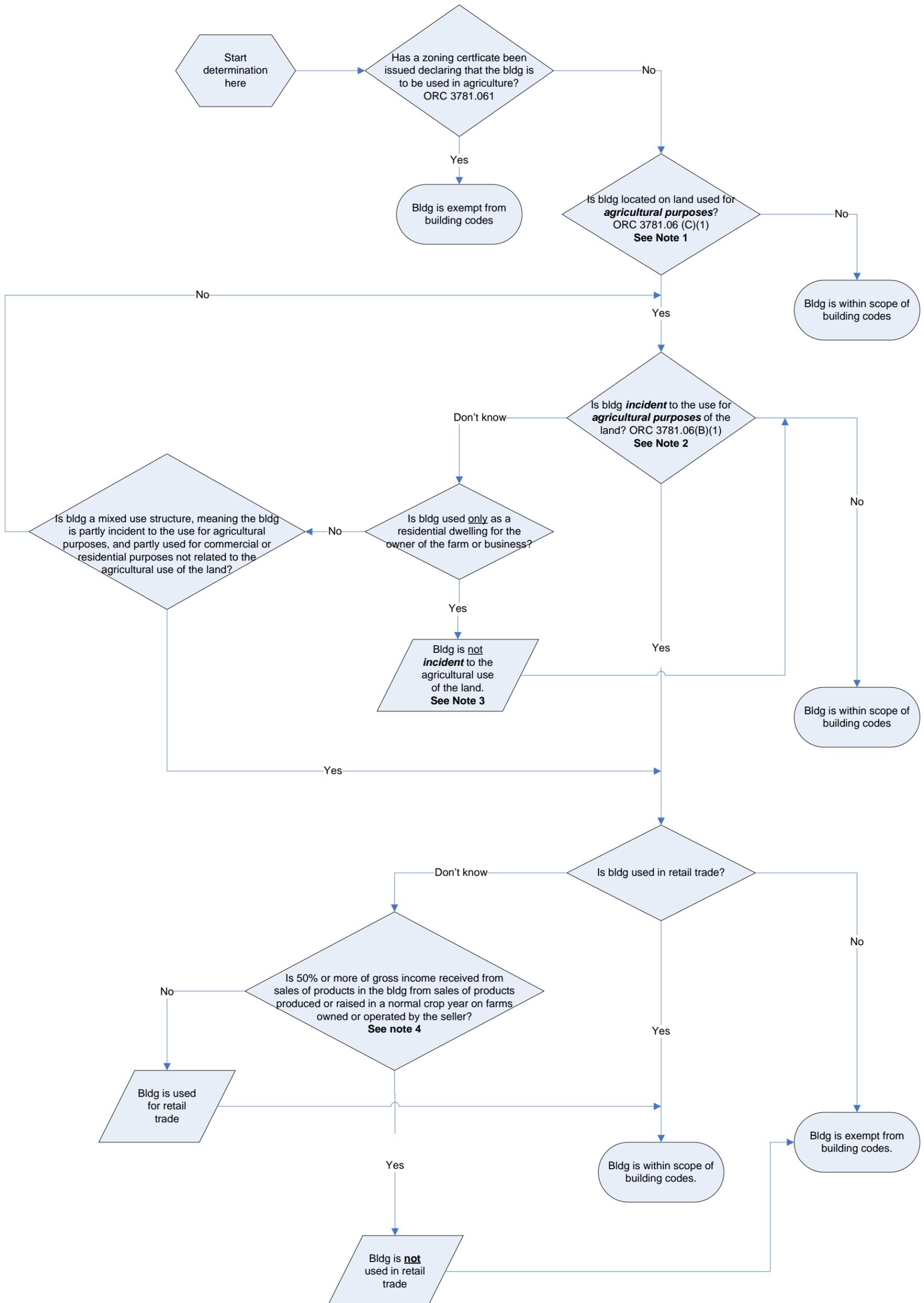


Ohio's Agricultural Building Exemption

Determination Flow Chart

Prepared by the staff of the Ohio Board of Building Standards-January 2010



Ohio's Agricultural Building Exemption Determination Flow Chart Notes

Note 1: "Agricultural purposes" is defined in ORC 3781.06(C)(1) to include all of the following:

- Agriculture
 - cultivating soil, producing crops, raising livestock
- Farming
 - same as agriculture
- Dairying
 - producing, processing, and selling dairy
- Pasturage
 - the grass or land eaten by grazing animals
- Apiculture
 - beekeeping
- Horticulture
 - plants
- Floriculture
 - flowers
- Viticulture
 - grapes
- Ornamental horticulture
 - landscape gardening
- Olericulture
 - vegetables
- Pomiculture
 - fruit
- Animal and poultry husbandry
 - Webster's defines animal husbandry as the branch of agriculture concerned with farm animals, especially in regard to breeding, judging, care and production [Mentor Lagoons, Inc. v. Zoning Board of Appeals of Mentor Twp., 1958]
 - Livestock includes horses, mules, cattle, calves, swine, sheep, or goats [AG opinion 69-078, July 1969; and Chapter 943 of the Revised Code]
 - The raising of minks is considered animal husbandry [Butler Co. Court. of Appeals, Davidson v. Abele, 1965; and AG opinion 3607, 1954]
 - The housing, breeding, raising and showing of dogs is considered animal husbandry [Supreme Court of Ohio, Harris V. Rootstown Township Zoning Bd. Of Appeals]

Note 2: "Incident" used as an adjective means:

1. Having a subordinate or dependent relation to something specified
[Merriam-Webster's Dictionary of Law, © 1996 Merriam-Webster, Inc.]
2. Related to or dependent on another thing
[The American Heritage® Dictionary of the English Language, Fourth Edition, Copyright © 2009 by Houghton Mifflin Company]
3. Likely to happen as a result
[Webster's Dictionary and Thesaurus, ©2002 by Geddes & Grosset]

In other words is the use of the building in question related to the agricultural purpose for which the land is used?

Note 3: AG Opinion 3440, November 1962, concluded that a residential dwelling is not a structure incident to an agricultural use of land.

Note 4: If they sell mostly their own crops, then the building is not used in retail trade.
If they sell mostly other stuff, then the building is used in retail trade.