

## Agriculture & Farmland Protection Plan, Section 4: Farmland Protection Goals, pgs. 26-43

### GOAL #4: ENHANCE LAND USE POLICIES TO BETTER PROTECT FARMLAND

Goal ID	Action	Time Frame	Responsibility
4 A	Adopt a Local Right-to-Farm Law.	Short-term	TOU
4 B	Revise/enhance the Town's subdivision regulations.	Short-term	TOU
4 C	Explore an alternative approach to traditional minimum lot size zoning in districts where agriculture is a priority.	Short-term	TOU
4 D	Ensure future infrastructure investments are consistent with the Future Land Use Plan (as part of the 2009 <i>Comprehensive Plan</i> ).	Ongoing	TOU
4 E	Special Permits for Single-Family Homes	Short-term	TOU
4 F	Establish a Lease of Development Rights (LDR) program.	Medium-term	TOU, TC
4 G	Establish an Agricultural Land Mitigation Ordinance.	Medium-term	TOU, AC
4 H	Participate in the Agriculture District #2 update, maximizing the amount of farmland included in the program.	Medium-term/ Ongoing	TOU, AC
4 I	Revise the Town's site plan review regulations.	Medium-term	TOU
4 J	Develop a database and notification program for available farmland.	Medium-term	TOU, CCETC
4 K	Expand/enhance the Town's cluster development regulations.	Medium-term	TOU
4 L	Coordinate with adjacent municipalities on land use planning initiatives.	Ongoing	TOU, neighboring towns
4 M	Establish an incentive zoning program.	Long-term	TOU
4 N	Explore a Purchase of Development Rights (PDR) and/or Transfer of Development Rights (TDR) program. Continue to coordinate with Tompkins County on its PDR program.	Long-term/ Ongoing	TOU, TC, NYS

## Agriculture & Farmland Protection Plan, Section 4: Farmland Protection Goals, pg. 34

Goal ID	Action	Time Frame	Responsibility
4 A	Adopt a Local Right-to-Farm Law.	Short-term	TOU

### Town Action on Goal 4 A:

Right to Farm clause added to Zoning in 2007

See Zoning § 212-24 "Right to Farm"

## Agriculture & Farmland Protection Plan (AFPP), Section 4: Farmland Protection Goals, pg. 34

4 B	Revise/enhance the Town's subdivision regulations.	Short-term	TOU
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### AFPP Town Goal 4 B:

#### 4 B. Subdivision Review (H)

- Encourage developers to identify important farmlands and other key environmental features including those that would affect water quality and viewsheds at the beginning of the design process, and then design a residential subdivision in harmony with those resources to the extent practical.

### Proposed Town Action on Goal 4 B:

Require Major Subdivisions (subdivision of more than 3 lots) to be subject to conservation / cluster subdivision, which is based on a natural resource inventory. Any new large developments must start with identification of valuable open space, views, and natural features before laying out the development.

This inventory and evaluation of natural, historic, and cultural resources on a property identifies what should be protected, provides the basis for the maximum density calculation, and determines locations for new development.

## Agriculture & Farmland Protection Plan (AFPP), Section 4: Farmland Protection Goals, pg. 34

4 B	Revise/enhance the Town's subdivision regulations.	Short-term	TOU
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### AFPP Town Goal 4 B, cont'd:

#### Proposed Town Action on Goal 4 B:

#### 4 B. Subdivision Review (H)

- Employ best practices in subdivision/site design including the following: vegetated buffers adjacent to streams and wetlands; vegetated buffers between farms and residences to minimize potential conflicts between residential communities and farming activities; avoiding the creation of landlocked farm parcels; placement of building lots on the least viable farmland; identifying important viewsheds; and preserving optimal shapes and sizes of remaining farmland (i.e. limiting number of corners and narrow strips that need to be navigated by large farm equipment). The Town Board should be enabled to require professional site designers to achieve these objectives, with the developer responsible for the fee.

- Updated Zoning § 212-124 to require 100-foot setback from Trumansburg and Taughannock Creeks
- All developments subject to Site Plan Review § 212-19 must submit a landscape plan (i.e., professional site design)
- Require Major Subdivisions (subdivision of more than 3 lots) to place buildings on least viable farmland as part of design process

## Agriculture & Farmland Protection Plan (AFPP), Section 4: Farmland Protection Goals, pg. 34

4 B	Revise/enhance the Town's subdivision regulations.	Short-term	TOU
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### AFPP Town Goal 4 B, cont'd:

### Proposed Town Action on Goal 4 B:

#### 4 B. Subdivision Review (H)

- Use the term “shall”, rather than “may”, whenever possible in expanded sections of the Subdivision regulations.

- Updated Land Subdivision Regulations to use ‘may’ for requirements where Planning Board discretion is warranted, such as:
  - hydrogeological study during Major Subdivision Preliminary Plat Review
  - Planning Board members may schedule a field visit to the site during Major Subdivision Preliminary Plat Review
  - changed ‘may’ to ‘must’ to require Applicant to submit Cluster Sketch Plat
  - Minimum lot width and other dimensional standards of § 212-29 Lot Area and Yard Requirements may be waived at the discretion of the Planning Board

## Agriculture & Farmland Protection Plan (AFPP), Section 4: Farmland Protection Goals, pg. 34

4 B	Revise/enhance the Town's subdivision regulations.	Short-term	TOU
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### AFPP Town Goal 4 B, cont'd:

#### 4 B. Subdivision Review (H)

- Reduce the amount of road frontage lost to multi-lot subdivisions through the use of shared driveways or public roads (see figure 4B). Some communities limit the number of access points, or driveways, per a given length of road frontage or set a minimum percentage of road frontage that must be preserved.
- Develop language stating that subdivisions are cumulative over time, which helps prevent the practice of multiple minor subdivisions over time for the purpose of avoiding the major subdivision review process.

### Proposed Town Action on Goal 4 B:

- Multi-lot subdivisions (i.e., Major Subdivisions) require uses of identification of valuable open space, views, and natural features before laying out the development, which includes roads
- Definition of Minor Subdivision updated to include a subdivision of land resulting in three lots or the creation of a third lot from the same original Parent Lot within three years

## Agriculture & Farmland Protection Plan (AFPP), Section 4: Farmland Protection Goals, pg. 34

4 C	Explore an alternative approach to traditional minimum lot size zoning in districts where agriculture is a priority.	Short-term	TOU
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### AFPP Town Goal 4C:

#### 4 C. Density-Based Zoning or Fixed-Area Ratio Zoning (H)

As an alternative to traditional minimum lot size zoning, the Town should explore either density-based or fixed-area ratio zoning. These methods limit the number of times a parent parcel can be subdivided while providing flexibility to site residential units on smaller parcels of less productive farmland and preserving larger tracks of agricultural land for farming.

### Proposed Town Action on Goal 4 C:

-Fixed Area Ratio Alternative (total acreage divided by 15, maximum 2 acre – recommended; or 4 acre – as proposed), similar to Area Allocation Method highlighted in Comprehensive Plan, pg. 188

## Agriculture & Farmland Protection Plan (AFPP), Section 4: Farmland Protection Goals, pg. 35

4 D	Ensure future infrastructure investments are consistent with the Future Land Use Plan (as part of the 2009 <i>Comprehensive Plan</i> ).	Ongoing	TOU
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### AFPP Town Goal 4 D:

#### 4 D. Infrastructure Planning and Development (H)

Ulysses should continue to use the Future Land Use Plan, as part of the 2009 *Comprehensive Plan*, as a guide for public investments in infrastructure such as new water lines, roadways, and potential sewer lines. Specifically, the Town should avoid extending these services into areas where agriculture has been identified as a priority.

### Proposed Town Action on Goal 4 D:

- No plans to extend water (except Falls Road where the Village laid the water line)
- In addition, Town required to submit a Notice Of Intent (NOI) to NYS Department of Agriculture and Markets prior to proceeding with certain infrastructure projects, including the establishment or expansion of sewer and water districts.



## Agriculture & Farmland Protection Plan (AFPP), Section 4: Farmland Protection Goals, pg. 35

4 E	Special Permits for Single-Family Homes	Short-term	TOU
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### AFPP Town Goal 4 E:

#### 4 E. Special Permits for Single-Family Homes (H)

Consider requiring new single-family homes to obtain a Special Permit in zoning districts where continuation of agriculture is a priority. This would trigger site plan review and ensure the site design is optimal for preserving farmland and providing necessary buffers.

### Proposed Town Action on Goal 4 E:

- No plans to subject Single-Family or Two-Family Homes to Special Permitting
- Comments concerned with being able to sell land for development
  - Frequent misuse: Uses subject to Site Plan Review and Special Permitting are still allowed uses
  - A site plan denial is unsustainable if the use or structure complies with zoning, unless the record contains substantial evidence that the use will have a significant deleterious effect on the community.
- Courts examine special permitting rules and conditions more strictly as they are frequently misused and misapplied

## Agriculture & Farmland Protection Plan (AFPP), Section 4: Farmland Protection Goals, pg. 35

4 G	Establish an Agricultural Land Mitigation Ordinance.	Medium-term	TOU, AC
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### AFPP Town Goal 4 G:

#### 4 G. Agricultural Land Mitigation Ordinance (H)

Ulysses can develop an incentive program whereby developers are required to protect a certain amount of farmland for every acre of new development. For example, if a new subdivision results in five acres of lost farmland or open space, the developer must establish a conservation easement on five acres of farmland. This easement could be on the original development parcel or could be somewhere else in

### Proposed Town Action on Goal 4 G:

- No action proposed. ZUSC explored an option similar to this, proposed by BZA and CSAC, which required a set-aside of between 50-80% of land at the time of subdivision.
- Issues with clear criteria for determining which % of land area of a subdivided parcel should be protected (or its equivalency elsewhere), taking into consideration the suitability of land for agricultural purposes and other relevant, defensible factors
- Off-site agricultural mitigation not expressly allowed by statute or administrative decision as in VT and CA

## Agriculture & Farmland Protection Plan (AFPP), Section 4: Farmland Protection Goals, pg. 36

4 I	Revise the Town's site plan review regulations.	Medium-term	TOU
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### AFPP Town Goal 4 I:

### Proposed Town Action on Goal 4 I:

#### 4 I. Site Plan Review (H)

The Town should consider making the following changes and improvements to its Site Plan Review regulations:

- Require developers to work with the Town to clearly identify and locate critical farmlands, farmland soils, and other environmental features on the site at the early stages of the process. An agricultural data statement is required in accordance to NYS law for any proposed development in a County Agricultural District. Through this process, they should be able to demonstrate how their design preserves these features to the extent practical. The Town should consider all possible scales of development in critical farmland areas when revising zoning regulations.
- Add farmland preservation to the specific review criteria. The zoning code currently only lists consideration of environmental features and open space or recreation opportunities.
- Develop site plan review procedures for confined animal feedlot operations (CAFO's) as defined by the US EPA or the New York State DEC.

- ZUSC determined the existing § 212-29 'Site Plan Review' process was adequate to cover a range of Site Plan Review applications, but accepted inclusion of language in Agriculture and Farmland Committee Analysis of Current Zoning, See Appendix D-1 of Ag Plan, page 77-78 and Agriculture Committee May / June 2017 comments
- Ag Data Statements required already under NYS Town Law 283-a for discretionary decisions
- Design Standards proposed for Confined Animal Feeding Operations (CAFO) which apply regardless of how that use is classified (Site Plan Review, Special Permit, etc.)

## Agriculture & Farmland Protection Plan (AFPP), Section 4: Farmland Protection Goals, pg. 37

4 K	Expand/enhance the Town's cluster development regulations.	Medium-term	TOU
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### AFPP Town Goal 4 K:

#### 4 K. Conservation or Cluster Development Design (H/M)

The Town should expand the Cluster Subdivision section of the Town Zoning Code to provide more guidance to developers and Town officials. This might include incentives for encouraging cluster design beyond the increased density of allowable units. In addition, the Town may consider making residences as part of a Cluster Development a use permitted by right in certain zoning districts, while a residence as part of a conventional subdivision would require a Special Use Permit. The developer would then have the burden of demonstrating why a conventional design would be better than a cluster design. Finally, the Cluster Subdivision section of the Zoning law could be expanded to include Conservation Subdivision and accompanied by an explicit requirement that lands set aside for open space be covered by a permanent easement. At least 50 percent of the lands might be appropriate to be set aside for this purpose. An extensive discussion of Conservation or Cluster Development design options is given in Appendix C, section 3.10.

### Proposed Town Action on Goal 4 K:

- Require Major Subdivisions (subdivision of more than 3 lots) to be subject to conservation / cluster subdivision, which is based on a natural resource inventory
- Incentives (density bonuses) provided for recreation or public access to open space (via trail or other important natural area); working farmland; or permanent open space with conservation easement required
- Cluster / conservation subdivision plat now required as part of Subdivision Review process

## Agriculture & Farmland Protection Plan (AFPP), Section 4: Farmland Protection Goals, pg. 38

4 M	Establish an incentive zoning program.	Long-term	TOU
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### AFPP Town Goal 4 M:

#### 4 M. Incentive Zoning (M)

Incentive zoning involves establishing a list of benefits or rewards, such as increases in allowable density on some portions of a parcel of land or reduced parking area requirements. A developer can receive these rewards if they provide certain amenities such as protection of farmland, construction of trails or other public uses, or cash in lieu of these amenities. Ulysses should explore the development of this type of zoning and other incentive-based policies as additional tools to protect farmland while balancing community and private landowner interests.

### Proposed Town Action on Goal 4 M:

- Minimum parking requirements have been removed, leaving this to the discretion of the Planning Board during Site Plan Review
- Incentives (density bonuses, which are an increase in allowable density) now provided in Land Subdivision Regulations for certain amenities: recreation or public access to open space (via trail or other important natural area); working farmland; or permanent open space with conservation easement required

## Review of Comments – February 22, 2018

### A/R Agricultural / Rural Zone Yard and Lot Requirements, Limits on Subdivision

Minimum lot area: 2 acres (recommended: 1).

**Maximum lot area: 4 acres** (recommended: 2).

Minimum lot width at street (road frontage): **200** feet.

Limit on number of subdivisions.

### Rationale for **Proposed** Zoning – Agriculture & Farmland Protection Plan, pg. 35

**TABLE 4.1** Number of Subdivisions Allowed per Lot

Lot Size of Parent Parcel (Acres)	# of Subdivided Lots Allowed			
	Density-Based (Town of Seneca)	Density-Based Alternative	Fixed Area Ratio (Town of Ithaca) <i>total acres divided by 7 no max acres each</i>	Fixed Area Ratio Alternative <i>total acres divided by 20, max 2 acres each</i>
5 - 100	1	4	1 to 14	1 to 5
101 - 150	2	6	14 to 21	5 to 7
151 - 200	3	8	21 to 28	7 to 10
200+	1 per 50 acres	3 per 50 acres	28+	10+



It should be noted that whatever method is selected, it should be accompanied by a maximum lot size and a limitation on road frontage development.

## Review of Comments – February 22, 2018

### A/R Agricultural / Rural Zone Yard and Lot Requirements, Limits on Subdivision


Minimum lot area: 2 acres (recommended: 1).

**Maximum lot area: 4 acres** (recommended: 2).

Minimum lot width at street (road frontage): **200** feet.

Limit on number of subdivisions.

### Rationale for **Proposed** Zoning – Agriculture & Farmland Protection Plan, Appendix D-1; Ag Committee Analysis of Current Zoning, pg. 76

<p>Article V, 5.7, Lot Area and Yard Requirements (page 37)</p>	<p>The smaller the minimum lot size required, the less acreage is removed from agricultural activity.</p> 	<p>Allow lots size to be reduced from 2 acre to 1 acre if compliant with health department requirements for well and septic, and as part of cluster, conservation, or other variable lot size zoning techniques.</p>
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# Review of Comments – February 22, 2018

## A/R Agricultural / Rural Zone Yard and Lot Requirements, Limits on Subdivision

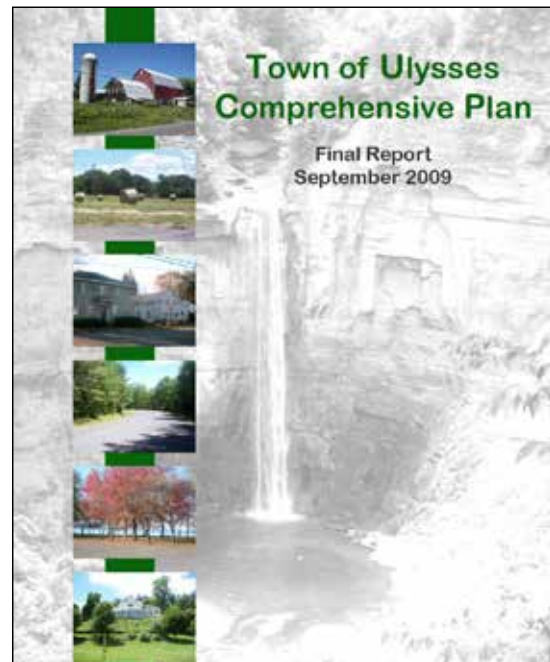
Minimum lot area: 2 acres (recommended: 1).

**Maximum lot area: 4 acres** (recommended: 2).

Minimum lot width at street (road frontage): **200** feet.

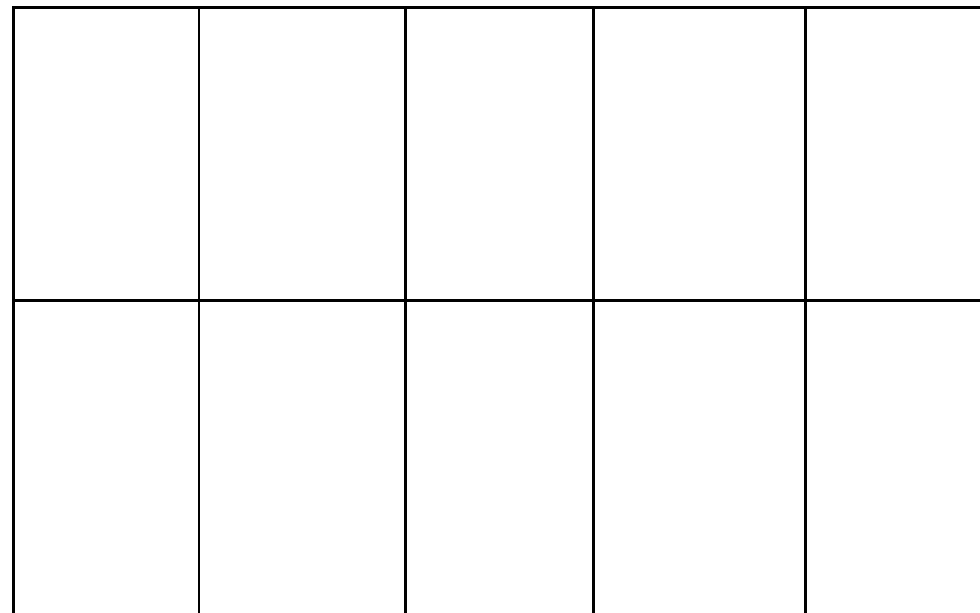
Limit on number of subdivisions.

## Rationale for **Proposed** Zoning – Comprehensive Plan, pg. 188

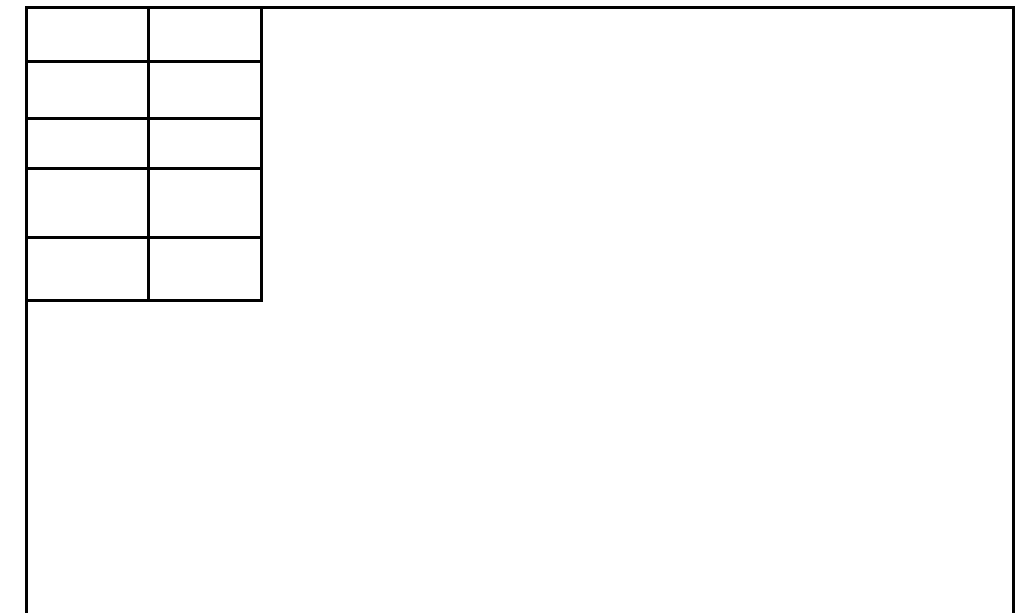


Appendix 5, page 188

The Area Allocation Method is simply depicted below:



*Graphic showing a 100-acre agricultural parcel subdivided into 10, 10-acre residential lots*



*Graphic showing a 100-acre parcel subdivided into 10, 1-acre lots with the remaining 90-acres preserved for agricultural use and open space*



## Review of Comments – February 22, 2018

### A/R Agricultural / Rural Zone Limits on Subdivision

Limit on number of subdivisions.

Concern over loss of property value.

Loss of income from selling development rights.

Loss of income from subdivision.

### Rationale for **Proposed** Zoning – Agriculture & Farmland Protection Plan, Appendix A; Landowner Survey Summary, pg. 45

Landowners clearly indicated the importance of keeping their land actively farmed (30/88%) and undeveloped (27/79%). They also report receiving agricultural assessment is important (27/79%), although the importance of the rental payments they receive was seen as less-to-not-at-all important (only 12 said it was important, 13 chose the middle point in the survey, and 8 said not important). For those placing restrictions on farming practices, those restrictions were very important. Nearly all respondents indicated income from the sale of housing lots was not important (17 did not respond and 11 said not at all important).

## Review of Comments – February 22, 2018

Design Standards – Signs  
Design Standards – Parking

Rationale for **Proposed** Zoning – Comprehensive Plan Summary of Policy Areas, Objectives, Action Steps, and Action Step Prioritization  
Objective 2.1c and 5.2c., pages 186 and 198

2.1c	<p>Incorporate architectural design guidelines or standards into the Town's Zoning Law to ensure new commercial and mixed land use development is consistent with the vision of the Town. Utilize the results of the Community Character Survey to aid in codifying the design standards for inclusion in the updated Zoning Law. Include architectural review as part of the site plan review process for all commercial, large-scale residential, and mixed use development that occurs in the Town.</p>
5.2b	<p>Revise the existing sign ordinance to ensure consistent and aesthetic sign design and to include appropriate sign regulations on the Cayuga Lake Scenic Byway.</p>

# Review of Comments – February 22, 2018

## Design Standards – Parking

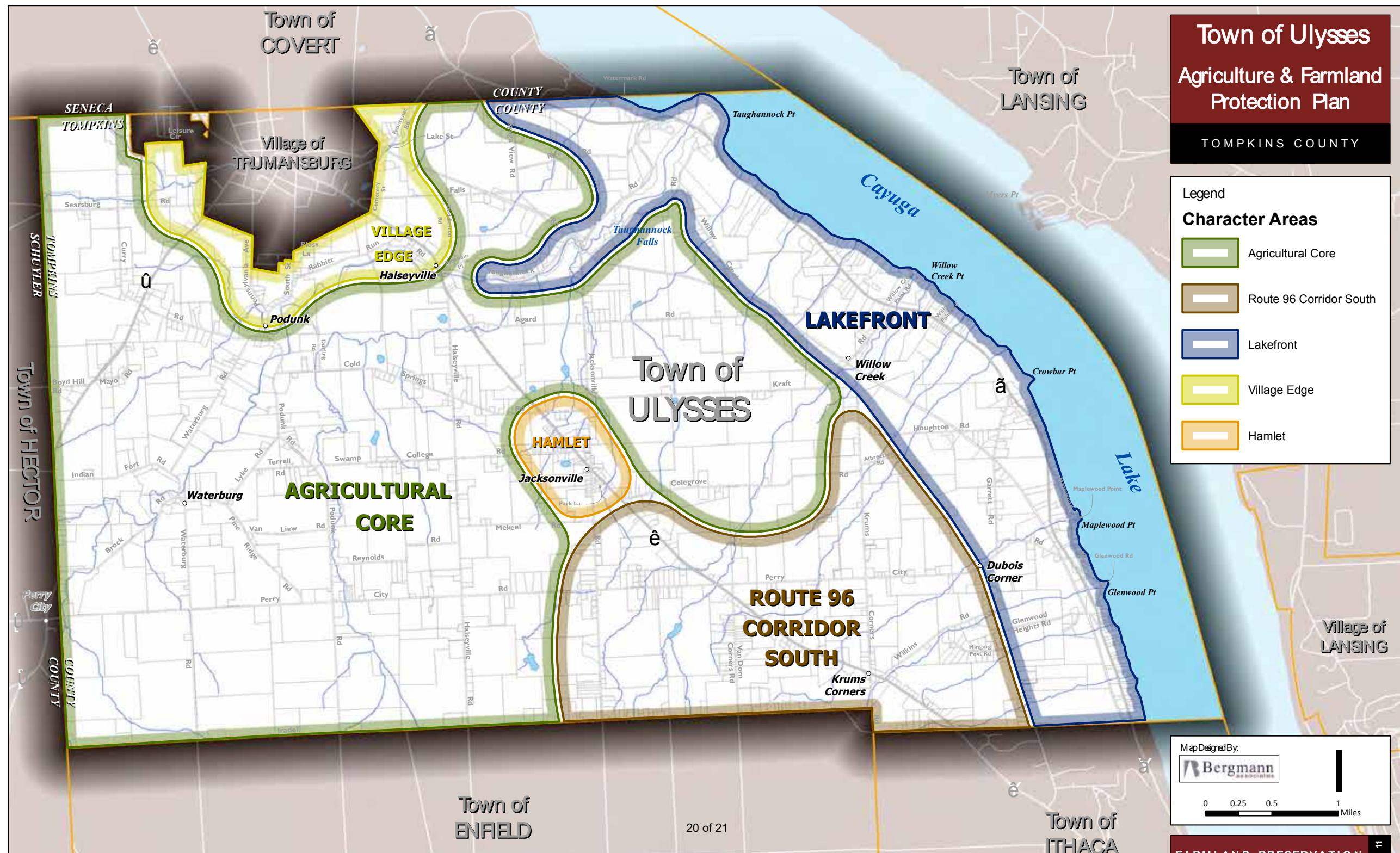
### Rationale for **Proposed** Zoning – Comprehensive Plan Appendix 4: Community Character Survey Results, page 151

In general, the lowest rated images were those that showed buildings with large parking areas in a strip plaza development, few pedestrian amenities, a general lack of landscaping, and limited architectural style or detailing. Large building masses and vehicular-oriented development styles ranked particularly low.

# Review of Comments – February 22, 2018

## A/R Agricultural / Rural Zone– Changes to R-2 on Zoning Map

### Rationale for **Proposed** Zoning – Comprehensive Plan and Agriculture & Farmland Protection Plan Farmland Preservation Character Areas Map



# Review of Comments – February 22, 2018

## A/R Agricultural / Rural Zone– Changes to R-2 on Zoning Map

### Rationale for **Proposed** Zoning – Comprehensive Plan and Agriculture & Farmland Protection Plan Farmland Preservation Character Areas, Future Land Use Plan

