



Selected Land Use Tools for Preserving Agricultural Land and Open Space in New York

The following selected land use tools are currently employed in various communities in New York State:

Agricultural Protection: Agricultural District Zoning specifically seeks to protect agricultural land and keep land in agricultural production. Under the authority of a municipality's zoning law, an agricultural zoning district is designated whereby agricultural uses are permitted as-of-right and non-farm uses are either restricted or prohibited.

Cluster Development: A development designed to concentrate buildings on a site to permit maximum land to be used for recreation, open space, and/or preservation and/or protection of the natural and scenic qualities of the land.

Conservation Easement: A voluntary, legally-binding agreement whereby a landowner transfers some or all rights to development, management or particular use of the land to a third party for a specific time period or in perpetuity. The easement holder retains the interest and enforces the restrictions against the owner and future owners of the land. In exchange for the easement agreement, the owner may receive compensation or tax benefits to the extent allowable by law.

Full-Cost Pricing: Requires property owners and/or developers to pay for the actual costs of installing roads, sewers, and stormwater systems on a site instead of assessing these costs generally to taxpayers.

Incentive Zoning: A policy through which a developer receives zoning accommodations in return for benefits to the community. Incentives can include higher density, increased floor area ratio, increased building height allowance, etc. In return, the municipality gains a community amenity.

Planned Unit Development: A zoning provision that allows large lots to be developed in a manner that is more flexible than is usually allowed. Land uses, such as residential and commercial, can be mixed at higher than normal densities. In return, the developer agrees to set aside open space within the development or provide some community facilities or services.

Purchase of Development Rights: Also referred to as Purchase of Agricultural Conservation Easements (PACE). This program pays farmers to keep their land available for agricultural use. Landowners sell the development rights of their land to either an appropriate government agency or a private conservation organization, while retaining the right to full ownership and usage for agricultural purposes only. The rights to develop the land for any purpose other than agriculture are therefore extinguished, in exchange for compensation.

Transfer of Development Rights: Allows property owners to transfer the right to develop one parcel of land to another. The purpose of transferring development rights is to prevent the development of farmland, and also acts to encourage growth on land that has already been developed. The parcel of land receiving these additional development rights can be developed at a higher density than would normally be allowed by local zoning, and a conservation easement is placed on the land that is no longer able to be developed.

Environmental Quality Review: A process for determining what kind of impacts a proposed project will have on the environment. If adverse impacts are found, they require study and the notification of alternatives and measures to mitigate the negative effects. An Environmental Impact Statement (EIS) is a written document prepared in accordance with the State Environmental Quality Review Act (SEQRA). SEQRA requires local government to consider, avoid, and/or mitigate significant environmental impacts of the projects they approve.

Land Trust: A private, nonprofit organization that acquires conservation easements through donations and purchases, for the purpose of restricting uses of real property to ensure its protection and preservation.

Overlay District (or Overlay Zone, or Conservation Overlay District): An area drawn over an existing map of zoning districts, which is designated to preserve a specific feature or promote a development strategy. Regulations within an overlay supplement those of the underlying districts.

Comprehensive Plan (or General Plan, or Master Plan): A local government document that serves as basic guidance for decisions regarding land use, infrastructure, transportation, open space, parks, water supply and treatment, geographic features including flood plains and wetlands, and investments in public facilities.

This is just a sampling of land use tools that are applicable in New York State. Other resources are available through New York State Consolidated Laws (www.findlaw.com) or the American Planning Association (www.planning.org).

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Project members: Joseph Laquatra, Department of Design and Environmental Analysis; Patricia Baron Pollak,
Department of Policy Analysis and Management; Nelson Bills, Michael Hattery, and David Kay,
Local Government Program in the Department of Applied Economics and Management.

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