



## What are agricultural exemptions for and when is a structure or use no longer agriculturally exempt?

### WHAT IS AGRICULTURALLY EXEMPT?

ORC 519.01 defines agricultural in relation to township zoning as follows: farming; ranching; algaculture meaning the farming of algae; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; and the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

**ORC 519.21 (A)** exempts agricultural building and uses defined in ORC 519.01 from being regulated by township zoning, including building size, height, setbacks, provided it is an activity described in 519.01

**ORC 519.21 (B)** allows for limited zoning regulation on lots in platted subdivisions under 5 acres and full regulation of agricultural activity on lots in platted subdivisions under 1 acre.

**ORC 519.21 (C)(4)** allows for regulating structures primarily used for agritourism regarding the building size, parking, and setbacks, as well as ingress or egress.

**ORC 901.80 (A)(4)** defines a “farm” as land that is composed of tracts, lots, or parcels totaling not less than ten acres devoted to agricultural production or totaling less than ten acres devoted to agricultural production if the land produces an average yearly gross income of at least twenty-five hundred dollars from agricultural production.

In general, the state of Ohio recognizes that subjecting farmers to zoning regulations can cause an undue burden or hardship, so many agricultural uses and the buildings in which those uses and activities, or *specific* related uses or activities are carried out are exempt from township zoning regulations. It is important to keep in mind several factors when deciding whether your project qualifies as agriculturally exempt from township zoning.

1. Agricultural exemptions are not indefinite, and a structure loses its exempt status when the agricultural use ceases.
2. Any structure for which you are claiming an agricultural exemption must have a defined agricultural purpose as the primary use.
  - a. For example, building a 2000 square foot building to house 3 chickens and then storing vehicles, lawn equipment and boats in the building would not qualify as agriculturally exempt and would be required to comply with zoning regulations.
3. When the use for which the agriculturally exempt building was erected has been determined to no longer take place, the building is in violation and the violation must be remediated, whether the current owner owned the property or were aware of the status of the building at the time of purchase.
4. The zoning inspector has the right to ask for documentation or other means of assessing the validity of an agricultural exemption and reserves the right to hold a property in violation of the zoning resolution barring evidence to the contrary.

It is best to build agriculturally exempt structures to comply with township zoning regulations to minimize the burdens incurred when the structure no longer serves to house an agriculturally exempt activity and therefore be required to comply with zoning and obtain a zoning certificate.

Please contact the zoning department to discuss any questions or concerns with agricultural buildings.