

(With proposed Planning Commission recommendation, shown highlighted)

AN ORDINANCE AMENDING CHAPTERS 1201 “GENERAL PROVISIONS,” 1205, “ZONING DISTRICTS - CITY OF HUDSON ZONING MAP,” 1206, “USE REGULATIONS,” 1207 “ZONING DEVELOPMENT AND SITE PLAN STANDARDS,” 1213 “DEFINITIONS,” AND APPENDIX D “ARCHITECTURAL DESIGN STANDARDS” OF THE LAND DEVELOPMENT CODE TO IMPLEMENT AGRICULTURAL USE PROVISIONS.

WHEREAS, the bulk of the City’s current Land Development Code was adopted in 1999 and has now been codified in Part Twelve of the City’s Codified Ordinances as the “Planning and Zoning Code”; and

WHEREAS, City Council adopted the 2015 Comprehensive Plan on January 19, 2016; and

WHEREAS, the City Administration routinely reviews the Land Development Code standards to address language in need of clarification, respond to development trends, and consider amendments based on feedback from City Council and residents; and

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

Section 1. Codified Ordinance Chapters 1201 “General Provisions,” 1205 “Zoning Districts - City of Hudson Zoning Map,” 1206, “Use Regulations,” 1207 “Zoning Development and Site Plan Standards,” 1213 “Definitions,” and Appendix D, “Architectural Design Standards,” of the Land Development Code, be amended in part to read as follows:

“1201.07” RULES OF MEASUREMENT.

(c) Setbacks – Building and Structure setbacks from lot line. Setbacks shall be measured as the distance between the nearest lot line and the furthestmost projection of a building or structure along a line at right angles to the lot line. Setbacks shall be unobstructed from the ground to the sky except as otherwise specifically allowed in this section. (See Figure 2)

(1) Features allowed within setbacks

A. Driveways, patios, **raised garden beds up to 24 inches in height located only in side or rear yards,** parking lots, and sidewalks provided that the edge of such structures **or beds** shall be set back at least three feet from an adjacent property line;

“1205.06” DISTRICT 3: OUTER VILLAGE RESIDENTIAL NEIGHBORHOOD.

(b) Uses By-Right.

~~(2) Agricultural.~~

~~A. General agricultural operations on parcels of more than four acres and do not involve the keeping of farm animals.~~

~~(3)~~**(2)** Planned Developments

A. Planned developments, subject to standards and procedures set forth in 1203.04 and 1204.02.

~~(4)~~**(3)** Institutional/civic/public

A. Public park or recreational areas, including multipurpose trails.

B. Public recreational facilities, indoor or outdoor.

C. Public safety and emergency services.

D. Essential public utility and public service installations, including bus shelters and bus stops, but not including water towers, power generating stations, transfer stations, or outdoor storage.

~~(5)~~**(4)** Accessory Uses. See section 1206.03, Accessory Uses.

“1205.11” DISTRICT 8: INDUSTRIAL/BUSINESS PARK

(b) Uses By-Right.

(5)(6) Agricultural Uses

A. General agricultural operations.

(5)(6) Accessory Uses

(c) Conditional Uses.

~~(5) Agricultural uses.~~

~~A. General agricultural operations.~~

~~(6)(5) Accessory Uses~~

“1206.01” TABLE OF PERMITTED AND CONDITIONAL USES BY ZONE DISTRICT

<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						<u>CP</u>		<u>PC</u>	P

“1206.03” ACCESSORY USES/STRUCTURES.

(a) Residential Accessory Uses. Residential uses shall include the following accessory uses, activities, and structures:

(3) Barns, **only when associated with general agricultural operations.**

(4) Composting, subject to the following conditions:

- ~~A. Such use is not conducted as a business, or as accessory to a business;~~
- ~~B. The materials to be composted must originate on the same property as the location of the principal building for which it serves;~~
- ~~C. The composting site shall be maintained in a safe, sanitary, neat, and orderly fashion to prohibit the spread of disease vectors, rodents, and insects, and minimize odors;~~
- ~~D. The composting pile or structure shall permit proper aeration of the composted material;~~
- ~~E. The compost pile or structure shall not be located in any front yard or any side yard of a lot;~~
- ~~F. Access to the composting structure shall not face any adjacent property or street;~~

~~G. All composting structures shall be screened and/or buffered from adjacent properties by natural materials or by fencing; and~~

~~H. No composting structure shall exceed four feet in height.~~

~~(5)~~(4) Fences and walls, residential, subject to Section [1207.04](#). The maximum height (excluding incidental decorative items) at any point shall not exceed four feet above the elevation of the surface of the ground at such point, except as may be allowed by division (a)(5)B., C. and D. of this section.

~~(6)~~(5) Garages, carports, and off-street parking areas used to serve the residents of the property, provided that the height of a garage or carport serving a single-family dwelling unit shall not exceed eighteen feet. A garage or carport may be detached from or attached to the principal structure, provided it complies with all applicable zone district regulations.

~~(7)~~(6) Gates and guard houses

~~(8)~~(7) Guest houses or guest rooms, neither of which may include kitchen facilities, provided such guest houses or guest rooms are used for the housing of guests or resident employees of the occupants of the principal dwelling and provided such facilities are not used as rental units.

~~(9)~~(8) Home occupations, subject to division (e) of this section

~~(10) Horses in District 1, District 2, District 3, and District 10, provided that there shall be a minimum lot area of two acres and at least one acre per horse. Domestic household pets are permitted in all districts.~~

~~(11)~~(9) Playhouses, patios, cabanas, porches, gazebos, and incidental household storage buildings, provided that the height of such structures shall not exceed sixteen feet and provided that no storage building shall exceed 200 square feet in gross floor area.

~~(12)~~(10) On-premise signs subject to the standards set forth in Section [1207.17](#).

~~(13)~~(11) Private recreational and play facilities for use of the residents of the property and their guests, provided that:

A. No outdoor lighting shall be erected to light private tennis courts;

B. The height of any recreational or play facility shall not exceed twelve feet; and

C. All swimming pools shall be subject to the restrictions set forth in division (f) of this section.

~~(14) Private greenhouses, not for commercial purposes.~~

~~(15)~~(12) Satellite dish antennas thirty-nine inches (one meter) or less in diameter, provided that to the maximum extent feasible, such satellite dish antenna shall be located in the rear yard of the residential use.

(16)(13) Solar energy systems

(17)(14) Storage or parking of trucks, cars, or major recreational equipment, including but not limited to boats, boat trailers, camping trailers, motorized homes, and house trailers, subject to the restrictions set forth in division (g) of this section.

(15) Hobby Farms. Hobby Farms are permitted as accessory to residential uses and to uses within residential districts.

A. Private greenhouses, not for commercial purposes.

B. Composting, subject to the following conditions:

- 1. Such use is not conducted as a business, or as accessory to a business;**
- 2. The materials to be composted must originate on the same property as the location of the principal building for which it serves;**
- 3. The composting site shall be maintained in a safe, sanitary, neat, and orderly fashion to prohibit the spread of disease vectors, rodents, and insects, and minimize odors;**
- 4. The composting pile or structure shall permit proper aeration of the composted material;**
- 5. The compost pile or structure shall not be located in any front yard or any side yard of a lot;**
- 6. Access to the composting structure shall not face any adjacent property or street;**
- 7. All composting structures shall be screened and/or buffered from adjacent properties by natural materials or by fencing; and**
- 8. No composting structure shall exceed four feet in height.**

C. Horses in District 1, District 2, District 3, and District 10, provided that there shall be a minimum lot area of two acres and at least one acre per horse. Domestic/household pets are permitted in all districts.

D. Keeping of chickens on residential property. The keeping of hen chickens on residential property is permitted per the following shall be permitted subject to the following provisions: 1. The keeping of hen chickens for personal consumption, shall be permitted on residentially zoned property subject to the following provisions.

- 1. (a) There shall be no more than a maximum of twelve hen chickens kept on any property.**
- 2. (b) 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. (e) 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 "B."
4. (d) 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 twenty-five feet from the property line and fifty feet from any structure suitable for occupancy.
5. (e) 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. (f) No commercial activity including the breeding of animals or sales of agricultural goods shall occur on the property, with the exception of "roadside stands" in District 2 that are separately permitted pursuant to Section 1206.03(a)(15)(F).
7. (g) 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.

E. Beekeeping on residential property. The keeping of honey bee hives and/or colonies on residential property is shall be permitted per the following subject to the following provisions.

1. The keeping of bee hives and/or colonies for personal consumption, shall be permitted on residentially zoned property subject to the following provisions:

1. (a) There shall be no more than a maximum of four colonies eight hives kept on any property.
2. (b) Colonies shall be kept in hives with movable combs in good condition.
2. (e) An individual hive shall not exceed 10 cubic feet in volume and shall not a height of six seven feet above the elevation of the surface of the ground.
3. (d) Setback: A structure associated with the use Hives shall only be permitted within a rear yard and shall be set back a minimum of twenty-five feet from the property line and fifty feet from any structure suitable for occupancy.
4. (c) The entrance of a hive shall face the interior of the lot upon which the structure is placed so flight paths do not interfere with adjacent properties.

~~4. (f) A convenient source of water shall be available to the colonies at all times on the site throughout the day. This water source shall be directly adjacent to the colonies.~~

4. (g) Must be in compliance with all State of Ohio rules and regulations for the keeping of bees. Property owners keeping bees must post shall provide a copy of their certificate of registration from the Ohio Department of Agriculture upon request on or near the hives and be subject to annual inspection.

5. (h) No commercial activity including the breeding of animals or sales of agricultural goods shall occur on the property, with the exception of "roadside stands" in District 2 that are separately permitted pursuant to Section 1206.03(a)(15)(F).

6. (i) The keeping of more than four colonies eight hives on a property shall not be permitted as an accessory use and shall be regulated as a general agricultural operation.

F. Farm and roadside stands are permitted in District 2 subject to the following conditions.

1. The stand may not be greater in size than 50 sq. ft. and shall not be permanently affixed to the ground.

2. The stand may only display and sell items produced on the property.

3. The stand shall be located outside of the public right of way and set back a minimum fifteen feet from adjacent property boundaries.

4. Roadside stands shall only be operated during daylight hours between May 1st through November 30th. Stands shall be removed by December 1st of each calendar year.

5. At the end of each business day all items shall be removed or secured from display.

6. One sign of no more than 6 sq. ft. may be mounted on or abutting the stand.

7. Adequate vehicle turning areas shall be provided so that vehicles and equipment can be maneuvered on site without interrupting traffic flow or blocking a public street.

8. Lighting associated with the use is prohibited.

~~(18) Keeping of chickens on residential property. 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.~~

(d) Accessory Use Development and Operational Standards. The following standards shall apply to all accessory uses and structures:

- (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, each building and/or structure accessory to residential uses shall not be larger than 1,200 square feet of building footprint area; in District 4 and 5 the building footprint area shall not be larger than 1,000 square feet. Maximum size of a barn shall be 10,000 square feet of building footprint area for an agricultural use. ~~Barns (only when associated with general agricultural operations) shall not be larger than 10,000 square feet of building footprint area.~~

“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.~~

~~(2)~~**(1)** No accessory building or fenced enclosure associated with an agricultural use shall be located or constructed closer than 100 **fifty** feet from a structure suitable for occupancy or closer than ~~fifty~~ **twenty-five** 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)~~**(2)** 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.

“1213.02” DEFINITIONS.

~~(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 accessory keeping of chickens on residential property.~~

~~(15)~~**(14)** “Alley” shall mean a minor way used primarily for vehicular service access to the back of properties abutting a street.

~~(134)~~ “Garage” shall mean an accessory building for the private use of the owner or occupant of a principal building situated on the same lot as the principal building and intended for the storage of motor vehicles and equipment with facilities for mechanical service or repair of a commercial or public nature.

(135) “General agricultural operations ” shall mean agricultural uses, excluding hobby farms, 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.

~~(135)~~**(136)** "Government administrative offices" shall mean lands and buildings owned or operated by a local, state, federal, or international governmental entity to provide legislative, judicial, administrative, or regulatory services for the public, but not including essential public utility and public services.

(151) "Hobby Farm" shall mean a small scale accessory use including gardening, bee keeping, and the keeping of chickens, primarily for personal consumption.

~~(151)~~**(152)** "Home occupation" shall mean an activity carried out for monetary gain by a resident conducted as a customary, incidental, and accessory use in the resident's dwelling unit.

...

~~362~~**(363)** "Zoning Map" shall mean the official zoning map, showing all zone district and their boundaries, adopted by the City by ordinance, and as amended.

"APPENDIX D" ARCHITECTURAL DESIGN STANDARDS.

Part III: - DESIGN STANDARDS FOR ALL BUILDINGS

Section III-1. – General Standards for all buildings

All buildings, regardless of building type and historic status, shall conform with the following Standards.

d. Accessory Buildings (large). Accessory buildings greater than 79 square feet in gross area shall bear the following relationship to the main structure of the property.

(4) Open garden structures such as pergolas, and gazebos, **hoop houses**, and enclosed greenhouses which are primarily glass, shall not be subject to the above restrictions.

f. Fences.

(4) **Fence materials for general agricultural operations may be more informal in design and include mesh wire and cable wire.**

Section 2. Codified Ordinance Chapters 1201, “General Provisions,” 1205 “Zoning Districts - City of Hudson Zoning Map,” 1206, “Use Regulations,” 1207 “Zoning Development and Site Plan Standards,” 1213 “Definitions,” and Appendix D, “Architectural Design Standards,” of the Land Development Code, to the extent not amended by this Ordinance shall remain in full force and effect.

Section 3. 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 all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, or otherwise in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED:

Craig A. Shubert, Mayor

ATTEST:

Elizabeth Slagle, Clerk of Council

I certify that the foregoing Ordinance No. 21-84 was duly passed by the Council of said Municipality on _____, 2021.

Elizabeth Slagle, Clerk of Council

First Reading & Referral to Planning Commission: July 20, 2021

Public Hearing:

Second Reading:

Third Reading: