

## MEMORANDUM

### **Business Item B**

From: Administrator/Staff

To: Plan Commission

Re: Plan Commission review & recommendation on revisions to the definitions of "farm" and "residential" within the A-2 zoning district in the Town Zoning Ordinance.

Please see the following comments from Code Administrator Kamke:

The Zoning Ordinance lists the dimensional standards for each district in Exhibit 8-2. For the A-2 General Agriculture district, further categorization is required to determine setbacks, minimum and maximum building area, and lot coverage limits, if any. The three categories for A-2 are "Residential", "Farm", or "Nonresidential / Nonfarm".

Generally, the "Residential" and "Nonresidential / Nonfarm" categories allow structures closer to the lot lines but impose limits on how much of the lot can be covered by accessory buildings, and also can restrict the number of structures that can be built on a lot. The "Farm" category requires larger building setback distances but does not limit the structure quantity, size, or total lot coverage.

Usually, an ordinance will have a definition that guides the community on how to apply each category to different situations. However, Clayton's definition for 'farm' only applies to A-1 agri-business district lands, and is the state language definition used for administration of the farmland preservation tax credit program. This program is not currently active in the Town of Clayton but ordinance provisions still exist should the County and Town decided to expand their participation in that program.

The issue in categorizing what is a "Farm" in the context of A-2 lands is a frequent issue Town staff encounter. Approximately 65% of the taxable land in the Town of Clayton is zoned A-2 General Agriculture. Of this, over half of those parcels do not meet the 5-acre minimum that is required for the zoning district. Legal but nonconforming lots are granted full use of the property, if they show they qualify under the category they claim. The regulation of accessory buildings in particular will continue to be a difficult point of conflict until changes are made to the ordinance to address this gap.

Farming can be achieved on small plots of land, and it's understood that many specialty types of agricultural operations can thrive on small acreage lots. Examples include the raising of fish for consumption, the keeping of bees for pollination services and honey production, the cultivation of flowers for sale, use of vertical gardening systems, and the care of individual or small herds of livestock for varied products (dairy, wool, meat, showing, etc.).

If someone owns a 3 acre legal lot zoned A-2, should they be able to build a barn with no limit on footprint or height? What if the lot is only 1.5 acres? There's a concern that a large building could be requested for permits on a smaller acreage lot, and the Town

wants clearer direction on how to manage these, and determine what is agriculture, versus what is desired for a 'toy shed' or workshop space that isn't related to agriculture.

There are three realistic options for the Plan Commission to pursue.

- Option 1: Expand current definition of farm to cover all districts.
  - This is an easy change, but it does not solve the actual problems outlined above.
- Option 2: Update dimensional standards table Exhibit 8-2 for A-2. Several prongs could be explored:
  - Could make "Farm" mean the property must be 10 acres, or require that the 5 acre minimum for the district MUST be met to qualify as a "Farm".
  - Could change the limit on "Residential" category to allow a larger percentage of the lot to be covered with accessory buildings. Change could be if it's a substandard lot, can only be 70% of the lot covered by any type of structure (driveway and patios and all buildings etc), or 50% covered by accessory buildings, or any other limit the Town would like to pursue.
- Option 3: Create new definition for farm for when it relates to A-2 land, do not change the table.

The options will mainly come down to requiring either use or acreage requirements, or requiring both use and acreage requirements.

Staff requests the Plan Commission to determine which option they would like to pursue, so that staff can compile information and example language for the desired path to update the code for clarity.

**SUGGESTED MOTION(S):**

*Motion to recommend (Option 1 / Option 2 / Option 3) to the Town Board for further definition.*

If you have any questions about this information, please call or e-mail me.

Respectfully Submitted,  
Kelsey