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

DATE:	July 8, 2015
TO:	City of Hudson Planning Commission for July 13, 2015 Meeting
FROM:	Greg Hannan, City Planner Mark Richardson, Community Development Director
SUBJECT:	Conditional Use: Accessory Agricultural Use 1693 Middleton Road District 1 – Rural Residential Conservation
PC Case No:	2015-17

Project Introduction

Application has been received for an accessory general agriculture use approval at 1693 Middleton Road. The applicant has recently begun raising chickens on the 5.0 acre parcel and is housing a potbelly pig. The applicant has stated the intent to also establish goats, bee hives, and one dexter cow, a small cattle breed. The applicant has stated the associated agricultural use is for personal enjoyment and consumption with limited word of mouth sale of eggs, milk, compost, honey, and possibly fruits/vegetables. The applicant that stated no regular hours, marketing, or signage are intended. General agricultural uses involving animals are permitted as a conditional use within District 1 - Suburban Residential Neighborhood.

Adjacent Development:

The subject property is adjacent to large lot single family residences along Middleton Road to the south and east. The adjacent development to the east at 1745 Middleton Road is developed with multiple out buildings and pastures associated with horses. Neighborhood scaled single family residential development along Andover Way is adjacent to the west and north.

The following information is attached to this report.

1. Letter and site plan submitted by property owners Mike Bianchi and Ann Castellarin-Bianchi dated July 6, 2015.
2. Preliminary Comment Letter, prepared by City Planner Greg Hannan, dated June 26, 2015.
3. Aerial photograph from the City of Hudson GIS, depicting the subject property and surrounding development.

Applicable Zoning District Standards, Section 1205.05

Staff compared the proposal to the zoning district standards and found the proposal conforms to the applicable standards.

Applicable Conditional Use Standards, Section 1206

General agricultural operations are permitted as a conditional use within District 1. The use is subject to compliance with the general criteria and standards applicable to conditional uses per Section 1206.02(b).

Staff notes the limited scale agricultural use which is proposed as accessory to the single family residence and is compatible with the surrounding development along Middleton Road. The required setbacks of the use areas and the applicable bufferyards appropriately address potential impacts to adjacent single family residential development along Andover Way. Staff recommends the applicant submit and have accepted by the Planning Commission the specific species and maximum number of animals permitted on the property to define the scale of the proposed use. Any proposal to exceed that number in the future would have to return to the PC.

Applicable Zoning Development and Site Plan Standards, Section 1207

Staff compared the proposal to zoning development and site plan standards. We comment on the following:

Horses: In addition to the farm animals, the applicant currently has three horses on the property. Keeping of horses at a residence is regulated separately from agricultural uses. Horses are permitted as an accessory use to the single family residential use provided the following conditions are met:

1. No more than one horse per acre is permitted
2. Maximum structure size of 1,000 sq ft
3. Fencing enclosures do not require a minimum setback from the property line
4. Accessory buildings associated with the horses must be at least 15 ft from property lines
5. No landscaping or bufferyard requirements apply

Staff Comment: The existing horse use of the property fits the scale of an accessory residential use. Additions to the existing accessory structure and fencing enclosures were approved by the City per zoning certificate 2012-384 and 2012-448.

Fencing and Accessory Building Setbacks: The LDC requires a 100 foot setback from agricultural uses to adjacent buildings suitable for occupancy and a 50 foot setback from agricultural uses to the property line of residentially zoned land. The applicant has proposed to utilize a portion of the existing accessory building for the housing of the farm animals and to construct a pasture and chicken coop to the rear of the accessory building. The submitted site plan is in compliance with these standards; however the plan must be revised to accurately depict which improvements are existing versus those that are proposed.

Bufferyards: Bufferyards are required between agricultural uses and adjacent uses. In this case, the use is adjacent to single family residential on all sides requiring Bufferyard D (25 ft, substantial). The intensity of plantings can be reduced by increasing the bufferyard depth from 25 feet to 50 feet. Preserving existing vegetation within a 50 foot depth area will meet the applicable bufferyard requirements for the site except for the west property line adjacent to 7405,

7421, and 7437 Andover Way. Additional plantings will be required at this location to comply with Bufferyard D. The applicant has indicated plantings will be installed at this location, however, a landscape plan must be submitted.

Design Approval and Zoning Certificate: The small size of the recently installed coop and pasture would permit an administrative approval of the installation and issuance of a zoning certificate. Future enclosures or fencing associated with the agricultural use will be subject to design approval and the issuance of a zoning certificate. No zoning certificate for the subject application may not be issued until all conditions of the Planning Commission have been addressed.

Applicable Codified Ordinances

Section 618.13 *Peace Disturbances* restricts persons from maintaining animals or fowl which continuously or for unreasonable long periods emit loud or disconcerting sounds. This codified ordinance would be applicable to prohibit roosters from the property due to the close proximity of adjacent residences.

Findings:

The applicant has proposed a small scale agricultural use within District One Suburban Residential Neighborhood which permits such as a Conditional Use. Staff finds the application conforms to all applicable Land Development Code standards provided the conditions listed below are implemented.

Required PC Action, Chapter 1203

The PC shall consider the development application and the staff report and then take final action. PC shall approve, approve with conditions, or deny the application based on its compliance with the appropriate review standards.

All decisions of the Commission shall be based on written findings of fact related to the relevant standards of the Code.

Recommendation

Approve the application for an accessory agricultural use at 1693 Middleton Road per Case No. 2015-17 according to plans and a letter dated July 6, 2015 provided the following conditions are met:

1. The applicant must submit and have accepted by the Planning Commission the specific species and maximum number of animals permitted on the property to define the scale of the accessory agricultural use.
2. Revise the site plan to accurately label existing versus proposed improvements.
3. The applicant must submit a landscape plan of the property indicating the location of proposed plantings to comply with Bufferyard D.
4. A zoning certificate may not be issued for the agricultural use and associated coop/enclosure until the Planning Commission has approved the project and any conditions of the board have been addressed.

To Whom it may concern:

This letter is to inform you of a submission to the City of Hudson for an agricultural variance at the property of 1693 Middleton Road. Agricultural real property shall mean any tract of real property which is used to raise, harvest or store crops, feed, breed, or manage livestock, or to produce plants, trees, fowl, or animals useful to man, including the preparation of the products raised thereon for man's use and disposed of by marketing or other means. It includes, but is not limited to, such real property used for agricultural, grazing, horticulture, forestry, dairying, and mariculture.

Livestock

- **Equine** 3 horses with the intention of breeding the mare and sale of offspring
- **Chickens**: Currently 9 hens with the intent to gather and sell fresh eggs
- **Goats**
- **Rescue potbelly pig**
- **6 Ducks**
- **Mini Dexter Cow** (future intent for milk production for family and private sale)

Agriculture

- **Organic Vegetables and Fruits**
- **Mainly grazing and pasture land**
- **Beekeeping** projected 2016 start date
- **Composted Manure** for sale

Profit

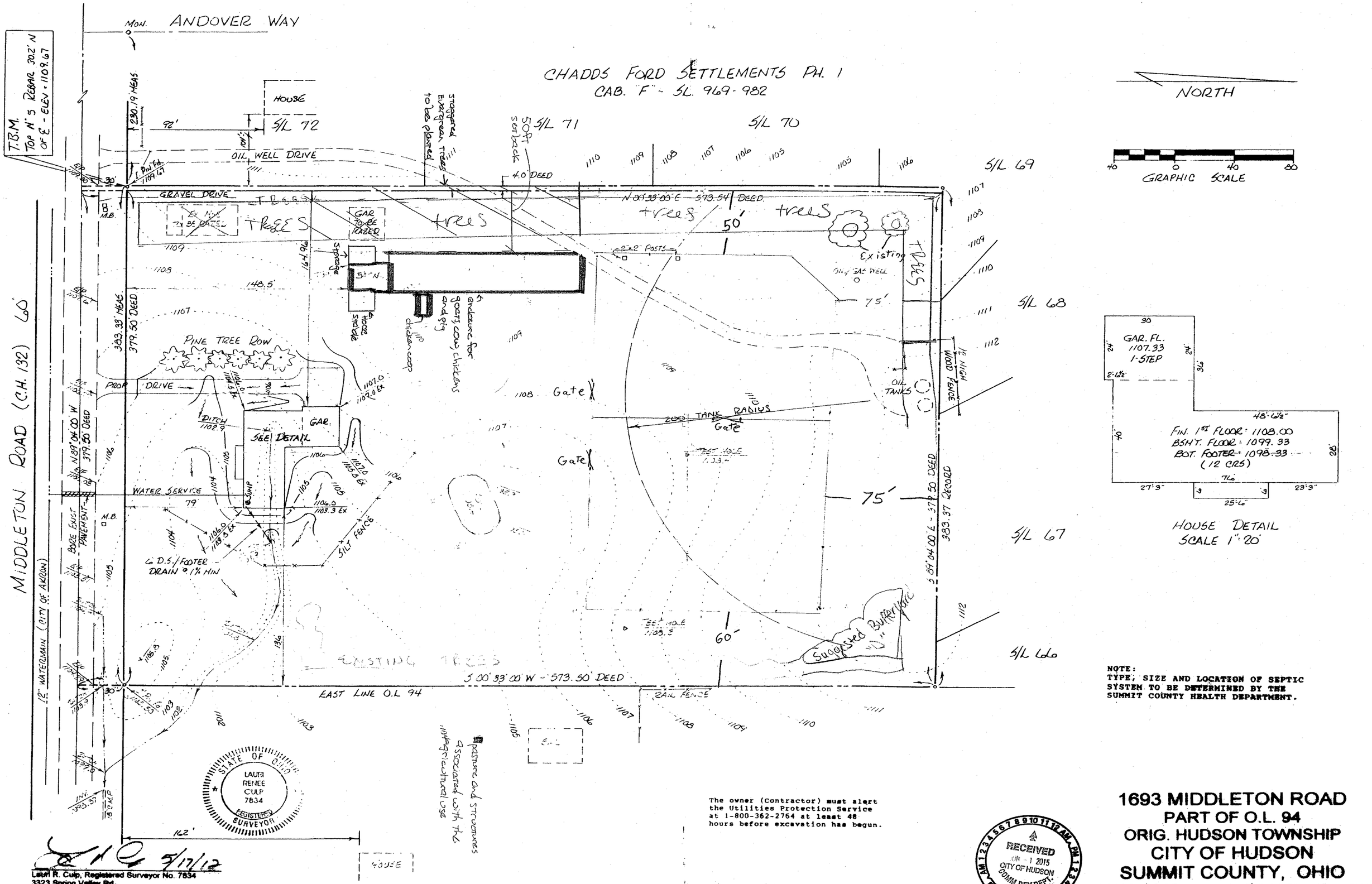
The property is intended for hobby farming/homesteading and not for sole income. Therefore profit yearly exceeding 5k is not anticipated barring the sale of a colt. Sale would include eggs, milk, honey, manure(composted) and possible organic fruits and vegetables.

*regular hours not requested

Notes

The livestock (except for the horses) will be limited to the area of the barn enclosure and 60x100 foot barnyard (see property map). We have an enclosed compost area for manure (see property map) to ensure the aesthetics and to keep odor low. The chicken coop is also located in the barnyard area (see diagram).

RECEIVED
JUL - 6 2015
CITY OF HUDSON
COMM. DEV. DEPT.



5/17/12

Lauri R. Culp, Registered Surveyor No. 7834
3323 Spring Valley Rd.
Akron, Ohio 44333
(330)659-4044 (330)659-0682 – Fax

1693 MIDDLETON ROAD
PART OF O.L. 94
ORIG. HUDSON TOWNSHIP
CITY OF HUDSON
SUMMIT COUNTY, OHIO

MAY, 2012 SCALE: 1" = 40'

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June 26, 2015

Mike Bianchi and Ann Castellarin-Bianchi
1693 Middleton Road
Hudson, Ohio 44236

RE: PC 2015-17- Conditional Use for 1693 Middleton Road

Mr. and Mrs. Bianchi-

Thank you for your submission of the conditional use application for the agricultural use at 1693 Middleton Road. The application has been scheduled for the Planning Commission (PC) agenda for the July 13, 2015 meeting. In preparation for such, I am forwarding preliminary comments related to compliance with the Land Development Code (LDC). Our goal is to provide you an opportunity to respond to the below comments by July 6, 2015. We will revise the comments accordingly for the staff report scheduled to be issued on July 8, 2015. Additionally I am available to meet and review the comments at your convenience.

Chapter 1205 – District Regulations 1205.04 District 1: Suburban Residential Neighborhood
Use: The proposed agricultural use is permitted as a conditional use. Staff understands the scale of the proposed use to be as follows:

1. Proposed keeping of 10 chickens, three goats, one potbelly pig, and one dairy cow. An expanded use application letter must be submitted to detail the animals proposed, where on the property they will be housed, and if any egg or other agricultural sales are intended at the property.
2. Three horses were established at the property in 2012 as an accessory use to the residence.

Section 1206 Use Regulations
The proposed agricultural use is permitted as a conditional use within District 1. The application is subject to compliance with the general conditional use standards of Section 1206.02. Staff notes the proposed limited scale agricultural use is in compliance with the applicable standards.

Section 1207 Zoning Development and Site Plan Standards
Landscaping/Buffering
The property is adjacent to single family residential on all sides; however the adjacent residence to the east (1745 Middleton Road) contains horses as an accessory use. Bufferyard D (25 ft. depth) is applicable between agricultural uses and single family residential uses. As shown in the attached diagram from Section 1207.04 of the LDC, the intensity of plantings can be reduced

by increasing the bufferyard depth from 25 feet to 50 feet. Preserving existing vegetation within a 50 foot depth area will meet the applicable bufferyard requirements for the site except for the west property line adjacent to 7405 and 7421 Andover Way. Additional plantings will be required at this location to comply with Bufferyard D.

Fencing and accessory building setbacks: The LDC requires a 100 foot setback from agricultural uses to adjacent buildings suitable for occupancy and a 50 foot setback from agricultural uses to the property line of residentially zoned land. The applicant has proposed to utilize a chicken coop within or adjacent to the existing barn. The site plan must accurately depict the location of the coop and any associated fencing enclosures for the proposed/existing chickens, goats, pig, and cow.

In addition to the farm animals, the applicant currently has three horses on the property. Keeping of horses at a residence is regulated separately from agricultural uses. Horses are permitted as accessory use to the single family residential use provided the following conditions are met:

1. No more than one horse per acre is permitted
2. Maximum structure size of 1,000 sq ft
3. Fencing associated with horses does not require a minimum setback from the property line,
4. accessory buildings associated with the horses must be at least 15 ft from property lines
5. No landscaping or bufferyard requirements apply to the horse pastures

Staff Comment: The existing horse use of the property fits the scale of an accessory residential use.

Summary:

1. Submit an expanded cover letter to detail the animals proposed, where on the property they will be housed, and if any egg or other agricultural sales are intended at the property.
2. Revise the site plan to accurately depict the following:
    a. Label the location and dimensions of all structures, coops, and fencing enclosures associated with the chickens, goats, pig, and cow.
    b. Depict the current dimensions of the barn and fenced pastures including the barn addition from 2012.
    c. Revise the landscape areas to comply with Bufferyard D. Staff suggests preserving a 50 foot depth of existing vegetation along the east and north property lines. Some additional plantings must be proposed and depicted on the site plan between the barn structure and the adjacent single family residence to the west.

Please contact me for any assistance I can provide.
Sincerely,

Gregory P. Hannan, AICP
City Planner

CC: Mark Richardson, Community Development Director
Thom Sheridan, City Engineer

City of Hudson, OH

Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search,appraisal, survey, or for zoning verification.

Map Scale
1 inch = 100 feet
6/26/2015