

CITY OF OBERLIN, OHIO

ORDINANCE No. 21- 69 AC CMS

AN ORDINANCE AMENDING CHAPTERS 1321, 1331, 1333, 1335, 1344 OF THE OBERLIN CODIFIED ORDINANCES AND ADOPTING NEW CHAPTER 1356 TO PROVIDE FOR THE REGULATION OF AGRICULTURAL USES ON PROPERTY WITHIN THE MUNICIPAL LIMITS OF THE CITY OF OBERLIN

WHEREAS, the Planning Commission has been reviewing the entire Zoning Code for potential amendments during the last year and a half; and

WHEREAS, these potential amendments include addressing “housekeeping” type items and attending to zoning topics and definitions which the Commission has noted that it wanted to address over the last few years; and

WHEREAS, one of those zoning topics was adding regulations to the Zoning Code regarding agricultural uses as the Zoning Code currently does not adequately address the wide range of agricultural uses which could occur within the City; and

WHEREAS, during its meeting on September 1, 2021, the Oberlin Planning Commission moved to recommend that the proposed amendments to Chapters 1321, 1331, 1333, 1335, and 1344 of the Oberlin Codified Ordinances as set forth in Exhibit A attached hereto be adopted and to recommend the adoption of a new Chapter 1356 regulating agricultural uses as set forth in Exhibit B attached hereto be adopted; and

WHEREAS, this Council has held a public hearing on November 1, 2021 concerning the Planning Commission’s recommendation; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio:

SECTION 1: That Chapters 1321, 1331, 1333, 1335 and 1344 of the Oberlin Codified Ordinances be and are hereby amended to read as set forth in Exhibit A.

SECTION 2: That new Chapter 1356, “Agricultural Uses” be and is hereby adopted to read as set forth in Exhibit B attached hereto.

SECTION 3: It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of the Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3: That this ordinance shall take effect on the earliest date allowed by law.

PASSED: 1st Reading: November 1, 2021

2nd Reading: November 15, 2021

3rd Reading: December 6, 2021

ATTEST:


BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL

POSTED: 12/07/2021


LINDA SLOCUM
PRESIDENT OF COUNCIL

EFFECTIVE DATE: 01/05/2022

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EXHIBIT A

1. Add agriculture-related definitions:

1321.34A FARM STAND

“Farm stand” means a roadside stand of a temporary and removable nature such as a table, stall or tent, in use during that farm's growing season for the sale and display of crops grown on the premises provided that the stand shall be removed after no more than 120 days of use in each calendar year.

1321.02A ANIMAL PRODUCTION

“Animal Production” means feeding, housing, and care of farm animals and production of animal products for private or commercial purposes.

2. Amendments to Existing Text (Deletions are strike-through text and additions are in bold face type.)

“I”/ Institutional District

1330.03 CONDITIONAL USES.

(a) The following uses shall be reviewed and approved or denied as conditional uses:

- (1) ~~Outdoor agricultural activities including the planting, maintenance, and harvesting of plants. (Ord. 19-21 AC CMS. Passed 7-1-19.)~~ **Agriculture as provided in Chapter 1356 Agriculture.**

R1A, R1B, R1, PERMITTED USES

1331.02(a)(6), 1333.02(a)(7), 1335.02(a)(8)

(a) A building or premises shall be used only for the following purposes:

- ~~(1) Agriculture, horticulture and truck gardening, provided, however, that no agricultural buildings shall be located nearer than one hundred feet to any side lot line and provided that produce is not offered for sale on the premises. (Ord. 05-82AC. Passed 7-5-06.)~~ **Agriculture as provided in Chapter 1356 Agriculture.**

"CDD" Conservation Development District.

1344.02(b) Conditionally permitted uses if approved by the Oberlin Planning Commission including:

- (1) **Agriculture. Agriculture as provided in Chapter 1356 Agriculture.**
- (4) Home occupation uses.

~~Forms of acceptable agriculture include: horticulture, market gardens, community supported agriculture, community gardens, apiculture, floriculture, orchards, small scale animal husbandry at a scale that does not produce odor problems or attract pests. It is recommended that operations follow sustainable organic agricultural production standards as defined by the USDA. (Ord. 05-82AC. Passed 7-5-06.)~~

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EXHIBIT B

Chapter 1356: Agricultural Uses

1356.01 Agricultural Uses, Districts, and Regulations

The uses in the following Table 1356.01 shall be permitted or conditionally permitted in the districts in compliance with the stated regulations.

Table 1356.01 Agricultural Uses, Districts, and Regulations		
Use and Definition	District	Regulations
<p>Large-scale Commercial Agriculture: <i>(permitted use)</i> Commercial crop production (raising and harvesting tree crops, row crops, field crops and horticulture crops such as flowers, shrubs, trees intended for ornamental or landscaping purposes); indoor crop production (greenhouse, hoop house, high tunnel, aquaculture of crops or fish); commercial animal production (subject to 505.08 Nuisance Conditions Prohibited).</p>	<p>R1A, M1, C2, C3, CDD</p>	<p>Location: Permitted only on lots greater than one (1) acre which are not part of a platted subdivision.</p> <p>Tilled or planted crop areas and areas where animals are contained shall be set back:</p> <ul style="list-style-type: none"> • at least 50 feet from abutting lots in a residential district • at least 50 feet from public rights-of-way <p>Structures shall only be permitted on lots of five (5) acres or greater and shall be limited to:</p> <ul style="list-style-type: none"> • one (1) building for storage of equipment and materials used in the agricultural activity and/or for the keeping of animals setback at least 100 feet from the public right-of-way and from side and rear lot lines; maximum floor area 4,000 square feet • one (1) farm stand setback at least 50 feet from the public right-of-way and 100 feet from side and rear lot lines, maximum 200 square feet • greenhouses, hoop houses, high tunnels setback at least 100 feet from the public right-of-way and from side and rear lot lines <p>On-site sales:</p> <ul style="list-style-type: none"> • shall be limited to products grown entirely on the lot • may be conducted in a farm stand or within other permitted structures.
<p>Urban Farm/Market Garden: <i>(conditional use)</i> Urban farm or market garden means land used for the cultivation of fruits, vegetables, plants, flowers or herbs by an individual, organization or business to be sold for sale.</p>	<p>All Districts</p>	<p>An urban farm/market garden shall only be permitted subject to an approved conditional use permit and site plan.</p> <p>Use of large-scale commercial agricultural equipment such as tractors, tillers, or other machinery equal to or exceeding the size of an automobile is prohibited.</p> <p>Structures shall comply with the requirements for accessory structures in the applicable zoning district.</p>
<p>Community Garden: <i>(conditional use)</i> Use of an area of land for the cultivation of fruits, vegetables, plants, flowers or herbs by a group of individuals for personal or group use, consumption or donation.</p> <p>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</p>	<p>All Districts</p>	<p>A community garden shall only be permitted subject to an approved conditional use permit and site plan.</p> <p>Only the following accessory uses and structures are permitted for a community garden:</p> <ul style="list-style-type: none"> • low hoop houses and similar low structures used to extend the growing season; • Benches, bike racks, raised/accessible planting beds, compost bins, picnic tables, garden art, rainwater catchment system, water tank • Tool sheds 100 sq. ft or less <p>Processing and storage of plants or plant products are prohibited on site.</p>

Table 1356.01 Agricultural Uses, Districts, and Regulations		
Use and Definition	District	Regulations
areas maintained and used by group members.		Gardens shall be run by a nonprofit entity, community group, or neighborhood group acting as a garden coordinator responsible for maintenance and operations.
Home Garden: <i>(permitted use)</i> A garden located on a lot with a dwelling on which a part of the lot is used for the cultivation of fruits, vegetables, plants, flowers, or herbs by the residents of the dwelling for their personal use.	All Districts	Structures shall comply with standards for accessory structures