spots,  
23 and by placing these charity boxes within the parking spot put  
24 them under the number of parking spots they were allowed to  
25 have. And that's what I used to tell them to get rid of them.

26 CHAIRMAN IAFELICE: I see, okay.

27 MS. FREEMAN: But if we truly don't want these in  
28 the front of our beautiful storefronts, then I think we should  
29 just add a couple things in here that -- And this can be  
30 enforced just like any other zoning, you know, is enforced.

1 CHAIRMAN IAFELICE: True.

2 MS. FREEMAN: Usually, people comply. it's the ones  
3 that don't and that's where it gets difficult, you know. Is  
4 it worth taking someone to court? And that's where  
5 enforcement gets difficult is when they're not working with  
6 us. So --

7 CHAIRMAN IAFELICE: Thank you for the suggestion.  
8 Are there any comments on --

9 MR. REPPERT: No.

10 CHAIRMAN IAFELICE: -- the insert here from Heather?

11 MR. PETERSON: No.

12 MR. REPPERT: Good logic.

13 MS. FREEMAN: But then, again, if you, if everyone  
14 is satisfied with these, you know, and you do want to move  
15 forward with initiating and setting a public hearing, then we  
16 would need a motion tonight to set the public hearing --

17 CHAIRMAN IAFELICE: Okay.

18 MS. FREEMAN: -- for these amendments, but you would  
19 want to articulate what all the amendments are. And in the  
20 email that I sent you guys earlier, it has to be within 20 to  
21 40 days, the hearing has to be within 20 to 40 days of you  
22 initiating the amendment.

23 CHAIRMAN IAFELICE: Yes, okay.

24 MS. FREEMAN: So our next regular meeting for  
25 April 4th --

26 CHAIRMAN IAFELICE: April the 4th.

27 MS. FREEMAN: -- would work out for that if that's  
28 what the board wanted to do.

29 CHAIRMAN IAFELICE: Yes, okay. So the action then  
30 this evening is only to convene a public hearing?

1 MS. FREEMAN: To make a motion to initiate the  
2 Amendments, yeah, 1 through 11 and then set the time and date.

3 CHAIRMAN IAFELICE: Yeah. I meant we're not  
4 rendering a vote on each amendment.

5 MS. FREEMAN: Then you would need a, we still need a  
6 vote, Keith, right, to set --

7 CHAIRMAN IAFELICE: Subsequent to the public  
8 hearing, I thought.

9 MS. FREEMAN: -- to initiate the amendment?

10 MR. PETERSEN: Yeah, to sort of start the process so  
11 that you can have the public hearing because, after the public  
12 hearing, then you can have the final vote.

13 CHAIRMAN IAFELICE: The final vote, right, okay.

14 MS. FREEMAN: Can they do one vote tonight to  
15 initiate all 12 amendments and then at the public --

16 MR. PETERSEN: That, I am not sure of.

17 MS. FREEMAN: I think that's what we've done in the  
18 past.

19 MR. PETERSON: Yeah, I think so.

20 MS. FREEMAN: Then when it gets to the public  
21 hearing, we will have one public hearing for all 11 but vote  
22 on each one individually.

23 CHAIRMAN IAFELICE: So it's a motion to --

24 MS. FREEMAN: To initiate --

25 CHAIRMAN IAFELICE: -- to initiate --

26 MS. FREEMAN: -- text amendments.

27 CHAIRMAN IAFELICE: -- for a public hearing motion.  
28 So is it appropriate for me to read each one?

29 MS. FREEMAN: Yes.

30 CHAIRMAN IAFELICE: Okay, all right. And then ask

1 for a motion?

2 MS. FREEMAN: Yeah.

3 CHAIRMAN IAFELICE: Okay.

4 MS. FREEMAN: Sorry. We'll get there.

5 CHAIRMAN IAFELICE: All right. So as just  
6 discussed, the proposed zoning amendments enumerated here from  
7 1 to 11, beginning with Amendment Number 1, is to revise  
8 Section 5.02(A)(105), Indoor Commercial Recreation, to allow a  
9 restaurant as an accessory use.

10 If there are any comments or questions from the  
11 board, please interrupt me as we go through each one, if there  
12 is any consideration for us to discuss.

13 Amendment Number 2, revise Section 22.03, Table of  
14 Uses, to amend the list of permitted uses, conditional uses  
15 and accessory uses in the Commercial and Industrial Districts.

16 Amendment Number 3, revise Section 22.07(E)(4),  
17 Charity Boxes, to limit the number allowed and add location  
18 requirement. That was just discussed, reviewed, overviewed by  
19 Heather.

20 Amendment Number 4, revise Section 13.08, Child or  
21 Adult Day Care Center, to eliminate the reference to the M and  
22 RD-2 Districts and require compliance with the Ohio Fire Code.

23 Amendment Number 5, revise Section 13.16, Adult  
24 Group Home, to require compliance with the Ohio Fire Code.

25 Amendment Number 6, revise Section 13.19, Research  
26 and Development Labs, to allow in the Gateway Health District.

27 Amendment Number 7, revise Section 13.21, Garden or  
28 Nursery Retail Sales (nonwholesale), to allow in the B-2  
29 General Business District.

30 Amendment Number 8, revise Section 13.25, Gas

1 Stations, to delete Capital District and to require compliance  
2 with the Ohio Fire Code.

3 Amendment Number 9, revise Section 13.26, Car Wash,  
4 to delete Capital District and to add conditions for accessory  
5 uses and vacuum areas.

6 Amendment Number 10, revise Section 13.32, Outdoor  
7 Storage and/or Display in Association with a Permitted or  
8 Conditional Use, to add location and screening requirements  
9 for outdoor storage areas.

10 And, finally, Amendment Number 11, revise  
11 Section 13.36, Innovative Site/PD, to require the plan to  
12 indicate the precise use or land use proposed and to add  
13 permitted uses and revise accessory uses allowed in the  
14 district.

15 I just want to comment on Amendment Number 9. I  
16 believe that was the vacuum areas you discussed at last  
17 month's meeting. Am I correct in that? And that was duly  
18 noted. I thought that was a real good discussion in there and  
19 in terms of those vacuum areas, noise, things in consideration  
20 of that.

21 So having read all 11 amendments, I entertain a  
22 motion to take all 11 amendments to consideration for a public  
23 hearing.

24 MR. PETERSON: So moved.

25 CHAIRMAN IAFELICE: We have a motion. Do I have a  
26 second?

27 MR. TERRIACO: Second.

28 CHAIRMAN IAFELICE: Second from Ron. Roll call,  
29 Heather, we'll do a roll call.

30 MS. FREEMAN: Yeah, we can do roll call.

1 CHAIRMAN IAFELICE: Please.

2 MS. FREEMAN: Sure.

3 Mr. Lingenfelter?

4 MR. LINGENFELTER: Aye.

5 MS. FREEMAN: Mr. Reppert?

6 MR. REPERT: Aye.

7 MS. FREEMAN: Mr. Peterson?

8 MR. PETERSON: Yes.

9 MS. FREEMAN: Mr. Terriaco?

10 MR. TERRIACO: Aye.

11 MS. FREEMAN: Mr. Iafelice?

12 CHAIRMAN IAFELICE: I will do the aye, aye.

13 The ayes have it.

14 Thank you, board. So that public hearing then will

15 be scheduled for our next meeting of April the 4th, 2023, for

16 the 11 amendments.

17 I presume then, Heather, you do the formal

18 announcement, publications and such?

19 MS. FREEMAN: Yes, sir.

20 CHAIRMAN IAFELICE: For the public hearing.

21 MS. FREEMAN: Yes.

22 CHAIRMAN IAFELICE: Okay. The next item on our

23 agenda is, I don't think is just a discussion on the Zoning

24 Commission reserve jurisdiction for the I9N -- IN9 Group LLC

25 project. I realize you spoke about it last month relative to

26 status. Today, is this to bring forward a status?

27 MS. FREEMAN: Well, I was hoping that there would be

28 an update but, speaking with Keith --

29 CHAIRMAN IAFELICE: Keith.

30 MR. PETERSEN: Yeah, I spoke with Mike Lucas. He

1 said it's still in the works and that's kind of all I've  
2 gotten out of him lately.

3 CHAIRMAN IAFELICE: Okay.

4 MR. PETERSEN: So it sounds like it's still in  
5 discussion with the applicant, the IN9 group and Marous  
6 Brothers, but we don't have a concrete, a signed contract yet.

7 CHAIRMAN IAFELICE: And this contract, what's in  
8 negotiation is language regarding the sidewalk?

9 MR. REPPERT: The sidewalk.

10 MR. PETERSEN: Yeah. I believe it said -- and  
11 correct me if I am wrong, Heather -- I think it said it will  
12 be revisited within five years.

13 MS. FREEMAN: Yeah.

14 MR. PETERSEN: I think was the --

15 MS. FREEMAN: The draft version that I saw, yes, was  
16 putting a time limit on the Zoning Commission's reserved  
17 jurisdiction to, if you were going to have them put the  
18 sidewalk in, you had up to five years from the date that it  
19 was executed.

20 CHAIRMAN IAFELICE: And that was determined by  
21 counsel for --

22 MS. FREEMAN: Our counsel, our legal counsel put  
23 that in as a starting point.

24 CHAIRMAN IAFELICE: Okay.

25 MS. FREEMAN: Yeah.

26 CHAIRMAN IAFELICE: Okay.

27 MS. FREEMAN: So I believe the process, the hope was  
28 that the applicant would have already actually signed it and  
29 then it would have been for your consideration here tonight  
30 but the timing did not work out.

1           CHAIRMAN IAFELICE: So given that, is there even a  
2 draft to look at in terms of what's being discussed? Have we  
3 seen that?

4           MS. FREEMAN: I have seen it but Mike didn't ask me  
5 to share that with you guys yet.

6           CHAIRMAN IAFELICE: Okay.

7           MS. FREEMAN: So maybe between now and the next  
8 meeting, I can get that to you. I'm not, I'm not sure.

9           CHAIRMAN IAFELICE: At least request. I mean, it  
10 would be good to see what language is being crafted.

11          MS. FREEMAN: It's very, it's very basic.

12          CHAIRMAN IAFELICE: It's very basic.

13          MS. FREEMAN: Yeah.

14          CHAIRMAN IAFELICE: So, because if I recall, there  
15 was, I mean, we weren't unanimous in approving that.

16          MS. FREEMAN: Yeah.

17          CHAIRMAN IAFELICE: And there was some concern about  
18 how we were going to enforce something.

19          MS. FREEMAN: Right, correct.

20          CHAIRMAN IAFELICE: Okay, okay.

21          MS. FREEMAN: I will see if I can --

22          CHAIRMAN IAFELICE: Okay.

23          MS. FREEMAN: We can check with Mike.

24          CHAIRMAN IAFELICE: Very good.

25          MS. FREEMAN: And then get that to you maybe.

26          CHAIRMAN IAFELICE: Thank you.

27                 With that, I think our business this evening is  
28 completed. Our next meeting, as stated earlier, is April  
29 the 4th, 2023. There being no other business, no other  
30 comments from the board, this meeting stands adjourned.



(Whereupon, the meeting was adjourned at 8:14 p.m.)

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1 STATE OF OHIO )  
2 COUNTY OF CUYAHOGA )

CERTIFICATE

3 I, Melinda A. Melton, Registered Professional  
4 Reporter, a notary public within and for the State of Ohio,  
5 duly commissioned and qualified, do hereby certify that, to  
6 the best of my ability, the foregoing proceeding was  
7 reduced by me to stenotype shorthand, subsequently  
8 transcribed into typewritten manuscript; and that the  
9 foregoing is a true and accurate transcript of said  
10 proceedings so taken as aforesaid.

11 I do further certify that this proceeding took  
12 place at the time and place as specified in the foregoing  
13 caption and was completed without adjournment.

14 I do further certify that I am not a friend,  
15 relative, or counsel for any party or otherwise interested  
16 in the outcome of these proceedings.

17 IN WITNESS WHEREOF, I have hereunto set my hand  
18 and affixed my seal of office this 24th day of March 2023.

19 Melinda A. Melton \_\_\_\_\_  
20 Melinda A. Melton  
21 Registered Professional Reporter

22 Notary Public within and for the  
23 State of Ohio

24 My Commission Expires:  
25 February 4, 2028

