

CHAPTER 153

FARM MARKETS AND AGRITOURISM

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153.01 APPLICABILITY OF THIS CHAPTER.

Pursuant to O.R.C. 519.21(C)(1), this chapter shall be applicable to the use of any land for a farm market in a district zoned for industrial, residential, commercial, or agricultural uses where fifty percent (50%) 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.

Pursuant to O.R.C. 519.21(C)(4), this chapter shall be applicable to the use of any land for agritourism in a district zoned for industrial, residential, commercial, or agricultural uses. For the purposes of this chapter, “agricultural production,” “agritourism,” “agritourism provider,” “farm,” and “participant” shall have the same meanings as in O.R.C. 901.80(A). Nothing herein allows for the prohibition of 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 any land any part of which is used for viticulture as provided in O.R.C. 519.21(A); provided, however, the Zoning Inspector shall require written proof of issuance of a permit pursuant to O.R.C. 4303.031.

The following regulations are necessary to protect the public health and safety.

153.02 SIZE OF THE STRUCTURE.

The maximum size of the structure for a farm market or for a structure primarily used for agritourism shall be as follows:

- (a) R-3A and R-5A Districts: 100 square feet.
- (b) All other districts: 1,000 square feet.

153.03 SIZE OF PARKING AREA.

The size of the parking area required and regulations pertaining to egress and ingress for a farm market shall be as set forth in Chapter 169.

The size of the parking area required and regulations pertaining to egress and ingress for agritourism shall be the same as those for a farm market. However, parking areas for agritourism cannot be required to be improved in any manner, including requirements governing drainage, parking area base, parking area paving, or any other improvement.

153.04 MINIMUM YARDS.

The minimum yards (setback building lines) pertaining to a farm market or for structures used primarily for agritourism shall be as follows:

(a) R-3A and R-5A Districts.

1. Front yard: 100 feet.
2. Each side yard: 50 feet. The minimum side yard adjacent to the road right-of-way for a corner lot shall be 100 feet.
3. Rear yard: 90 feet.

(b) All other districts.

1. Front yard: 70 feet.
2. Each side yard: 20 feet unless the lot is adjacent to a residential district. The side yard adjacent to a residential district shall be a minimum of 40 feet. The minimum side yard adjacent to the road right-of-way for a corner lot shall be 70 feet.
3. Rear yard: 50 feet unless the lot is adjacent to a residential district. The rear yard adjacent to a residential district shall be a minimum of 60 feet.

(c) Minimum riparian setback: See Chapter 160

153.05 ZONING CERTIFICATE APPLICATION.

An application for a zoning certificate shall be submitted to the Zoning Inspector documenting that the use of the affected lot and the structure(s) to be erected thereon is for a farm market or primarily for agritourism. The Zoning Inspector shall process the application in accordance with the provisions of this Resolution. The Zoning Inspector may request such additional documentation including, but not limited to, gross income in order to determine if the farm market or agritourism use is in accord with the applicable provisions of the Ohio Revised Code and this Resolution. The applicant shall be advised in writing whether a zoning certificate is or is not required. If a zoning certificate is not required, the Zoning Inspector may advise the applicant to complete and submit an agricultural exemption form.