

GLOSSARY

Amenity Zoning. Amenity zoning is another term for incentive zoning. It is a technique that allows communities to gain desired amenities (such as open space, public works improvements, etc.) through offering development incentives or bonuses. Incentives may permit developers to exceed the dimensional, density, or other limitations of zoning regulations in return for providing certain other benefits or amenities to the municipality. A classic example of amenity or incentive zoning would be the provision of public open space or recreational amenities in exchange for the authorization to develop a parcel more intensively by a specified amount.

Buffer. A buffer is an area and/or a physical or visual feature that separates different land uses. The buffer may incorporate natural features such as woodlands, attractive fencing, stone walls, and hedgerows wherever feasible, or requires the creation of a planted landscape buffer where no natural features exists.

Certified Agricultural District. Article 25-AA of the Agriculture and Markets Law is intended to conserve and protect agricultural land for agricultural production and as a valued natural and ecological resource. Under this statute, territory can be designated as an agricultural district. To be eligible for designation, an agricultural district must be certified at the county level for participation in the state program. Once a district is designated, participating farmers and farmland owners within it can receive reduced property assessments and relief from local nuisance claims and certain forms of local regulation. Farm operations within agricultural districts also enjoy a measure of protection from proposals by municipalities to construct infrastructure such as water and sewer systems, which are generally intended to serve non-farm structures and developments.

Charrette. A charrette is an organized planning and design process employed as a tool to accomplish a focused brainstorming session on the issues surrounding land use concepts. The process is generally an interactive session among planning professionals, government officials, planning committee members, and interested members of the public or special interest groups to meet, discuss, and graphically illustrate planning and design options and alternatives.

Cluster Development. Cluster development (or conservation-based development) is a technique that allows flexibility in the design and subdivision of land. The basic idea is to cluster buildings on a portion of a

site to preserve open space. Cluster development allows a municipality to maintain its traditional open space character, while at the same time providing (and encouraging) new development. The active use of clustering provisions help a municipality to achieve planning goals that may call for protection of open space, protection of scenic views, protection of agricultural lands, protection of woodlands and other open landscapes, and placing of development away from environmentally sensitive areas and focusing in less sensitive areas.

Conservation. The use of a resource while not diminishing or damaging its natural resource value. This implies knowing the particular values that the resource possesses and having a specific plan in place to ensure the balance of its use and protection.

Conservation-Based Land Use. A concept for land development in which the design and layout process for the project is based on identifying and prioritizing resource conservation. Often the density on each development parcel is arranged so that fewer natural features are consumed by development lots and streets. For example, a result of conservation-based planning and design is that the same number of homes can be built on a parcel using less land and less of the natural resources, allowing natural features to be permanently protected, and leaving room for green spaces and green corridors to connect within the development and link to the surrounding community. The conservation design concept provides communities with a planning tool to accommodate newcomers and new development without unduly impacting remaining natural areas and cultural resources.

Conservation Easement. A conservation easement is a voluntary legal agreement between the landowner and the municipality, or a third party such as a land trust, to protect land from development by permanently restricting the use and development of the property, thereby preserving its natural or manmade features. The legally binding agreement is filed in the office of the county clerk in the same manner as a deed. The landowner retains ownership of the land, and all of the rights of ownership except the ability to develop the land. The specific restrictions are detailed in the easement agreement.

Cultural Resources. The cultural features of a community reflects the ways in which the people who have lived there have used their natural environment to suit their economic needs and social patterns, and may include such types of resources described as agricultural, institutional, historic, and archeological, among others.

Density Bonus. A density bonus allows developers who take advantage of clustering and amenity (incentive) zoning provisions, to increase the amount of development (e.g., number of dwelling units) on a certain property beyond what the underlying zoning would allow in exchange for open space.

Design Guidelines. Design guidelines are usually illustrated and describe the natural resource, site and architecture patterns that a community values and what it seeks to protect. Design guidelines complement the increased design flexibility allowed by conservation (clustered) subdivisions and traditional neighborhood developments. Design guidelines are generally informational and collaborative in nature, creating an opportunity for project sponsors to review the guidelines prior to designing a project with the advantage of understanding the goals of the community and the planning board.

Enhancement. The physical modification of an area in order to increase its utility or make it more accessible. This may be in accordance with statutory regulations (i.e., the Americans with Disabilities Act), an environmental enhancement (i.e., creating wetlands as a mitigation for filling wetlands), or the development of a recreational trail.

Gateway. A gateway is an area that signals entrance to a place. A gateway is an entranceway area along a roadway that serves to determine a visitor's first response to the community, such as a town hamlet, a village or a city neighborhood. A gateway may be indicated by visual features such as welcome signs or other neighborhood or place names, landscaping, a grouping of streetscape amenities such as plantings, lighting, benches, or a building or group of buildings that give a visual clue that a person has entered a distinctive place. Gateways highlight the open spaces, the historic development patterns, and the general character of an area.

Incentive Zoning. See the definition for amenity zoning.

Open Space. Open space consists of farmland, woodland, and other ecological, recreational, and scenic land that helps to define the character of a community, and buffers residential and other land uses. Open space may be public or privately owned. Some open space is **permanently protected** from development such as parks, nature preserves, and wetlands while other parcels are subject to development. What land is defined as open space depends upon the surrounding area. Even a narrow pathway or a cemetery surrounded by development can constitute an open space resource in a community.

PDR. A purchase of development-rights (PDR) program involves the purchase by a municipal or other government agency or private land conservation organization of development rights from private landowners whose land it seeks to preserve in its current state without further development. The PDR system can protect farmland as well as ecologically important lands or scenic parcels essential to rural character of the community. Under PDR, the land remains in private ownership and the government acquires non-agricultural development rights. These development rights once purchased by government (typically) or a land trust, are usually extinguished. Landowners who participate receive payment equal to the development value of the property. In return, the property owner agrees to keep the land forever in forest, agriculture or other conservation-type use. The owner typically files property covenants similar to a conservation easement limiting the use of the property to conservation-based activities.

Preservation. An active process of stewardship with the goal of protection of a resource in its existing, natural or original state. An example is historic preservation of a building.

Recreational Resources. Recreational resources may be described as areas in which the following types of leisure activities may occur: existing or planned hiking, biking, and canoeing; ball fields, tennis courts, basketball courts, golf courses, skating rinks, ski slopes, and swimming pools; and waterfront activities such as boating and fishing. Recreational resources also include nature preserves, community gardens, and other outdoor areas for quiet public enjoyment.

Right-to-farm ordinance. A local law that is intended to complement the right-to-farm provisions of the state's Agricultural Districts Law and demonstrates local support for agriculture. The local law protects the rights of farmers to undertake agricultural practices that are reasonably necessary to conduct the business of farming and require notice to prospective neighbors who may apply for building permits and subdivision approval.

Right-to-farm laws, include provisions such as notifying *buyers* on or near farms of normal farm practices that could be perceived as nuisances. Notification is either made at time of closing sale or ideally at the time of contract. Some right to farm laws also include provisions encouraging mediation strategies as an alternative to litigation, which can be helpful due to the high cost of litigation.

Right-to-farm is a term which has gained widespread recognition in the state's rural areas within the past several decades. Section 308 of the New York State Agriculture and Markets Law grants protection from nuisance lawsuits to farm operators within agricultural districts or on land outside a district that is subject to an agricultural assessment under section 306 of the Law. The protection is granted to the operator for any farm activity which the commissioner of agriculture has determined to be a sound agricultural practice. Locally, many rural municipalities have used their home rule power to adopt local right-to-farm laws. These local laws commonly grant particular land-use rights to farm owners and restrict activities on neighboring non-farm land that might interfere with agricultural practices.

Scenic Corridors. A scenic corridor is a viewshed that contains scenic vistas linking natural and cultural resources. Scenic corridors are passive recreational resources that add character to communities.

Sprawl. Ever-expanding metropolitan strip and suburban areas consuming huge amounts of farmland, forestlands and natural resources that wastes lands and resources while often abandoning people, places and private investments at the center, in the hearts of towns and villages. It is very expensive to provide roads, sewers, water, and services like police and fire protection, to low-density urban development, a consequence felt by the taxpayers.

Term Conservation Easement. A term conservation easement is a voluntary legal agreement between a landowner and the municipality that is written to last for a period of years, most commonly for 5 to 20 years. A term conservation easement is not a permanent easement, and thus does not guarantee long-term protection of resources.

Utility Master Plan. A utility master plan is a community-wide plan for the extension of services like, water and sewer that shape and drive development patterns and densities.

Viewshed. A particular panorama that is valued for its aesthetic or cultural attributes. Buildings, structures, places, or natural features may be considered to contribute to, or detract from the quality of viewshed experience.

Wetland Protection. Wetlands are areas that are saturated by either fresh or salt water for at least a period of time during the growing season. In state regulations, they are defined chiefly by the forms of vegetation present. Wetlands provide a number of benefits to a community. Besides providing

wildlife habitat, wetlands also provide habitat protection, recreational opportunities, water supply protection, and provide open space and scenic beauty that can enhance local property values. Wetlands also serve as storage for storm water runoff, thus reducing flood damage and filtering pollutants. In coastal communities, they also serve as a buffer against shoreline erosion. The preservation of wetlands can go a long way toward protecting water quality; increasing flood protection; supporting hunting, fishing and shell fishing; providing opportunities for recreation, tourism and education; and enhancing scenic beauty, open space and property values.

Zoning Overlay Districts. The overlay zoning technique is a modification of the system of conventionally mapped zoning districts. An overlay zone applies a common set of standards to a designated area that may cut across several different conventional or "underlying" zoning districts. The standards of the overlay zone apply in addition to those of the underlying zoning district. Some common examples of overlay zones are the flood zones administered by many communities under the national flood insurance program, historic district overlay zones, areas of very severe slopes, waterfront zones, and environmentally sensitive areas.