**ARTICLE 7A – PLANNED FARM RESIDENCE CONSERVATION DISTRICT (PFRCD)**

**7A.01 - PURPOSE**

Pursuant to Section 519.021 of the Ohio Revised Code, the Planned Farm Residence Conservation District is created to further the purpose of promoting the general public welfare, encouraging the efficient use of land and resources, promoting greater efficiency in providing public and utility services, and encouraging innovation in the planning and building of all types of development. The Planned Farm Residence Conservation District achieves this purpose while permanently preserving and integrating open space within farm residential developments; offering landowners alternatives to standard tract use of their land, thereby establishing a less sprawling, more efficient use of land, streets and utilities; preserving natural topography in wooded areas; creating usable and accessible open space, recreational areas, and green corridors for wildlife, walking trails and/or bike paths; and encouraging creativity in design through a controlled process of review and approval of the development plan and related documents.

**7A.02 – OVERLAY AREA**

The Planned Farm Residence Conservation District (PFRCD) is created pursuant to Section 519.021(C) of the Ohio Revised Code and encompasses, includes and overlays all land that is contained within the Farm Residence Zoning District as shown on the Brown Township Zoning District Map. The Farm Residence Zoning District and the zoning regulations there under shall continue to apply to all property within the Planned Farm Residence Conservation District unless the Zoning Commission approves an application of an owner of property within the Farm Residence District to subject the owner’s property to the provisions of the Planned Farm Residence Conservation District. Such an application shall be made in accordance with the provisions of Section 7.07.04 of the Brown Township Zoning Resolution and shall include a development plan in compliance with the provisions of said Section. Upon receiving such an application, the Zoning Commission shall determine whether the application and development plan comply with the provisions of Section 7.07.04 of this Resolution. If the Zoning Commission determines that the application and development plan comply with the provisions of Section 7.07.05 of this Resolution and approves the application, the Zoning Commission shall cause the zoning map to be changed so that the Farm Residence District no longer applies to such property, with the property being thenceforth located in the Planned Farm Residence Conservation District and subject to the regulations there under. The approval of the application and development plan and the removal of the prior Farm Residence Zoning District from the zoning map is an administrative act and shall not be considered to be an amendment this Resolution.

**7A.03 – RESERVED**

**7A.04 – DESIGNING A PLANNED CONSERVATION FARM RESIDENCE SUBDIVISION**

A conservation subdivision is an open space development designed in accordance with the following process:

A. Five Step Sequential Design Process:

* + 1. Delineate all primary conservation areas; preserve as natural open space.
    2. Delineate select secondary conservation areas; preserve as improved common open space. Preserved natural and improved common open space must exceed fifty percent (50%) of gross tract area, as in Section 7.07.05, C. 1-4.)
    3. Draw house footprints outside the conservation areas. The number of houses is based either on 7.07.05D 1.) or 7.07.05D 2.) (applicant’s preference).
    4. Draw roads to connect the houses.

* + 1. Draw lot lines.

B. Design Requirements: A conservation subdivision shall incorporate the following design features:

* 1. Dwellings should generally be located along the edges of fields, as seen from existing public roads, rather than in the center to reduce visual impact.
  2. Eighty-five (85%) or more of all house lots should abut open space.
  3. Retain or replant native vegetation adjacent to wetlands and surface waters.
  4. Preserve existing hedge and tree lines.
  5. Preserve scenic views and vistas.
  6. Avoid new construction on prominent hilltops or ridges.
  7. Protect wildlife habitat areas of species listed as endangered, threatened, or of special concern by the Ohio Department of Natural Resources.
  8. Preserve historic or archaeological sites (i.e. earthworks, burial grounds).
  9. Front dwellings on internal roads, not on external roads.
  10. Landscape or retain vegetation in common areas with native trees and shrubs. Regulations and requirements as set forth in Article 23.03 of this Resolution shall apply to this zoning classification.
  11. Provide active recreational areas in suitable locations.
  12. Include a viable pedestrian circulation system.
  13. Protect natural drainage swales and creeks. No construction of buildings inside the one hundred (100) year floodplain.

**7A.05 – PROCEDURE TO CREATE A CONSERVATION SUBDIVISION**

1. Prepare Site Analysis Map: The applicant shall prepare a site analysis map and calculate the net developable acreage and yield as provided herein.
2. Submit Site Analysis Map: The applicant shall submit the existing features (site analysis) map for a tract(s) of land to be considered as a conservation subdivision under this Section to the Zoning Commission, and schedule an agreeable time to jointly visit the site for an on-site walkabout. No fee will be charged by the township for this initial submission.
3. On-Site Walkabout: The applicant and the Zoning Commission shall walk the site, at which time the primary and secondary conservation areas to be saved shall be identified. At the completion of the site walk or shortly thereafter a very conceptual development plan should be quickly sketched on the site analysis map by the applicant or his consultant for impromptu comments from the Zoning Commission. No binding decisions or votes are made at the on-site walkabout. Based upon such comments, a formal development plan can be prepared for public hearing. The On-Site Walkabout is a public meeting pursuant to Ohio Sunshine Law (ORC §121.22)., must be properly noticed, and open to the public. Minutes must be kept.
4. Prepare Application and Formal Development Plan- Applicant shall prepare and submit a formal application and development plan, with fifteen (15) copies and fees, to the Zoning Commission. Zoning Commission shall schedule a public hearing. Abutting landowners within five hundred (500) feet of the subject tract shall be notified. Zoning Commission may request the Delaware County Regional Planning Commission (DCRPC) to comment. Zoning Commission’s review is administrative; no zoning amendment is required. The DCRPC’s review is also administrative. The final Development Plan shall include in text and map form the following:
5. A survey plat and legal description signed by a registered Ohio surveyor showing the size and location of the proposed development.
6. A grading plan drawn at a scale of one inch (1”) = one hundred feet (100’), showing all information pertaining to surface drainage.
7. A landscape plan which depicts and identifies all proposed landscaping features, including those specified in Section 7.07.05 T.
8. An explanation of the method/structure and proposed documentation and instruments to be used in order to perpetually preserve the required open space.
9. The Development Plan shall be to a scale of at least one inch (1”) = one hundred feet (100’) and shall show the proposed uses of the site, location of buildings and structures, streets and roadways, and parking areas, all required design features, including the following:
   1. The general development character, design features and the permitted and accessory uses, buildings and structures to be located on the tract including the limitations or controls to be placed on each, with proposed lot sizes, and minimum setback and spacing requirements. Other development features, including landscaping, entrance features, signage, pathways, sidewalks, recreational facilities and open space areas. All commonly owned structures shall be shown in detail which identifies the location, quantity, type and typical section of each. The landscape plan shall identify each plant, shrub or tree, its name, its size at planting and rendering of how that section of the development would look in elevation. The Development Plan shall identify dwelling unit densities, dwelling unit types, the total number of dwelling units proposed for the site, and the method and manner used to calculate density.
   2. Primary conservation areas such as the one hundred (100) year floodplain, wetlands, and slopes greater than twenty percent (20%) shall be mapped.
   3. No structure (other than approved drainage structures as shown on The Development Plan) shall be constructed within the limits of the one hundred (100) year floodplain as mapped by FEMA on the Flood Insurance Rate Maps for Delaware County.
   4. Locations of stream channels, watercourses, wooded areas and buffer areas shall be designated. Existing topography and drainage patterns shall also be shown. Primary and secondary conservation areas to be conserved and such areas to be impacted or altered shall be identified on the Plan.
   5. Architectural design criteria including materials, colors and renderings for all structures and criteria for proposed signs, with proposed control procedures. These shall also include specific renderings of the elevations of structures. Any modification of these structures shall require re-approval of the Development Plan by the Township Zoning Commission. Materials and colors shall be submitted for approval.
   6. The proposed provisions for water, fire hydrants, sewage disposal and surface drainage with engineering feasibility studies or other evidence of reasonableness. Pipe sizes and locations, detention basins and drainage structures shall be drawn.
   7. A traffic impact analysis by a competent traffic engineer, showing the proposed traffic patterns, public and private streets and other transportation facilities, including their relationship to existing streets and conditions.
   8. The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
   9. Identification and location of all uses and structures proposed within the site and the location of schools, parks and other public facility sites within or adjacent to the site. This includes a showing of:
      1. The exact location and dimension of private streets, common drives and public street rights-of-way;
      2. Exact location of building footprints or envelopes within which dwelling units are to be constructed, and lot lines with dimensions for all residential units for which individual ownership is proposed;
      3. Dimensions of building/unit spacing;
      4. The extent of environmental conservation and change and the exact location of all no cut/no disturb zones;
      5. Designated open space areas and a description of proposed open space improvements; and
      6. The exact location of all utility easements.

j. The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.

k. If the proposed timetable for development includes developing the land (including open space) in phases, all phases shall be fully described in textual form in a manner calculated to give Township officials definitive guidelines for approval of future phases.

l. The ability of the applicant to carry forth this plan by control of the land and the engineering feasibility of the plan.

m. Except for density and the percentage of required open space, the applicant may request a divergence from the other development standards set forth in Section 7.07 of this Resolution. An applicant making such a request shall specifically and separately list each requested divergence and the justification therefore on the Development Plan submittals, with a request that the proposed divergence be approved “per plan.” Unless specifically supplemented by the standards contained in Section 7.07 of this Resolution or those standards approved in the Development Plan, the development shall comply with the General Development Standards applicable to all zoning districts, as set forth in Articles 21 and 22 of the Resolution.

n. Deed restrictions, protective covenants, and other legal statements or devises to be used to control the use, development and maintenance of the land, the improvements thereon, including those areas which are to be commonly owned and maintained as well as the open space.

o. Other information, as may be required by the Township Zoning Commission, in order to determine compliance with this Resolution.

p. The Development Plan shall bear the seal of a registered engineer or surveyor and an architect or landscape architect, each of whom shall be licensed to practice in the State of Ohio.

1. Public Hearing: The Zoning Commission shall hold a public hearing on the request within a reasonable period of time after receipt of the application, final development plan and submission of fees.
2. Action by Zoning Commission: The Zoning Commission may approve the application and final development plan for the PFRCD provided it finds that:
   * 1. The proposed use complies with all purposes, requirements and standards established in this zoning Resolution and that any divergence is warranted by the design and amenities incorporated in the development plan;
     2. The design preserves and protects primary conservation areas, and adequately provides useable open space in secondary conservation areas;
     3. The proposed use is in accord with applicable plans or policies for the area;
     4. The proposed development will be adequately served by essential public facilities and services such as roads, walks, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; and
     5. The proposed development is in keeping with the existing land use character and physical development potential of the area. In approving the application and Final Development Plan, the Zoning Commission may impose such conditions, safeguards and restrictions in order to carry out the purpose and intent of this district.

G. Subdivision Plat: No zoning certificate shall be issued for any structure in any portion of a planned development for which a plat is required by the Delaware County Subdivision Regulations unless and until:

1. The final subdivision plat for that portion has been approved by the Delaware County Regional Planning Commission, Delaware County Commissioners, and recorded.

2. A full size and an eleven inch by seventeen inch (11"x 17") copy have been filed with the Zoning inspector.

No modification of the provisions of the Final Development Plan, or part thereof, as finally approved shall be made unless the provisions of subsection 7.07.07 of this Resolution are followed. The applicant shall submit the subdivision plat to the Zoning Inspector for review in order to assure the notes and agreed conditions on the Development Plan are not compromised by final engineering.

H. Zoning Certificate: After the Final Development Plan is approved and any required final Subdivision Plat is recorded, the Zoning Inspector may issue a zoning permit upon payment of the required fees and submission of the detailed landscaping plan for each platted lot. The zoning permit for a planned development shall be for a period not to exceed three (3) years or that period approved in the final development plan. If no construction has begun within three (3) years after approval is granted the Final Development Plan approval shall be void.

**7A.06 – PLANNED CONSERVATION FARM RESIDENCE DISTRICT DEVELOPMENT PLAN STANDARDS**

A. Permitted Uses: Single family detached dwellings; attached two and three unit dwellings; open space; recreation facilities accessory to the development.

B. Minimum tract size: for a PFRCD Subdivision – ten (10) acres.

C. Open Space: At least fifty percent (50%) of the gross tract acreage shall be designated as permanent open space, not to be further subdivided. Open space shall be owned, administered and maintained pursuant to Sections 21.15 and 21.16 of this Resolution. Dedication of land for public purposes approved with the development plan including trails, active recreation, spray irrigation fields, etc. may be encouraged by the Township. The decision whether to accept an applicant’s offer to dedicate open space for public use shall be within the sole discretion of the Board of Township Trustees. Land dedicated to public purposes may count toward the open space requirement if approved on the development plan.

1. At least twenty-five percent (25%) of the minimum required open space shall be suitable for active recreation purposes, but no more than fifty percent (50%) shall be utilized for that purpose, in order to preserve a reasonable proportion of natural open space on the site. The development plan shall specify the purposes for which open space areas are proposed. Any recreational facilities proposed to be constructed within open space areas shall be clearly shown on the development plan.
2. In calculating open space, the areas of fee simple lots conveyed to homeowners shall not be included.
3. The required open space may be used for underground drainage fields for individual or community septic systems, and for "spray fields" for spray irrigation purposes in a land treatment sewage disposal system as approved per the development plan. Spray fields are crop, forage and pasture fields fertilized and irrigated by the nutrient-rich liquid, or mixtures of liquids and manure solids (slurries) from liquid manure storage structures.

Primary conservation areas as defined in Section 4.01 of this Resolution, plus storm water management detention/retention ponds, plus constructed wetlands acting as detention basins, plus sewage treatment ponds may count in their combined aggregate for up to fifty percent (50%) of the required open space.

1. Any area of natural open space that is proposed to be disturbed during construction or otherwise not preserved in its natural state shall be shown on the development plan and shall be restored with vegetation that is compatible with the natural characteristics of the site. The method and timing of any restoration shall be set forth in the development plan.
2. Determining Density or "Yield": The permitted density is the number of dwelling units in the development. Applicants shall have two options to establish the legally permitted density. Either:

1. Multiply the net developable area (in acres) by either:

a. Six-tenths (0.6) dwelling unit per net developable acre with on-site septic systems; or

b. Seventy-five hundredths (.75) dwelling units per net developable acre with centralized sewer. The result in either case shall be rounded down to the nearest whole number; or

2. Create a "yield plan" for a conventional subdivision of two (2) acre lots. The conservation subdivision may cluster the same number of dwellings as provided herein. Such "yield plan" consists of a conventional lot and street layout and must conform to the Township's regulations for the Farm Residence Zoning District governing lot dimensions, land suitable for development, street design, parking, water supply and general sewage disposal feasibility (by soils mapping or another alternative). Although such plans shall be conceptual in nature, and are not intended to involve significant engineering costs, they must be realistic and must not show potential house sites or streets in areas that would not ordinarily be legally permitted in a conventional layout.

Typical "yield plans" would include, at minimum, basic topography, location of wetlands, one hundred (100) year floodplains, slopes exceeding twenty percent (20%), and soils subject to slumping, as indicated on the medium-intensity maps contained in the county soil survey published by the USDA Natural Resources Conservation Service.

E. Sewage Disposal: For sites not served by public centralized sewer, sewage disposal feasibility shall be demonstrated by letter from the local Board of Health, Delaware County Sanitary Engineer, the Ohio EPA, or a licensed sanitary or civil engineer.

F. Perimeter Setback: No building shall be constructed within fifty feet (50’) of the external boundary of the conservation subdivision.

G. Storm Water: No features shall be designed which are likely to cause erosion or flooding.

H. Subdivision Standards: Street and drainage improvements shall conform to the subdivision standards for Delaware County Ohio.

I. Paths: Sidewalks or walking paths may be required for subdivisions of more than fifteen (15) lots. Sidewalks/paths shall be separated from the paved street surface by at least five feet (5') of landscaped or grassed strip. The Zoning Commission may require paved/unpaved walkways to connect residential areas and open spaces.

J. Street Trees: Deciduous, broad leaf street trees with a minimum caliper of two inches (2”) at planting shall be planted (or retained) at least every fifty (50) lineal feet along at least one side of the street(s).

K. Minimum Front Setbacks: Dwelling Units shall be set back forty (40) feet from the street right of way. Front load garages shall be setback at least ten (10) feet behind the front building line of the dwelling unit, or may be flush with the dwelling unit front if the dwelling unit sets back at least fifty (50) feet from the street right of way. Side load garages shall be setback at least forty (40) feet from the street right of way.

L. Minimum Lot Size: Twelve thousand (12,000) square feet for single family detached dwellings on fee simple ownership lots. Attached units or detached condominiums as approved per the final development plan.

M. Minimum Lot Width at the Building Line: One hundred feet (100’) for single family detached dwelling units on fee simple ownership lots.

N. Minimum Side Yards: Twelve and one-half feet (12 ½’) each side, with no encroachments, including chimneys, air conditioning units, etc., for single family detached dwellings on fee simple ownership lots. In all other cases, the minimum separation between buildings containing dwelling units shall be thirty (30) feet

O. Driveway Setbacks: Two feet (2’) from side lot line. Side-load garages shall provide at least twenty-four feet (24’) of paved apron, exclusive of the two foot (2’) side lot line for single family detached dwellings on fee simple ownership lots. Attached units or detached condominiums as approved per the final development plan.

P. Minimum Rear Yard: Thirty feet (30’) for single family detached dwellings on fee simple ownership lots and attached garages and fifteen feet (15’)for accessory buildings. Attached units or detached condominiums as approved per the final development plan.

Q. Building Height Requirement: No principal building in this district shall exceed thirty-five feet (35’) in height, as defined in Article 4 of the Brown Township Zoning Resolution.

R. Minimum Dwelling Unit Floor Area: Eleven hundred (1100) square feet per dwelling unit.

S. Street lighting: All lighting shall be controlled in such a way as to not shine up into the sky or onto any neighboring properties. Examples of ways in which this might be accomplished are:

1. Use of fully shielded cut-off fixtures;
2. Directing light fixtures downward cast rather than upward cast;
3. Shielding the light in such a way that the light emitting portion of the fixture cannot be seen at a reasonable distance;

All outdoor light pole fixtures shall not exceed a maximum height of twenty feet (20’) measured from the finished grade established not closer than fifteen feet (15’) to the pole;

In addition to the provisions of this Article all outdoor light fixtures shall be installed in conformity with all other applicable provisions of this Resolution.

1. Landscaping: All yards, front, side and rear, shall be landscaped. All improved common open space shall be landscaped per the approved development plan. A landscape plan for the common open space and streetscape within road right of way shall be prepared by a licensed landscape architect showing the caliper, height, numbers, name and placement of all material, and shall be submitted with and approved as a part of the final development plan.
2. Parking: Off-street parking shall be provided at the time of construction of each principal structure or building, with adequate provisions for ingress and egress in accordance with the development plan. Off-street parking shall comply with the provisions of Article 21 of the Brown Township Zoning Resolution.
3. Signs: All signs shall be in accordance with Article 22 of this Resolution.
4. Other Requirements: Unless specifically supplemented by the standards contained in Section 7.07 of this Resolution or those standards approved in the development plan, the development shall comply with the requirements of the General Development Standards applicable to all zoning districts as set forth in Articles 21 and 22 of the Brown Township Zoning Resolution.
5. Supplemental Conditions and Safeguards: The Zoning Commission may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed, landscaping, development, improvement and maintenance of open space (whether improved common open space or natural open space), and any other pertinent development characteristics.
6. Divergences: The Zoning Commission, as a part of development plan approval, may grant divergences from any standard or requirement in this Section with the exception of density and the percentage of required open space. An applicant requesting a divergence shall specifically and separately list each requested divergence and the justification therefore on the development plan submittals with a request that the proposed divergence be approved “per plan”.

**7A.07 – OWNERSHIP AND MAINTENANCE OF OPEN SPACE**

Common open space within a development shall be owned, administered, and maintained pursuant to Sections 21.16 and 21.17 of this Resolution.

**7A.08 – EXTENSION OR MODIFICATION OF FINAL DEVELOPMENT PLAN**

1. An extension of the time limit for the approved Final Development Plan may be granted by the Zoning Commission provided the Zoning Commission finds that such extension is not in conflict with public interest.
2. A request for minor changes to the Final Development Plan may be approved by the Zoning Commission without being subject to the same procedures as the original application. In approving such requests, the Zoning Commission may impose such conditions, safeguards and restrictions in order to carry out the purpose and intent of this district.
3. In the case of a request for a modification or amendment to the Final Development Plan that represents a substantial departure from the intent of the original proposal, said modification or amendment shall be subject to the same procedure and conditions of approval as the original application. The following shall be considered substantial departures from the original application:
4. A change in the use or character of the development

1. An increase in overall coverage of structures
2. An increase in the density

1. An increase in the problems of traffic circulation and public utilities
2. A reduction in approved open space
3. A reduction of off-street parking and loading space
4. A reduction in required pavement widths
5. A reduction of the acreage in the planned development

In approving such requests, the Zoning Commission may impose such conditions, safeguards and restrictions in order to carry out the purpose and intent of this district.