

Summary of Changes
Article XXI: Land Subdivision Regulations
Town of Ulysses
August 3, 2018

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. 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 new 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 Land 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?

- ✓ Subdivision is a separate section in the Zoning. Most of the new additions clarify the processes of the Town's Planning Board during Subdivision review.
- ✓ Simple subdivision is still allowed with Zoning Officer / Town Planner approval. Simple subdivision allows a land owner to split a single lot, or move a parcel boundary, without planning board review, if there are no new roads or public utility extensions and no additional subdivisions have been made in the last 3 years. There are additional review criteria to guide the placement of new lots and preserve ag land.
- ✓ Minor subdivisions are still allowed, though there are additional review criteria to guide the placement of new lots and preserve ag land or open space.

What is changing?

- ✓ Added guidance and standards for the Planning Board to use in subdivision review.

✓ Major Subdivisions (subdivision of more than 3 lots) require cluster or conservation subdivision planning, which is based on a natural resource analysis. Any new large developments must start with identification of valuable open space, water bodies, prime agricultural soils, and other 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. This decision was based on the Agriculture & Farmland Protection Plan Farmland Protection Goals 4B and 4K (pg. 34 and 37).

On page 4 of this document are illustrations of the four-step resource analysis process, created by the Natural Lands Trust, also available at:
<http://www.greenerprospects.com/PDFs/growinggreener.pdf>.

✓ Updated Land Subdivision Regulations to:

- Use the term “shall” when noting open space requirements; this decision was based on the Ulysses Agriculture & Farmland Protection Plan (pg. 65);
- Allow Planning Board members to schedule a field visit to the site during Major Subdivision Preliminary Plat Review; and
- Allow for minimum Lot Area and Yard Requirements to be waived at the discretion of the Planning Board.

✓ The section on Cluster or Conservation Subdivision was expanded substantially to address both issues of Planning Board process as well as the Ag Plan’s desire for developers to be required to demonstrate to the Planning Board why a conventional subdivision plat would be preferable to a Cluster or Conservation Subdivision. Density bonuses (granting extra subdivisions) are allowed during the cluster/conservation subdivision process if landowners preserve most of the parcel as working farmland; or, preserve most of the parcel as permanent open space area; or, allow public access to a significant recreational area. The Land Subdivision Regulations also provide criteria for how the preservation and ownership of that open space area is structured. This decision was based on the [Agriculture & Farmland Protection Plan](#) Farmland Protection Goal 4K and 4M (pg. 37 and 38).

✓ In the **Agricultural / Rural Zone only** (please see separate summary of **Article V: Ag/Rural Zone**): Except for existing tracts or parcels 10 acres or smaller, future development will be limited by allowing only 20% 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. Extra subdivided lots are allowed if the developer/farmer plans the subdivision to include features such as allowing public access to protected open space on the property, preserving most of the parcel as working farmland or open space, stormwater retention infrastructure, or homes built to a LEED (or other energy efficient) standard.

(These requirements are found in the Zone regulations, *not* the Land Subdivision Regulations.)

For example: on a 100-acre parcel, 20 acres could be subdivided and developed as many times as lot area and yard areas allow, while 80 acres would remain undeveloped in agriculture or open space. The 80 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 once to create two lots. (Please see 2009 [Comprehensive Plan](#) pg. 188 as well as the [Agriculture & Farmland Protection Plan](#) pgs. 72-74 for all Zoning Techniques considered by the Zoning Update Steering Committee.)

What were the justifications and controversies about these decisions?

Some of the justification for limiting the number of subdivisions ***within the Agricultural / Rural Zone*** 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).

However, it is important to note that this particular section (the Land Subdivision Regulations) of the Town’s Code does not dictate how much land can be subdivided, what the lot or area requirements are for a given subdivision, what the land in a given zone can be used for, the size of buildings allowed, or where buildings may be placed. Those requirements are all located in the respective Zone Articles – Agricultural / Rural, Residential, Conservation, Hamlet, Office & Technology, etc.

The key takeaways from the revisions to Article XXI: Land Subdivision Regulations, all of which were requested in the Town’s 2013 Agriculture & Farmland Protection Plan:

- ZUSC added guidance and standards for the Planning Board and Planner/Zoning Officer to use in subdivision review to ensure that major housing projects brought forward for consideration in the Town of Ulysses are of high-quality design and consider both environmental constraints and viable farmland first.
- Applicants proposing a major housing project in the Town will have to consider both a conventional and cluster/conservation approach to their project (see next page)
- Density bonuses (granting extra subdivided parcels) are allowed during the cluster/conservation subdivision process if landowners preserve most of the parcel as working farmland; or, preserve most of the parcel as permanent open space area; or, allow public access to a significant recreational area.

Cluster/Conservation Subdivision Planning Process



Step 1: Delineate prime soils, natural, historic, and cultural resources, stormwater and wastewater locations and potential development area



Step 2: Locate House Sites



Step 3: Aligning Streets and Trails



Step 4: Drawing the lot lines