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HUDSON 

COMMUNITY DEVELOPMENT • 115 Executive Parkway, Suite 400 • Hudson, Ohio 44236 • (330) 342-1790

DATE: November 4, 2015

TO: City of Hudson Planning Commission for November 9, 2015 Meeting

FROM: Greg Hannan, City Planner
Mark Richardson, Community Development Director

SUBJECT: LDC Text Amendment - Preliminary Discussion
Agricultural Use Standards

PC Case No: 2015-31

Project Introduction

This case concerns introduction of a text amendment framework related to regulation of agricultural uses. Planning Commission has reviewed multiple cases for the establishment of small scale, accessory agricultural uses within the past few years. These limited scale uses typically involve the keeping of chickens at a residential property with minimal impact to surrounding uses. The current Land Development Code regulations require all agricultural uses, regardless of scale, to meet significant buffering and setback standards. Staff has prepared a draft text amendment framework for discussion by the Planning Commission to provide expanded allowances for small scale agricultural uses including the keeping of chickens and similar animals on residential property. We are introducing these amendments to clarify our regulations, aid code enforcement, and to allow chickens on a limited basis.

Key provisions of the framework are:

1. Change agricultural as a principal use from permitted by right to conditional in Districts 1, 3, and 9.
2. Reduce setbacks and bufferyards for agricultural uses.
3. Prohibit commercial activity associated with accessory horses.
4. Allow larger accessory buildings on larger lots.
5. Establish minimal regulations for accessory agricultural uses, a new land use, including chickens.

The following information is attached to this report.

1. Text amendment framework for proposed revisions to the Land Development Code Regarding Agricultural Use regulations.
2. Summary chart of Agricultural Use Regulations for selected peer communities, date October 30, 2015.
3. City of Hudson Codified Ordinances – Summary of Codified Ordinances Related to Farm Animals.

Recommendation

Staff requests the Planning Commission discuss the attached framework document and provide direction regarding preparation of a formal Land Development Code Text Amendment. Based on the direction received from the Planning Commission, staff anticipates preparing a text amendment for Council consideration first reading and referral to the Planning Commission for public hearing in the coming weeks.



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Agricultural Use Regulations: Land Development Code Text Amendment Framework

Listed below is a summary of the applicable Land Development Code regulations related to agricultural uses. Existing regulations and administrative polices are listed with suggested deletions depicted as strikethrough text and proposed text depicted in bold italics.

Agricultural Use: General agricultural operations are permitted per the following:

Definition:

Agricultural operations, general shall mean uses of property generally accepted under Ohio law to be agricultural in nature, and may include general farming, dairying, pasturage, agriculture, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry, as well as accessory uses for packing, treating, or storing produce provided that the operation of the accessory uses shall be secondary to that of the general agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals. This does not include boarding kennels for domestic pets, ***accessory horses, or accessory agricultural animals.***

Farm animals shall mean animals commonly raised or kept in an agricultural, rather than an urban, environment including, but not limited to, chickens, pigs, sheep, goats, horses, cattle, llamas, emus, ostriches, donkeys, mules and alpacas.

Allowances:

District	Allowance	Approval process
1 and 3	Permitted by right: General agriculture on four acres with no animals	PC – site plan review
	Conditional Use: General Agricultural	PC – conditional use and site plan review
2	Permitted by Right: General agricultural	PC – site plan review
4,5,6,7	No allowances	
8	Conditional Use: General agricultural	PC – conditional use and site plan review
9	Permitted by Right: General agricultural <i>Conditional Use: General agricultural</i>	PC – conditional use and site plan review
10	Permitted by Right: General agricultural	PC – site plan review

Regulations:

(d) Special Setback Requirements Respecting Agricultural Uses

~~(1) No structure suitable for occupancy shall be located or constructed closer than 100 feet to an accessory building or fenced enclosure associated with an agricultural use except for the residence of the person engaged in the agricultural use.~~

(2) No accessory building or fenced enclosure associated with an agricultural use shall be located or constructed closer than 100 feet from a structure suitable for occupancy or closer than ~~fifty~~ **twenty five (5025)** feet from the property line of a residentially zoned lot, other than that of a residence of the person engaged in the agricultural use.

(3) For purposes of this subsection, a fenced enclosure may include any perimeter fence associated with an agricultural use as long as such perimeter fence forms part of an enclosure that contains such agricultural use.

Bufferyards (Section 1207.04): Bufferyard ~~DC~~ **(25 15ft.** depth) is applicable between agricultural uses and single family residential uses.

Commercial activity: Any proposed commercial activity such as farm stands, breeding, sales, processing are reviewed as part of the site plan and/or conditional use reviews.

Horses:

Horses as accessory use to residential property:

LDC Regulations:

Section 1206.03.(a)(10): Horses in District 1, District 2, District 3, and District 10, provided that there shall be a minimum lot area of 2 acres and at least one acre per horse. ***No commercial activity, including riding instruction or boarding, shall be associated with accessory horses on residential property.*** Domestic/ household pets are permitted in all districts;

Section 1206.03(d)(5)Maximum Building or Structure Size: Except as otherwise expressly limited or allowed in this section, and except for accessory recreational facilities including swimming pools, buildings and structures accessory to residential uses shall not be larger than 1,000 square feet of gross floor area ***or if the rear yard is 20,000 square feet or larger an accessory structure shall not exceed 5% of the rear yard area to a maximum of 2,000 square feet.*** Maximum size of a barn shall be 10,000 square feet of gross floor area for an agricultural use. (*Note: A rear yard would have to be 40,000 square feet in area to allow a 2,000 sq ft accessory building*).

Administrative Policy:

1. Use approval is administrative, design review is through the AHBR for any associated structures
2. Fencing is permitted up to the property line
3. No landscaping or bufferyard requirements apply

Horses through establishment of agricultural use designation

1. Use approval is by a change of use or conditional use request to Planning Commission
2. No specific restriction on the number of horses – Planning Commission would review the proposed scale of development
3. Maximum structure size of 10,000 sq ft is permitted for a barn per Section 1206.03(d)(5).
4. The barn and the fencing must be set back at least 25 ft from adjacent property lines and 100 feet from adjacent residential dwellings
5. Bufferyard & C landscaping is required adjacent single family development.
6. Commercial operations such as boarding, riding lessons, sale of goods are reviewed by Planning Commission.

Accessory Agricultural Use on Residential Property (Section 1206.03): Keeping of agricultural animals and cultivation of crops on residential property is permitted per the following:

- A. ***The keeping of hen chickens, rabbits, miniature breeds of goat/horse/pig/sheep, bees and any other small agricultural animals determined by the City of Hudson to pose a substantially similar impact on adjacent properties as the foregoing and the cultivation of crops for personal consumption, shall be permitted on residentially zoned property subject to the following provisions:***
 - 1) ***Not more than (3) hen chickens and/or rabbits shall be kept per 10,000 sq ft of lot area, nor shall more than a maximum of 20 hen chickens and/or rabbits be kept on any property unless otherwise excepted herein.***
 - 2) ***Not more than one miniature breed goat/horse/pig/sheep or similar small agricultural animal shall be kept per 20,000 square feet of lot area, nor shall more than a maximum of four (4) such animals be kept on any property unless otherwise excepted herein.***
 - 3) ***Prohibited animals shall include but are not limited to cattle, pigs, geese, turkeys, roosters, guinea fowl, and ratites.***
 - 4) ***Fencing: Any portion of a property that is devoted to the keeping of accessory agricultural animals shall be fully enclosed by a fence that effectively confines the animals to the property in question. Fencing shall be in compliance with all provisions of the zoning ordinance and shall be constructed in a quality, workmanlike manner.***
 - 5) ***Setback: Any structure (such as a coop, stable, or pen along with any fencing enclosures) shall only be permitted within a rear yard and shall be setback a minimum of 15 feet from the property line.***
 - 6) ***Sanitation: Properties devoted to the keeping of accessory agricultural animals shall be maintained in a clean and sanitary condition free from accumulations of animal waste, feed, debris, etc.***
 - 7) ***No commercial activity including the breeding of animals or sales of agricultural goods shall be associated with the accessory agricultural animals or cultivation of crops on residential property.***

Note: Staff is reviewing model bee keeping ordinances for incorporation to the text amendment.

Typical bee keeping ordinances include regulations related to the following:

1. Colonies must be registered with the Ohio Department of Agriculture
2. Setback to beehives from property lines
3. Convenient source of water shall be made available
4. Maintenance of colonies
5. Establishment of a flyway barrier to direct bees upward when beehives are located adjacent to property lines.

Agricultural Use – Code summary for Peer Communities

October 30, 2015

City	Agricultural Use allowance	Numbers of animals	Fence and structure Setbacks	Restrictions
Chagrin Falls (2014 update)	Keeping of chickens is a Use by right in single family residential districts Agri. not separately permitted	Four chickens max.	15 ft side and rear	<ul style="list-style-type: none"> No roosters Must be screened w/ plantings or fencing Slaughtering prohibited Sanitary regulations
Kent (no recent update)	Use by right in low density residential and open space	Not specified	200 foot setback from all property lines	<ul style="list-style-type: none"> 2 to 5 acre minimum lot size depending on district
Medina (2011 update)	<ul style="list-style-type: none"> Limited allowance for Agri. w/in Open Space District Separate allowance for accessory animals/livestock in residential district 	One animal (chicken/rabbit/duck) per 800 sf of lot area	Comply with acy bldg. setbacks (5 ft side and rear)	<ul style="list-style-type: none"> No roosters, geese, turkeys may be kept except on a parcel greater than one acre in area and only if coop or cage is at least fifty (50) feet from all property lines. Sanitary regulations
Solon (2013 update)	<ul style="list-style-type: none"> Permitted in rear yards of residential properties Agri. Allowances for parcels of 10 acres provided 75 setback from adjacent property 	<ul style="list-style-type: none"> Not more than three hens per 10,000 sf of lot area, no more than 20 hens total Not more than one goat and/or sheep per 20,000 sf, no more than 5 total 	<ul style="list-style-type: none"> 15 ft side and rear 30 ft from adjacent dwelling 	<ul style="list-style-type: none"> No cows, pigs, geese, rosters, turkeys, guinea fowl, ratite Any commercial activity must fall under home occupation standards Sanitary regulations
Twinsburg (no recent update)	Allowed as an accessory use	1 animal or coop per acre, minimum of 2 acre parcel	75ft property setback, 500ft from adjacent dwelling	<ul style="list-style-type: none"> Corral must be screened with landscaping Minimum two acre lot size
Westlake (no recent update)	<ul style="list-style-type: none"> Chickens and domestic farm animals (cow/pig/goat/sheep) permitted in residential districts Agricultural uses not separately permitted 	Not specified	20 ft to property lines, 200 ft setback to adjacent dwellings	<ul style="list-style-type: none"> Minimum two acre lot size Sanitary regulations

City	Agricultural Use allowance	Numbers of animals	Fence and structure Setbacks	Restrictions
Hudson (current)	Agricultural Use	Not specified, regulated as part of conditional use and site plan application	<ul style="list-style-type: none"> • 50 ft to property line • 100 ft to adjacent dwelling 	Bufferyard D
Hudson (Proposed)	Agricultural Use	Not specified, covered as part of conditional use and site plan application	<ul style="list-style-type: none"> • 25 ft to property line • 100 ft to adjacent dwelling 	Bufferyard C
	Accessory keeping of agricultural animals in residential districts	<ul style="list-style-type: none"> • Not more than three hens per each 10,000 sf of lot area, no more than 20 hens total • Not more than one miniature goat/sheep/pig per 20,000 sf, no more than 5 total 	Structures, coops, and corrals must comply with accy building setbacks	<ul style="list-style-type: none"> • No cows, pigs, geese, rosters, turkeys, guinea fowl, ratite • No commercial activity • Sufficient screening to obscure view from adjacent properties

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City of Hudson Codified Ordinances

Summary of Ordinances related to Farm Animals

1. 618.019(a): No person being the owner or keeper of any animal or fowl shall permit them to run at large upon any public way or land or private property without permission of the owner of such private property.
2. 618.05(a)(4): (No person shall) keep animals other than cattle, poultry or fowl, swine, sheep, or goats in an enclosure without wholesome exercise and change of air, nor feed cows on food that produces impure or unwholesome milk.
3. 618.05(a)(5): (No person shall) Detain livestock in railroad cars or compartments longer than 28 hours after they are so placed without supplying them with necessary food, water, and attention, nor permit the stock to be so crowded as to overlie, crush, wound, or kill each other.
4. 618.05(b): Upon the written request of the owner or person in custody of any particular shipment of livestock , which written request shall be separate and apart from any printed bill of lading or other railroad form, the length of time in which the livestock may be detained in any cars or compartment without food, water, and attention may be extended to 36 hours without penalty therefor. Division (a) of this section does not prevent the dehorning of cattle.
5. 618.05(d)(1)(A): "Companion animal" means any animal that is kept inside a residential dwelling and any dog or cat regardless of where it is kept. "Companion animal" does not include livestock or any wild animal.
6. 618.05(e): Whoever violates division (a) of this section is guilty of a misdemeanor of the second degree. In addition, the court may order the offender to forfeit the animal or livestock and may provide for its disposition including, but not limited to, the sale of the animal or livestock . If an animal or livestock is forfeited and sold pursuant to this division, the proceeds from the sale first shall be applied to pay the expenses incurred with regard to the care of the animal from the time it was taken from the custody of the former owner. The balance of the proceeds from the sale, if any, shall be paid to the former owner of the animal.
7. 618.06(a): No person shall dye or otherwise color any rabbit or baby poultry , including, but not limited to, chicks and ducklings. No person shall sell, offer for sale, expose for sale, raffle or give away any rabbit or baby poultry which has been dyed or otherwise colored. No poultry younger than four weeks of age may be sold, given away or otherwise distributed to any person in lots of less than six. Stores, shops, vendors and others offering young poultry for sale or other distribution shall provide and operate brooders or other heating devices that may be necessary to maintain poultry in good health, and shall keep adequate food and water available to the poultry at all times.
8. 618.13(a): No person shall keep, maintain or harbor within the Municipality any animal or fowl which continuously or over unreasonably long periods, either in the daytime or at night, emits loud or disconcerting sounds or otherwise conducts itself habitually in such a manner as to disturb the peace, good order and quiet of the Municipality or the inhabitant thereof.
9. 618.14(a): No person shall keep, maintain or harbor within the Municipality any animal or fowl , other than a domesticated dog or cat, in an enclosure, any part of which is nearer

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than 100 feet to any dwelling house or place of residence, except the dwelling house or place of residence of the owner or keeper of such animal or fowl .

10. 620.02(a)(3): Any person who sells, offers for sale, prescribes, dispenses, or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the "Federal Food, Drug and Cosmetic Act" (21 U.S.C. 301 et seq., as amended), and is sold, offered for sale, prescribed, dispensed, or administered for that purpose in accordance with that Act.