

As Introduced

**136th General Assembly
Regular Session
2025-2026**

S. B. No. 122

Senator Hicks-Hudson

A BILL

To amend sections 303.21 and 519.21 of the Revised Code to eliminate the authority of townships and counties to adopt zoning resolutions for agricultural land under certain circumstances.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 303.21 and 519.21 of the Revised Code be amended to read as follows:

Sec. 303.21. (A) ~~Except as otherwise provided in division (B) of this section, sections~~ Sections 303.01 to 303.25 of the Revised Code do not confer any power on any county rural zoning commission, board of county commissioners, or board of zoning appeals to prohibit the 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 vinting and selling wine and that are located on land any part of which is used for viticulture, and no zoning certificate shall be required for any such building or structure.

~~(B) A county zoning resolution, or an amendment to such~~

~~resolution, may in any platted subdivision approved under~~ 20
~~section 711.05, 711.09, or 711.10 of the Revised Code, or in any~~ 21
~~area consisting of fifteen or more lots approved under section~~ 22
~~711.131 of the Revised Code that are contiguous to one another,~~ 23
~~or some of which are contiguous to one another and adjacent to~~ 24
~~one side of a dedicated public road, and the balance of which~~ 25
~~are contiguous to one another and adjacent to the opposite side~~ 26
~~of the same dedicated public road regulate:~~ 27

~~(1) Agriculture on lots of one acre or less;~~ 28

~~(2) Buildings or structures incident to the use of land~~ 29
~~for agricultural purposes on lots greater than one acre but not~~ 30
~~greater than five acres by: set back building lines; height; and~~ 31
~~size;~~ 32

~~(3) Dairying and animal and poultry husbandry on lots~~ 33
~~greater than one acre but not greater than five acres when at~~ 34
~~least thirty-five per cent of the lots in the subdivision are~~ 35
~~developed with at least one building, structure, or improvement~~ 36
~~that is subject to real property taxation or that is subject to~~ 37
~~the tax on manufactured and mobile homes under section 4503.06~~ 38
~~of the Revised Code. After thirty-five per cent of the lots are~~ 39
~~so developed, dairying and animal and poultry husbandry shall be~~ 40
~~considered nonconforming use of land and buildings or structures~~ 41
~~pursuant to section 303.19 of the Revised Code.~~ 42

~~Division (B) of this section confers no power on any~~ 43
~~county rural zoning commission, board of county commissioners,~~ 44
~~or board of zoning appeals to regulate agriculture, buildings or~~ 45
~~structures, and dairying and animal and poultry husbandry on~~ 46
~~lots greater than five acres.~~ 47

~~(C) Such sections confer no power on any board of county~~ 48

commissioners, county rural zoning commission, or board of 49
zoning appeals to prohibit in a district zoned for agricultural, 50
industrial, residential, or commercial uses, the use of any land 51
for: 52

(1) A farm market where fifty per cent or more of the 53
gross income received from the market is derived from produce 54
raised on farms owned or operated by the market operator in a 55
normal crop year. However, a board of county commissioners, as 56
provided in section 303.02 of the Revised Code, may regulate 57
such factors pertaining to farm markets as size of the 58
structure, size of parking areas that may be required, set back 59
building lines, and egress or ingress, where such regulation is 60
necessary to protect the public health and safety. 61

(2) Biodiesel production, biomass energy production, or 62
electric or heat energy production if the land on which the 63
production facility is located qualifies as land devoted 64
exclusively to agricultural use under sections 5713.30 to 65
5713.37 of the Revised Code for real property tax purposes. ~~As-~~ 66
~~used in division (C) (2) of this section, "biodiesel," "biomass-~~ 67
~~energy," and "electric or heat energy" have the same meanings as~~ 68
~~in section 5713.30 of the Revised Code.~~ 69

(3) Biologically derived methane gas production if the 70
land on which the production facility is located qualifies as 71
land devoted exclusively to agricultural use under sections 72
5713.30 to 5713.37 of the Revised Code for real property tax 73
purposes and if the facility that produces the biologically 74
derived methane gas does not produce more than seventeen million 75
sixty thousand seven hundred ten British thermal units, five 76
megawatts, or both. 77

(4) Agritourism. However, a board of county commissioners, 78

as provided in section 303.02 of the Revised Code, may regulate 79
such factors pertaining to agritourism, except farm markets as 80
described in division ~~(C) (1)~~ (B) (1) of this section, as size of a 81
structure used primarily for agritourism, size of parking areas 82
that may be required, setback building lines for structures used 83
primarily for agritourism, and egress or ingress where such 84
regulation is necessary to protect public health and safety. 85

Nothing in division ~~(C) (4)~~ (B) (4) of this section confers 86
power on a county zoning commission, board of county 87
commissioners, or board of zoning appeals to require any parking 88
area to be improved in any manner, including requirements 89
governing drainage, parking area base, parking area paving, or 90
any other improvement. 91

Nothing in division ~~(C) (4)~~ (B) (4) of this section confers 92
power on a county zoning commission, board of county 93
commissioners, or board of zoning appeals to prohibit the use of 94
any land or the construction or use of buildings or structures 95
that are used primarily for vinting and selling wine that are 96
located on land any part of which is used for viticulture as 97
provided in division (A) of this section. 98

~~(D) (1)~~ (C) (1) As used in division (B) (2) of this section, 99
"biodiesel," "biomass energy," and "electric or heat energy" 100
have the same meanings as in section 5713.30 of the Revised 101
Code. 102

(2) As used in division ~~(C) (3)~~ (B) (3) of this section, 103
"biologically derived methane gas" has the same meaning as in 104
section 5713.30 of the Revised Code. 105

~~(2) (3)~~ As used in division ~~(C) (4)~~ (B) (4) of this section, 106
"agritourism" has the same meaning as in section 901.80 of the 107

Revised Code. 108

Sec. 519.21. (A) Except as otherwise provided in ~~divisions~~ 109
~~(B) and (D)~~ division (C) of this section, sections 519.02 to 110
519.25 of the Revised Code confer no power on any township 111
zoning commission, board of township trustees, or board of 112
zoning appeals to prohibit the use of any land for agricultural 113
purposes or the construction or use of buildings or structures 114
incident to the use for agricultural purposes of the land on 115
which such buildings or structures are located, including 116
buildings or structures that are used primarily for vinting and 117
selling wine and that are located on land any part of which is 118
used for viticulture, and no zoning certificate shall be 119
required for any such building or structure. 120

(B) ~~A township zoning resolution, or an amendment to such~~ 121
~~resolution, may in any platted subdivision approved under~~ 122
~~section 711.05, 711.09, or 711.10 of the Revised Code, or in any~~ 123
~~area consisting of fifteen or more lots approved under section~~ 124
~~711.131 of the Revised Code that are contiguous to one another,~~ 125
~~or some of which are contiguous to one another and adjacent to~~ 126
~~one side of a dedicated public road, and the balance of which~~ 127
~~are contiguous to one another and adjacent to the opposite side~~ 128
~~of the same dedicated public road regulate:~~ 129

~~(1) Agriculture on lots of one acre or less;~~ 130

~~(2) Buildings or structures incident to the use of land~~ 131
~~for agricultural purposes on lots greater than one acre but not~~ 132
~~greater than five acres by: set back building lines; height; and~~ 133
~~size;~~ 134

~~(3) Dairying and animal and poultry husbandry on lots~~ 135
~~greater than one acre but not greater than five acres when at~~ 136

~~least thirty-five per cent of the lots in the subdivision are~~ 137
~~developed with at least one building, structure, or improvement~~ 138
~~that is subject to real property taxation or that is subject to~~ 139
~~the tax on manufactured and mobile homes under section 4503.06~~ 140
~~of the Revised Code. After thirty-five per cent of the lots are~~ 141
~~so developed, dairying and animal and poultry husbandry shall be~~ 142
~~considered nonconforming use of land and buildings or structures~~ 143
~~pursuant to section 519.19 of the Revised Code.~~ 144

~~Division (B) of this section confers no power on any~~ 145
~~township zoning commission, board of township trustees, or board~~ 146
~~of zoning appeals to regulate agriculture, buildings or~~ 147
~~structures, and dairying and animal and poultry husbandry on~~ 148
~~lots greater than five acres.~~ 149

~~(C)~~ Such sections confer no power on any township zoning 150
commission, board of township trustees, or board of zoning 151
appeals to prohibit in a district zoned for agricultural, 152
industrial, residential, or commercial uses, the use of any land 153
for: 154

(1) A farm market where fifty per cent or more of the 155
gross income received from the market is derived from produce 156
raised on farms owned or operated by the market operator in a 157
normal crop year. However, a board of township trustees, as 158
provided in section 519.02 of the Revised Code, may regulate 159
such factors pertaining to farm markets as size of the 160
structure, size of parking areas that may be required, set back 161
building lines, and egress or ingress, where such regulation is 162
necessary to protect the public health and safety. 163

(2) Biodiesel production, biomass energy production, or 164
electric or heat energy production if the land on which the 165
production facility is located qualifies as land devoted 166

exclusively to agricultural use under sections 5713.30 to 167
5713.37 of the Revised Code for real property tax purposes. ~~As~~ 168
~~used in division (C) (2) of this section, "biodiesel," "biomass~~ 169
~~energy," and "electric or heat energy" have the same meanings as~~ 170
~~in section 5713.30 of the Revised Code.~~ 171

(3) Biologically derived methane gas production if the 172
land on which the production facility is located qualifies as 173
land devoted exclusively to agricultural use under sections 174
5713.30 to 5713.37 of the Revised Code for real property tax 175
purposes and if the facility that produces the biologically 176
derived methane gas does not produce more than seventeen million 177
sixty thousand seven hundred ten British thermal units, five 178
megawatts, or both. 179

(4) Agritourism. However, a board of township trustees, as 180
provided in section 519.02 of the Revised Code, may regulate 181
such factors pertaining to agritourism, except farm markets as 182
described in division ~~(C) (1)~~ (B) (1) of this section, as size of a 183
structure used primarily for agritourism, size of parking areas 184
that may be required, setback building lines for structures used 185
primarily for agritourism, and egress or ingress where such 186
regulation is necessary to protect public health and safety. 187

Nothing in division ~~(C) (4)~~ (B) (4) of this section confers 188
power on a township zoning commission, board of township 189
trustees, or board of zoning appeals to require any parking area 190
to be improved in any manner, including requirements governing 191
drainage, parking area base, parking area paving, or any other 192
improvement. 193

Nothing in division ~~(C) (4)~~ (B) (4) of this section confers 194
power on a township zoning commission, board of township 195
trustees, or board of zoning appeals to prohibit the use of any 196

land or the construction or use of buildings or structures that 197
are used primarily for vinting and selling wine that are located 198
on land any part of which is used for viticulture as provided in 199
division (A) of this section. 200

~~(D)~~(C) Nothing in this section prohibits a township zoning 201
commission, board of township trustees, or board of zoning 202
appeals from regulating the location of medical marijuana 203
cultivators, processors, or retail dispensaries or from 204
prohibiting such cultivators, processors, or dispensaries from 205
being located in the unincorporated territory of the township. 206

(D) (1) As used in division (B) (2) of this section, 207
"biodiesel," "biomass energy," and "electric or heat energy" 208
have the same meanings as in section 5713.30 of the Revised 209
Code. 210

(2) As used in division ~~(C) (3)~~(B) (3) of this section, 211
"biologically derived methane gas" has the same meaning as in 212
section 5713.30 of the Revised Code. 213

~~(2)~~(3) As used in division ~~(C) (4)~~(B) (4) of this section, 214
"agritourism" has the same meaning as in section 901.80 of the 215
Revised Code. 216

Section 2. That existing sections 303.21 and 519.21 of the 217
Revised Code are hereby repealed. 218

Section 3. Section 519.21 of the Revised Code is presented 219
in this act as a composite of the section as amended by both 220
H.B. 523 and S.B. 75 of the 131st General Assembly. The General 221
Assembly, applying the principle stated in division (B) of 222
section 1.52 of the Revised Code that amendments are to be 223
harmonized if reasonably capable of simultaneous operation, 224
finds that the composite is the resulting version of the section 225

in effect prior to the effective date of the section as
presented in this act.

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