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Community Development

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Agricultural Zoning

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Land Use Series

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Introduction

Deciding how a piece of land will be used has historically been considered as an individual right of property ownership. However, in 1926, the Supreme Court (*Village of Euclid vs. Ambler Realty*) ruled that zoning of designated areas may be used to safeguard and promote the health, safety, and general welfare of a community. Underlining the philosophy of zoning is the idea that land use may be divided into separate and distinct categories such as residential, industrial, commercial, and agricultural.

How Does Zoning Work?

Zoning regulations govern how land can be used in a community. Traditional zoning works to designate areas of acceptable uses and separate those that might conflict. Manufacturing is separated from housing developments, day-care centers are located away from industrial sites, and agricultural production can be insulated from housing developments. Sections 519-12 and 700 of the Ohio Revised Code provide for local officials, residents, landowners, or tenants to amend existing zoning resolutions. Most state legislation requires that zoning regulations be comprehensive and rational and that they be voted on by community officials and accepted by the local community. Agricultural zoning is a special application of zoning and is used by communities that wish to encourage and protect agricultural production in a designated area.

Why Enact Agricultural Zoning?

The protection of land for agricultural purposes is a legitimate zoning objective under the state planning statutes as set forth in the Ohio Revised Code. Agricultural zoning strives to protect the viability of agriculture in a region and is generally used by communities that are concerned about maintaining the economic viability of their agricultural industry. A carefully written agricultural zoning ordinance can prevent farmland from being converted to nonfarm uses, can prevent the fragmentation of farms, prevent land-use conflicts, and protect agricultural producers from nonfarm intrusion into agricultural areas as well and as vigorously as residential zoning can protect housing areas from commercial or industrial intrusions. A further consideration in agricultural zoning is the reduction or elimination of conflicts that arise between farm and nonfarm residents. Nonfarm residents often find that normal farming practices -- tractors operating during early- morning or late-night hours; livestock operations, including well-managed ones, that produce odors from livestock waste; chemical applications that are used for controlling insects and diseases in high-value crops; and machinery moving slowly on the roads from farm to farm -- are among practices that are foreign to their former urban settings.

Many agricultural producers are finding that they can no longer afford to purchase land for agricultural purposes. Residential development in agricultural areas drives up the cost of public services and the price of land to the point that it is not profitable for agricultural production. Establishing agricultural zones in areas of prime farmland can, in conjunction with other agricultural protection methods, reduce competition and keep the cost of farmland reasonable. Reduced farmland costs may be offset through other voluntary incentive programs such as Purchase of Development Rights (PDR), Transfer of Development Rights (TDR), Lease of Development Rights (LDR), tax abatement, or low-interest loans. Protecting large blocks of farmland through agricultural zoning will also aid in preserving the rural character of a community and in preventing constant increases in property taxes.

How Agricultural Zoning Works

Agricultural zoning limits the density of development and restricts nonfarm uses of the land. In many agricultural zoning ordinances, the density of residential development is controlled by establishing a minimum lot size that corresponds to the amount of land needed to sustain an individual farm. Densities may vary depending upon the type of agricultural operation. For example, if 160 acres are needed to maintain one economically viable livestock or cropping operation in an area designated as A-1, then each landowner is allowed to build only one nonagriculturally related house for every 160 acres. Another area where production is more intensified, such as horticultural production, may be designated as A-2 and allow for one home on every 25 acres. Some communities have enacted a third zone, A-3, comprised of land located in the agricultural area but not suited to farming. Many farms will contain A-3 lands. Residential development allowed in this zone is typically one home on one acre or less with sewer services or the minimum acres needed for on-lot sewage disposal. Another alternative would be a conservation development that clusters homes on smaller parcels with common open space. Lot divisions not governed by subdivision control ordinances typically allow 10 homes on 50 acres. In a conservation development, the landowner can now sell 10 lots on 10 acres, thereby retaining the advantage of development while maintaining his/her productive agricultural land. The list of permitted uses in an agricultural zone should be consistent with viable farming alternatives.

Advantages

Agricultural zoning can help to protect a farming community from becoming fragmented by residential development. Individuals purchasing land in an agricultural zone know up front what is permitted in that area, and agricultural zoning is often less expensive than other voluntary incentive methods, such as Purchase of Development Rights, for protecting agricultural lands. It is also more comprehensive and effective than programs that rely on individual owner initiative.

Disadvantages

Like other zoning ordinances, agricultural zoning is vulnerable to change. If community attitudes or political leadership shift, an ordinance may be dismantled. As a result, some communities have implemented agricultural zoning in conjunction with other farm-protection measures. As with other zoning ordinances, intentions are not always fully communicated in the ordinance, so they must be written very precisely, which in turn does not always allow for flexibility for new practices or technology. Zoning is enacted on a community scale, and some landowners, if in a minority, may become part of a plan they individually oppose.

Who Enacts Agricultural Zoning?

Agricultural zoning is enacted after a public hearing and upon passage of a zoning resolution to enact a zoning ordinance by local governmental officials. The zoning ordinance is most effective when developed in collaborative partnership with all potentially affected interests, such as private landowners, farmers, businesses, elected officials, developers, and other community leaders.

How Does Agricultural Zoning Relate to Agricultural Districts and Current Agricultural Use Valuation?

While agricultural districts will provide some protection from water, sewer, and electric assessments that cross their property to serve new rural residential development, agricultural zoning provides an additional protection for farmers by limiting development in the areas designated for agricultural production. Agricultural districts also provide for some measure of protection from eminent domain and law suits arising from nuisance complaints. Agricultural districts are established by individual landowners. Agricultural zoning, on the other hand, is a community tool that is based on designated areas suited to farming and may include several landowners rather than individual farms. Agricultural districts are established by the individual landowner making application with the county auditor while agricultural zoning requires action by the township trustees or county commissioners.

Agricultural zoning is compatible with and compliments agricultural districts and current agricultural use valuation (CAUV) by clearly defining areas of agricultural production. In many states, agricultural zoning is necessary for voluntary incentive programs such as Agricultural Security Areas, PDR, LDR, and TDR programs, or programs that provide for additional tax abatements.

Suggested Reading

Common Ground Work: A Practical Guide to Protecting Rural and Urban Land. 1993. A joint project of the Western Reserve Resource Conservation and Development Council, Lake and Geauga Soil and Water Conservation Districts. Institute for Environmental Education.

Community Development Fact Sheets. 1993. Serena Howard Dresbach. Ohio State University Extension:

Initiating Rural Zoning. CDFS 304.

Enacting Rural Zoning. CDFS 305.

Rural Zoning: Purpose and Definition. CDFS 300.

Rural Zoning: Cans and Can'ts. CDFS 301.

Ohio Planning and Zoning Law. 1998 Edition. Stuart Meck and Kenneth Pearlman. Banks-Baldwin Law

Publishing Company, Cleveland, Ohio.

Saving American Farmland: What Works. 1997. American Farmland Trust. North Hampton, Maine.

Common Groundwork: A Practical Guide to Protecting Rural and Urban Land. 1993. Western Reserve Conservation and Development Council. Institute for Environmental Conservation.

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