

**Revised Summary of Changes
Town of Ulysses
Article V: A/R – Agricultural/Rural Zone
February 6, 2019**

What is zoning?

Zoning is a tool for communities to manage growth through the placement and mix of different uses and intensities of physical development. Zoning should be the DNA of a community – the rules by which the community can grow and change – guiding the replication of the best parts of the community while preventing undesirable development. Zoning regulates specific districts or zones within a municipality; in New York State, zoning may differ greatly from town to town. The Ulysses zoning code (located here: <https://www.ecode360.com/28859962>) regulates the types of land uses allowed, the density of development, the size and placement of lots, the size and placement of buildings within lots, and the process for reviewing and approving projects.

How is zoning different from subdivision?

Zoning defines what land can be used for, the size of buildings allowed, and where buildings may be placed; subdivision rules govern how existing parcels can be divided into smaller parcels, how those lots are laid out, how the infrastructure serving the lots is installed and how any parks or open spaces are situated on the tract. Together, subdivision and zoning requirements shape the future of the community. The Subdivision regulations in the Town of Ulysses have their own section within the Town's Code: Article XXI: Land Subdivision Regulations (<https://www.ecode360.com/28861615>).

What's not changing in the Ag / Rural zoning?

- ✓ Maximum lot size – none. Though project consultants as well as the 2013 Agriculture & Farmland Protection Plan (pg. 35) recommend that a maximum lot size be implemented, the Zoning Update Steering Committee did not implement maximum lot size.
- ✓ Minimum lot width – remains unchanged at 400 feet.
- ✓ Minimum lot depth – remains unchanged at 200 feet.
- ✓ Minimum rear yard setback – remains unchanged at 75 feet.
- ✓ Maximum lot coverage – remains unchanged at 5%.

- ✓ Maximum height of non-agricultural buildings – remains unchanged at 32 feet.
- ✓ Existing allowed uses will continue to be allowed.

What is changing in the Ag/ Rural zoning?

- ✓ Minimum lot size is reduced to 1.5 acres.
- ✓ Minimum side yard setback increased from 30 feet to 50 feet.
- ✓ Added breweries, cideries and wineries as allowed uses.
- ✓ Minimum front yard setback reduced from 75 feet to 50 feet to allow greater flexibility in building placement and to align with historic character.
- ✓ Only one principal building (such as a residence) is allowed on a lot with one accessory dwelling with size limitations; the previous zoning allowed 2 duplexes on every lot.
- ✓ Capping the footprint of new non-agricultural buildings at 5,000 square feet to prevent out-of-scale buildings.
- ✓ Capping the footprint of agricultural buildings at 20,000 square feet to prevent out-of-scale buildings. The largest agricultural building in the Town is 20,000 square feet.
- ✓ Except for existing tracts or parcels 10 acres or smaller, future development will be limited by allowing only 30% of each parcel to be subdivided into residential lots as small as 2 acres. Lots are allowed to be smaller if the project is creating more than three new lots and is based on a cluster / conservation subdivision plan.

For example: on a 100-acre parcel, 30 acres could be subdivided and developed as many times as lot area and yard areas allow, while 70 acres would remain undeveloped in agriculture or open space. The 70 acres would be allowed to be subdivided for farming or open space but any parcels created would not be allowed new residential development. Lots 10 acres or smaller may be subdivided to create up to two lots. (Please see 2009 Comprehensive Plan pg. 188 and Agriculture & Farmland Protection Plan pgs. 72-74 for Zoning Techniques considered by the Zoning Update Steering Committee.)

Administrative and Definition Adjustments

- ✓ Revised the purpose statement for § 212-23, the Agricultural/Rural Zone, based on the Ag Plan's requested addition as per Agriculture and Farmland Protection

Committee Analysis of Current Zoning, Appendix D-1 of 2013 Agriculture & Farmland Protection Plan, page 75.

- ✓ Revised 'zoning district' to 'zone.' Since most of the Town is in a County-designated Agricultural District this can create confusion if the Town's zoning also refers to districts. This change was recommended in the Agriculture Committee's Analysis of Current Zoning in the Town's 2013 Agriculture & Farmland Protection Plan (see pg. 75, Appendix D-1)
- ✓ Updated existing § 212-29 'Site Plan Review' language to reflect suggestions in Agriculture and Farmland Protection Committee Analysis of Current Zoning, Appendix D-1 of Agriculture & Farmland Protection Plan, page 77-78.
- ✓ Updated existing Agriculture Commerce definition. This change was recommended in the Agriculture Committee's Analysis of Current Zoning in the Town's 2013 Agriculture & Farmland Protection Plan (see pg. 75, Appendix D-1)
- ✓ Switched to the U.S. Dept of Agriculture (USDA) Natural Resource Conservation Service's (NRCS) definition of 'Animal Waste Storage Facility.' In addition, a new section of approval criteria for Animal Waste Storage Facility was added to a new section in the existing Zoning Article XX: Design Standards.
- ✓ Agricultural Events' definition has been updated to support the wide variety of agriculture in Ulysses. They reflect NYS Department of Agriculture & Markets' August 2016 Guidelines on Direct Farm Marketing to include events and activities that are: 1) directly related to the sale and promotion of the crops, livestock and livestock products produced at the farm; 2) incidental and subordinate to the retail sale of the farm's crops, livestock and livestock products; 3) hosted by the farm; and 4) feature the farm's crops, livestock and livestock products.
- ✓ CAFOs (Concentrated Animal Feeding Operations) continue to require a Special Use Permit in § 212-28. Additional approval criteria have been added to a new section in the existing Article XX: Design Standards.

What were the justifications and controversies about these decisions?

Comments received from the Ulysses Agriculture Committee expressed concern that although the zoning changes were prescribed in the Ulysses Agriculture & Farmland Protection Plan, the changes could reduce the value of farm parcels in the Town, and likely to cause farmers to divest from the Town; however, the County Department of Assessment indicates that overall, the value of farmland has been increasing in Ulysses.

Some of the justification for limiting subdivisions is found in the 2013 Ulysses Agriculture & Farmland Protection Plan, which specifically states:

- If density-based zoning or fixed area ratio zoning is proposed (both limit the number of times a parent parcel can be subdivided), “it should be accompanied by a maximum lot size and a limitation on road frontage development” (pg. 35);
- Landowners clearly indicated the importance of keeping their land actively farmed and undeveloped (pg. 45);
- Nearly all respondents indicated income from the sale of housing lots was not important (pg. 46).

The Zoning Update Steering Committee (ZUSC) and their consultants spent many hours reviewing the specific details of the land market in Ulysses, consulting assessment and real estate professionals, and analyzing peer-reviewed research on the topic and concluded that negative impacts on land values from the proposed zoning and subdivision changes were unlikely. The ZUSC found that the proposed zoning changes would have a somewhat limited effect on the slow rate of development (10 new houses per year on average) in the short term, but a cap on development in the long term – preserving 70% of large parcels and protecting the environment and character of the town – would serve future generations and prevent large-scale residential development and land speculation.

Some members of the community wanted much tighter restrictions on certain agricultural and commercial uses and activities in areas that might be more ecologically sensitive. The committee decided to move forward with basic zoning that meets the goals identified for this project with a plan to implement additional controls such as specific overlay districts later on, as needed, based on in-depth environmental studies such as the Town’s recently completed Natural Resources Inventory.

Some members of the community wanted to increase the required lot width to 800 feet for new lots in the Agricultural/Rural Zone; others wanted to allow much smaller and more flexible lot sizes with fewer requirements; others wanted to apply site plan review to all new home projects; and others suggested only allowing agricultural uses. In the end, the combination of proposed lot size, uses, and subdivision controls were the most viable compromise to balance many conflicting priorities and viewpoints to achieve the goals of encouraging the wide variety of agriculture and ag commerce that currently exists in Ulysses, while also preserving farmland and open space.

Prepared by planning consultant C.J. Randall on behalf of the Town of Ulysses.