



ZONING WORKSHOP

OCTOBER 20, 2016



Session 1:
ETHICS AND OPEN MEETING



Session :
AGRITOURISM

Senate Bill 75

Signed into Law by Governor on May 17, 2016

Effective on August 16, 2016

Amended ORC 519.21 : Powers not conferred on township zoning commission by chapter.

Components of the Law

- ❖ Civil Liability Protection
- ❖ CAUV Program Eligibility
- ❖ Zoning Authority



Application of the Law

Who does this new law apply to?

Farms that provide agritourism activities

“Agritourism”

“Agritourism providers”

“Farm”

“Agricultural production”



Defining “Agritourism”

"Agritourism" means:

- an agriculturally related educational, entertainment, historical, cultural, or recreational activity,
- including you-pick operations or farm markets,
- conducted on a **farm** that allows or invites members of the general public to observe, participate in, or enjoy that activity.

Defining “Agritourism Providers”

“Agritourism provider” means:

- a person who owns, operates, provides, or sponsors an agritourism activity or
- an employee of such a person who engages in or provides agritourism activities whether or not for a fee.

Defining “Farm” and “Agricultural Production”

"Farm" means land that is composed of tracts, lots, or parcels totaling not less than ten acres devoted to agricultural production or totaling less than ten acres devoted to agricultural production if the land produces an average yearly gross income of at least twenty-five hundred dollars from **agricultural production**.

"**Agricultural production**" means **commercial** aquaculture, algaculture meaning the farming of algae, apiculture, animal husbandry, or poultry husbandry; the production for a commercial purpose of timber, field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, or sod; the growth of timber for a noncommercial purpose if the land on which the timber is grown is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use; or any combination of such husbandry, production, or growth; and includes the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with such husbandry, production, or growth.

EDUCATIONAL AND HISTORICAL

❖ Farm tour

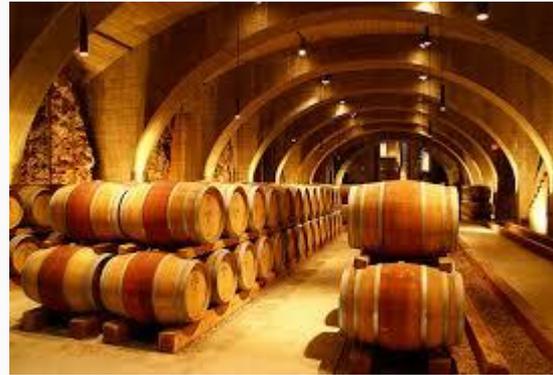
❖ Ag technical tour

❖ Garden/nursery tour

❖ Heritage/ag museum

❖ Lecture/presentation

❖ Historical exhibit



❖ School tour

❖ Winery tour

❖ Guided crop tour

❖ Exotic animal farm

ENTERTAINMENT

- ❖ Barn Dances
- ❖ Festivals and fairs
- ❖ Petting zoo
- ❖ Pumpkin patch
- ❖ Hay ride/Corn Maze
- ❖ Picnic/Play area



RECREATIONAL

- Camping
- Fishing
- Birdwatching
- Game/wildlife preserve
- Horseback riding
- Shooting sports
- Nature walks
- Hunting
- Trail rides



Liability Protection

Immunity from Liability for Agritourism Providers – ORC 901.80

In a civil action, an agritourism provider is immune from liability for any harm a participant sustains during an agritourism activity if the participant is harmed as a result of a risk inherent in an agritourism activity. Nothing in this section requires an agritourism provider to eliminate risks inherent in agritourism activities.

Posted Warning Sign



Property Taxation

The existence of agritourism on a tract, lot, or parcel of land that otherwise meets the definition of "land devoted exclusively to agricultural use" as defined in this division does not disqualify that tract, lot, or parcel from valuation under sections 5713.30 to 5713.37 and 5715.01 of the Revised Code.

Agritourism land remains in CAUV program

Zoning Authority

Amendments to Ohio's agricultural exemption from zoning

O.R.C 519.21 (c)

No power on any township or county ... to prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for:

1. A farm market
2. Biodiesel, biomass or electric or heat energy production
3. Biologically derived methane production
4. **Agritourism**

O.R.C 519.21 (c)(4)

However, township **may** regulate such factors as:

- Size of structure used primarily for agritourism
- Size of parking areas that may be required
- Setback building lines for structures used primarily for agritourism
- Egress or ingress

Where such regulation is necessary to protect public health and safety.

O.R.C 519.21 (c)(4)

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.

O.R.C 519.21 (c)(4)

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.

Final point

Regulating the “allowable factors”

- Township or county must have standards addressing the allowable factors in the zoning resolution



Questions!

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