

**ARTICLE XIX - AGRICULTURAL PRESERVATION DISTRICT (A-1)**

**SECTION 19.01 - PURPOSE:** The Agricultural Preservation District is intended to protect extensive land areas currently in agricultural use and/or extensive areas possessing soils that are especially suited to agricultural purposes and protect them from uncontrolled encroachment by urban types of development.

**SECTION 19.02 - APPLICATION:** This section shall apply to all prime agricultural lands, the owner of which has applied for classification herein provided such lands meet the criteria established by state law as to size, location, productivity and classification.

**SECTION 19.03 - PERMITTED USES:** Within the Agricultural Preservation District the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

- a) Farm residence.
- b) Accessory buildings and accessory uses incidental to the principal building or use, including private garages and permanent dwellings for full time domestic help employed on the premises or full time farm labor.
- c) One occupied mobile home to be occupied by full time farm labor only and provided that said mobile home is installed in compliance with rules and regulations established by the Delaware County Health Department. Not more than one mobile home shall be located on any farm within this township.
- d) Projects specifically designed for watershed protection, conservation of water or soils or for flood controls.
- e) Agriculture, beekeeping, dairying, floriculture, grazing and raising of livestock (except commercial feed lots as herein defined and prohibited), orchards, plant nurseries, poultry raising (except commercial operations as herein defined and prohibited), raising of grains, sod farming, truck farming, equestrian trails, forest and game management, greenhouses, nature trails and walks and stables.
- f) Roadside sales of agricultural products shall be permitted in this district provided however, that at least fifty percent (50%) of the gross income from the market is derived from the sale of products which are produced on lands in this township or adjacent townships farmed by the proprietor of said sales stand and further that adequate area exists adjacent thereto for parking so as not to interfere with traffic on adjacent thoroughfares. No permanent buildings or structures shall be placed without permission of the Board of Zoning Appeals and issuance of a Conditional Use Permit.

- g)** Facilities for the storage, sorting, preliminary processing or sale of agricultural products shall be permitted if such products are used in the production of other farm products and if said storage, processing, sorting or sales is carried on incident to other farming operations by the owner/proprietor.
- h)** Temporary non-residential structures such as construction trailers and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during the period while a permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed at the discretion of the zoning inspector on finding of reasonable progress toward completion of the permanent structure or project. The zoning inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply. The fees for such permit and renewals thereof shall be established by the Orange Township Board of Trustees. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit, and/or the issuance of the zoning Certificate of Compliance regarding such permanent structure. In no event shall such temporary structure be utilized for any residential use.
- i)** Conducting of casual sales of goods in what are commonly referred to as garage sales or yard sales provided that such sales shall not be conducted on more than six (6) days in any calendar year or more than three (3) consecutive days.

**SECTION 19.04 - CONDITIONAL USES:** Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall be considered and declared abandoned if said use or uses are not commenced within one (1) year or are discontinued for a period in excess of two (2) years. Unless the Conditional Use Permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land or structure wherein the same is located or upon which the same is granted shall void the Conditional Use Permit and the subsequent owner(s) or his agent shall be required to reapply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a zoning Certificate of Compliance is issued by the zoning inspector.

- a)** Home occupations conducted by the resident of a permitted dwelling subject to the following restrictions:

  - 1) The home occupation shall be carried on solely within the confines of the residential structures and architecturally compatible accessory buildings which are customarily associated with the residential use and character of the neighborhood.

- 2) Only one (1) sign, not larger than six (6) square feet and four (4) feet in height above grade of the surrounding yard, may be erected advertising the home occupation. The sign may be located at eye level if mounted flat against a building. The sign shall be of a design compatible with the residential character and shall not be animated or lighted.
- 3) The home occupation shall occupy not more than twenty percent (20%) of the total floor area of the dwelling unit or fifty percent (50%) of the combined floor space in any garage or accessory building.
- 4) No more than three (3) non-resident employees shall work on said premises.
- 5) Services may be rendered on the premises or elsewhere.
- 6) All parking demands created by the conduct of a home occupation shall be met off the street and other than in a front yard. Off-street parking may be permitted in a side or rear yard, but shall not be located any closer to the street than the required setback line. The required number of off-street parking spaces shall equal the spaces required for the residential use plus those required for the commercial use which constitutes the home occupation (if no parking requirement is given for a particular home occupation, the parking requirements for the most similar commercial use shall be used in order to calculate the required minimum number of spaces).
- 7) No equipment, process, or storage associated with the home occupation shall create odors, noise, vibration, glare, electrical interference or other nuisance detectable to normal senses off the lot. All activities, materials and equipment associated with the business shall be totally maintained within a building. In the case of electrical interference, no equipment or process shall create visual or audible interference in any radio or television receivers or other audio appliances used off the premises, or cause fluctuation in line voltage off the premises. No equipment, process, or storage associated with a home occupation shall create any fire or explosion hazard, or involve the storage or use of hazardous materials in any concentration greater than that which would normally be found in a dwelling containing no home occupation.
- 8) Waste materials, solid or liquid, shall not be created on the premises at a level greater than normal to the residential use, unless provisions for the disposition of said wastes are acceptable to the Delaware County Department of Health and do not create a burden on adjoining property.
- 9) No activity shall be conducted or permitted which creates a nuisance to neighboring properties.

- b)** Private landing fields for aircraft for use by the owner of the property and his guests provided that no commercial activities take place on said premises.
- c)** Permanent structures or improvements used for the retail sale of agricultural products produced on the premises.
- d)** Conversion of existing residential structures to permit occupancy by no more than two (2) families.
- e)** Borrow Pit, provided it is less than 10,000 square feet in size, in accordance with the following regulations, and provided that such excavation and required rehabilitation shall be completed within one (1) year from the date of issuance of a Certificate of Zoning Compliance.
  - 1) The applicant shall clearly state, in the application, their intentions as to rehabilitation of the excavation.
  - 2) No excavation shall be made from the banks or beds of the Olentangy River, or Alum Creek or any other such stream or waterway designated as necessary to the Flood Control Program of Delaware County and no excavation shall be permitted closer than two hundred (200) feet of either bank of the above named rivers and creeks.
  - 3) Yard Requirements. An excavation shall be located one hundred (100) feet or more and back-filled to one hundred and fifty (150) feet from a street right-of-way line. Excavation shall be no closer than fifty (50) feet to a property boundary line, except with the written consent of said adjacent property owner.
  - 4) No plants or equipment for processing of extracted materials or other ancillary operations shall be permitted.
  - 5) Rehabilitation Plan - Extraction shall be permitted only from areas for which there is a Rehabilitation Plan approved by the Board of Zoning Appeals. All such Rehabilitation Plans shall include the following:
    - (a) A grading plan showing existing contours in the area to be extracted and proposed future contours showing the topography of the area after completion. Such plans shall include the surrounding area within five hundred (500) feet of the property boundary line, drawn to an appropriate scale with contour lines at intervals of five (5) feet or less.
    - (b) Existing and proposed drainage of the area.

- (c) Details of regrading and revegetation of the site during and at conclusion of the operation.
- (d) The banks of all extraction, when not back-filled, shall be sloped at a grade of not less than two (2) feet horizontal to one (1) foot vertical. This slope shall be maintained twenty (20) feet beyond the water line if such exists.
- (e) Spoil banks shall be graded to a level suiting the existing terrain.
- (f) All banks and extracted areas shall be surfaced with at least six (6) inches of suitable soil, except exposed rock surfaces, and shall be planted or seeded with trees, shrubs, legumes or grasses and maintained until the soil is stabilized.
- (g) When any extraction has been completed, such area shall either be left as a permanent spring-fed lake or the floor thereof shall be filled and leveled in such manner as to prevent the collection and stagnation of water and to provide proper drainage without excessive soil erosion, and shall otherwise comply with these requirements.
- (h) An area to be rehabilitated as a permanent spring-fed lake shall be in compliance with the requirements of Section 21.05 and the provisions of this section. In the event of a conflict between the provisions of Section 21.05 and the provisions of this section, the more restrictive provisions shall control.
- (i) An area to be rehabilitated by refilling and grading shall utilize only clean fill, and the use of scrapped wood, tree stumps or construction debris as fill material is prohibited.
- (j) All equipment shall be removed within seven (7) days of the completion of the extraction of materials.

**SECTION 19.05 - PROHIBITED USES:** Within the Agricultural Preservation District the following uses shall be prohibited:

- a) Any use not specifically authorized by the express terms of this Article of the Zoning Resolution.
- b) For purposes of this Resolution, the operation of a feed-lot for the feeding for sale of cattle, hogs, horses, llamas, rheas, ostriches, and sheep shall be termed commercial if the number of such animals per acre of farmland in Orange or adjoining Townships

operated by the proprietor is greater than: five (5) head in the case of cattle, horses, llamas or sheep; or ten (10) head in the case of hogs, rheas or ostriches. The feeding for sale of more than ten thousand (10,000) chickens or one thousand (1,000) turkeys in a poultry operation at any one time shall be termed commercial. Neither of these commercial operations shall be permitted in the Agricultural Preservation District.

- c) Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited. Said vehicles if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- d) No trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any parcel within this district. If a dwelling is located on said lot the building line shall be considered to be the front wall of the dwelling even if said dwelling is located behind the minimum building line established by this code or the restrictions on the plat or subdivision.
- e) No sales trailers of any type shall be permitted.
- f) No motor home, mobile home or camper of any type may be occupied for more than fourteen (14) consecutive days at a time.
- g) Except as specifically permitted in Section 19.03(c) or (h) herein no mobile home shall be placed or occupied in this district.
- h) No trash, debris, discarded materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and/or parts thereof, or any other garbage, refuse or junk shall be permitted to accumulate on any lot or portion thereof which creates an eyesore, hazard or nuisance to the neighborhood or general public. All trash, debris, discarded materials, vehicle parts, rags, lumber, building materials, and other garbage, refuse or junk shall be contained in solid sided containers during construction phases and thereafter. No wire or cage-type containers shall be permitted, and no such materials shall be above the sides of the container.
- i) The harboring, maintaining or keeping of a wild, dangerous or undomesticated animal. For the purposes of this section, a "wild, dangerous or undomesticated animal" is defined as follows:
  - 1) Is an animal whose natural habitat is the wilderness and which, when maintained in human society, is usually confined to a zoological park or exotic animal farm; or
  - 2) Is a poisonous or venomous animal, insect or arachnid; or

- 3) Is an unrestrained animal which, by reason of its size, strength or appetite, could cause peril to children, adults, pets or domesticated animals, buildings, landscaping or personal property; or
- 4) Is an animal which makes noises with sufficient frequency and volume as to constitute a nuisance to persons in the vicinity of such animal; or
- 5) Is an animal which emits such offensive odors as to constitute a nuisance to persons in the vicinity of such animal; or
- 6) Is, by way of illustration and without limitation, one of the following: an ape; chimpanzee (Pan), gibbon (Hylobate), gorilla (Gorilla), orangutan (Pongo), siamang (Symphalangus), baboon (Papoi or Mandrillus); bear (Ursidae), bison (Bison), boar (Suidae), cheetah (Acinonyx Jubatus), crocodilian (Crocodylia), coyote (Canis Latrans), deer (Cervidae - includes all members of the deer family; for example, white-tailed deer, elk, antelope and moose), elephant (Elephas or Loxodonta), gamecocks and other fighting birds, hippopotamus (Hippopotamidae), hyena (Hyeaenidae), jaguar (Panthera Onca), leopard (Panthera Pardus), lion (Panthera Leo), lynx (Lynx), ostrich (Struthio), pirahna fish (Characidae), puma (Felis Concolor - also known as cougar, mountain lion and panther), rhinoceros (Rhinocero Tidae), snow leopard (Panthera Uncia) and tiger (Panthera Tigris); or
- 7) Is an animal which is identified by either state or federal agencies as a member of an endangered species.

This prohibition shall apply to lots less than five (5) acres in area, subject to the limitations contained in Ohio Revised Code Section 519.21.

**SECTION 19.06 - DEVELOPMENT STANDARDS:** In addition to any other provisions of this Resolution the following standards for arrangement and development of lands and buildings are required in the Agricultural Preservation District.

- a) **Lot Area** - No parcel of land in this district shall be used for residential purposes which has an area of less than five (5) acres (217,800 square feet). All other uses in this district shall have such lot area prescribed by the article permitting the use or as prescribed by the Board of Zoning Appeals as a condition of said use.
- b) **Lot Frontage** - Except as hereinafter set forth all lots or parcels within this zoning district shall have three hundred (300) feet frontage on a road approved by the Delaware County Engineer.

Lots or parcels having less than the above listed minimum frontage on the right of way line of the adjoining approved road or street must have a lot width fifty (50) feet forward of the building line which is equal to that minimum lot frontage requirement. In no case shall the parcel or lot frontage at the right of way line be less than sixty (60) feet and width of sixty (60) feet shall not be decreased at any point forward of the building line of the principal residence located on the premises.

- c) **Building Height Limits** - No building in this district shall exceed thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Barns, silos, grain handling conveyors, church spires, domes, flag poles, elevator shafts, and windmills are exempted from any height regulation and may be erected to any safe height. No aerial, antenna or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract.
- d) **Building Dimensions (Floor Space Requirements)** – Each single family dwelling hereinafter erected in this district shall have a living area of not less than one thousand (1,000) square feet. All such living areas shall be exclusive of basements, porches or garages.
- e) **Building Setback** - No building or use shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in Section 21.09 herein.
- f) **Side Yard Setback** - No building or structure shall be located closer than twenty-five (25) feet to any side lot line.
- g) **Rear Yard Requirement** - No principal dwelling shall be located closer than eighty (80) feet to the rear line of any lot and no accessory building shall be located closer than fifteen (15) feet to said rear lot line.
- h) **Maximum Lot Coverage** - On no lot or parcel in this zoning district shall buildings be constructed which cover more than twenty-five percent (25%) of the lot area.
- i) **Parking** - Off street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the standards set forth in Article XXI of this Resolution.
- j) **Signs** - Except as provided under the provisions of this article for home occupations or as controlled by Article XXII of this Resolution and except as permitted by the Board of Zoning Appeals incident to Conditional Uses, no signs shall be permitted in this district except for "For Sale" or "For Rent or Lease" sign advertising the tract on which the said sign is located. Such sign shall not exceed six (6) square feet in area on each side.