

**NEW = underline, DELETIONS = strikethrough
Notes in brackets [].**

Article V

A/R — Agricultural/Rural Zone ~~A1—Agricultural District~~

§ 212-23 Purpose.

The A/R — Agricultural/Rural Zone is primarily intended to preserve farming and agricultural lands in the Town and also to maintain open space and the quality of life enjoyed by residents in Ulysses. Agriculture is an important part of the Ulysses economy, providing both direct and indirect jobs benefits, and it also provides the visual benefits of open space. This zone prioritizes and preserves viable agriculture in the Town by providing an area where agricultural operations and agricultural-based enterprises are the predominant active land uses established in the zone. The creation of the Agricultural/Rural Zone illustrates the Town’s commitment to farming and agricultural uses as preferred uses in this zone. The Agricultural/Rural Zone protects existing agricultural areas by limiting suburban and urban development; encourages the continuation of agriculture as a viable economic activity and way of life; reduces land use conflicts; protects ecological and natural resources; and preserves open space. Furthermore, this zoning is designed to preserve the existing agricultural operations that flourish on our town-wide excellent soils and to promote the establishment of new agricultural enterprises to assure the continuation of the rural nature of the town.

~~The purpose of the A1—Agricultural District is to protect the agricultural production resources of the Town of Ulysses as seen today in viable agricultural operations and the agricultural heritage of the Town as seen today in the variety of land uses and the openness of agricultural fields.~~

§ 212-24 Right to farm.

In the A/R Agricultural /Rural Zone, agriculture shall be the primary land use. Within the ~~zone district~~ any agricultural practice determined to be a sound agricultural practice by the New York State Commissioner of Agriculture and Markets pursuant to Article 25-AA, § 308, including, but not limited to, practices necessary for on-farm production, preparation and marketing of agricultural commodities, such as the operation of farm equipment; proper use of agricultural chemicals and other crop protection methods; direct sale to consumers of agricultural commodities or foods containing agricultural commodities produced on-farm; and construction and use of farm structures, shall not constitute a private nuisance.

§ 212-25 Permitted uses.

In the A/R — Agricultural/Rural Zone, the following buildings or uses are permitted:

- A. Farm operation and agricultural buildings including nurseries, greenhouses, orchards and vineyards. ~~Agriculture.~~
- B. Agricultural events, subject to the standards set forth in Chapter 142: Special Events.

- C. Commercial stables, subject to the standards set forth in Article **XX**, §**212-138**.
- D. Silviculture.
- E. Roadside stands, subject to the standards set forth in Article **XX**, §**212-135**.
- F. Single-family residences and their accessory structures.
- G. Two-family residences and their accessory structures.
- H. On-Farm labor housing as regulated by the New York State Uniform Code. These residences shall be located on the same farm operation where other structures of the farm operation are located. ~~Each dwelling must be a minimum of 560 square feet. A simplified-streamlined~~ site plan review for siting considerations is required for more than two units. The Town may require a notarized statement from the property owner to certify that the occupants in the on-farm labor housing are employed on the farm.
- I. Temporary buildings as defined in Article **IV**.

§ 212-26 **Permitted accessory uses.**

The following are permitted accessory uses, which are customarily incidental to the permitted uses listed above in §212-25:

- A. Farm Operation, Accessory Commerce when no new building is constructed. [See also 212-27A]
- B. Bed-and-breakfast establishments, subject to the standards for parking, outdoor lighting and signs set forth in Article **XX**.
- C. Customary home occupations, conducted solely by residents of the dwelling.
- D. Elder cottages, subject to the provisions of Article **XX**, §**212-128**.
- E. Family adult care.
- F. Family child care.
- G. Adult care groups.
- H. Fences and walls, subject to the provisions of Article XX, § 212-162.
- I. Lodges.
- J. Minor solar collection system subject to the provisions of Article XX, § 212-139.1.
- K. Playgrounds
- L. Professional offices where such office is part of the residence building and no more than three persons not residing on the premises are employed.

- M. Signs and business directional signs as regulated under Article **XX**, §**212-122**; also note Article **XX**, § **212-122E**.

§ 212-27 **Uses allowed by site plan approval.**

The following uses are allowed upon approval of a site plan by the Planning Board, subject to the design standards set forth in relevant sections of Article **XX**:

- A. Farm Operation, Accessory Commerce when constructing a new building or adding an addition to an existing building ~~that is greater than 50% of the existing building foot print~~, subject to the provisions of Article **XX**, § **212-139**. [*Moved from 212-28 special permit*]
- B. Agriculture-related commerce.
- C. Facilities for agricultural education and recreation events.
- D. Airstrips, private.
- E. Animal processing structures. [*Moved from 212-28 special permit*]
- F. Cemeteries as regulated by New York State, and the buildings and structures incidental to cemetery operations.
- G. Churches, mosques, synagogues, temples and other places of worship, convents, rectories, parish houses.
- H. Communication transmission towers and telecommunications facilities, subject to the provisions of Article **XXII**.
- I. Cottage industry.
- J. Farm Breweries, Farm Cideries, Farm Distilleries.
- K. Lawn/landscaping service.
- L. Major solar collection system subject to the provisions of Article **XX**, § 212-139.2.
- M. Small-scale sawmills subject to the provisions of Article **XX**, §**212-136**.

§ 212-28 **Uses allowed by special permit.**

The following uses are allowed upon approval of a special permit pursuant to Article **III**, § **212-18**, subject to the standards set forth in relevant sections of Article **XX**:

- A. Airports.
- B. Animal confinement regulated by confined or concentrated animal feeding operation (CAFO), subject to the provisions of Article **XX**, § 212-TBD.
- C. Animal Waste Storage Facility, subject to the standards set forth in Article **XX**, Section

TBD.

- D. Group campgrounds subject to the provisions of Article **XX**, §**212-127**.
- E. Campgrounds, overnight subject to the provisions of Article **XX**, §**212-127**.
- F. Fire stations and other public buildings necessary for the protection or servicing of a neighborhood.
- G. Hunting clubs.
- H. Kennels.
- I. Public and private schools, nursery schools and institutions of higher education, including dormitory accommodations.
- J. Regional parks, wildlife sanctuaries, woodland preserves, arboretums.
- K. Golf courses.

§ 212-29 Lot area and yard requirements.

- A. There shall be no more than two residential buildings on any lot in the A/R – Agricultural/Rural Zone.
- B. Minimum lot area shall be two acres.
- C. Maximum lot size shall be four acres.
- D. Minimum lot width at front lot line shall be ~~200~~ 400 feet.
- E. Minimum lot depth shall be 200 feet.
- F. Minimum front yard setback shall be ~~50~~ 75-feet.
- G. Minimum side yard setbacks shall be 30 feet.
- H. Minimum rear setback shall be 75 feet.
- I. Maximum building height for any nonagricultural building or structure shall be 32 feet.
- J. Maximum lot coverage shall be ~~10%~~ 5% of the lot area.
- K. Maximum footprint of a non-agricultural building shall be 5,000 square feet.
- L. Maximum footpring of an agricultural building shall be 20,000 square feet.

[REMAINING TEXT IS NEW.]

§ 212-29.1 Limitations on subdivisions of parent tracts.

In order to protect agricultural uses, to preserve the agricultural value of land, to provide for the retention of tracts of sufficient size to be used reasonably for agricultural purposes, and to preserve the open space of the Town, creation of non-agricultural lots via subdivision shall be limited in the Agricultural/Rural Zone. Accordingly, and notwithstanding the minimum lot sizes set forth above, the following additional requirements shall apply to land within the Agricultural/Rural Zone:

A. For the purpose of this section, any tract or parcel of land in common contiguous ownership shall be identified as the parent parcel at the time of adoption of this Zoning Law and ownership shall be determined by deed recorded in the Tompkins County Clerk's Office as of the date of adoption of this Zoning Law. All lot area requirement calculations established in the Zoning Law of the Town of Ulysses shall be based on the parent parcel. Hereafter, a parent parcel may only be subdivided to create no more lots than equals the total number of acres of the tract divided by fifteen (15) and rounded using normal rounding rules. [Example: lot size = 21 acres. Divide by 15 equals 1.4 and rounds down to 1; limit is 1 (one) subdivision.]

The applicant shall record the determination of the Zoning Officer or Planning Board in the Tompkins County Clerk's Office and cross-reference it to all deeds for the original parent parcel and the fragment lots created in the subdivision, and shall provide a recording receipt to the Town.

B. Clustering of lots is required for Major Subdivision in accordance with § 212-142 O. Cluster subdivisions.

C. If a parcel resulting from subdivision consists of 20 acres or more with the intent to remain in agriculture, which the applicant shall verify in the manner required by the Town board or officer reviewing the application, this subdivision does not count toward total number of allowed subdivisions of the parent parcel. The resultant agricultural parcel is not eligible for additional subdivision nor for a building permit for 25 years, except for agricultural buildings. After 25 years, the aforementioned agricultural parcel becomes a new parent parcel.

D. The parent parcel retains all development rights. To allow for flexibility in the purchase or transfer of development rights, the allocation or re-allocation of development rights between the original parent parcel and resultant fragment parcel(s) may be permitted by submission or resubmission of the subdivision plat and approval of modifications by the Planning Board in accordance with § 212-140 B (4). The applicant shall record the determination of the Planning Board in the Tompkins County Clerk's Office and cross-reference it to all deeds for the original parent parcel and fragment lots created in the subdivision, and shall provide a recording receipt to the Town.

E.

1. The following statement shall be included in the deed of newly created parcel(s) where the parent parcel retains all development rights: "The approval of the subdivision of the parcel described in this deed by the Town of Ulysses Planning Board, by resolution dated _____ (or, for simple subdivisions, by determination of

the Zoning Officer dated ____), is conditioned on no further subdivision of this parcel. This restriction shall be enforceable by the Town of Ulysses, and shall remain in effect unless the restriction is no longer required in a future amendment of the Zoning Law. The owner of the parent parcel and/or any fragment parcel may apply to the Zoning Officer for a determination whether the restriction is still in effect under the then-current Zoning Law. Such determination shall be recorded in the Tompkins County Clerk's Office by the applicant."

2. The following statement shall be included in the deed of newly created parcel(s) where development rights have been allocated between the original parent parcel and resultant fragment parcel(s): "The approval of the subdivision of the parcel described in this deed by the Town of Ulysses Planning Board, by resolution dated ____ (or, for simple subdivisions, by determination of the Zoning Officer dated ____), is conditioned upon approval of modifications by the Planning Board in accordance with Zoning Law § 212-29.1 (D) and § 212-140 B (4). This restriction shall be enforceable by the Town of Ulysses, and shall remain in effect unless the restriction is no longer required in a future amendment of the Zoning Law. The owner of the parent parcel and/or any fragment parcel may apply to the Zoning Officer for a determination whether the restriction is still in effect under the then-current Zoning Law. Such determination shall be recorded in the Tompkins County Clerk's Office by the applicant."

Addition to § 212-29 Site Plan Review:

§ 212-29. Site Plan Review

2. g. Location of all existing streams, drainageways, water bodies, wetlands and underground agricultural drain tile and piping.

AND

M. Streamlined Site Plan checklist for farm operations in a Tompkins County-adopted, State-certified Agricultural District:

(1) Sketch of the parcel on a location map (e.g., tax map) showing boundaries and dimensions of the parcel of land involved and identifying contiguous properties and any known easements or rights-of-way and roadways. Show the existing features of the site including land and water areas, water or sewer systems and the approximate location of all existing structures on or immediately adjacent to the site.

(2) Show the proposed location and arrangement of buildings and uses on the site, including means of ingress and egress, parking and circulation of traffic. Show the proposed location and arrangement of specific land uses, such as pasture, crop fields, woodland, livestock containment areas, and manure storage/manure composting sites and Animal Waste Storage Facilities.

(3) Sketch of any proposed building, structure or sign, including exterior dimensions and elevations of front, side and rear views. Include copies of any available blueprints, plans or drawings.

(4) Provide a description of the farm operation (existing and/or proposed) and a narrative of

the intended use and/or location of proposed buildings, structures or signs, including any anticipated changes in the existing topography and natural features of the parcel to accommodate the changes. Include the name and address of the applicant and any professional advisors. If the applicant is not the owner of the property, provide authorization of the owner.

(5) If any new structures are going to be located adjacent to a stream or wetland provide a copy of the floodplain map and wetland map that corresponds with the boundaries of the property.

(6) Application form and fee.

Addition to Article XX Design Standards:

Section 212-TBD: Animal Waste Storage Facility

- A. The Town of Ulysses recognizes that many farm operations produce animal waste that, because of the large size allowed by New York State Department of Agriculture and Markets, must be stored short or long term in an Animal Waste Storage Facility such as a lagoon or tank. Proper planning and construction of farm-related Animal Waste Storage Facilities ensures the continued protection of groundwater resources within the Town.
- B. REGULATIONS FOR ANIMAL WASTE STORAGE FACILITY
1. Animal Waste Storage Facilities shall be allowed only on a viable farm operation as defined by NYS Department of Agriculture and Markets Law.
 2. Animal Waste Storage Facilities shall obtain a building permit prior to being constructed and operated. Design plans shall be submitted with every building permit application for a farm-related Animal Waste Storage Facility. All plans for farm related Animal Waste Storage Facilities shall be designed by and stamped with the seal of a New York State licensed design professional.
 3. Animal waste storage facilities shall be designed, constructed, and maintained in accordance with the USDA Natural Resources Conservation Service (NRCS). The Zoning Officer will submit the proposal to Tompkins County Soil & Water Conservation District or NRCS in order for the Planning Board to consider the potential impacts posed by such a facility upon surrounding land uses prior to taking final action.
- C. SITE REQUIREMENTS
- All Animal Waste Storage Facilities shall be installed, operated and maintained pursuant to the following conditions:
1. Animal Waste Storage Facilities shall be placed a minimum of 50 feet from a road right-of-way, but shall not be set closer to the right-of-way than the nearest permanent structure being served.
 2. Animal Waste Storage Facilities shall be placed a minimum of 30 feet from a side or rear property line. Animal Waste Storage Facilities shall be placed a

minimum of 100 feet from an existing occupied residential or non-agricultural building.

3. Unlined Animal Waste Storage Facilities shall be placed a minimum of 300 feet from any existing well, watercourse, or waterbody.
4. Lined Animal Waste Storage Facilities shall be placed a minimum of 100 feet from any existing well, watercourse, or waterbody.

D. PERMIT APPLICATION REQUIREMENTS

All applications for Animal Waste Storage Facilities shall comply with the following:

1. A completed permit application shall be submitted to the Code Enforcement Officer or Zoning Officer.
2. A site map shall be provided at the time of application which shows the location of the proposed Animal Waste Storage Facilities and distances to all buildings, property lines, water courses, water bodies, wetlands and existing wells.
3. A peer review meeting with the Town of Ulysses Agricultural Committee, or if the Agricultural Committee is not available, the County Agricultural Committee will be scheduled and held within 30 days of the time of application to provide guidance for the applicant with respect to sound agricultural practices. Upon completion of a peer review meeting, a permit shall be issued so long as all required setbacks are met.

Section 212-TBD: Confined or Concentrated Animal Feeding Operation (CAFO)

A. For any CAFO operating in the Town of Ulysses or for any CAFO subject to the regulations of the State of New York that is spreading manure in the Town of Ulysses, the owner and/or operator of such CAFO must file copies of State Pollutant Discharge Elimination System (SPDES) documentation with the Town Clerk within 3 days of submission to the New York State Department of Environmental Conservation.