

Zoning For Agriculture

January 28 2025

Northern Oneida County Council of Governments
Land Use, Code Enforcement, and Property Tax
Assessment in Amish Communities

Cornell AAP
Architecture Art Planning

Protection Toolbox

New York State Policy

- Agriculture protected use under NYS Constitution;
- Agriculture & Markets Law: Sect. 305(a)

“Local governments...shall not unreasonably restrict or regulate farm operations within agricultural districts in contravention of this article [Art.25-AA of the Ag. & Markets Law] unless it can be shown that the public health or safety is threatened.” AML Sect. 305(a)

Protection Toolbox

- ***County Agricultural Districts.*** Financial incentives, exemption from some municipal benefit assessments, protection from unduly burdensome regulation;
- ***Zoning.*** Crude but can be relatively effective, politically volatile topic;
- ***Design.*** Cluster subdivision design can have site-specific benefits;
- ***Purchase of Development Rights.*** Expensive but permanent

What is Agriculture?



In New York:

- The land buildings, equipment, manure processing and handling facilities;
- The production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise.

Art. 25-AA, §301 NYS Agriculture & Markets Law

What is Agriculture?



In New York:

- Commercial horse boarding;
- Management and harvesting of farm woodland;
- Timber processing;
- Compost, mulch or other biomass crops;
- Owned or rented land.

Art. 25-AA, §301 NYS Agriculture & Markets Law

What is Agriculture?



In New York:

- Winery;
- Farm Brewery;
- Cidery;
- Farm Distillery;
- Agri-tourism:
 - Bed & Breakfast inn;
 - Farm visitations/tours;
 - Winery etc.

Art. 25-AA, §301 NYS Agriculture & Markets Law



What is Agriculture?



Farm Brewery, Distillery:

- Similar concept as wineries, cideries:
 - Direct sales/marketing;
 - New revenue sources for farms;
 - Tourism development;
- Promote NY agricultural products (hops, barley)

Amish & Zoning

Housing

- Accommodate multiple generations:
 - Two and three-family dwellings;
 - Elder cottage concept.



Amish & Zoning

Agricultural Commerce

- Reflects reality of contemporary farm operations;
- Provides supplemental income;
- “...subordinate to an active agricultural operation...”;
- Some uses subject to site plan approval.



Amish & Zoning

Agricultural Commerce

- Retail or wholesale enterprise that provides goods and service to agricultural community;
- Wholesale or retail sale of products of agricultural operations;
- Provides alternatives to farm employment



Amish & Zoning



Farmstand Evolution

- Historically small temporary, seasonal structure;
- Sales limited to agricultural produce grown on premises;
- Today: permanent, w/variety of agriculture-related products;
- Processed foods.

Amish & Zoning

Sawmills

- Could be treated as an accessory use to an agricultural operation, but:
 - Need to limit scale and capacity;
 - Limit on number of employees;
 - Owned by resident farmer/ resident;
 - Site plan approval should be required.



Amish & Zoning

Signs

Business Directional Sign

A sign, whether permanent or temporary, not exceeding 6 square feet in area, erected off the premises on which the business is located, for the purpose of providing directions to the subject business from a highway or other road.

(Town of Ulysses NY Zoning Code)





Thank You

George R. Frantz, AICP, ASLA
Department of City & Regional Planning
212 Sibley Hall, Cornell University, Ithaca NY
grf4@cornell.edu