



2019 Urban Agriculture Zoning revisions proposal - FAQs

Why is the zoning department proposing a revision?

The City Council at its session on June 26, 2017 referred the following item for report:

MOTION, submitted by Councilmembers Flynn and Smitherman, We hereby move that the zoning code of the City of Cincinnati be amended to allow urban agriculture, both outdoor and indoor, as conditional uses in all zoning designations within the City of Cincinnati.

How did these proposed revisions get developed?

Current Zoning Code: The City's current zoning code includes a definition and regulations for community gardens, some minimal composting regulations, and a farming definition and minimal regulations. The Code does not currently address the following: animal keeping, aquaponics and beekeeping. To respond to the above Motion, City Planning Staff first reviewed best practices used around the country and convened meetings with other City Departments as well as local organizations whose work is related to urban agriculture.

To further this work, the Department of City Planning then convened a Steering Committee to study proposed amendments to the Cincinnati Zoning Code to study and make recommendations about issues of urban agriculture, both outdoor and indoor. The Urban Agriculture Steering Committee consisted of representatives from the departments of City Planning, Buildings & Inspections, Office of Environment and Sustainability, Health, Law, and the Greater Cincinnati Food Policy Council. The Committee met a minimum of twice a month throughout 2017 and into 2018. It became immediately clear to the Committee the need to cover all components of urban agriculture which include: horticulture, hydroponics, community gardens, composting, animal keeping, farming, aquaponics, and beekeeping.

In addition, City Planning staff held four focus group meetings with agricultural stakeholders (farmers, composters, beekeepers, etc.) in October and November 2017.

What are the proposed changes?

In short, the proposal is aimed at (1) making gardening a primary use allowed throughout the city and (2) making farming (over ½ acre in production) a conditional use in residential districts and permitted throughout the rest of the city, with some limitations on industrial/manufacturing districts regarding soil contamination. Making farming a conditional use means that anyone wanting to grow food on more than ½ acre of land will

Animal keeping is considered a separate activity from horticulture, and animals will also be allowed throughout the city – what animals and how many are based on a property's size and there are standard



set back requirements and existing nuisance ordinances regarding smell, noise, animal waste will continue to apply.

Other proposed modifications include:

- Clarifying allowances for hoop houses, low tunnels, and other garden/far associated structures
- Allowing limited hours of sales of product grown on site
- Removing restrictions on composting off-site materials (all composting still subject to Department of Health and Ohio EPA restrictions)

More specific details on the changes are as follows:

Current Zoning Ordinance	Proposal
<p>Community garden = personal garden, community garden, market garden</p> <ul style="list-style-type: none"> • Allowed throughout residential neighborhoods • No on-site sales • Does not include animals • Considered an accessory use (requires a primary structure to allow any accessory structures to be built) <p>Farm = over ½ acre production</p> <ul style="list-style-type: none"> • Allows animals • Permitted in Manufacturing-Agriculture District; small animals are allowed in larger-lot single family districts with 100 ft set back <p>Does not address bees</p> <p>Prohibits composting of materials from off site</p>	<p>Definitions</p> <ul style="list-style-type: none"> • Separate animal keeping and plant production. • Define all gardens as under 20k sq ft (1/2 acre) land in cultivation; over 20k is a farm. <p>Permitted land uses</p> <ul style="list-style-type: none"> • Allow gardening throughout city as a primary land use by right (garden is under 20k sq ft of contiguous land in production) • Allow farming throughout the city <ul style="list-style-type: none"> • as a conditional land use in residential neighborhoods • As a permitted land use in all other neighborhoods • Limit food production in heavy industrial/manufacturing districts to indoors or raised beds, or require evidence of soil safety • Allow animals throughout city based on density standards <ul style="list-style-type: none"> • Includes allowing bees on all lots, with fly-ways and set back to discourage flight onto neighboring properties <p>Composting</p> <ul style="list-style-type: none"> • Remove restrictions on composting off-site material • Cross reference Health Department rules for composting under 500 sq ft & OH EPA rules for over 500 sq ft <p>Accessory Buildings</p> <ul style="list-style-type: none"> • Clarify building issues:

	<ul style="list-style-type: none"> ● Over 200 sq ft requires a building permit ● Over 800 sq ft of accessory structures in residential require conditional use permit ● Under 4 ft hoophouses/passive solar structures are not buildings ● Over 4 ft: <ul style="list-style-type: none"> ● Temporary structures must comply with building code, limited to 400 sq ft ● Greater than 400 sq ft OR up for more than 180 days, must obtain building permit <p>On site sales allowed between 7 am and 10 pm, no more than 30 hours/year with Zoning Certificate of Compliance.</p> <p>The fencing, set-backs, nuisance, etc. standards for community gardens and farms are removed because they re-state the standard language for all land uses that would apply. This does not create a major substantive change, but it should be noted that gardens and farms will be held to the same standards as any other development in a district when it comes to fencing, setbacks, nuisance, etc.</p>
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Where can I read the full proposal?

The proposed ordinance is available at <https://www.cincinnati-oh.gov/planning/planning-projects-studies/urban-agriculture/>. This shows all the changes to the zoning code that would occur if this ordinance is adopted – so all existing language that would be removed is struck through, and any new language that will be added is in a normal font.

What are these proposed changes intended to accomplish?

The Steering Committee proposed text amendments that are intended to make urban agriculture more accessible, yet also have regulations that protect neighboring property owners and provide clarity for enforcement. These text amendments include the following:

1. Inclusion of new definitions and regulations for all categories above that were left out of the Code or insufficiently covered.
2. Relocation of any urban agriculture text in the current Code to the new chapter.
3. Layout of the permitted land uses for community gardens, farming, animal keeping, etc.
4. Minimization of the need for variances and conditional use hearings
5. Cross reference of Health Department regulations where applicable.



6. Removal of restrictions on composting off-site material reducing greenhouse gases.
7. Regulation of accessory agricultural structures.
8. Help for small commercial farms and community gardens to provide more food to communities in the City.
9. Distinguishing between small-scale and large-scale farming and allow them in more zoning districts while protecting existing land owners and land uses.
10. Allowance for animals in more zoning districts with regulations that are clearly defined for enforcement purposes.
11. Allowance for hydroponics, aquaponics and aquaculture throughout the City.

I thought chickens were already allowed?

Chickens and small animals are already allowed in some neighborhoods under some conditions. This rule change will create an objective standard across the city for how many chickens (and other animals) can be kept on a property based on the size of the property. All animals will be required to be set back from neighboring properties, housed appropriately, and maintained in a manner that doesn't create a nuisance or health hazards – these standards are based on extensive research on effective practices used in other cities and proposed at the state level for keeping animals in an urban environment.

I don't want to see a farm in my neighborhood.

This rule change would not automatically allow farming in residential neighborhoods. If anyone wants to establish a new farm in a residential neighborhood, they will be required to undergo a conditional use permitting process. This would require the operator to submit a conditional use permit application to the planning department, which must:

1. Show that the proposed project "is in the public interest." A list of factors considered by the Zoning Hearing Examiner to determine whether the proposed project "is in the public interest" is found in Cincinnati Municipal Code 1445-13.

AND

2. Show:
 - a. the conditional use is specifically listed in the applicable zoning district use regulations;
 - b. the project meets any limitations specifically listed in the applicable zoning district use regulations; and
 - c. the project's location, design, configuration and special impact on the area will prevent or limit potential adverse effects on the immediate neighborhood

Under this process, neighbors will be notified of the potential change and have an opportunity to tell the Planning Department why the project should not be approved because of it is not in the public interest or because it would have adverse impacts on the immediate neighborhood.



I already farm on my land in the city – does this mean I'll have to get a conditional use permit?

No. Existing land use activities will be allowed to continue to operate. This is known as grandfathering them as non-conforming uses. If there is a substantial change to the operation, a conditional use permit will be required. A substantial change would be something like building a hoop house or adding several thousand feet of cultivated land to the operation.

This seems like an environmental injustice and means of gentrification in poor neighborhoods.

The GCRFPC supports urban agriculture because community gardens, market gardens and urban farms are a way for people to grow their own food and it's a small business opportunity for people who enjoy entrepreneurship and working with their hands. It is a relatively low-cost way that individuals and organizations can invest in using land that might otherwise sit vacant waiting for a developer to buy and build on it. Evidence has shown that urban agriculture can reduce crime, increase healthy food access, and offer enjoyable recreation.

The proposed ordinance is also carefully written to ensure that residential neighborhoods have an opportunity to have a say before a property can be turned into a farm and that land will be managed to avoid creating a nuisance or health hazard. If a health hazard or nuisance occurs, all the standard rules regarding blights and nuisance that would apply to a business or residence can still be enforced. Further, any vacant properties that are owned by the City or Port Authority must have City/Port Authority approval for gardening or farming.

We understand how urban agriculture could be seen as a form of gentrification. This zoning change does not substantially change the social power systems and economic structures that have historically created gentrification and displacement. However, urban agriculture has a lower startup cost than many other more traditional businesses. By making it a permissible land use, it may open up avenues for lower income communities to acquire and develop properties into community owned businesses that otherwise would have to wait for outside investors to develop. We are also actively working with partners across the City with expertise in housing, health, and jobs to find ways to support truly equitable neighborhoods and in order to address the broader systemic reasons gentrification occurs and harms people.

How should I communicate my opinion?

The best way to engage is to attend one of the public hearings on the zoning code revisions:



Greater Cincinnati Regional Food Policy Council

- Public Staff Meeting – Wed, April 17th, 4:00-6:00 Conference Room (“The purpose of this meeting is to gather information and answer any questions people may have regarding this topic.”)
- Planning commission - TBD
- Neighborhood Committee Hearing – TBD
- Full city council hearing - TBD

The city department with primary responsibility for reviewing and proposing changes to the zoning code is Zoning. To send them comments, email zoninginfo@cincinnati-oh.gov or call (513) 352-2430.

City council members will make the final decision on whether to amend the code and what to include in a revised ordinance. They can be reached at the following emails and phone numbers.

Person	Room No.	Phone	Email
All Council Members			CityCouncil@cincinnati-oh.gov
Christopher Smitherman	Suite 356	513-352-3464	christopher.smitherman@cincinnati-oh.gov
Tamaya Dennard	Suite 348	513-352-5206	tamaya.dennard@cincinnati-oh.gov
Greg Landsman	Suite 346B	513-352-5232	greg.landsman@cincinnati-oh.gov
David Mann	349	513-352-4611	david.mann@cincinnati-oh.gov
Amy Murray	Suite 351	513-352-3640	amy.murray@cincinnati-oh.gov
Jeff Pastor	Suite 346A	513-352-5243	jeff.pastor@cincinnati-oh.gov
Chris Seelbach	Suite 350	513-352-5210	chris.seelbach@cincinnati-oh.gov
P.G. Sittenfeld	Suite 354	513-352-5280	pg.sittenfeld@cincinnati-oh.gov
Wendell Young	Suite 352	513-352-3466	wendell.young@cincinnati-oh.gov