



COMMUNITY DEVELOPMENT • 1140 Terex Road • Hudson, Ohio 44236 • (330) 342-1790

Date: July 13, 2020
To: Jane Howington, City Manager
From: Greg Hannan, Community Development Director
Nick Sugar, Senior Planner
CC: Thomas J. Sheridan, Asst City Manager
Re: Agricultural Use

Staff has prepared background information related to how agricultural uses are currently regulated. Staff understands City Council may desire to have applicable regulations revisited to be more supportive of small-scale backyard and hobby farms. Based on the direction of City Council, staff is available to study further possible amendments related to agricultural uses.

Staff completed a detailed review of the agricultural use allowances in 2015-2016 due to the increased interest at that time for backyard chickens and hobby farm operations. Staff completed research of peer community regulations and proposed amendments to regulations at that time. The final adopted ordinance reduced the initial proposal/scale to some degree but did provide for backyard chickens and some reduced landscape requirements.

Attachments:

1. Agricultural Use Regulations: Land Development Code Summary 7.14.20
 - a. Brief summary of the LDC currently regulates agricultural uses, backyard chickens, and horses.
2. Agricultural Use Code summary for Peer Communities
 - a. This chart is based on research from 2015 and provide an agricultural use comparison between City of Hudson current codes and peer communities.

Resources Documents from 2015/2016 review:

3. Planning Commission staff report from the December 14, 2015 Meeting: The staff report and attachments will provide a sense of the topics and proposed revisions studied as part of the initial research. [Staff report](#) (control+click)
4. Ordinance 16-44: Council adopted amendment to the LDC which established allowances for backyard chickens. [ORD 16-44](#) (control+click)

Agricultural Use Regulations: Land Development Code Summary 7.14.20

Listed below is a summary of the applicable Land Development Code regulations related to agricultural uses. Existing regulations and administrative policies are listed.

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 the accessory keeping of chickens on residential property.

"Farm animals" shall mean animals commonly raised or kept in an agricultural, rather than an urban, environment including, but not limited to, pigs, sheep, goats, horses, cattle, llamas, emus, ostriches, donkeys, mules and alpacas. A limited number of hen chickens may be kept on a residential property as an accessory use.

Allowances:

District	Allowance	Approval process
1	Conditional Use: General Agricultural	PC – conditional use and site plan review
2	Permitted by Right: General agricultural	PC – site plan review
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
4,5,6,7	No allowances	
8	Conditional Use: General agricultural	PC – conditional use and site plan review
9	Conditional Use: General agricultural	PC – conditional use and site plan review
10	Permitted by Right: General agricultural	PC – site plan review

Regulations (1207.19):

(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 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 division, 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 C (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 reviews.

Keeping of chickens (Section 1206.03): Keeping of chickens on residential property is permitted per the following:

- A. The keeping of hen chickens for personal consumption, shall be permitted on residentially zoned property subject to the following provisions
 1. There shall be a minimum lot area of one acre. There shall be no more than a maximum of twelve hen chickens kept on any property.
 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. Screening: Any portion of a property that is devoted to the keeping of chickens shall be screened from adjacent property with landscaping equivalent to Bufferyard "C."
 4. 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 set back a minimum of fifty feet from the property line and 100 feet from a structure suitable for occupancy.
 5. 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.

6. 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.
7. The keeping of more than twelve chickens on a property shall not be permitted as an accessory use and shall be regulated as a general agricultural operation.

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 1,200 square feet of gross floor area. Maximum size of a barn shall be 10,000 square feet of gross floor area for an agricultural use.

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 (when riding or other commercial activity is associated)

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 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.

City	Agricultural Use allowance	Numbers of animals	Fence and structure Setbacks	Restrictions
Hudson (2020 Current)	Agricultural Use	Not specified, covered as part of conditional use and site plan application	<ul style="list-style-type: none"> • 50 ft to property line • 100 ft to adj dwelling 	<ul style="list-style-type: none"> • Bufferyard C
	Accessory keeping of chickens in residential districts	12 hen chickens max.	<ul style="list-style-type: none"> • one acre min lot size • 50 ft to property line • 100 ft to adj dwelling 	<ul style="list-style-type: none"> • Bufferyard C • No commercial activity
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 animals/livestock in res. 	One animal (chicken/rabbit/duck) per 800 sf of lot area	Comply with accy bldg. setbacks (5 ft side and rear)	<ul style="list-style-type: none"> • No rooster/geese/turkey may be kept except on a parcel greater than one acre & if cage is at setback 50 ft, Sanitation
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"> • 3 hens per 10,000 sf max, no more than 20 hens total • Not more than 1 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, roosters, 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 & farm animals (cow/pig/goat/sheep) permitted in res. 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