

**Honorable City Planning Commission
Cincinnati, Ohio**

December 17, 2021

SUBJECT: A report and recommendation on 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.”

EXHIBITS:

Provided in addition to this report is the following exhibit:

- Exhibit A – Proposed Text Amendment Ordinance Language

BACKGROUND:

In May and June 2017, Cincinnati City Council passed two motions requesting that the City Administration, working cooperatively and interdepartmentally, create a plan for incorporating urban agriculture into City plans and to allow urban agriculture, both indoor and outdoor, in appropriate zoning districts throughout the City.

The goal was to make urban agriculture more accessible, yet also have regulations that protect neighboring property owners and provide clarity for enforcement. Department of City Planning and Engagement staff reviewed best practices around the country and then convened a Steering Committee including representatives from various City departments and the Greater Cincinnati Regional Food Policy Council. The Committee met twice a month from 2017-2019. It became immediately clear to the Committee the need to cover all components of urban agriculture which includes horticulture, hydroponics, community gardens, composting, animal keeping, farming, aquaponics, and beekeeping.

Also, the Steering Committee held four Focus Group Meetings with numerous urban agricultural stakeholders (farmers, composters, beekeepers, etc.) in October and November 2017. In addition, staff held a Public Staff Conference where all Community Councils in the City, agricultural stakeholders, and the Steering Committee were notified and invited to attend to provide feedback prior to the Cincinnati Planning Commission (CPC) meeting.

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 effect September 26, 2019.

On August 20, 2021, as part of a larger text amendment package, the CPC approved additional urban agriculture text amendments to be added in the form-based zoning districts which were inadvertently left out of the original amendments. Following public testimony of concerns regarding urban agricultural accessory structures in residential areas, the CPC asked staff to study possible solutions to these concerns.

On November 19, 2021, staff gave an update to the CPC regarding gardens and farms to further explain accessory structures in Chapter 1422 of the Zoning Code. The CPC requested that staff of the Department of City Planning and Engagement and the Law Department prepare text amendments to require a Conditional Use hearing on accessory agricultural structures on vacant lots in residential areas.

PROPOSED TEXT AMENDMENTS:

The proposed text amendments modifying Title XIV, “Zoning Code of the City of Cincinnati,” of the Cincinnati Municipal Code is attached as Exhibit A. The proposed modifications are underlined as follows:

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.”

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:

This proposed modifications to Title XIV, “Zoning Code of the City of Cincinnati,” are necessary to provide for more public input by requiring Conditional Use hearings before the Zoning Hearing Examiner for agricultural structures related to gardens. These modifications will help balance the ability

to develop gardens while still respecting the potential impacts on surrounding property owners and neighborhood residential development. The requirements of a Conditional Use hearing include that a notice is mailed (100' radius for all Single-family and Multi-family Zoning Districts except SF-10 and SF-20) at least 14 days in advance of the Conditional Use hearing notifying the affected Community Council and abutting property owners of the date, time, and location. The hearing notice is also published in the City Bulletin and on the City's website. This will allow for the public to participate in the hearing, ask questions, and voice any concerns or support for proposed accessory structures. Although the public testimony may or may not impact the final decision, their testimony will become a part of the record. Any person can appeal the decision of the Zoning Hearing Examiner within 30 days the decision being issued to the Zoning Board of Appeals.

PUBLIC COMMENT AND NOTIFICATION:

The Department of City Planning and Engagement mailed a joint notice of a Virtual Public Staff Conference and the December 17, 2021 City Planning Commission meeting to every Community Council and Community Development Corporation in the City of Cincinnati, as well as urban agriculture stakeholders that participated in the previously approved text amendments on November 29, 2021. The notice was also emailed to the urban agriculture stakeholders and community members that expressed concerns as well as to the contacts of record that the City retains for the Community Councils and the Community Development Corporations.

A Virtual Public Staff Conference will be held on December 13, 2021 to gather comment and input regarding the proposed text amendments. A summary of the meeting will be provided at the City Planning Commission meeting on December 17, 2021 during the presentation.

CONSISTENCY WITH PLAN CINCINNATI:

The proposed modifications to Title XIV, "Zoning Code of the City of Cincinnati," is consistent with the Sustain Initiative Area of *Plan Cincinnati* (2012), particularly within the Green Umbrella Regional Sustainability Alliance goals for 2020 to "Double the percentage of fruits and vegetables sourced and consumed within our region" (pg. 185), and "Eliminate food deserts in Cincinnati" (pg. 190). The proposed amendments are intended to ensure transparency, consistency, and clarity to the Zoning Code, making development processes easier to understand for both the community and applicants.

CONCLUSIONS:

The goal of the proposed modifications to the specific sections of Title XIV, "Zoning Code of the City of Cincinnati," is to continue to build streamlined and cohesive development processes and add transparency to City requirements and development procedures. These additional Conditional Use hearings will provide the public input requested by communities prior to these accessory agricultural structures being installed.

RECOMMENDATION:

The staff of the Department of City Planning and Engagement recommends that the City Planning Commission 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."

Respectfully submitted:

Approved:



Caroline Hardy Kellam, Senior City Planner
Department of City Planning and Engagement

Katherine Keough-Jurs, AICP, Director
Department of City Planning and Engagement

§ 1403-05. - Land Use Regulations.

Schedule 1403-05 below prescribes the land use regulations for SF Districts. Uses are defined in Chapter 1401, Definitions. Uses not listed in the Schedule 1403-05 are prohibited.

The regulations for each subdistrict are established by letter designations as follows:

- (a) "P" designates permitted uses. These uses may be subject to additional regulations as indicated.
- (b) "L" designates uses that are permitted, subject to certain limitations. Numeric suffixes refer to limitations listed at the bottom of Schedule 1403-05. Except as otherwise indicated, modifications of a numerical, locational or dimensional limitation requires a variance under Chapter 1445 - Variances, Special Exceptions and Conditional Uses.
- (c) "C" designates uses permitted only after review and approval of the conditional use by the Zoning Hearing Examiner. These uses may be subject to additional regulations as indicated.

Schedule 1403-05: Use Regulations - Single-family Districts

Use Classifications	SF-20	SF-10	SF-6	SF-4	SF-2	Additional Regulations
Residential Uses						
Bed and breakfast home	—	C	C	C	C	See § 1419-09
Child day care home	L4	L4	L4	L4	L4	
Group residential						
Convents and monasteries	C	C	C	C	C	
Fraternities and sororities	—	—	—	—	—	
Patient family homes	—	—	—	—	—	
Rooming houses	—	—	—	—	—	
Shared housing for the elderly	—	—	—	L3	L3	
Permanent residential						
Single-family dwelling	P	P	P	P	P	See § 1403-11

Attached single-family dwelling	L13	L13	L13	P	P	See § 1403-11
Two-family	L11	L11	L11	L11	L11	
Multi-family	L11	L11	L11	L11	L11	
Residential care facilities						
Developmental disability dwelling	P	P	P	P	P	
Public and Semipublic Uses						
Cemeteries	—	—	—	L1	L1	
Cultural institutions	—	—	C	C	C	
Park and recreation facilities	L12	L12	L12	L12	L12	
Public safety facilities	—	—	—	C	C	
Religious assembly	C	C	C	C	C	
School, public or private	C	C	C	C	C	See § 1419-12
Transportation, Communication and Utilities						
Public utility distribution system	C	C	C	C	C	
Wireless communication antenna	L2	L2	L2	L2	L2	See § 1419-33
Wireless communication tower	C	C	C	C	C	See § 1419-33
Agriculture and Extractive Uses						
Animal keeping	P	P	P	P	P	See Chapter 1422
Farms	C	C	C	C	C	See Chapter 1422
Gardens	P L14	P L14	P L14	P L14	P L14	See Chapter 1422

Accessory Uses						
Any accessory use not listed below	L8	L8	L8	L8	L8	
Home Occupation	P	P	P	P	P	See § 1419-17
Commercial Vehicle Parking	L5	L5	L5	L5	L5	
Child day-care centers	L4,6	L4,6	L4,6	L4,6	L4,6	
Refuse storage areas	P	P	P	P	P	See § 1421-35
Drive Box	L7	L7	L7	L7	L7	
Fences and walls	P	P	P	P	P	See § 1421-33
Exterior lighting	P	P	P	P	P	See § 1421-39
Cemetery, incidental buildings and structures	—	—	—	L9	L9	
Rooming Unit	—	—	L10	L10	L10	
Portable storage containers	P	P	P	P	P	See § 1419-24
Nonconforming Uses						See Chapter 1447

Specific Limitations

- L1 Only expansion of existing cemeteries allowed with a conditional use approval.
- L2 Antenna height may not exceed 20 feet; greater height requires a conditional use approval. The antenna may only be attached to a permitted agricultural, public or semi-public or public utility building or structure.
- L3 The minimum lot area for every resident is 800 square feet and the minimum living area for every resident is 250 square feet.
- L4 Fencing, a minimum of four feet in height must be provided for purposes of securing outdoor play areas which must be located in the rear yard only.
- L5 One commercial vehicle completely enclosed in a garage may be parked or stored on the lot with the following exceptions:

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- a. An unlimited number of commercial vehicles conveying the necessary tools, materials and equipment to a premises where labor using such tools, materials and equipment is to be performed during actual time of parking.
 - b. One commercial vehicle with current license owned by a resident of the residential property on which it is stored or parked not to exceed two tons in capacity.
 - c. Recreational vehicles, watercraft and personal trailers may be parked on the lot beyond the front yard.
- L6 Only if accessory to a public or semi-public use.
- L7 Accessory to a public or semi-public use, provided the drive-box is at least 100 feet from any property used for residential purposes.
- L8 Accessory uses determined by the Zoning Administrator to be customarily incidental to a use of the district are permitted. All others require conditional use approval.
- L9 Mausoleums, columbaria and other incidental buildings and structures within and accessory to cemeteries, may be no less than 100 feet from abutting properties in the residential district and may not exceed the height limitation for principal buildings of the district in which it is located.
- L10 No more than two rooming units may be rented or leased in a single-family dwelling.
- L11 This use must be legally established prior to the effective date of this Zoning Code. The use has the rights of Chapter 1447, Nonconforming Uses and Structures except for the provisions of § 1447-09 Expansion of Nonconforming Use and § 1447-11 Substitution of a Nonconforming Use.
- L12 Publicly owned or operated park and recreation facilities are permitted. All park and recreation facilities, private or non-profit, require a conditional use approval.
- L13 Attached single-family is only permitted as part of a cluster housing development. See § 1403-13.
- L14 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.**

§ 1405-05. Land Use Regulations.

Schedule 1405-05 below prescribes the land use regulations for RM Districts. Use classifications are defined in Chapter 1401, Definitions. Use classifications not listed in Schedule 1405-05 below are prohibited.

The regulations for each subdistrict are established by letter designations as follows:

- (a) "P" designates permitted uses. These uses may be subject to additional regulations as indicated.
- (b) "L" designates uses that are permitted, subject to certain limitations. Numeric suffixes refer to limitations listed at the bottom of Schedule 1405-05. Except as otherwise indicated, modifications of a numerical, locational or dimensional limitation requires a variance under Chapter 1445 - Variances, Special Exceptions and Conditional Uses.
- (c) "C" designates uses permitted only after review and approval of the conditional use by the Zoning Hearing Examiner. These uses may be subject to additional regulations as indicated.

Schedule 1405-05: Use Regulations - Residential Multi-family Districts

Use Classifications	RMX	RM-2.0	RM-1.2	RM-0.7	Additional Regulations
Residential Uses					
Bed and breakfast home	P	P	P	P	See § 1419-09
Day care home - Adult	C	C	P	P	
Day care home - Type A	C	C	L4	L4	
Day care home - Type B	L4	L4	L4	L4	
Group residential					
Congregate housing	—	—	P	P	
Convents and monasteries	P	P	P	P	
Fraternities, sororities, dormitories	—	—	C	P	
Patient family homes	—	—	P	P	
Rooming houses	—	—	—	L2	
Shared housing for the elderly	L1	L1	L1	L1	
Permanent residential					

Single-family dwelling	P	P	P	P	See § 1403-11
Attached single-family dwelling	L15	P	P	P	See § 1403-11
Rowhouse, single-family dwelling	L15	P	P	P	
Two-family dwelling	P	P	P	P	
Three-family dwelling	P	P	P	P	
Multi-family dwelling	L3	P	P	P	
Residential care facilities					
Assisted living	C	C	P	P	
Developmental disability dwelling	P	P	P	P	
Nursing home	C	C	P	P	
Special assistance shelter	—	—	—	C	
Transitional housing					
Programs 1—4	—	P	P	P	
Programs 5—6	—	—	—	—	
Public and Semipublic Uses					
Clubs and lodges	C	C	C	C	
Community service facilities	C	C	C	P	
Cultural institutions	C	C	C	P	
Parks and recreation facilities	P	P	P	P	
Public safety facilities	C	C	P	P	

Religious assembly	P	P	P	P	
Schools, public or private	P	P	P	P	
Commercial Uses					
Bed and breakfast inns	C	C	C	P	See § 1419-09
Business services	—	—	—	L6,7	
Convenience markets	—	L16	L16	L7	
Food markets	—	L16	L16	L7	
Funeral and interment services	—	—	—	L6	
Loft dwelling units	—	L14	L14	L14	See § 1419-23
Medical services and clinics	—	—	—	L6,7	
Offices	—	—	—	L6,7	
Parking facilities	—	C	C	C	See Chapter 1425
Personal instructional services	—	—	—	L6,7	
Personal services	—	—	—	L6,7	
Recreation and entertainment					
Indoor or small-scale	—	—	—	L6,7	
Transportation, Communication and Utilities					
Public utility distribution system	C	C	C	C	

Transportation facilities					
Railroad right-of-way	P	P	P	P	
Wireless communication antenna	L9	L9	L9	L9	See § 1419-33
Wireless communication tower	C	C	C	C	See § 1419-33
Agriculture and Extractive Uses					
Animal keeping	P	P	P	P	See Chapter 1422
Farms	P	P	P	P	See Chapter 1422
Gardens	<u>P</u> <u>L18</u>	<u>P</u> <u>L18</u>	<u>P</u> <u>L18</u>	<u>P</u> <u>L18</u>	See Chapter 1422
Accessory Uses					
Any accessory use not listed below	L8	L8	L8	L8	
Home occupations	P	P	P	P	See § 1419-17
Commercial vehicle parking	L11	L11	L11	L11	
Day care center	L4, L17	L4, L17	L4, L17	L4, L17	
Rooming unit	L10	L10	L10	L10	
Transitional housing	L13	L13	L13	L13	
Commercial services	—	P	P	P	See § 1419-35, 1419-37
Refuse storage areas	P	P	P	P	See § 1421-35
Drive box	L12	L12	L12	L12	

Fences and walls	P	P	P	P	See § 1421-33
Exterior lighting	P	P	P	P	See § 1421-39
Portable storage containers	P	P	P	P	See § 1419-24
Nonconforming Uses					See Chapter 1447

Specific Limitations

- L1 The minimum lot area for every resident is 500 square feet and the minimum living area for every resident is 250 square feet.
- L2 Only rooming houses licensed pursuant to Chapter 855. Rooming Houses of the Municipal Code; the maximum number of rooming units is five, and a separate entrance for access to rooming units must be provided. The minimum rental is seven days. See § 1421-43.
- L3 Multi-family dwellings of four or more units must be legally established prior to the effective date of this Zoning Code. The use has the rights of Chapter 1447, Nonconforming Uses and Structures except for the provisions of §1447-09 Expansion of Nonconforming Use and §1447-11 Substitution of a Nonconforming Use.
- L4 Fencing, a minimum of four feet in height must be provided for purposes of securing outdoor play areas which must be located in the rear yard only.
- L5 Not to exceed 3,000 square feet in gross floor area.
- L6 Permitted only on arterial streets.
- L7 Permitted on the ground floor occupying less than 2,500 sq. ft.; more space requires a conditional use approval.
- L8 Accessory uses determined by the Zoning Administrator to be customarily incidental to a use of the district are permitted. All others require conditional use approval.
- L9 Antenna height may not exceed 20 feet; greater height requires a conditional use approval. The antenna may be attached to a multi-family, public and semi-public or public utility building or structure.
- L10 No more than two rooming units may be rented or leased in any dwelling.
- L11 One commercial vehicle completely enclosed in a garage may be parked or stored on the lot with the following exceptions:
 - a. An unlimited number of commercial vehicles conveying the necessary tools, materials and equipment to a premises where labor using such tools, materials and equipment is to be performed during actual time of parking.

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- b. One commercial vehicle with current license owned by a resident of the residential property on which it is stored or parked not to exceed two tons in capacity.
 - c. Recreational vehicles, watercraft and personal trailers may be parked on the lot beyond the front yard.
- L12 Accessory to a public or semi-public use, provided the drive box is at least 100 feet from any property used for residential purposes.
- L13 Limited to transitional housing conforming to Paragraph 1401-03-T(c)(5) as an accessory use to public and semi-public uses. The use requires conditional use approval.
- L14 Limited to City Council designated Live/Work Districts.
- L15 Attached single-family dwellings and Rowhouse single-family dwellings of four or more units require conditional use approval.
- L16 Permitted on the ground floor in multi-family buildings with a minimum of 50 dwelling units, occupying 1,200 square feet or less of gross floor area and having a separate exterior entrance: structures with less than 50 dwelling units require conditional use approval; food markets occupying more than 1,200 square feet of gross floor area require conditional use approval.
- L17 Permitted only if accessory to a public or semi-public use.
- L18 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.

§ 1422-03. Land Use Regulations.

- (a) *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.
- (b) *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.
- (c) *Agricultural Structures.* Where a parcel contains no dwelling or other Principal Structure, any proposed Agricultural Structures other than fences shall be deemed accessory to a required operational Garden, Farm and/or Animal Keeping Use as a Principal Use and shall be used solely for agricultural purposes and practices. All Agricultural Structures shall require at a minimum a Zoning Certificate of Compliance and any required building permits, 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. Permanently constructed Agricultural Structures, located on a parcel containing no dwelling or principal structure, shall require a

recorded deed restriction, approved as to form by the City Solicitor, that limits it to use as an Agricultural Structure. Release of the deed restriction by the Department of Buildings and Inspections shall constitute abandonment of the Principal and Accessory uses per Chapter 1447 and may require removal of any permanent structures prior to release.

- (d) *Animal Keeping.* Where permitted, animal keeping is subject to the density restrictions and sheltering limitations established in this Chapter.
- (e) *Conditional Use.* If the principal use of the property is a conditional use in the zoning district in which the property is located, any expansion of the conditional use, including a Horticulture and Animal Keeping Use and its Agricultural Structures, requires conditional use approval from the Zoning Hearing Examiner per Chapter 1445.
- (f) *Landscaping and Buffer Yard Regulations.* New development, redevelopment, and changes of land use may require landscaping or the creation of a buffer yard in compliance with Chapter 1423.
- (g) *Standards for Producing Agricultural Products Intended for Human or Animal Consumption in Manufacturing and Related Districts.* The production of agricultural products intended for human or animal consumption or the raising of agricultural animals in the ME, MG, ML, UM and RF-M zoning districts is permitted subject to the following limitations:
 - (1) The agricultural activity is conducted in an appropriate indoor location in compliance with all related regulations; or
 - (2) Where such agricultural activity is conducted outdoors, the owner of the subject property shall obtain a Zoning Certificate of Compliance from the Zoning Administrator based upon demonstration of either:
 - (i) Due diligence via soil testing by a licensed professional indicating that the soil shows no contamination with chemicals, metals, or other compounds at a level not exceeding that allowed by federal, state, and local standards for residential areas; or
 - (ii) Plans showing that such agricultural activity will take place only on rooftops, in raised beds, or in other containers sufficient to prevent any potential contamination.

§ 1422-05. Development Regulations.

(a) *Agricultural Structures and Uses.* Agricultural Structures must be located, developed and operated in compliance with the following:

- (1) *Permanent Agricultural Structures.* Permanent Agricultural Structures exceeding 200 square feet require a building permit. 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.
- (2) *Animal Keeping Structures.* Agricultural Structures, including fences and walls, used for animal keeping must comply with both the requirements established below and per Schedule 1422-05.
- (3) *Agricultural Structures in Non-Residential Districts.* In non-residential zoning districts, Agricultural Structures not used for Animal Keeping are subject to the principal and accessory structure standards of the zoning district.
- (4) *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," and §1421-05, "Accessory Structures on Corner Lots."
- (5) *Agricultural Structures on Lots Containing No Principal Structure or Dwelling in Residential Districts.*
 - (i) *Required Rear Yard Location.* In residential districts, where a parcel contains no dwelling or principal structure, Agricultural Structures must be located to the rear of the line determined by rear yard averaging of the adjoining parcels principal structures.
- (6) *Temporary Agricultural Structures.* Temporary structures, particularly greenhouse and membrane structures, shall be regulated as identified below.
 - (i) Temporary Agricultural Structures less than four (4) ft. in height, and of minimum structural character; the maximum area requirement is no greater than the minimum yard setback requirements.
 - (ii) Temporary Agricultural Structures greater than four (4) ft. in height, shall be regulated as follows:
 - (A) Structures shall comply with Chapter 3103 of the Ohio Basic Building Code and are limited to 400 sq. ft. in area with 12 ft. spacing between structures.
 - (B) Structures meeting any of the following requirements, shall submit for appropriate building permits: Structures greater than 400 sq. ft. in area; Structures proposed to remain for greater 180 days.
 - (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

- (7) *Fences and Walls.* Fences and walls must comply with §1421-33.
- (b) *Animal Keeping.* The provisions set forth herein and in Schedule 1425-05 below prescribe the development regulations governing minimum area size, containment, and setback and maintenance requirements for animal keeping.
- (1) *Maximum Number of Categories/Species of Animals.*
- (i) Keeping more than two categories/species of animals requires a cumulative minimum land area based on the requirements for each category/species as set forth in Schedule 1422-05. This provision does not apply to dogs, cats, common indoor household pets, and bees.
 - (ii) Exceeding the maximum number of categories/species of animals requires Conditional Use approval.
- (2) *Animal Keeping Shelter Structure Requirements.* Animal Keeping Shelter Structures shall:
- (i) Provide adequate protection from the elements and predators;
 - (ii) Provide thorough ventilation;
 - (iii) Be designed to be readily accessed and cleaned; and,
 - (iv) Provide access for fowl, rabbits, and other small animals to an outdoor enclosure adequately bounded to prevent escape or access by predators.
- (3) *Animal Keeping Enclosures.* Animal keeping enclosures should be of sufficient height and durability to contain the species of animal.

Schedule 1422-05: Animal Keeping Requirements

Animal Category/Species	Adult Animals Permitted Per Lot Area	Containment Required	Shelter Structure Requirements	Location and Minimum Setbacks for Shelter Structures, Feeders, and Water Stations
Bees	Minimum 2,500 square feet per apiary.	Yes, with a 6-foot flyway screen (fence or hedge) within three feet of any hive entry is required, unless the apiary is more than 150	A maximum two Apiaries of 30 cubic feet per 10,000 square feet.	Apiaries may be located on the ground or on rooftops. Apiaries shall be setback a minimum of 10 feet from any property line and

		feet from all property lines.		<p>25 feet from the nearest inhabited structure when a flyway screen is provided.</p> <p>Apiaries located on rooftops shall be setback a minimum of six feet from the edge of roof.</p> <p>Bee warning or notice signs shall be placed at property lines per Ohio Dept. of Agriculture rules and regulations.</p>
<p>Chickens, Ducks, Quail, Doves, and other Smaller Birds</p>	<p>6 permitted for lots less than 10,000 square feet.</p> <p>12 permitted for 10,000 to 20,000 square foot lots.</p> <p>A maximum of 24 permitted for lots exceeding 20,000 square feet.</p> <p>1 rooster permitted per every 15 hens.</p>	<p>Yes, if animals are permitted to range outside of a structure.</p> <p>More than 1 rooster requires tethering.</p> <p>Roosters must be kept a minimum of 50 feet from all property lines.</p>	<p>A minimum of 4 square feet per adult.</p>	<p>A setback of 10 feet from all property lines.</p>
<p>Rabbits</p>	<p>6 permitted for lots less than 10,000 square feet.</p> <p>12 permitted for</p>	<p>Yes, if animals are permitted to range outside of a structure.</p>	<p>A minimum of 4 square feet per adult.</p>	<p>A setback of 10 feet from all property lines.</p>

	<p>10,000 to 20,000 square foot lots.</p> <p>A maximum of 24 permitted for lots exceeding 20,000 square feet.</p>			
<p>Geese, Turkeys, and other Medium-Sized Birds</p>	<p>4 permitted for lots less than 10,000 square feet.</p> <p>8 permitted for 10,000 to 20,000 square foot lots.</p> <p>A maximum of 16 permitted for lots exceeding 20,000 square feet.</p>	<p>Yes, if animals are permitted to range outside of a structure.</p>	<p>A minimum of 6 square feet per adult.</p>	<p>A setback of 10 feet from all property lines.</p>
<p>Dehorned Goats and Sheep</p>	<p>2 permitted for lots less than 10,000 square feet.</p> <p>4 permitted for 10,000 to 20,000 square foot lots,</p> <p>A maximum of 8 permitted for lots exceeding 20,000 square feet.</p>	<p>Yes, with a minimum of a 5-foot setback from property lines.</p> <p>No temporary or permanent structures are permitted within 10 feet of a fence that would enable an animal to climb or jump over a fence.</p>	<p>A minimum of 20 square feet per adult.</p>	<p>A setback of 50 feet from all property lines.</p>
<p>Swine</p>	<p>A minimum of 20,000 square feet per adult; a maximum of 2.</p>	<p>Yes, with a setback of 20 feet from property lines.</p>	<p>A minimum of 30 square feet per adult.</p>	<p>A setback of 50 feet from all property lines.</p>

Horses and Cattle and like-size animals	A minimum of 20,000 square feet per adult; a maximum of 2.	Yes, with a setback of 5 feet from property lines.	A minimum of 100 square feet per adult.	A setback of 50 feet from all property lines.
Alpacas and Llamas	A minimum of 20,000 square feet per adult; a maximum of 2.	Yes, with a setback of 5 feet from property lines.	A minimum 100 square feet per adult.	A setback of 50 feet from all property lines.
Ostriches, Emus, and other Large Birds	A minimum of 20,000 square feet per adult; a maximum of 2.	Yes, with a setback of 5 feet from property lines.	A minimum of 20 square feet per adult.	A setback of 50 feet from all property lines.

Kellam, Caroline

From: Kent, Jenny L <jlkent2@cincinnatiastate.edu>
Sent: Thursday, December 16, 2021 10:39 AM
To: Kellam, Caroline
Subject: [External Email] High Tunnel Debate

External Email Communication

Hi Caroline,

I am a student at Cincinnati State in the Sustainable Horticulture program. I read about a meeting taking place Friday morning at 9 am regarding land use and high tunnels. High tunnels are critical to farmers and their success. For example, high tunnels allow farmers to extend their growing season and protect farmers and their crops from extreme weather conditions.

While I am unable to attend the meeting Friday morning; the following is my 2-minute support for community gardens and the need for high tunnels.

I want to give my support to the farmers who have purchased blighted land to create much-needed gardens within the community. Urban gardens help build a sense of community within many blighted lots within the inner city and the Greater Cincinnati area. It brings residents together as they talk about and support the garden in their neighborhoods. High tunnels are important for farmers, and if maintained, will benefit the community and the farmer.

While working in a community garden some years ago I witnessed the interest of the residents in the homes around the garden. Some were curious about the garden and were even interested in getting involved. One day a young person came over and asked me what I was doing in the garden. That day I was picking cherry tomatoes. I asked if he wanted to try one and he did. He never had a cherry tomato before and loved it. I have been a fan of community and for-profit urban gardens ever since.

For years I have been so proud of the city of Cincinnati's support for creating community around farmers and gardening, especially in food deserts. My hope is that the city continues to support these farmers who took risks to improve blighted properties for the good of the community and to earn a living.

Regards,

Jenny Kent