

Meeting Date:

September 13, 2021

Request

Text Amendment to the
Land Development Code
Relating to Agricultural
Uses.

Applicant

City of Hudson

Case Manager

Nick Sugar

Contents

- ORD 21-84
- Public Comments
Received



Project Introduction:

In an effort to support and encourage local food production and small scale agricultural uses, City staff has prepared a list of proposed amendments to the Land Development Code (LDC). The discussion has commenced over the following timeline:

- **May 25, 2021 City Council Workshop:** Proposed amendment topics were discussed on a high level.
- **July 20, 2021 City Council Meeting:** Draft ordinance was prepared and submitted to Council. Council held the first reading and referral to Planning Commission.
- **August 9, 2021 Planning Commission Meeting:** Staff reviewed and discussed each proposed amendment. The file was tabled to incorporate comments from the board and testimony from residents/interested parties.

Background

The following provides a brief overview of the proposed amendments and describes any changes, if applicable, from the draft text presented at the August 9, 2021 Planning Commission Meeting.

1. **Use Allowances for Agriculture as a primary use – Section 1206.06 District 3: Outer Village Residential Neighborhood; 1205.11 District 8: Industrial/Business Park; 1206.01 Table of Permitted Uses:**
 - a. **Amendment Overview:** Changes to *general agricultural operations* (primary use) as outlined in Figure 1 on the following page.
 - b. **Update:** The board had discussion over whether there would be benefit to have *general agricultural operations* conditional in D1, D2, D3, D8, D9 and D10 and not permitted by right in any district.

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Staff notes, under the proposed changes, *general agricultural operations* would only be permitted by right in D2, D8 and D10. The properties in these Districts are generally large lots and located in more rural areas of the city. Additionally, many of the City's existing agricultural uses are located in District 2. Changing the use from permitted to conditional would complicate their status and approvals.

<i>P= Permitted by Right C= Conditional</i>												
<i>*Size or Other Limits Apply – See Zone District Regulations, Chapter 1205</i>												
Zoning Districts												
<i>Use Type</i>	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>7</i>	<i>7ol</i>	<i>8</i>	<i>8ol</i>	<i>9</i>	<i>10</i>
General agricultural operations	P*C	P	P*/C						CP		PC	P

Figure 1. Summary of proposed changes within the Table of Permitted Uses.

1. Hobby Farms (accessory use) vs. Large Scale Commercial Farms (primary use) – Section 1206.03 Accessory Uses; 1213.02 Definitions

- a. **Amendment Overview:** A separate section would be created within Section 1206.03, specific to hobby farms that are accessory to a residential use. This section consolidates and updates existing LDC regulations for residential greenhouses, composting, horses, and chickens with the addition of regulations for beekeeping and roadside stands. A separate definition for hobby farms would also be created and described as *a small scale accessory use including gardening, bee keeping, and the keeping of chicken, primarily for personal consumption.*
- b. **Update:** Based on public feedback, staff amended the section to also allow hobby farms for all uses within residentially zoned districts. This would include schools, parks, cultural facilities, and places of religious worship. Staff sees educational and community benefit to allowing hobby farms as accessory to these uses. The definition of Hobby Farm was also modified to align with this change.

2. Apiculture (beekeeping) – Section 1206.03 Accessory Uses

- a. **Amendment Overview:** A draft ordinance has been proposed allowing beehives on all residential properties, pursuant to required setbacks, height, and limits on number of hives. Staff notes the Summit County Beekeepers Association was consulted in preparing the text.
- b. **Update:** The following changes have been proposed based on public comment and testimony from the August 9th Planning Commission Meeting:
 - i. Number of permitted hives was increased from four (4) to eight (8). This would account for the natural growth of the hives during a given season, which are known as nucs.
 - ii. Requirement for maximum volume has been removed as it would be difficult to regulate and sufficiently captured with a height requirement.
 - iii. Maximum height has been increased from six (6) feet to seven (7) feet to account for the fact that beekeepers prefer to set their hives on raised platforms to keep them away from predators.
 - iv. Requirement that hives be kept in good condition has been removed as the requirement is already codified in the Ohio Revised Code and overseen by the Summit County Inspector.
 - v. Requirement for a water source has been removed as it would be part of the County inspection when reviewing the overall health of the hives.

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- vi. Requirement for hives to face the interior of the lot has been removed as the twenty-five (25) foot setback would ensure bees are not being dispersed directly on adjacent properties.

3. Farmer's Roadside Stands – Section 1206.03 Accessory Uses

- c. **Amendment Overview:** A draft ordinance has been proposed allowing roadside stands in District 2 pursuant to required setbacks, size, hours/time of operation, lighting.
- d. **Update:** Minor change to require items to be removed **OR** secured at the end of each business day. Staff received comment expressing concern with bringing in all items at the end of each business day. The change would allow items to be secured within the roadside stand.

4. Definition for General Agricultural Operations –Section 1213.02 Definitions

- e. **Update:** Based on Planning Commission discussion, a reference to Hobby Farms (accessory use) has been added within the definition for *general agricultural operations* (primary use). The definition would also be re-ordered alphabetically from “*agricultural operations, general*” to “*general agricultural operations*”.

Considerations

District Standards (Section 1204.01) Zoning Map and Text Amendments

All applications for text or zoning map amendments shall be reviewed by the PC and City Council for compliance with the nine standards set forth within Section 1204.01 of the Land Development Code (LDC). The following provides a list of each applicable standard:

Staff notes the proposed amendments align with the intent of the LDC and the Comprehensive Plan. The proposed amendments would help preserve Hudson's rural heritage. The Comprehensive Plan acknowledges *farming and rural character are an important piece of Hudson's history and opportunities to safeguard and promote agricultural land and heritage shall be encouraged.*

Required PC Action

The PC shall conduct a public hearing, make specific recommendations to the City Council, and transmit the application to the City Council, together with the text and map amendments pertaining thereto, within 120 days from the date of initiation of the application for text or official zoning map amendments.

The City Council shall hold a public hearing and take final action within twenty days of said public hearing. An amendment before the City Council for consideration shall take effect only if passed or approved by not less than five members of the City Council.

Recommendation

Staff recommends the Commission review the proposed text amendments and ensure they accurately reflect the approved Charter Amendments. The Commission should receive testimony at the public hearing then proceed with consideration of a formal recommendation to City Council.