SECTION 415 - FARM VILLAGE REGULATIONS

Introduction

As urban centers spread out into adjacent rural townships, agricultural lands are converted permanently to urban use. This is an inevitable consequence of growth. Most rural areas have no centralized public water and sanitary sewer facilities, and therefore are zoned for large lot, low-density residential uses which have on- site wells, septic tanks and leach fields.

Typically, existing road frontage gets subdivided first, leaving large tracts of agriculture as back land. As the road frontage is used up, demand for additional rural house lots presses for conversion and subdivision of the back lands. Because of the large lot requirements, such large lot subdivisions consume all of the available farmland, leaving none.

This has an additional consequence to adjacent farms, called the impermanence syndrome. When a farm converts to tract residential subdivisions, it becomes more difficult for the neighboring farmer to stay on the land and farm. Traffic congestion makes it difficult to move equipment over farm-to-market roads. Neighbors who have no relationship with farming may complain about noise, dust, and smells related to agriculture. Land developers begin to seek the next adjacent farm to subdivide. Like falling dominoes, the impermanence syndrome makes it harder for each adjacent farmer to farm once suburban tract style housing is developed next door.

There is a market for large lots in rural areas, and they will continue to be divided. However, there is also a way to allow agriculture to coexist with residential development. Because of the difficult economics of agriculture, especially small farms, farmers may need to raise capital to upgrade their equipment or change farming operations to be more efficient. The farm village concept may offer a way for farmers to raise such capital, create a relationship with a specially designed open space village, and stay farming on a permanently preserved portion of their land.

PURPOSE

In order to help preserve farmland (herein defined as either prime agricultural soils or lands which are in Current Use Agricultural Valuation), Farm Villages permit higher density house lots clustered in the most environmentally appropriate portion of a farm, while surrounding itself with permanently preserved open space, intended to be retained as farmland. The development rights to the preserved open space are permanently and irreversibly transferred to the farm village lots, in return for which the open space is protected by permanent deed restrictions, plat restrictions and open space easements.

The farm village concept is intended to sustain rural areas by permanently protecting agricultural lands as open space, assist farmers in urbanizing areas by giving alternatives to standard tract subdivision of their farms, and establish green corridors around urban centers, all the while helping to maintain local agricultural markets. The Farm Village is intended to be density neutral.

CONDITIONS NEEDED TO CREATE A FARM VILLAGE

The Farm Village is a Planned Zoning District which may overlay the Rural Zoning District by approval of the Blendon Township Board of Trustees provided the following conditions are met:

Minimum Tract Size - The minimum tract size needed for a farm village and all preserved farm lands is forty (40) acres.

Permitted Uses – Single-family houses, one (1) farm market as allowed herein.

Density - Same as the Rural District: one (1) unit per two and a half (2.5) acres, except that a fifteen percent (15%) density bonus shall be allowed for a farm village plat which meets all of the standards of this section. This is calculated as one hundred and fifteen percent (115%) of a feasible standard subdivision "yield plan". A standard subdivision shall be laid out in sketch form using two and a half (2.5) acres as the minimum lot size with one hundred and fifty (150) feet of frontage per lot. To determine the engineering feasibility of the yield plan with on-site wells and wastewater treatment systems, soils testing of at least ten percent (10%) of the proposed yield plan lots (as selected by the County Technical Review Committee) shall be required. The density for the farm village shall be one hundred and fifteen percent (115%) of the approved yield practical, feasible standard two and a half (2.5) acre/lot subdivision, where the lots would have one hundred and fifty (150) feet of road frontage.

The ability to achieve this density is dependent on soils, drainage, and design of the lots, streets, water supply and wastewater disposal systems, with engineering feasibility proven at the development plan stage.

Agriculture Preserved - For every dwelling unit proposed in the village area, at least two (2) acres of farmland shall be permanently preserved surrounding the village. Common open space in the village areas may count towards fifteen percent (15%) of this required farmland to be preserved. If there are to be forty (40) dwellings in the village, there must be at least eighty (80) acres of agricultural land (up to fifteen percent (15%) of which may be village open space) preserved surrounding the village area. The farmland to be preserved must be protected for agricultural/open space purposes by deed restrictions, subdivision plat restrictions, zoning, and permanent easement transferring the development rights from the preserved farmland to the village lot owners. Phasing the development is permitted, provided the plat and deed restrictions which accomplish the required farmland preservation per 415, II, A (4) have been recorded with the Franklin County Recorder. The actual farmland transfer from the developer to lot owners in phases must equal at a minimum two (2) acres for each lot of village areas in that phase. All required farmland dedication for each phase shall be transferred to the village lot owners upon the initial sale of that phase of farm village lots.

All farm village lots must front, abut, flank, or face either common village open space or preserved agricultural lands within the gross tract area.

Permanent Easement - An easement document prohibiting any use of the preserved lands other than for agriculture or as permanent open space must be included, in each owner's deed, on the subdivision plat and the zoning plan.

- **Easement Document** - The use of the preserved agricultural lands includes all agricultural uses listed under Ohio Revised Code 303.21, except that the easement may regulate or prohibit specific nuisance agricultural uses because of their inherent unsuitability to the design of a particular farm village. Such restriction may be incorporated by the grantor of the easement, and be a part of any lease arrangement of the agricultural lands. The agricultural easement shall remain in perpetuity, regardless of zoning, annexation to an incorporated municipality, or any other political action.

- **Underlying Fee** - The underlying fee to the preserved open space/farmland shall be held by the homeowner's association of the farm village. The easement shall run with the land and shall stipulate:

i.) The Home Owner's Association (HOA) shall maintain the open space in perpetuity as open space or farmland, and that the easement must be used for agriculture, or in the alternative, as undeveloped, managed open space.

ii.) Lease terms, if the land is to be leased for agricultural use.

iii.) Specific terms regarding nuisance operations, hours of operation as may be agreeable to the tenant farmer and the initial homeowner's association as organized.

iv.) Bylaws of the Farm Village Homeowner's Association, determining how, if at all, the agricultural easement may be amended relative to item iii above.

Nuisance Waiver - The easement document shall also advise all residential purchasers of village lots in their deeds that agriculture by nature has some inherent noise, dust, and odors attributed with it that residents of the village should be prepared to accept. Purchasers of village land shall sign said nuisance waiver. Such mutual agreements as may be appropriate to the specific village should be spelled out for the benefit of the agricultural and the residential use of the adjacent lands. For example, if an orchard is to be located next to a farm village, the easement may stipulate that the farmer will not spray before 7:00 a.m. nor after 9:00 p.m., and will not spray when the prevailing winds are in the direction of the village. There should be a process for negotiating a mutual understanding of the agricultural and residential concerns included in the easement or the subdivision homeowners' bylaws.

Minimum Lot Size - The minimum lot size for each house lot in a farm village shall be fifteen thousand (15,000) square feet. If on-lot well and/or septic and leach systems are required, lots shall be sized accordingly, forty thousand (40,000) square feet minimum.

Road Frontage - Each Farm Village lot shall front on an internal village street, either public or private, for a distance of at least one hundred (100) feet, unless located on a curve of less than one hundred twenty-five (125) foot radius, when they may be reduced to sixty (60) feet frontage. Contiguous road frontage lots shall not be allowed along perimeter township roads as part of the Farm Village plat.

Road Width and Standards - Roads and street patterns should be designed in a generally rectilinear pattern, with variation for environmental, safety, topographic or design criteria. Village roads should terminate on other roads, and cul-de-sacs should be avoided. Streets should:

i.) Parallel and preserve existing fence lines, tree lines, hedgerows and stone walls.

ii.) Minimize alterations of natural site features.

iii.) Secure attractive views.

iv.) Minimize the area devoted to motor vehicle travel.

Roads must meet subdivision construction standards except for road width. Two-way traffic width of pavement shall be eighteen (18) feet, or as provided for in Section 302.0391. No on-street parking shall be permitted. If additional parking is required for guests, small pocket parking bays, not to exceed four (4) stalls per bay, may be let into open space off village roads if approved as part of the development plan and subdivision plat.

If the township wishes the roads to be public, they must be accepted by the township for public maintenance. If farm village roads are private, then the homeowner's association must maintain them. No village dwelling units may directly access an external township, county or state road.

Buffer - A (minimum) sixty (60) foot deep and one hundred (100) foot wide landscaped or grassed open space buffer must separate all village lots from abutting agricultural uses. This area counts towards the required two (2) acres per dwelling unit of open space.

Water and Sewer - The water supply and wastewater treatment systems for a farm village shall comply with Ohio EPA requirements. Either a public water and sanitary sewer or an EPA approved community owned and appropriately maintained (the Franklin County Sanitary Engineer would be the agency of choice for permanent maintenance of community utilities) shall be provided for lots which are too small for on lot well and septic systems. Approval of the feasibility of these designs is required as part of the preliminary subdivision plat. Actual utility system approvals shall be approved as part of the final subdivision plat.

Home Owner's Association - A home owners association shall be established to:

i.) Maintain roads (if private);

ii.) Maintain community water and sewer systems (if required);

iii.) Maintain common areas, including the agriculture/open space.

Farm Markets

i.) Farm markets as defined by Ohio Revised Code, Chapter 519 (519.21) may be located within the farm village or the protected easement if so approved by the homeowner's association and shown on the plat and development plan in accordance with regulations for farm markets as provided elsewhere in this zoning resolution.

ii.) Farm Villages in excess of one hundred (100) dwelling units may construct a farm market no larger than three thousand (3,000) square feet which remains open year round to sell both agricultural goods produced on-site as well as consumer grocery store products which are not produced from agriculture on-site if a conditional use permit is granted by the Blendon Township Board of Zoning Appeals, finding all the conditions of Section 815 of this resolution have been met. No gasoline sales shall be permitted within a farm village, or as part of the farm market. Such farm markets shall adhere to the aesthetic standards prescribed for the village herein.

iii.) Farm markets may erect one (1) wall mounted sign on the store front facia, to be made of wood, signboard or other natural material, and not to exceed thirty-two (32) square feet. A pole or ground sign may be erected outside the adjacent road right of way to advertise the farm market provided it is made of wood, stone or other natural material. Such pole sign may not exceed twenty (20) square feet, and the height of the pole may not exceed twelve (12) feet. Such ground sign may not exceed thirty-two (32) square feet, and shall not exceed eight (8) feet in height. No plastic internally lit signs shall be permitted.

Qualifying Sites - Land may be developed for Farm Villages if it is appraised for real estate taxes under Current Agricultural Use Valuation.

DEVELOPMENT PLAN AND STANDARDS

A detailed site and development plan (scale, at least 1"=50 feet) of the entire acreage to be preserved and the village area, adequate to obtain a Franklin County Planning Commission preliminary subdivision plat acceptance and approval within eighteen (18) months of the Farm Village Zoning must be approved as part of this application.

The Development Plan shall show engineering feasibility and be stamped by a licensed registered landscape architect or architect, and by a civil engineer.

1.) The development plan shall incorporate:

a.) Significant centrally located open space in the village design, such as a town common, community gardens or similar. Existing natural features, (ravines, views, vegetation, waterways, etc.) shall be preserved and incorporated into the overall design wherever possible. The maximum distance between structures across a common should not generally exceed three hundred (300) feet.

b.) An architectural rendering of the proposed dwelling units with exterior materials and colors stipulated to be used. The use of natural materials is strongly advised. The project architect shall give due regard to the footprints, building orientation, massing, roof shape and pitch and exterior materials to blend with other traditional or historic architecture in the community or with the site. All roofs must be a minimum of five-twelfths (5/12) pitch.

c.) Village lots shall be fenced for safety where they abut agriculture.

d.) Sidewalks or paths shall be provided in the village area. Sidewalks must be separated from the paved street surface by at least five feet (5') of landscaped or grassed green strip. Deciduous, broad leaf street trees (i.e. maple, oak, sycamore, chestnut, sweet gum) must be planted (or saved) in this green strip at the rate of one (1) in front of each house. Trees must be at least a four (4) inch caliper at planting.

e.) Setbacks- Houses shall be setback a minimum of fifty (50) feet, and a maximum of seventy-five (75) feet from the village street centerline.

f.) Minimum Lot Width at the building setback line- One hundred (100) feet.

g.) Minimum Side Yards- Eight (8) feet (both sides) for houses, five (5) feet for garages.
Detached garages with one (1) hour fire rated construction may be constructed within three (3) feet of the lot line provided the garage is located to the rear of the house, and that the garage does not abut an adjacent residence.

h.) Minimum Rear Yard- Fifty (50) feet for houses and attached garages; five (5) feet for detached garages (maximum seven hundred and twenty (720) square feet, one (1) detached garage per lot permitted).

i.) Street layouts shall be looped, grid, square or other traditional layout. Cul-de- sacs shall be avoided. Sidewalks shall be provided in the village areas. The design should focus on a central common open space, viewed by all houses on at least one (1) side. The view of the overall site from abutting township or county roads should be as rural in nature as possible.

j.) Attached garages shall be setback at least twelve (12) feet from the front building line of the house.

k.) Porches- A covered porch or portico across some portion of the front of the house is a recommended structural design element.

l.) Street lighting, if provided, must be of white light, with light standards of traditional or Victorian design (no modern gooseneck lamps or yellow lighting). Standards (poles) shall be no more than twelve (12) feet high.

m.) All signage and entrance features shall be illustrated in the development plan as part of the development plan submission.

PROCEDURES FOR APPROVAL

A request for rezoning to the Farm Village overlay district shall be submitted to the Blendon Township Zoning Department, following the same procedural requirements for the Planned Districts as described in Section 405.031- 405.036 of this resolution.

FARM VILLAGE PLAT

Subdivision Plat - A Farm Village subdivision plat must be approved by the Franklin County Planning Commission. The applicant has up to eighteen (18) months following the approval of Farm Village zoning to complete a final subdivision plat. If an approved plat is not recorded within this time period, the zoning reverts to its underlying district. This eighteen (18) months may be extended by the Blendon Township Board of Zoning Appeals, upon application for good cause to extend.

The development plan approved as part of the Farm Village zoning shall be followed in submitting the final plat. Franklin County Subdivision Regulations must be followed except where Farm Village design standards deviate, in which case Farm Village design standards shall prevail, and subdivision waivers may be necessary.

A restriction on the future use of the preserved lands must be placed on the subdivision plat, and also in the deed of the individual home buyers in the village, stating that the lands to be preserved must be used for managed agriculture. Village open space must similarly be protected.