

SECTION 110 - APPLICATION OF THE ZONING RESOLUTION

110.01 - EXEMPT FROM REGULATION

The regulations set forth in this Zoning Resolution shall affect all land, every structure and every use of land or structure, except agriculture, public utilities and railroads as are now specifically exempt by law or as may be hereafter amended by law or as is exempted by paragraph 110.015.

110.011 - AGRICULTURE

a.) As used in this section, agriculture includes farming, ranching, 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; 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.

Agriculture shall not be prohibited on lots greater than five acres. The use of any land for agricultural purposes or the construction or use of building or structure incidental to the use for agricultural purposes of the land on which such buildings or structures are located shall not be prohibited on lots greater than five acres and no zoning certificate shall be required for any such building or structure. **(Ohio Revised Code 303.21)**

b.) In any platted subdivision approved under ORC section 711.05, 711.09, or 711.10 or an area consisting of fifteen (15) or more lots approved under Section 711.131 of the Ohio Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one (1) 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, agriculture shall be regulated by the following provisions and SECTION 115 - REGULATION OF AGRICULTURE:

- Agriculture is prohibited on lots of one (1) acre or less, except as permitted under SECTION 115 - REGULATION OF AGRICULTURE. This does not prohibit gardening related to a residence.
- Buildings or structures incident to the use of land for agricultural purposes on lots greater than one (1) acre but not greater than five (5) acres must conform to setbacks, size and height requirements for the underlying zone and any applicable provisions of SECTION 115 - REGULATION OF AGRICULTURE.
- Dairying and animal and poultry husbandry are permitted on lots greater than one (1) acre but not greater than five (5) acres until thirty five percent (35%) of the lots in the subdivision are developed with at least one (1) building, structure or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under section 4503.06 of the Ohio Revised Code. After thirty five percent (35%) of the lots in the subdivision are so developed, ongoing dairying and animal and poultry husbandry shall be considered a non-conforming use pursuant to section 303.19 of the Ohio Revised Code. No new dairying, animal or poultry husbandry shall commence on such lots after thirty five percent (35%) of the lots are developed with structures.

Note: Agriculture, agricultural structures, dairying, animal and poultry husbandry on lots greater than five (5) acres in size are zoning exempt. (Agricultural structures must meet floodplain regulations in flood prone areas.)

- Farm markets which derive at least fifty percent (50%) of their gross income from produce raised on farms owned or operated by the market owner in a normal crop year are permitted in any zone, subject to the following regulations.
 1. Buildings less than one hundred and forty-four (144) square feet must be placed at least fifteen (15) feet outside the road right-of-way so as to safely allow for adequate customer off street parking. Seasonal farm markets may use grassed areas for parking. Permanent farm markets must be paved or graveled parking.
 2. For buildings larger than one hundred and forty-four (144) square feet, off-street parking must be provided at the ratio of one (1) space for each four hundred (400) square feet of farm market. Seasonal parking may be grassed areas, but permanent parking must be graveled or paved and provided egress in accordance with the recommendation of the Franklin County Engineer. Setbacks are the same as for any structure in the underlying zone.