

SECTION XXXI. AGRICULTURE

(Adopted January 7, 1992 by Resolution 92-02 effective February 6, 1992)

31.01 Except as otherwise set forth in this Section XXXI, the following shall be permitted in all zoning districts:

- A. 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 viticulture and selling wine and that are located on land any part of which is used for viticulture.

31.02 Except as otherwise set forth in this Section XXXI, no zoning permit shall be required for any building or structure used for agricultural purposes.

31.03 In all zoning districts, in any platted subdivision platted under Ohio Revised Code Section 711.05, 711.09 or 711.10 or in any area consisting of fifteen (15) or more lots approved under Ohio Revised Code Section 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, agricultural use shall be regulated as follows:

A. On lots of one (1) acre or less:

1. No agricultural use may be commenced before obtaining a Conditional Use Permit from the Board of Zoning Appeals pursuant to Section XII of this Resolution.
2. No agricultural use and no structure or building incident thereto shall be permitted in front yards or side yards any closer to the road right-of-way than the rear line of the main building on the lot.
3. No building or structure incident to agriculture shall be constructed in excess of twenty five percent (25%) of the square footage of the living area of the main building on the lot.
4. Animal and/or poultry husbandry shall be wholly contained within a structure or building consisting of four solid, impermeable walls and a roof, which building has a fixed, permanent location on the ground. No animal and/or poultry husbandry shall be permitted in open pen(s), coop(s), lean-to(s) or other structures.
5. No agricultural use shall exceed twenty five percent (25%) of the area of any lot measured from the rear building line to the side lot lines and from the rear building line to the rear lot line.
6. No building or structure incident to agriculture shall be used for any other purpose. No garage shall be converted and/or used for any agricultural purposes.
7. Agricultural uses and/or buildings or structures shall be screened from adjoining property by a minimum of ten (10) feet along the rear lot line and ten (10) feet along each side lot line unoccupied by any structure and containing year-round vertical screening.
8. Buildings and/or structures incident to agriculture shall meet rear yard and side yard clearances for the district in which they are located.

B. On lots greater than one (1) acre, but not greater than five (5) acres:

1. Buildings and structures incident to the use of land for agricultural purposes:
 - a. shall be prohibited in front yards or side yards any closer to the road right-of-way than the rear line of the main building on the lot;
 - b. shall be set back from the rear lot line at least fifty (50) feet and screened from adjoining property by a minimum of ten (10) feet along the rear lot line of year round vertical screening.

- c. shall be set back from the side lot lines at least twenty five (25) feet and screened from adjoining property by a minimum of ten (10) feet along each side lot line of year round vertical screening;
- d. shall not be erected, constructed or maintained in excess of twenty-five percent (25%) of the square footage of the main building on the lot.

2. When at least thirty-five percent (35%) of the lots in the subdivision described in this Subsection 31.03(B) 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 homes under Ohio Revised Code Section 4503.06, dairying and/or animal husbandry and/or poultry husbandry shall be regulated as follows:

- a. shall require a Conditional Use Permit prior to commencement of such use from the Board of Zoning Appeals pursuant to Section XII of this Resolution;
- b. shall be prohibited in front yards or side yards any closer to the road right-of-way than the rear line of the main building on the lot;
- c. shall be set back from the rear lot line at least fifty (50) feet and screened from adjoining property by a minimum of ten (10) feet along the rear lot line of year round vertical screening;
- d. shall be set back from the side lot lines at least twenty five (25) feet and screened from adjoining property by a minimum of ten (10) feet along each side lot line of year round vertical screening;
- e. shall not be erected, constructed or maintained in excess of thirty five (35) feet in height;
- f. shall not be erected, constructed or maintained in excess of twenty five percent (25%) of the square footage of the main building on the lot;
- g. shall be wholly contained within a structure or building consisting of four solid, impermeable walls and a roof, which building has a fixed, permanent location on the ground. No dairying and/or animal husbandry and/or poultry husbandry shall be permitted in open pen(s), coop(s), lean-to(s) or other such structures.

3. After thirty-five percent (35%) of the lots described in this Subsection 31.03 have been 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 houses under Ohio Revised Code Section 4503.06, dairying and/or animal husbandry and/or poultry husbandry shall be considered non-conforming use of land and buildings or structures pursuant to Ohio Revised Code Section 519.19 and this Resolution.

31.04 Gardens which are contained wholly in the backyard area of any lot as measured from the rear building line to the side lot line and from the rear building line to the rear lot line and which are decorative only or the product from which is consumed and/or used exclusively by the property owner shall be exempt from the regulations contained in Section 31.03 of this Resolution. (Adopted October 8, 1992 by Resolution 92-82 effective November 7, 1992.)