

Instructions - PLEASE READ CAREFULLY!!!

This file contains the documents that comprise Liberty Township's agricultural exemption package. Besides this instruction sheet, there are three documents altogether.

The first one is the Declaration of Use for Agricultural Purposes. This one must be filled out completely and signed by the property owner. (I cannot accept these with a contractor's signature.) Along with this form, I will need a simple site plan showing the location of the proposed new structure.

The last two documents are copies of sections of the Ohio Revised Code which I am required to provide to you. These are for informational purposes only; they do not have to be returned with your exemption request.

Once I have accepted the completed documents, the property owner may be essentially exempt from Liberty Township zoning regulations for the purpose of building or using the single structure described in the application. The owner may still face requirements from other agencies at the county or state level. I will forward a copy of the completed documents to the Union County Engineer's Office for their records.

I know this is a bit complicated. If you have any questions, please don't hesitate to call or write.

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**DECLARATION OF USE FOR AGRICULTURAL PURPOSES
LIBERTY TOWNSHIP, UNION COUNTY, OHIO**

The purpose of this form is to assist the Township to administer the Zoning Resolution within the authority allowed under Ohio Revised Code (“ORC”) Section 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 519.21(C)(4) authorizes a township to apply limited zoning regulations to agritourism activities and buildings or structures incident to the agritourism use.

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. Subdivision Name (if applicable) _____
Lot or Parcel Number _____
Street Address _____
City _____
2. Owner Information:
Name of Owner _____
Mailing Address _____
City _____ Zip _____

Phone Number (primary) _____

Email Address _____

3. Existing Use _____

Zoning District _____

4. Proposed Use _____

5. Dimensions of Proposed Buildings and/or Structures (in feet)

Length _____ Width _____ Height _____

Gross Horizontal Area of Each Floor _____

6. Yard Dimensions (Setbacks) (in feet)

Front _____ Rear _____

Sides _____ / _____ Sum of Side Yards _____

7. Agricultural Purposes (Check all that apply):

Algae culture 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.

8. Agritourism Use/Activity (Complete if relevant.) (You may attach separate pages if necessary.)

Describe the planned agritourism activities:

Describe how the proposed agritourism activities are related to the agricultural activities at this location:

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 ORC Sections 519.01 and 519.21 regarding township zoning and agriculture.

NOTE: This Declaration is for zoning purposes only. Permits or notice may 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** _____

-----DO NOT WRITE BELOW THIS LINE-----

For Official Use Only

Date Received _____

Comments _____

Zoning Officer _____ **Date** _____

519.01 Township zoning - agriculture defined.

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.

Amended by 129th General Assembly File No. 82, HB 276, §1, eff. 6/4/2012.

Effective Date: 06-20-1994 .

519.21 Powers not conferred on township zoning commission by chapter.

(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) [Amended by 131st General Assembly File No. TBD, SB 75]

(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.

(D) [Added by 131st General Assembly File No. TBD, HB 523] 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.

Amended by 131st General Assembly File No. TBD, HB 523, §1, eff. 9/8/2016.

Amended by 131st General Assembly File No. TBD, SB 75, §1, eff. 8/16/2016.

Amended by 129th General Assembly File No.82, HB 276, §1, eff. 6/4/2012.

Effective Date: 03-30-1999 .