



## LUC MODEL ZONING TEXT

### Agritourism: Definitions

#### Article **XXXX** Definitions.

**Agriculture.** Pursuant to ORC 519.01, as amended or replaced from time to time, “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 furbearing 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; 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.

#### Agritourism related definitions:

- **Agricultural Production.** Pursuant to ORC 901.80 and 929.01, as amended or replaced from time to time, “agricultural production” means ~~commercial Commercial animal or poultry husbandry,~~ aquaculture, algaculture meaning the farming of algae, apiculture, animal husbandry, or poultry husbandry; the production for a commercial purpose of timber, field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, or sod; the growth of timber for a noncommercial purpose if the land on which the timber is grown is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use; or any combination of such husbandry, production, or growth; and includes the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with such husbandry, production, or growth; ~~land devoted to biodiesel production, biomass energy production, electric or heat energy production, or biologically derived methane gas production if the land on which the production facility is located is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use, provide that at least fifty per cent of the feedstock used in the production was derived from parcels of land under common ownership or leasehold.~~ “Agricultural production” includes conservation practices, provided that the tracts, lots, or parcels of land or portions thereof that are used for conservation practices comprise not more than twenty-five per cent of tracts, lots, or parcels of land that are otherwise devoted exclusively to agricultural use and for which an application is filed under Section 929.02 of the Revised Code.
- **Agritourism.** Pursuant to ORC 901.80 as amended or replaced from time to time, “Agritourism” means ~~An an~~ agriculturally related educational, entertainment, historical,



cultural, or recreational activity, including you-pick operations or farm markets, conducted on a ~~farm~~ Farm that allows or invites members of the general public to observe, participate in, or enjoy that activity.

- **Agritourism Provider.** Pursuant to ORC 901.80, as amended or replaced from time to time, "Agritourism Provider" means A-a person who owns, operates, provides, or sponsors an agritourism activity or an employee of such a person who engages in or provides agritourism activities whether or not for a fee.
- **Farm.** Pursuant to ORC 901.80 as amended or replaced from time to time, "Farm" means Land-land that is composed of tracts, lots, or parcels totaling not less than ten (10) acres devoted to agricultural production or totaling less than ten (10) acres devoted to agricultural production if the land produces an average yearly gross income of at least twenty-five hundred dollars (\$2,500) from agricultural production.

**LUC Model Text (Zoning & Subdivision Committee; October 8, 2020)**

**LUC Model Text, Updated (Zoning & Subdivision Committee; )**

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### Agritourism: Title, Interpretation, Enactment

#### Section **XXXX** Use of Land or Buildings for Agricultural Purposes ~~Not Affected~~.

It is the intent of this Resolution to be and remain in compliance with ORC 519.21 *Powers not conferred on township zoning commission by chapter*. ORC 519.21 is a statute, created and maintained by the State, which limits the authority of townships and establishes what is commonly referred to as the "agriculture exemption". ~~How ORC 519.21 impacts this Resolution is described herein.~~

This Resolution does not affect 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. (Residential dwellings do require a permit however.)

There are two conditions where the agriculture exemption does not apply. 1) In any platted subdivision; and, 2) In any area consisting of fifteen or more lots approved under ORC 711.131 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. When either of these two conditions exist, the requirements of this Resolution apply to:

1. Agriculture on lots of one acre or less; and,
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: setback building lines, height, and size; and,
3. Dairying and animal and poultry husbandry on lots greater than one acre but no greater than five acres when at least thirty-five percent 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. After thirty-five percent of the lots are so developed, dairying and animal and poultry husbandry shall be considered nonconforming.

LUC Model Text (Zoning & Subdivision Committee; October 8, 2020)

LUC Model Text, Updated (Zoning & Subdivision Committee; \_\_\_\_\_)



## LUC MODEL ZONING TEXT

### Agritourism: Supplementary District Regulations

#### Section **XXXX** Agritourism.

In the interest of protecting the public health and safety, an Agritourism use shall satisfy the conditions in this Section. Capitalized terms not defined in this Section shall have the respective meanings given to them in Article **XXXX** Definitions of this Zoning Resolution or in the Ohio Revised Code.

In addition to the procedure ~~and requirement~~ for approval of conditional use permits, as stated in Section **XXXX** [In most zoning resolutions this should be Section 560 and Sections 546-548], the Board of Zoning Appeals shall direct the Zoning Inspector to issue a conditional use permit ~~listing the specific conditions specified by the Board for approval~~ if the applicant establishes the following conditions have been met by a preponderance of the evidence presented in the application for conditional use permit and at the public hearing:

#### **I. Conditions**

- ~~2.1.~~ The Agritourism use will be conducted on a "Farm". Evidence that the farm on which the agritourism operation is proposed is ten (10) acres or more in area shall be provided. If such farm is less than ten (10) acres, evidence shall be provided that such farm is currently enrolled in the Current Agricultural Use Value (CAUV) program or produces an average yearly gross income of at least twenty-five hundred dollars (\$2,500) from agricultural production.
- ~~3.2.~~ Each proposed Agritourism use is an ~~The agriculturally related~~ educational, entertainment, historical, cultural, and/or recreational activity (including you-pick operations or farm markets) conducted on a Farm that allows or invites members of the general public to observe, participate in, or enjoy the activity ~~relationship of the agritourism operation to the existing agricultural use of the property, the surrounding agricultural community, and/or the relationship of the agritourism activity to agriculture in general shall be identified. A narrative statement regarding this shall be provided by the applicant and it shall replace and substitute any narrative statement otherwise required as part of an application for conditional use permits.~~
- ~~4.3.~~ A site plan of the proposed Agritourism site showing the following, when applicable: property illustrating all structures to be used for agritourism activities, setbacks from property lines for all structures and any existing or proposed well and/or on-site wastewater disposal system area(s) on the property shall be submitted.
  - ~~1.a.~~ The floor areas, heights, and setbacks of all structures, including buildings, used primarily for Agritourism; and, The size and setback for any structure used primarily for agritourism activities shall be in conformance with the requirements of the applicable zoning district, listed in the Official Schedule of District Regulations.
  - ~~b.~~ The size and setbacks of all parking areas, including loading spaces, used primarily for Agritourism; and,
  - ~~c.~~ Provisions for egress and ingress.



These criteria shall replace and substitute any site plan otherwise required as part of an application for conditional use permits.

4. The size and setback for any structure used primarily for Agritourism shall conform to the requirements of the zoning district in which the Agritourism use will be located and/or any size and/or setback requirements, if any, specified in this Section.
5. Off-street parking in accordance with setback and size (only) requirements in Article XXX **XXXX** Off-Street Parking and Loading Requirements shall be provided.
  - a. Additionally, off-street parking of a size adequate to meet peak time demand shall be provided in a manner that does not cause nuisance or conflict with adjoining properties. Estimates of traffic generation shall be submitted. In no instance shall parking be permitted within yard setback areas or within 20 feet of the road right-of-way.
  - b. The Board of Zoning Appeals may not require any parking area to be improved in any manner, including requirements governing drainage, parking area base, parking area paving, or any other improvement.
6. Safe and adequate ingress and egress shall be maintained at all times.
7. The Board of Zoning Appeals may not prescribe conditions and/or safeguards not otherwise stated in this Section. The applicant shall provide data establishing the seasons and weeks of operation, and the hours of operation. The Conditional Use Permit shall clearly state these parameters.
8. ~~Sales are limited to agricultural products meeting the criteria of products incident to the agricultural production and specific supporting products related to the agricultural tourism purpose such as animal feed pellets, U-Pick containers, etc...~~

Within thirty (30) days after the public hearing required in Section 546, the Board of Zoning Appeals shall either approve or disapprove the application. Appeals from Board decisions shall be made in a manner specified in Section **XXXX [In most Zoning Resolutions this is Section 530 Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority and Courts on Matters of Appeal]**

Upon approval, the Township shall provide notice to the local Fire Chief and Health Department.

**LUC Model Text (Zoning & Subdivision Committee; October 8, 2020)**

**LUC Model Text, Updated (Zoning & Subdivision Committee; \_\_\_\_\_)**



## LUC MODEL ZONING TEXT

### Agritourism: Official Schedule of District Regulations

Listed as a **conditional use** in all Zoning Districts.

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