

## 2010 Text Amendments for “Urban Agriculture”

*Changes/additions are in bold italic.*

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### 4.2.2 Exemptions from Zoning Certificates

#### (B) Agricultural Uses

- (1) Agricultural structures and uses on lots with a lot area of 5 acres or more shall be exempt from the requirements of this Resolution and property owners shall not be required to obtain a Zoning Certificate for such uses per Section 519.21 of the ORC.
- (2) For any platted subdivision approved under Section 711.05, 711.09 or 711.10 of the ORC, or in any area consisting of 15 or more lots approved under Section 711.131 (711.13.1) of the ORC that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, the Township shall require a Zoning Certificate for:
  - a.) Agriculture uses on lots of one acre or less;
  - b.) Setbacks, heights and sizes of buildings or structures incidental to the use of land for agricultural purposes on lots greater than one acre but not greater than 5 acres.
  - c.) Dairying and animal and poultry husbandry on lots greater than one acre but not greater than 5 acres when at least 35 percent of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured and mobile homes under Section 4503.06 of the ORC. After 35 percent of the lots are so developed, dairying and animal and poultry husbandry shall be considered a nonconforming use of land and buildings or structures pursuant to Section 519.19 of the ORC.
- (3) Structures that are exempt from the provisions of the Zoning Resolution pursuant to this section shall not be exempt from any applicable special flood hazard area regulations established and enforced by Hamilton County.
- (4) ***Agricultural uses not exempt under this section shall be subject to the regulations in Section 7.4.2.***

## 7.4 Agricultural and Residential Use-Specific Regulations

### 7.4.2 Urban Agricultural Uses

The following regulations shall apply to those agricultural uses that are not exempt from review pursuant to Subsection 4.2.2 (Exemptions from Zoning Certificates) of this Resolution and meet the definition of an agricultural use.

***Purpose. The regulations of this section are established to permit the small-scale farming of food and non-food ornamental natural products as well as the keeping of farm animals and bees in a manner that prevents nuisances to occupants of nearby properties and prevents conditions that are unsanitary or unsafe.***

***(A) Urban agricultural uses shall be permitted as accessory uses on occupied residential property only, except for uses established and regulated as Community Gardens below.***

~~(A) All buildings, exterior storage, refuse, or supplies shall be set back a minimum of 100 feet from all lot lines. (section moved)~~

~~(B) A maximum of one animal unit shall be permitted per acre with a maximum of 5 total animal units permitted. (section moved)~~

~~(C) (B) All uses shall meet the minimum site development standards of the applicable district.~~

~~(D) (C) All animals and cages, coops, enclosures, and stables, shall be kept and located in the rear or side yard only.~~

***(D) All urban agriculture equipment, tools, plant supports, containers, cages, and temporary fencing shall be stored indoors when not in use.***

***(E) Farming of Fruits, Vegetables, and Other Plant Products***

***The farming of plant products shall be a permitted use in all Residential Districts in all yards. Such farming shall be limited by the following regulations.***

***(1) Farming in the Front Yard.***

***a) Row crops are not permitted in any front yard.***

***b) Plants and supports located in the front yard shall be in accordance with the requirements for Vision Clearance Triangles as defined in Section 12.4.***

***(2) Structures.***

***a) Greenhouses, hoophouses, cold-frames, and similar structures used to extend the growing season shall be permitted in the rear yard only, in accordance with the requirements for Accessory Structures in Section 10.2.***

***b) Any greenhouse, hoophouse, cold-frame, or similar structure more than 6 feet in height shall require a Zoning Certificate.***

***c) Any greenhouse or similar permanent structure shall count toward the 30 percent coverage maximum established in Section***

*10.2.1(A)(9). Hoophouses, cold-frames, or similar non-permanent structures shall not count toward the 30 percent coverage maximum.*

*(F) Keeping of Farm Animals and Bees*

*The keeping of farm animals and bees shall meet the standards defined in Table 7-4 and the regulations of Section 7.4.2.*

*(1) Sanitation and Nuisances.*

*Farm animals shall be kept only in conditions that limit odors and noise and the attraction of insects and rodents so as not to cause a nuisance to occupants of nearby buildings or properties and not to cause health hazards.*

*Animal waste shall be removed at least daily so as not to cause a nuisance or health hazard to neighboring residents. Composting of manure from animals that do not eat meat shall be permitted in enclosed containers only, and as further regulated in Section 10.2.2(G).*

*Furthermore, farm animals shall not be kept in a manner that is injurious or unhealthful to the animals being kept on the property.*

*(2) Animal or Bird Noise. It shall be unlawful for any person or other party operating or occupying any building or premises to keep or allow to be kept any animal or bird that makes noise so as to habitually disturb the peace and quiet of any person in the vicinity of the premises.*

*(3) Slaughtering of Animals. Chickens, ducks, rabbits and similar small animals may be slaughtered on site only if for consumption by the occupants of the premises. No other farm animal may be slaughtered on site.*

*(4) Zoning Certificate Required. The keeping of farm animals or bees shall require a Zoning Certificate except where exempted from these regulations under Section 4.2.2.*

*(G) Community Gardens. Community Gardens are permitted in all districts, subject to the following regulations.*

*(1) Location. A community garden may be established on a vacant lot or on a portion of an occupied lot, in any district.*

*(2) Maintenance. Community gardens shall be maintained regularly throughout the year so as to be kept free of trash, litter, and tall weeds.*

*(3) Signage. One ground or wall sign designating the community garden may be permanently placed on the site. Such sign may be up to 12 square feet in area and up to 6 feet in height. This sign may be placed in addition to a sign designating the sale of produce as defined in Section 7.4.2(I) below.*

- (4) Tool storage. A locked tool bin or shed may be placed on the property, in the rear yard, in accordance with the requirements for Accessory Structures in Section 10.2.*
  - (5) Plant gardening. The regulations in Section 7.4.2 (E) shall apply to community gardens. For a community garden on an otherwise vacant lot, the front yard setback shall be considered the front yard.*
  - (6) Keeping of farm animals and bees. Farm animals and bees shall be permitted on community garden sites on occupied land only. Where permitted, the keeping of farm animals and bees at a community garden shall be in accordance with the regulations in Section 7.4.2 (F).*
  - (7) Parking and walkways. Off-street parking shall be permitted only for those garden sites exceeding one-half acre in lot area. Such parking shall be limited in area to ten percent (10%) of the garden site lot area and shall be either unpaved or surfaced with gravel or similar loose material or shall be paved with pervious paving material. Where off-street parking is provided, a paved apron leading to the parking area shall be required. Walkways shall be unpaved except as necessary to meet the needs of individuals with disabilities.*
  - (8) Contact information for the owner of the property or other responsible party shall be provided to the Zoning Administrator and shall be kept current. A copy of the community garden's rules shall be filed with the Zoning Administrator.*
  - (9) Zoning Certificate required. A Zoning Certificate shall be required for any community garden.*
- (H) Composting. Composting at home gardens and community gardens shall be permitted in accordance with the provisions of Section 10.2.2(G).*
- (I) Sale of Urban Agricultural Products.*
- (1) The sale of excess urban agricultural products from home gardens or community gardens in residential districts by the producer(s) and on the same site where they are produced shall be permitted provided it is done in accordance with the provisions of Section 10.3, with the following exceptions:*
    - a) Urban agricultural products for sale may be displayed in the front yard only while someone is on hand to oversee sales. Products shall be stored overnight or when unattended.*
    - b) One yard sign advertising the agricultural products for sale shall be permitted. Such sign may be up to 12 square feet in area and up to 6 feet in height, shall be placed at least 10 feet from the road right-of-way and 20 feet from the side lot lines, and may be left in place from May 1 to October 31.*

- c) Zoning Certificate Required. For the sale of plant or animal produce, a Zoning Certificate shall be required. The intent to sell urban agricultural products may be indicated on the Zoning Certificate application for keeping of farm animals as defined in Section 7.4.2 (E)(9) above, in which case a separate Zoning Certificate for urban agricultural product sales shall not be required.*
- (2) The sale of excess urban agricultural products from community gardens in non-residential districts shall be permitted in accordance with the requirements for Outdoor Display, Sales, and Storage in Section 12.10.*

**Table 7-4: Keeping of Urban Farm Animals and Bees**

|                              | <b>Chickens, Ducks, Rabbits, and Similar Animals</b>   | <b>Goats, Pigs, Sheep, and Similar Animals</b>  | <b>Horses, Cows, Alpacas, Llama, and Similar Animals</b>   | <b>Bees</b>  |
|------------------------------|--|---|--|--|
| <b>Minimum Lot Size</b>      | 7,500 square feet  | 24,000 square feet  | Two acres  | 10,000 square feet   |
| <b>Number Permitted</b>      | Two on a lot of at least 7,500 square feet. One animal unit per acre for lots over 7,500 square feet. Maximum of 5 animal units.   | One on a lot over 24,000 square feet in area but less than one acre. One animal unit per acre for parcels one acre or greater in area. Maximum of 5 animal units.   | One-half animal unit per acre for lots over two acres in area. Maximum of 5 animal units.  | One beehive for each 3,000 square feet of lot area for lots of at least 10,000 square feet.  |
| <b>Setbacks</b>              | Coops, enclosures, or cages housing such animals shall be set back a minimum of 20 feet from all property lines.   | Stables or other enclosures shall be set back a minimum of 40 feet from any street and from all lots except those in an Industrial District and shall be set back 100 feet from a dwelling on another parcel or from the permitted placement of a dwelling on an adjoining vacant parcel. | Stables or other enclosures shall be set back a minimum of 80 feet from any street and from all lots except those in an Industrial District and shall be set back at least 125 feet from a dwelling on another parcel or from the permitted placement of a dwelling on an adjoining vacant parcel. | No beehive shall be kept closer than 10 feet to any lot line and 25 feet to a dwelling or the permitted placement of a dwelling on another parcel.<br><br>The front of any beehive shall face away from the property line of the adjoining Residential property closest to the beehive.  |
| <b>Enclosures and fences</b> | Chickens and other birds shall have access to an outdoor enclosure adequately fenced or otherwise bounded to contain the birds on the property and to prevent access by dogs and other predators and providing at least 10 feet of area for each bird. | A fenced enclosure area shall be required. A boundary fence may be used to meet this requirement. The fence shall be in accordance with Section 12.8.   | A fenced enclosure area shall be required. A boundary fence may be used to meet this requirement. The fence shall be in accordance with Section 12.8.  | A solid fence or dense hedge, known as a “flyway barrier,” at least 5 feet in height shall be placed around the beehive. A boundary fence or hedge at least 5 feet in height may be used to meet this requirement. No such flyway barrier shall be required if all beehives are located at least 25 feet from all property lines and for beehives that are located on porches or balconies at least 10 feet above grade, except if such porch or balcony is located less than 5 feet from a property line. |

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**Table 7-4: Keeping of Urban Farm Animals and Bees, continued**

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|----------------------------------|---|--|--|---|
| <p><b>Prohibitions</b></p>       | <p>No rooster, geese, or turkeys in a Residential District except on parcels of at least one acre and where the coop or cage housing the bird(s) is at least 100 feet from all property lines. One bird may be kept for each 24,000 square feet in excess of one acre.</p> <p>No predatory birds may be kept on any property under the regulations of this Section.</p>   |  |  | <p>No Africanized bees may be kept on a property under the regulations of this Section.</p>   |
| <p><b>Other Requirements</b></p> | <p>All animals shall be provided with a covered, predator-proof coop or cage or other shelter that is thoroughly ventilated, designed to be easily accessed and cleaned, and of sufficient size to permit free movement of the animals exclusive of areas used for storage of materials or vehicles.</p> <p>The total area of all coops or cages on a lot shall not be greater than 32 square feet for up to 6 animals. Coops or cages, singly or in combination, shall not exceed 15 feet in height.</p> |  |  | <p>A supply of fresh water shall be maintained in a location readily accessible to all bee colonies on the site throughout the day.</p> |

*Definitions to be added to Article 16.*

*Community Garden. "Community garden" means an area of land managed and maintained by a group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, primarily for personal or group use, consumption, or donation. Limited sale of excess products may be permitted. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group member.*

*Cold-frame. "Cold-frame" means an unheated outdoor structure consisting of a wooden or concrete frame and a top of glass or clear plastic, used for protecting seedlings and plants from the cold.*

*Coop and Cage. "Coop" and "cage" mean a structure, not necessarily attached to the ground, with a top and sides and designed to provide shelter and protection for small animals or birds.*

*Enclosure. "Enclosure" means a set of walls or fences designed to confine animals or birds to a space that is large enough to permit the animals and birds to roam relatively freely in an open yard area.*

*Farm Animal. "Farm animal" means any domestic species of animal that is kept and raised for use as food or in the production of food or in the operation of a farm. Any animal defined as "exotic wildlife" or a "domestic animal" shall not be considered a "farm animal" for purposes of this Resolution.*

*Flyway Barrier. A "Flyway barrier" is a solid fence or hedge, designed to redirect the flight of bees to a height above typical human activity.*

*Greenhouse. "Greenhouse" means a building made of glass, plastic, or fiberglass in which plants are cultivated.*

*Hoophouse. "Hoophouse" means a structure made of PVC piping or other material covered with translucent plastic, constructed in a "half-round" or "hoop" shape.*

*Predatory Bird. "Predatory bird" means an owl, hawk, falcon, eagle or similar bird that feeds principally by catching living prey.*

*Row Crop. "Row crops" shall be defined as grain, fruit or vegetable plants, grown in rows, which are 24 inches or more in height. "Row crops" shall not mean cultivated or attended trees, bushes, or shrubbery less than 6 feet in height, or trees in excess of 6 feet in height, and shall not include grain, fruit, or vegetable plants that are part of the front yard's borders, that extend no more than 5 feet from the side property lines or from the front of the principal building.*

*Similar Animal. Any farm animal that is similar to other animals listed in a particular category of permitted animals with respect to impacts on nearby properties, including noise, odors, safety hazards, or other nuisances.*