

**DECLARATION OF USE FOR AGRICULTURAL PURPOSES**

\_\_\_\_\_ **TOWNSHIP,** \_\_\_\_\_ **COUNTY, OHIO**

The purpose of this form is to assist the Township in its administration of the Zoning Resolution within the authority allowed under ORC 519. The Township has broad authority to regulate many aspects of land use by zoning, but ORC 519.21 limits the authority of townships to regulate the use of land for agricultural purposes or the construction or use of buildings or structures **incident to the use for agricultural purposes of the land on which such buildings or structures are located.** Copies of both ORC 519.01 and 519.21 are included with this form.

Subject to certain “carve outs” that permit limited zoning regulations, ORC 519.21 (A) states that “sections 519.02 to 519.25 of the Revised Code confer no power on any township zoning commission, board of township trustees, or board of zoning appeals to prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures **incident to the use for agricultural purposes of the land on which such buildings or structures are located,** including buildings or structures that are used primarily for vinting and selling wine and that are located on land any part of which is used for viticulture, and no zoning certificate shall be required for any such building or structure.”

ORC 519.01 defines “Agriculture” to include “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.”

The information you provide in this Declaration of Use for Agricultural Purposes will assist the Township in determining whether and/or what zoning regulations apply.

- 1. Locational Description:      Subdivision Name (if applicable) \_\_\_\_\_  
    Lot or Parcel \_\_\_\_\_  
    Street Address \_\_\_\_\_  
    City \_\_\_\_\_
- 2. Name of Owner \_\_\_\_\_  
     Mailing Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_  
     Phone Number (Primary) \_\_\_\_\_ Email \_\_\_\_\_
- 3. Existing Use \_\_\_\_\_ Existing Zoning District \_\_\_\_\_
- 4. Proposed Use \_\_\_\_\_  
     \_\_\_\_\_
- 5. Dimensions of Proposed Building and/or Structure (if applicable)  
     Length \_\_\_\_\_ Width \_\_\_\_\_ Height \_\_\_\_\_  
     Gross Horizontal Area of Each Floor \_\_\_\_\_

How is the building and/or structure **incident to the use for agricultural purposes of the land on which such building and/or structure is located?** \_\_\_\_\_

6. Yard Dimensions: Front \_\_\_\_\_ Rear \_\_\_\_\_  
Side \_\_\_\_\_ Sum of Side Yards \_\_\_\_\_

7. Agricultural Purposes (Check all that apply):

- Algaculture                      Animal Husbandry                      Apiculture                      Aquaculture
- Dairy Production                      Farming                      Horticulture                      Pasturage
- Poultry Husbandry                      Ranching                      Timber                      Viticulture

Production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms.

Processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are **secondary to**, such husbandry or production.

The construction or use of the proposed buildings or structures referenced above are **incident to the use for agricultural purposes of the land on which such proposed buildings or structures are located.**

I have the authority to file this Declaration, and I further certify that the information contained herein and all attachments are correct to my best knowledge. I acknowledge that a change in use requires notice to the Township Zoning Inspector and other local authorities, and proper permits may be required. Further, I have received a copy of the ORC sections 519.01 and 519.21 regarding township zoning and agriculture.

**NOTE: This Declaration is for zoning purposes only. Permits or notice may likely be required by other authorities including, but not limited to, the local Building Department, Health Department, Fire Department, and/or Auditor’s Office.**

Signature \_\_\_\_\_ Date \_\_\_\_\_

**For Official Use Only**

Date Received \_\_\_\_\_  Accepted                       Not Accepted

Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Zoning Inspector \_\_\_\_\_ Date \_\_\_\_\_



## Ohio Revised Code

### Section 519.01 Township zoning - agriculture defined.

Effective: June 4, 2012

Legislation: House Bill 276 - 129th General Assembly

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As used in sections 519.02 to 519.25 of the Revised Code, "agriculture" includes 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.

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## Ohio Revised Code

### Section 519.21 Powers not conferred on township zoning commission by chapter.

Effective: August 16, 2016

Legislation: House Bill 523, Senate Bill 75 - 131st General Assembly

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(A) Except as otherwise provided in divisions (B) and (D) of this section, sections 519.02 to 519.25 of the Revised Code confer no power on any township zoning commission, board of township trustees, or board of zoning appeals to prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, including buildings or structures that are used primarily for vinting and selling wine and that are located on land any part of which is used for viticulture, and no zoning certificate shall be required for any such building or structure.

(B) A township zoning resolution, or an amendment to such resolution, may in any platted subdivision approved under section 711.05, 711.09, or 711.10 of the Revised Code, or in any area consisting of fifteen or more lots approved under section 711.131 of the Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road regulate:

(1) Agriculture on lots of one acre or less;

(2) Buildings or structures incident to the use of land for agricultural purposes on lots greater than one acre but not greater than five acres by: set back building lines; height; and size;

(3) Dairying and animal and poultry husbandry on lots greater than one acre but not greater than five acres when at least thirty-five per cent of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured and mobile homes under section 4503.06 of the Revised Code. After thirty-five per cent of the lots are so developed, dairying and animal and poultry husbandry shall be considered nonconforming use of land and buildings or structures pursuant to section 519.19 of the Revised Code.



Division (B) of this section confers no power on any township zoning commission, board of township trustees, or board of zoning appeals to regulate agriculture, buildings or structures, and dairying and animal and poultry husbandry on lots greater than five acres.

(C) Such sections confer no power on any township zoning commission, board of township trustees, or board of zoning appeals to prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for:

(1) A farm market where fifty per cent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year. However, a board of township trustees, as provided in section 519.02 of the Revised Code, may regulate such factors pertaining to farm markets as size of the structure, size of parking areas that may be required, set back building lines, and egress or ingress, where such regulation is necessary to protect the public health and safety.

(2) Biodiesel production, biomass energy production, or electric or heat energy production if the land on which the production facility is located qualifies as land devoted exclusively to agricultural use under sections 5713.30 to 5713.37 of the Revised Code for real property tax purposes. As used in division (C)(2) of this section, "biodiesel," "biomass energy," and "electric or heat energy" have the same meanings as in section 5713.30 of the Revised Code.

(3) Biologically derived methane gas production if the land on which the production facility is located qualifies as land devoted exclusively to agricultural use under sections 5713.30 to 5713.37 of the Revised Code for real property tax purposes and if the facility that produces the biologically derived methane gas does not produce more than seventeen million sixty thousand seven hundred ten British thermal units, five megawatts, or both.

(4) Agritourism. However, a board of township trustees, as provided in section 519.02 of the Revised Code, may regulate such factors pertaining to agritourism, except farm markets as described in division (C)(1) of this section, as size of a structure used primarily for agritourism, size of parking areas that may be required, setback building lines for structures used primarily for agritourism, and egress or ingress where such regulation is necessary to protect public health and safety.



Nothing in division (C)(4) of this section confers power on a township zoning commission, board of township trustees, or board of zoning appeals to require any parking area to be improved in any manner, including requirements governing drainage, parking area base, parking area paving, or any other improvement.

Nothing in division (C)(4) of this section confers power on a township zoning commission, board of township trustees, or board of zoning appeals to prohibit the use of any land or the construction or use of buildings or structures that are used primarily for vinting and selling wine that are located on land any part of which is used for viticulture as provided in division (A) of this section.

(D) Nothing in this section prohibits a township zoning commission, board of township trustees, or board of zoning appeals from regulating the location of medical marijuana cultivators, processors, or retail dispensaries or from prohibiting such cultivators, processors, or dispensaries from being located in the unincorporated territory of the township.

(D)(1) As used in division (C)(3) of this section, "biologically derived methane gas" has the same meaning as in section 5713.30 of the Revised Code.

(2) As used in division (C)(4) of this section, "agritourism" has the same meaning as in section 901.80 of the Revised Code.

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*The Legislative Service Commission presents the text of this section as a composite of the section as amended by multiple acts of the General Assembly. This presentation recognizes the principle stated in R.C. 1.52(B) that amendments are to be harmonized if reasonably capable of simultaneous operation.*