

**CINCINNATI ZONING CODE  
CHAPTER 1422  
URBAN AGRICULTURE:  
HORTICULTURE AND  
ANIMAL KEEPING  
TEXT AMENDMENTS**

Equitable Growth and Housing Committee  
March 1, 2022

# BACKGROUND

In May and June 2017 City Council passed two motions to:

1. Create a plan for incorporating urban agriculture into City Plans and;
2. To allow for urban agriculture, both indoor and outdoor, in appropriate zoning districts throughout the City

# BACKGROUND

- Goal - make urban agriculture more accessible, yet also have regulations that protect neighboring property owners and provide clarity for enforcement
- Planning staff - reviewed best practices around the country
- Staff convened a Steering Committee - representatives from various City departments and the Greater Cincinnati Regional Food Policy Council

# BACKGROUND

- Committee met twice a month 2017-2018
- Planning staff held four Focus Group Meetings - agricultural stakeholders (farmers, composters, beekeepers, etc.)
- Planning staff - held Public Zoning Staff Conference - general public prior CPC meeting

# 2019 Chapter 1422 Text Amendment Approvals

- On May 17, 2019, the **CPC** - recommended approval of the new Chapter 1422 Urban Agriculture: Horticulture and Animal Keeping to City Council
- On June 26, 2019, **Cincinnati City Council** approved the new Chapter 1422 on Urban Agriculture within the Cincinnati Zoning Code, which went into affect September 26, 2019

# TEXT AMENDMENTS TO CPC 8/20/21

- August 20, 2021, CPC heard a presentation regarding Urban Agriculture Text Amendments - clarifying consistency with Title XVII (Land Development Code)
- This was a part of a larger text amendment package
- The **only purpose** for these amendments to the Urban Agriculture Chapter was to avoid conflicting terms and definitions (scrivener errors) between the Zoning Code and Land Development Code
- This **did not change** - Urban Agriculture Chapter - content or regulations recently approved - 2019

# ADDITIONAL BACKGROUND

- On 8/20/21 CPC made the following motion for Staff to:
- review existing standards between gardens and farms based on the size and scope in Chapter 1422 Urban Agriculture of the Cincinnati Zoning Code

# DEFINITIONS

**Garden.** Gardens may be grown in all zoning districts, subject to the limitations of this chapter. Gardens must consist of **less than 20,000 square feet of cultivated land**. Use of large-scale commercial agricultural equipment such as tractors, tillers, or other machinery equal to or exceeding the size of an economy automobile is prohibited.



# ACCESSORY STRUCTURES - RESIDENTIAL DISTRICTS - GARDENS

TYPE	SIZE AND LOCATION PERMITTED	NOT PERMITTED BY RIGHT	REQUIRES PUBLIC VARIANCE HEARING
GARAGES	MAXIMUM 800 SQ FT, HEIGHT 15 FT, REAR YARD	OVER 800 SQ FT, HEIGHT OVER 15 FT, NOT IN REAR YARD	YES
SHEDS	MAXIMUM 800 SQ FT, HEIGHT 15FT, REAR YARD	OVER 800 SQ FT, HEIGHT OVER 15 FT, NOT IN REAR YARD	YES
HOOPHOUSES	MAXIMUM 800 SQ FT, HEIGHT 15 FT, REAR YARD	OVER 800 SQ FT, HEIGHT OVER 15 FT, NOT IN REAR YARD	YES







# EDEN URBAN GARDENS



# EAST END GATEWAY GARDEN



# CAMP WASHINGTON



# DEFINITIONS

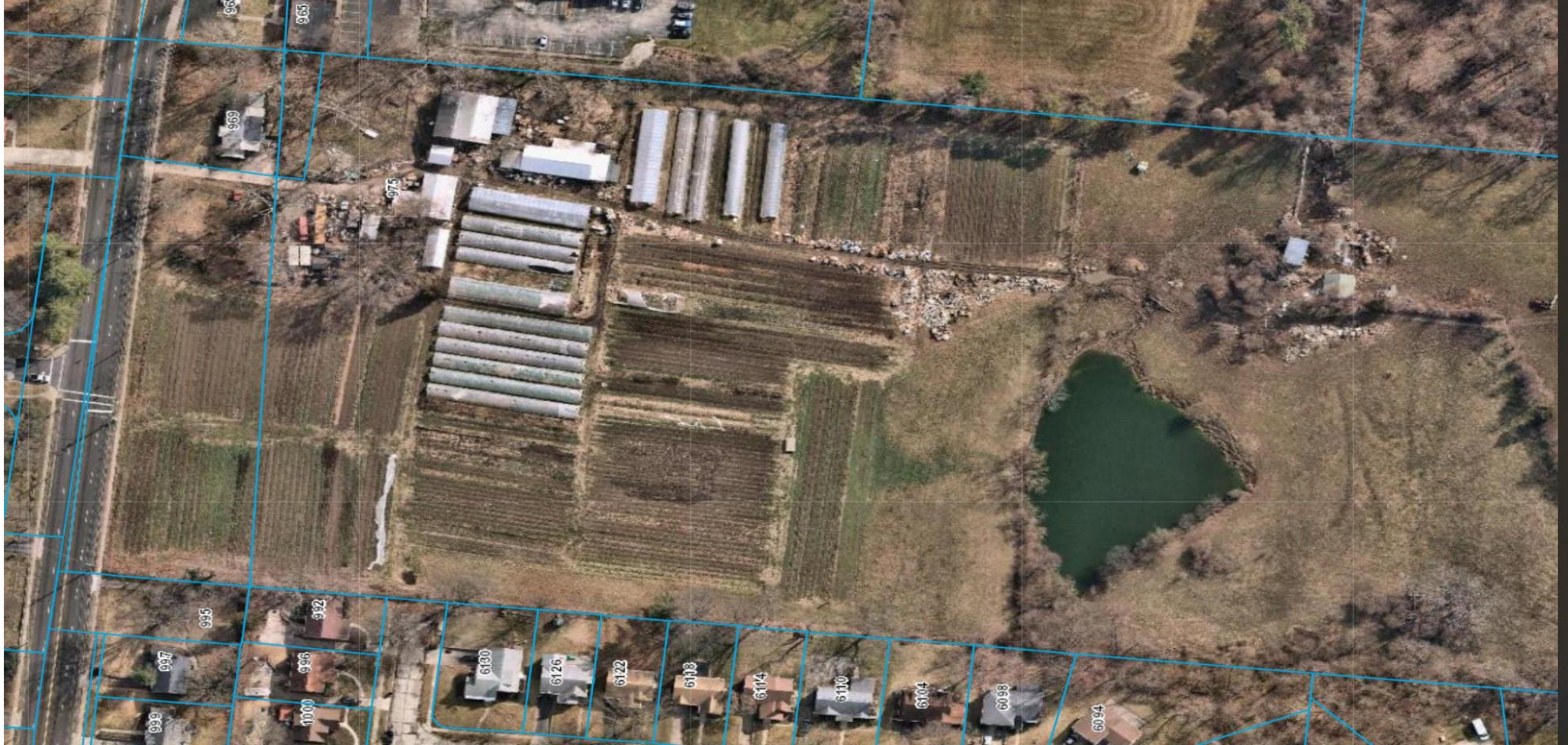
**Farm.** A farm consists of **20,000 square feet or more of cultivated land**. Use of large-scale commercial agricultural equipment is permitted; however, such equipment must be completely enclosed in an Agricultural Structure when not in use. Farms located in residential districts require Conditional Use approval pursuant to Chapter 1445.



# GARDENS VS FARMS - RESIDENTIAL DISTRICTS

TYPE	SIZE PERMITTED	STORAGE OF AGRICULTURAL EQUIPMENT PERMITTED	REQUIRES PUBLIC HEARING FOR CONDITIONAL USE
GARDENS	LESS THAN 20,000 SQ FT OF CULTIVATED LAND	EQUIPMENT SMALLER THAN AN ECONOMY SIZE CAR	NO
FARMS IN RM DISTRICTS	20,000 SQ FT OR MORE OF CULTIVATED LAND	LARGE-SCALE FARM EQUIPMENT SUCH AS TRACTORS AND TILLERS STORED IN A STRUCTURE WHEN NOT IN USE	NO

# BAHR FARM - COLLEGE HILL



# TURNER FARM - INDIAN HILL



# TURNER FARM - INDIAN HILL



# TURNER FARM - INDIAN HILL



# ACCESSORY STRUCTURES

## Chapter 1422-05 - Development Regulations.

- (a) Agriculture Structures and Uses. Agriculture Structures must be located, developed and operated in compliance with the following:
  - 1) Agricultural Structures in Residential Districts. In residential zoning districts , Agricultural Structures not used for Animal keeping are subject to the standards of 1421-01 “Accessory Residential Structures.”

# ACCESSORY STRUCTURES

## Chapter 1421-01 - Accessory Residential Structures.

In summary:

- Structures can not be located in front or side yards
- Structures must be one foot from the principal structure
- Maximum size - 800 square feet
- Maximum number of Accessory Buildings - two
- Maximum Height - 15 feet
- Rear yard setback - determined by rear yard of the adjoining parcels principal structures

# ACCESSORY STRUCTURES

## Accessory Residential Structures - with 800 sq ft allowed:

- Average two-car garage is 500-550 sq ft
- Three-car garage is around 850 sq ft requiring a variance
- With the 15ft height limitation a garage can be 1 ½ stories tall
- Average shed is 50-140 sq ft



# ADDITIONAL BACKGROUND

- On 11/19/21 staff gave update to the CPC regarding farms and gardens -further explaining accessory structures
- CPC then requested text amendments to require a Conditional Use hearing on accessory agricultural structures on vacant lots in residential areas

# PROPOSED TEXT AMENDMENTS

## **Section 1403-05, - Use Regulations - Single-family Districts under “Agriculture and Extractive Uses.”**

The installation or construction of an agricultural structure exceeding 200 square feet on a lot that does not does not contain a dwelling or other principal structure requires conditional use approval from the Zoning Hearing Examiner pursuant to Chapter 1445.

## **Section 1405-05. Use Regulations - Residential Multi-family Districts under “Gardens.”**

The installation or construction of an agricultural structure exceeding 200 square feet on a lot that does not does not contain a dwelling or other principal structure requires conditional use approval from the Zoning Hearing Examiner pursuant to Chapter 1445.

## **Chapter 1422-03. Land Use Regulations. Under *Agricultural Structures* the text amendment reads:**

“and Agricultural Structures that are accessory to a Garden and exceed 200 square feet require conditional use approval from the Zoning Hearing Examiner pursuant to Chapter 1445 before they may be installed or constructed on a lot in a residential district that does not does not contain a dwelling or other principal structure.”

# PROPOSED TEXT AMENDMENTS

Chapter 1422-05 Development Regulations. Under (1) *Permanent Agricultural Structures* the text amendment reads:

Prior to their installation or construction on a lot in a residential district that does not does not contain a dwelling or other principal structure, permanent Agricultural Structures exceeding 200 square feet that are accessory to a Garden must obtain conditional use approval from the Zoning Hearing Examiner pursuant to Chapter 1445.

Chapter 1422-05 Development Regulations. Under (6) *Temporary Agricultural Structures* the text amendment reads:

(iii) Prior to their installation or construction on a lot in a residential district that does not does not contain a dwelling or other principal structure, temporary Agricultural Structures exceeding 200 square feet that are accessory to a Garden must obtain conditional use approval from the Zoning Hearing Examiner pursuant to Chapter 1445.

# ANALYSIS

These modifications are necessary for the following reasons:

- Provide more public input
- Balance ability to develop gardens and respect impacts- surrounding property owners and neighborhood development
- Requirements - Conditional Use hearings
- Notice mailed 100' radius - 14 days in advance - abutting property owners, Community Council
- Notice published - City Bulletin and City's website

# ANALYSIS

These modifications are necessary for the following reasons:

- Testimony may or may not impact decision
- Any person can appeal - within 30 days - Zoning Board of Appeals

# PUBLIC COMMENT

- Joint Virtual Public Staff Conference - December 13, 2021
- Notice sent to CC, CDC and Urban Agriculture stakeholders - throughout the City

Major concerns expressed by those in attendance include the following:

- Costs of the hearing and time delays cumbersome
- Attempt to shut down Urban Agriculture
- People don't understand Urban Agriculture

# PUBLIC COMMENT

It took over two years to create Chapter 1422

Need to slow down this process for text amendments - why now is the process being questioned two years later?

Avondale resident concerned - vacant lots - bought up - becomes a community of gardens

# CONSISTENCY WITH *PLAN CINCINNATI* (2012)

## LIVE INITIATIVE AREA

Recommends to “Support and stabilize our neighborhoods”

## SUSTAIN INITIATIVE AREA

Recommends to “ Make sustainable access to and use of fresh, healthy food a priority in all neighborhoods” and

“Eliminate food deserts in Cincinnati”



# CONCLUSIONS

These modifications will:

- Add transparency to City requirements and development procedures
- These hearings - provide public input requested by the community prior to accessory structures - installed

# PLANNING COMMISSION DECISION

On Friday December 17, 2021, the City Planning Commission voted to recommend approval of the proposed text amendments to Chapter 1422 - Urban Agriculture to City Council.

# RECOMMENDATION

The City Planning Commission recommends that City Council take the following action:

**APPROVE** the proposed text amendments to modify Title XIV, “Zoning Code of the City of Cincinnati,” of the Cincinnati Municipal Code, by amending the provisions of Section 1403-05 Single-family Districts, “Land Use Regulations,” Section 1405-05 Residential Multi-family Districts, “Land Use Regulations,” Section 1422-03 Urban Agriculture: Horticulture and Animal Keeping, “Land Use Regulations,” and Section 1422-05 Urban Agriculture: Horticulture and Animal Keeping, “Development Regulations.”

# HOOP HOUSE LOCATIONS

High Tunnels or often referred to as **Hoop Houses** in Cincinnati as of 10/22/21:

- **Aiken High School: 5641 Belmont Ave**  
**SF-10 - Single-family Residential (10,000 sf lots)**
- **Kyle Nobbe: 3682 Haus Ln**  
**SF-6 - Single-family Residential (6,000 sf lots)**
- **Hope Johnson Gordon: 3507 Bevis Ave**  
**SF-4 - Single-family Residential (4,000 sf lots)**
- **David Chal: 5094 Gray Rd**  
**MA - Manufacturing Agricultural**

# HOOP HOUSE LOCATIONS

High Tunnels or often referred to as **Hoop Houses** in Cincinnati as of 10/22/21:

- **Our Harvest Cooperative: 969 W North Bend Rd  
Cardinal Land Conservancy R-3**
- **Arthur Place Farm: 1869 Baltimore Ave  
CN-P - Commercial Neighborhood - Pedestrian**
- **Common Orchard Project: 3220 Colerain  
MG - Manufacturing General**
- **Eden Urban Gardens 3587 Alaska Ave  
RMX - Residential Mixed (1-3 family units)**