

SECTION XXXI. AGRICULTURE

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 parcels of less than one-half (0.500) acre [calculation of acreage shall be rounded to the third decimal place only]: In computing lot areas, no portion of any road right-of-way may be included regardless of whether or not the owner holds title to the same.

- 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.

- B. On lots one-half (.5000) acre or greater, but not greater than five (5.000) acres [calculation of acreage shall be rounded to the third decimal place only and in computing lot areas, no portion of any road right-of-way may be included regardless of whether or not the owner holds title to the same.], when at least thirty-five percent (35%) of the lots in the subdivision described in this Subsection 31.03 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 poultry and/or fowl husbandry shall be regulated as follows:

- 1. Poultry and/or fowl husbandry and/or buildings and structures incident to the use of land for poultry and/or fowl husbandry

- a. shall require a Zoning Certificate prior to commencement of such use
 - 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 twenty (20) 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 (20) 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 ten (10) feet in height;
 - f. shall not be erected, constructed or maintained in excess of twenty ~~five~~ percent (20~~5~~%) of the square footage of the main building on the lot;
 - g. 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.
 - h. shall be wholly contained within a completely fenced area or pen intended to prevent escape and to keep predators out. Fences shall be a minimum of six (6) feet in height with no gap between the fence cloth and ground. Fence supports must be solidly anchored.

- i. An enclosed coop shall be provided to shelter poultry/fowl from inclement weather. The coop shall be no smaller than four (4) square feet per poultry/fowl.
 - j. An enclosed run shall be no smaller than ten (10) square feet per poultry/fowl.
 - k. The use of chicken wire to enclose a coop or run is an allowable exception to the prohibition of chicken wire as fencing material in Section 6.13 of this Zoning Resolution.
 - 2. The maximum number of poultry and/or fowl on any one property shall not exceed a density of six (6) for the first one-half acre (0.500) of real property and three (3) for every additional one-half (0.500) acre of real property.
 - 3. Any desired modification of the requirements above shall require the issuance of a Conditional Use Permit from the Board of Zoning Appeals pursuant to Section XII of this Resolution.
- C. On parcels five (5.000) acres or less [calculation of acreage shall be rounded to the third decimal place only and in computing lot areas, no portion of any road right-of-way may be included regardless of whether or not the owner holds title to the same], when at least thirty-five percent (35%) of the lots in the subdivision described in this Subsection 31.03 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, except as otherwise provided in this section, shall be regulated as follows:
- 1. Dairying and/or animal husbandry and/or buildings and structures incident to the use of land for dairying and/or animal husbandry (excluding poultry and/or fowl husbandry):
 - 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;
- D. 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.
- E.. Side and rear yard clearances as described in this section shall supersede all other side and rear yard clearance requirements within this Resolution.
- F. No rooster shall be permitted as part of an agricultural use on any parcel of land five (5.000) acres or less.

31.04 Vegetable gardens and fruit trees 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.

(Amended September 7, 2021 by Resolution 2021-098 effective October 7, 2021)
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 (Amended October 8, 1992 by Resolution 92-82 effective November 7, 1992.)
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