

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

DATE:	April 6, 2016
TO:	City of Hudson Planning Commission for April 11, 2016 Meeting
FROM:	Greg Hannan, City Planner Mark Richardson, Community Development Director
SUBJECT:	LDC Text Amendment – Public Hearing regarding Agricultural Use Standards
PC Case No:	2016-08

Project Introduction

This case concerns a text amendment 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 and limited in impact to surrounding uses. The current Land Development Code regulations require all agricultural uses, regardless of scale, to meet significant buffering and setback standards.

Planning Commission has discussed the draft framework (PC 2015-31) at the November 9, 2015 and December 14, 2015 meetings. Staff has subsequently prepared a request for City Council consideration of a draft ordinance. City Council conducted a first reading of the ordinance on March 15, 2016 and forwarded the request to Planning Commission for a public hearing and recommendation.

The following information is attached to this report.

- 1. Draft Ordinance 16-44.
- 2. Staff report to Planning Commission from the December 14, 2015 meeting including attachments.
- 3. Graphic depicting typical layout for keeping of chickens on residential property.
- 4. City of Hudson Codified Ordinance 618.14 Animals Proximity to Dwellings.

Staff Comment:

Based on discussions at the December meeting, the proposed draft ordinance was revised to require enclosures associated with the keeping of chickens maintain a 25 foot setback rather than the previously proposed 15 feet. The proposed 25 foot setback will match the minimum setback required for enclosures associated with agricultural uses which is presently 50 feet.

The following table provides a brief summary comparing the proposed development standards for agricultural uses and keeping of chickens. See the draft ordinance to compare the existing standards to the proposed.

Standard	Agricultural Use	Keeping of Chickens	
Type of Use	Conditional Use,	Permitted by right as	
Type of Use	(D2 - use by right)	accessory use	
Scale of development	Subject to PC review	No more than six hens per half	
Scale of development	Subject to FC leview	acre, 20 hens max.	
Setback to adjacent dwellings	100 feet	N/A	
Setback to property line	25 feet	25 feet	
Bufferyard	C (15 feet)	N/A	

Codified Ordinances

At the December 2015 PC meeting, the commission noted that Section 618.14(a) of the Codified Ordinances states that no person shall keep, maintain, or harbor any animal or fowl except a domesticated dog or cat, within 100 feet of any adjacent residential dwelling. To be consistent with the proposed text amendment, this codified section should be amended to also exempt the keep of chickens on residential property.

Findings

Staff finds the text amendment meets all applicable section of 1204.01 and therefore recommends its approval.

Required PC Action, Section 1203.03(c)(1)(B)

PC must make specific recommendations to the City Council, and transmit the application to City Council, together with the text amendment pertaining thereto within 120 days from receipt of the City Councils referral.

Recommendation

Staff requests the Planning Commission recommend that City Council adopt Ordinance No. 16-44, An Ordinance Amending Sections 1205.04(b), 1205.12(b) and (c), 1206.03(a), 1207.04(f), 1207.19(d), and 1213.02(a) of the Land Development Code Regarding Agricultural Use Regulations with the following revision incorporated:

1. Amend Section 618.14 (a) of the Codified Ordinances to exempt the keeping of chickens on residential property from the 100 foot setback requirement to adjacent dwellings.

AN ORDINANCE AMENDING SECTIONS 1205.04(b), 1205.12(b) and (c), 1206.03(a), 1207.04(f), 1207.19(d) AND 1213.02(a) OF THE LAND DEVELOPMENT CODE REGARDING AGRICULTURAL USE REGULATIONS.

WHEREAS, the Planning Commission has reviewed multiple cases within the past few years for the establishment of small scale, accessory agricultural uses and these small scale uses typically involve the keeping of chickens at a residential property with minimal impact to surrounding uses; and

WHEREAS, the Land Development Code currently requires all agricultural uses, regardless of scale, to meet significant buffering and setback standards; and

WHEREAS, the City staff has recommended that the Land Development Code be amended to expand the allowances for small scale agricultural uses, including the keeping of chickens and cultivation of crops for personal use on residential property and to increase the permitted accessory building footprint for larger lots; and

WHEREAS, this Council has introduced the within Ordinance and referred it to the Planning Commission pursuant to its obligation under Land Development Code Section 1203.03 to follow said procedure; and

WHEREAS, the Planning Commission has submitted its recommendation to Council and Council has held its own public hearing on this Ordinance, and upon which Council determines that the proposed amendments to the Land Development Code regarding agricultural uses should be adopted as being consistent with the public health, safety and general welfare.

NOW, THEREFORE, BE IT ORDAINED by the Council of Hudson, Summit County, State of Ohio, that:

<u>Section 1</u>. Subsection (b) of Section 1205.04, "District 1: Suburban Residential Neighborhood," of the City's Land Development Code is amended to read as follows:

"1205.04 DISTRICT 1: SUBURBAN RESIDENTIAL NEIGHBORHOOD.

(b) Uses By-Right.

The following uses shall be permitted by right in District 1 subject to meeting all applicable requirements set forth in this section and this Code.

2. <u>Agricultural</u>:

A. General agricultural operations on parcels of more than four (4) acres and do not involve the keeping of farm animals. * * *"

<u>Section 2</u>. Subsection (b) of Section 1205.04, "District 1: Suburban Residential Neighborhood," of the City's Land Development Code to the extent not amended by this Ordinance, shall remain in full force and effect.

<u>Section 3</u>. Section 1205.12, "District 9: Darrowville Commercial Corridor," of the City's Land Development Code is amended to read as follows:

"1205.12 DISTRICT 9: DARROWVILLE COMMERCIAL CORRIDOR.

(b) Uses by Right.

Subject to the restrictions of (d)(5)(c) of this section, "Maximum Floor Area to Lot Area Ratio, Maximum Building Footprint": * * *

3. <u>Agricultural</u>: <u>A.</u> <u>General agricultural operations.</u> * * *

(c) *Conditional Uses*

The following uses shall be conditionally permitted in District 9 subject to meeting all applicable requirements set forth in (d) of this section, including the restrictions of (d)(5)(c), "Maximum Floor Area to Lot Area Ratio, Maximum Building Footprint," and Section 1206.02, "Conditional Uses."

- 2. Agricultural
 - A. General Agricultural Operations
- 23. Institutional/Civil/Public Uses:
 - A. Schools, public or private preschool, elementary, secondary, or postsecondary.
- <u>34</u>. Accessory Uses: See Section 1206.03, "Accessory Uses."

<u>Section 4</u>. Section 1205.12, "District 9: Darrowville Commercial Corridor," of the City's Land Development Code to the extent not amended by this Ordinance, shall remain in full force and effect.

<u>Section 5</u>. Subsection (a) of Section 1206.03, "Accessory Uses/Structures," of the City's Land Development Code is amended to read as follows:

"1206.03 ACCESSORY USES/STRUCTURES.

Permitted uses and approved conditional uses shall be deemed to include accessory uses, structures, and activities that are necessarily and customarily incidental and subordinate to the principal uses allowed in the zoning district, unless specifically prohibited. Accessory uses, structures, and activities shall be subject to the following regulations in addition to the same regulations that apply to principal uses in each district.

(a) *Residential Accessory Uses.*

Residential uses shall include the following accessory uses, activities, and structures:

* * *

- 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; * * *
- 18. Keeping of Chickens on Residential Property: Keeping of chickens and cultivation of crops on residential property is permitted per the following:
 - A. The keeping of hen chickens and the cultivation of crops for personal consumption, shall be permitted on residentially zoned property subject to the following provisions:
 - (1) Not more than six (6) hen chickens shall be kept per half acre of lot area or fraction thereof, nor shall more than a maximum of twenty (20) hen chickens be kept on any property unless otherwise excepted herein.
 - (2) Fencing: Any portion of a property that is devoted to the keeping of chickens shall be fully enclosed by a fence or enclosure that effectively confines the animals to the property in question. Fencing and enclosures shall be in compliance with all provisions of the zoning ordinance and shall be constructed in a quality, workmanlike manner.
 - (3) Setback: Any structure (such as a coop, stable, or pen along with any fencing enclosure) shall only be permitted within a rear yard and shall be setback a minimum of twenty-five (25) feet from the property line.
 - (4) Sanitation: Properties devoted to the keeping of chickens shall be maintained in a clean and sanitary condition free from accumulations of animal waste, feed, debris, etc.
 - (5) No commercial activity including the breeding of animals or sales of agricultural goods shall be associated with the keeping of chickens or cultivation of crops on residential property."

<u>Section 6</u>. Subsection (a) of Section 1206.03, "Accessory Uses/Structures," of the City's Land Development Code to the extent not amended by this Ordinance, shall remain in full force and effect.

<u>Section 7</u>. Subsection (f) of Section 1207.04, "Landscaping/Buffering," of the City's Land Development Code is amended to read as follows:

"1207.04 LANDSCAPING/BUFFERING.

- * * *
- (f) Determination of Bufferyard Type

* * *

Table 1 Bufferyard/Land Use Matrix

	Single Family Residential- Conventional Land Use	Single Family Attached Townhome Land Use	Single Family Residential- Open Space Conservation Subdivision Land Use	Multi- Family Residential Land Use	Village Core Non- Residential Land Use	Office Commercial Land Use	Institutional /Civic Land Use	Retail Commercial Land Use	General Agricultural Use	Industrial Land Use
Single Family Residential- Conventional Land Use	N/A	В	C	D	С	D	D	D	<u>₽C</u>	E
Single Family Attached Townhome Land Use		N/A	C	C	С	D	D	D	D	E
Single Family Residential-Open Space Conservation Subdivision Land Use			А	С	С	D	D	D	D	Е
Multi-Family Residential Land Use				А	В	С	С	D	D	E
Village Core Non- Residential Land Use					N/A	N/A	N/A	N/A	N/A	N/A
Office Commercial Land Use						А	А	В	С	С
Institutional/Civic Land Use							А	В	C	С
Retail Commercial Land Use								А	В	C
General Agricultural Land Use									N/A	N/A
Industrial Land Use										Α

* * *"

<u>Section 8</u>. Subsection (f) of Section 1207.04, "Landscaping/Buffering," of the City's Land Development Code to the extent not amended by this Ordinance, shall remain in full force and effect.

<u>Section 9</u>. Subsection (d) of Section 1207.19, "Special Development Standards," of the City's Land Development Code is amended to read as follows:

"1207.19 SPECIAL DEVELOPMENT STANDARDS

* * *

(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.
- (21) 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 $\frac{\text{fifty (50)}}{\text{twenty-five (25)}}$ feet from the property line of a residentially zoned lot, other than that of a residence of the person engaged in the agricultural use.

(32) 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."

Section 10. Subsection (d) of Section 1207.19, "Special Development Standards," of the City's Land Development Code to the extent not amended by this Ordinance, shall remain in full force and effect.

<u>Section 11</u>. Subsection (a) of Section 1213.02, "Definitions," of the City's Land Development Code is amended to read as follows:

"1213.02 DEFINITIONS

- (a) The following words, terms and phrases, when used in this Code, shall have the meanings ascribed to them in this Section:
 - * * *
 - 14. *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 the keeping of chickens on residential property.

123. *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.

<u>Section 12</u>. Subsection (a) of Section 1213.02, "Definitions," of the City's Land Development Code to the extent not amended by this Ordinance, shall remain in full force and effect.

<u>Section 13</u>. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 14. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED:

ATTEST:

David A. Basil, Mayor

Elizabeth Slagle, Clerk of Council

I certify that the foregoing Ordinance was duly passed by the Council of said Municipality on ______, 2016.

Elizabeth Slagle, Clerk of Council

HUDSON

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

DATE:	December 9, 2015
TO:	City of Hudson Planning Commission for December 14, 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.

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. Copy of the Staff Report for Case 2015-31 from the November 9, 2015 meeting.

Based on discussion at the November 9, 2015 Planning Commission meeting staff has prepared several revisions to the amendments as summarized below:

- 1. Maximum Accessory Building Size the allowance to increase an accessory building footprint for larger rear yards remains; however, the text has been rewritten to clarify the allowance.
- 2. Accessory Farm Animals this text has been revised to only permit the keeping of chickens and cultivation of crops for personal use. The previously proposed allowances for accessory farm animals including miniature breeds of goats/horse/pig/sheep have been removed. Keeping of such animals would be regulated as agricultural uses.

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 the keeping of chickens on residential property.*

<u>Farm animals</u> 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.

<u>Pet, household or domestic shall mean any variety of domesticated creatures, such as birds, cats, dogs, and hamsters, normally kept within a dwelling or residential yard area, but not including farm animals, exotic or wild animals, reptiles, insects, or snakes.</u>

District	Allowance	Approval process
1	Permitted by right: General agriculture on four acres with no animals	PC - site plan review
1 and 3	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	<i>Permitted by Right: General agricultural</i> Conditional Use: General agricultural	PC – conditional use and site plan review
10	Permitted by Right: General agricultural	PC – site plan review

Allowances:

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 $\oplus C$ (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. *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: The revision proposed at the November meeting has been removed*)

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-50 25 ft from adjacent property lines and 100 feet from adjacent residential dwellings
- 5. Bufferyard D 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 <u>Keeping of Chickens</u> on Residential Property (Section 1206.03): <u>Keeping</u> of agricultural animals chickens 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:
 - Not more than (36) hen chickens and/or rabbits shall be kept per <u>half acre</u> 10,000 sq ft of lot area or <u>fraction thereof</u>, nor shall more than a maximum of 20 hen chickens and/or rabbits shall 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 roosters, 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 chickens shall be fully enclosed by a fence or enclosure that effectively confines the animals to the property in question. Fencing and enclosures 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 chickens 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 <u>keeping of chickens</u> or cultivation of crops on residential property.

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.

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	District	Allowance	Approval process
		Permitted by right: General agriculture on four acres with no animals	PC - site plan review
	1 and 3	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 Conditional Use: General agricultural	PC – conditional use and site plan review
	10	Permitted by Right: General agricultural	PC – site plan review

Allowances:

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

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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 50 25 ft from adjacent property lines and 100 feet from adjacent residential dwellings
- 5. Bufferyard D 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.

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Case NO. 2015-51, Agricultural Ose Regulations	<u>J</u>

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.

Communities
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Use – C
Agricultural

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	 No roosters Must be screened w/ plantings or fencing Slaughtering prohibited Sanitary reculations
Kent (no recent update)	Use by right in low density residential and open space	Not specified	200 foot setback from all property lines	 2 to5 acre minimum lot size depending on district
Medina (2011 update)	 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 accy bldg. setbacks (5 ft side and rear)	 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)	 Permitted in rear yards of residential properties Agri. Allowances for parcels of 10 acres provided 75 setback from adjacent property 	 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 	15 ft side and rear30 ft from adjacent dwelling	 No cows, pigs, geese, rosters, turkeys, guinea fowl, ratite Any commercial activity must fall under home occupation standards Sanitary regulations
I winsburg (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	 Corral must be screened with landscaping Minimum two acre lot size
Westlake (no recent update)	 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	 Minimum two acre lot size Sanitary regulations

Agricultural Use – Code summary for Peer Communities

October 30, 2015

Restrictions	Bufferyard D	Bufferyard C	 No cows, pigs, geese, rosters, turkeys, guinea fowl, ratite No commercial activity Sufficient screening to obscure view from adjacent properties
Fence and structure Setbacks	 50 ft to property line 100 ft to adjacent dwelling 	 25 ft to property line 100 ft to adjacent dwelling 	Structures, coops, and corrals must comply with accy building setbacks
Numbers of animals	Not specified, regulated as part of conditional use and site plan application	Not specified, covered as part of conditional use and site plan application	 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
Agricultural Use allowance	Agricultural Use	Agricultural Use	Accessory keeping of agricultural animals in residential districts
City	Hudson (current)	· ·	Hudson (Proposed)

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CITY OF HUDSON

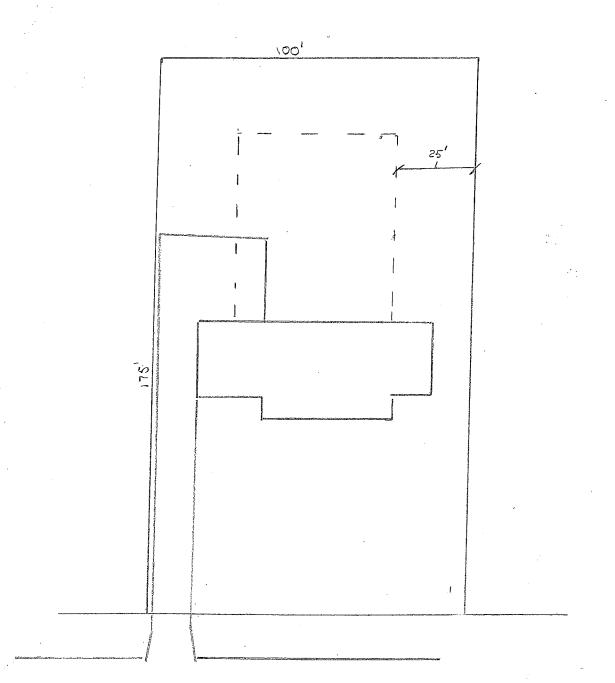
City of Hudson Codified Ordinances Summary of Ordinances related to Farm Animals

- 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

CITY OF HUDSON

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.



Typical layout for Keeping of Chickens on Residential Property

Parcel typical of District 3: Outer Village Residential Neighborhood

Lot size: 100ft by 175ft (0.4 acre lot)

Max of six hens permitted (six per 0.5 acre or fraction thereof)

25 foot perimeter setback required, rear yard only, enclosure required, coop only within enclosed area Area permitted for placement of chickens (5) "Institutions of education" means:

A. Any state university or college as defined in Ohio R.C.3345.32;

B. Any private college or university that holds a certificate of authorization issued by the Ohio Board of Regents pursuant to Ohio R.C. Chapter 1713;

C. Any elementary or secondary school operated by a board of education;

D. Any chartered or nonchartered nonpublic elementary or secondary school; or

E. Any school issued a certificate of registration by the state Board of Career Colleges and Schools.

(6) "Mobility impaired person" means any person, regardless of age, who is subject to a physiological defect or deficiency regardless of its cause, nature, or extent that renders the person unable to move about without the aid of crutches, a wheelchair, or any other form of support, or that limits the person's functional ability to ambulate, climb, descend, sit, rise, or perform any related function. "Mobility impaired person" includes a person with a neurological or psychological disability that limits the person's functional ability to ambulate, climb, descend, sit, rise, or perform any related function, and also includes a person with a seizure disorder and a person who is diagnosed with autism.

(7) "Service dog" means a dog that has been trained or is in training to assist a mobility impaired person.

(ORC 955.011(B), 955.43(C))

(d) Whoever violates any provision of this section shall be guilty of a misdemeanor of the fourth degree.

(ORC 955.99(D))

618.13 PEACE DISTURBANCES.

(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.

(b) Whoever violates this section shall, upon conviction of the first offense, be fined not more than one hundred dollars (\$100.00). A person who is found guilty of having committed an offense under this section a second time within a 30-day period shall be fined not more than two hundred fifty dollars (\$250.00). A person who is found guilty of having committed an offense under this section a third or more time within a 30-day period shall be fined not more than five hundred dollars (\$500.00) for each offense.

(Ord. 99-100. Passed 8-19-99.)

 \rightarrow 618.14 PROXIMITY TO DWELLINGS.

(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 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.

(Ord. 63-18. Passed 6-17-63.)

(b) Whoever violates this section is guilty of a minor misdemeanor.

618.15 REPORTING ESCAPES. (REPEALED)

618.16 DANGEROUS AND VICIOUS DOGS.

(a) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) "Dangerous dog." A dog that, without provocation, and subject to the following sentence, has chased or approached in either a menacing fashion or an apparent attitude of attack,