

## **Instructions - PLEASE Read Carefully**

This file contains the documents that comprise Liberty Township's agricultural exemption package. There are four 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 second document is the Zoning Application for Agriculture Exemption. DO NOT FILL THIS ONE OUT. All I need on it is the owner's signature near the bottom. Once these first two forms are done, you should return them to me, along with the site plan described above, either in person, by postal mail, or by email.

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 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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*Terry Turner | Liberty Township Zoning Inspector | PO Box 122, Raymond, OH 43067 | (937) 303-2028*

**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):

- |  |   |                                       |                                      |
|--|---|---------------------------------------|--------------------------------------|
| <input type="checkbox"/> Algaculture       | <input type="checkbox"/> Animal Husbandry | <input type="checkbox"/> Apiculture   | <input type="checkbox"/> Aquaculture |
| <input type="checkbox"/> Dairy Production  | <input type="checkbox"/> Farming          | <input type="checkbox"/> Horticulture | <input type="checkbox"/> Pasturage   |
| <input type="checkbox"/> Poultry Husbandry | <input type="checkbox"/> Ranching         | <input type="checkbox"/> Timber       | <input type="checkbox"/> 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**

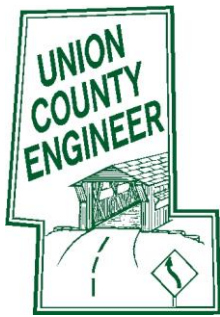
Date Received \_\_\_\_\_ ☐ Accepted ☐ Not Accepted

Comments \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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



**County Engineer  
Environmental Engineer  
Building Department**  
233 W. Sixth Street  
Marysville, Ohio 43040  
P 937. 645. 3018  
F 937. 645. 3161  
[www.unioncountyohio.gov/engineer](http://www.unioncountyohio.gov/engineer)

**Marysville Operations Facility**  
16400 County Home Road  
Marysville, Ohio 43040  
P 937. 645. 3017  
F 937. 645. 3111

**Richwood Outpost**  
190 Beatty Avenue  
Richwood, Ohio 43344

*Public Service with integrity*

## ZONING APPLICATION FOR AGRICULTURE EXEMPTION

To: Union County Building Regulations

From: \_\_\_\_\_ Township, City or Village

This notice is to inform your department that this structure has been given an Agriculture exemption as stated in the Revised Code of Ohio section 3781.061.

This section specifically states that whenever a township zoning inspector issues a zoning certification declaring a specific building or structure is to be used in agriculture, it is exempt from the Ohio Building Code.

Based upon the information provided to the Zoning officer it has been determined that no zoning permit is required for the work described below.

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Job Site Address: \_\_\_\_\_

Homeowners name: \_\_\_\_\_

Agriculture Exemption: ☐ Yes ☐ No

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

Zoning Official \_\_\_\_\_ Date \_\_\_\_\_

**Jeff Stauch, PE/PS**  
County Engineer | Environmental Engineer

**Bill Narducci, PE**  
Assistant County Engineer

**Fred Slota, CBO**  
Chief Building Official

## **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 .