

Date: May 13, 2021  
To: Mayor Shubert and City Council  
From: Nick Sugar, City Planner  
CC: Thomas J. Sheridan, Asst City Manager; Greg Hannan, Community Development Director  
Re: Agricultural Use Discussion – Land Development Code

Council conducted a discussion regarding potential changes to Agricultural Use Regulations in the Land Development Code (LDC) in July of 2020 with staff presenting an overview of the current regulations. Additionally, agricultural uses were discussed during the April 27, 2021 workshop meeting when staff presented possible 2021 LDC changes. City Staff has reviewed these discussions, along with recent inquiries/correspondence from residents, peer city regulations, and American Planning Association policy studies to prepare the topics below.

City staff is requesting feedback regarding the below items. Based on the discussion staff will proceed to prepare a formal draft amendment for Council consideration. Staff anticipates preparing a draft amendment for first reading and PC referral in July allowing for PC review in August.

**Potential LDC Amendments:**

**1. Fencing design for principal agricultural uses –Architectural Design Standards and Section 1203.02**

- a. Issue: Fencing for principal agricultural uses is subject to the same architectural standards as residential and commercial fencing. Therefore, all new fencing requires a permit and must be constructed of *wood (or vinyl closely resembling wood), wrought iron (or aluminum closely resembling wrought iron), stone, or brick ...unless substantially screened from public view by landscaping or other means*. These requirements are impractical for large agricultural sites that must fence expansive areas and frequently move/modify fencing.
- b. Amendment: Establish design standards for agricultural uses to permit mesh wire and cable wire fencing. Furthermore, Section 1203.02(g) - Certificate of Zoning Compliance could be amended to exclude fencing for principal agricultural uses from needing to obtain a zoning certificate.



## 2. Raised garden beds – Section 1201.07:

- a. Issue: During COVID, staff observed an increased number of raised bed residential gardens. Current regulations prohibit any *structure* from being located within a setback. The definition for *structure* is restrictive and is defined as *any manmade construction in, on, or over the ground or water. The term structure includes buildings and, among other things, stadiums, platforms, radio towers, sheds, storage bins, fences, and display signs.*
- b. Amendment: In order to better support residential gardens, Section 1201.07(c)(1) – Features Allowed Within Setbacks could be amended to include raised garden beds and associated fencing with height restrictions. Such improvements would be required to meet a three-foot setback similar to driveways and patios. Staff has also observed residents placing such beds in side and front yards rather than a more typical rear yard placement.



## 3. Hoop Houses – Architectural Design Standards

- a. Issue: During COVID, staff received an increased number of requests for hoop houses. While setbacks, size and height can be reviewed under the existing accessory structure requirements, architectural design standards have been difficult to apply to such structures.
- b. Amendment: Hoop houses could be exempt from the Architectural Design Standards in Section III-1(d) with maximum size and height requirements.



## 4. Agricultural Use Setbacks – 1207.19(d) Special Requirements Respecting Agricultural Uses and 1207.04 Landscaping/Buffering

- a. Issue: The current agricultural use setbacks of a 50 ft setback to a property line and a 100 ft setback to an adjacent dwelling area appear to be intended for large tract farms rather than small scale operations. Numerous large lot parcels contain narrow frontages with significant depth. Applying agricultural use setback standards limits the functional area of these properties.
- b. Amendment: Staff studied narrow/deep lots in District 2 along Barlow Road, Norton Road, Valley View Road, and Walters Road and found average widths between 100ft-150ft. The following code revisions could be implemented to benefit a number of these parcels:
  - Reduce the required property line setback from 50ft to 25ft.
  - Reduce required setback from adjacent dwelling from 100ft to 50ft.

- Reduce landscaping/buffering from property lines from Bufferyard C (25ft) requirement to Bufferyard B (15ft) for all agricultural uses and chickens.

**5. Farmer’s Roadside Stands**

- Issue: Local farms and producers have limited ways to distribute locally.
- Amendment: The LDC could be amended to permit roadside stands as an accessory use in District 2 with regulations on hours of operation, size, and placement.



**6. Apiculture (beekeeping) – 1206.03 Accessory Uses/Structures**

- Issue: Many Hudson residents have backyard beehives, though they are only permitted on farms as a General Agriculture use.
- Amendment: Include beehives in accessory uses, similar to chickens. Regulations could address number of hives, setbacks, and requirements for flyway barriers.



**7. Backyard chickens – 1206.03 Accessory Uses/Structures**

- Issue: The Land Development Code currently requires a one acre minimum to have backyard chickens. Many of Hudson’s subdivision lots are approximately ½ acre in size.
- Amendment: The one acre minimum could be removed and all residential properties could have backyard chickens subject to current setback standards and restrictions on number of hens.



**8. Use allowances – 1206.01 Table of Permitted and Conditional Uses by District**

- Issue: Currently D2 allows agriculture as a use by right, D1 is conditional, and D2 is allows a use by right without animals and conditional with animals.
- Amendment: D3 use regulations could be revised to match D1 to create consistency and easier interpretation for residents and staff.