

Flood-prone Open Space Requirements in Town of Southport Zoning

(adopted 2016)

Conservation Zone

§ 525-19 Conservation (C) intent.

- A. This district delineates open, publically owned and/or environmentally sensitive areas. Its purpose is to protect the integrity and benefit of these areas, maintain open space, and allow for the free flow of streams at flood events by prohibiting uses that are incompatible in development type and intensity of use. Typically, only the least-intensive and carefully considered types of development are compatible with the goals of this district.
- B. The Conservation District supports low intensity recreational and agricultural uses that are compatible with the flood hazard and do not require the construction of new buildings. Buildings are prohibited, except for small structures on parcels larger than 10 acres that are a “necessary appurtenance” of the agricultural, recreational, or open space use (such as restrooms and storage sheds). Recreational vehicles, trailers, and portable toilets must be adequately anchored to resist flotation. Open pavilions are not considered buildings, and are thus permitted. Filling, storage, pavement, and other encroachments on natural drainage and flood flows are prohibited in the Conservation District.

§ 525-128 Filling, Storage and Encroachments in the Conservation District.

Filling, storage, pavement, and other encroachments on natural drainage and flood flows are prohibited in the Conservation District. Larger structures are generally prohibited. However, restrooms and other facilities may be necessary to support desirable low-impact recreation and agricultural uses. Whenever possible, such structures should be located outside of the Conservation District. When this is not feasible, small structures are permitted on parcels larger than 10 acres, provided that the building is customarily incidental to the recreational, agricultural or open space use. Recreational vehicles, trailers and portable toilets shall be adequately anchored to resist flotation. Open pavilions are not considered structures and are thus permitted. These considerations should be taken up by the Planning Board during the site plan review of the proposed use.

§ 525-20 Use Regulation Table. *The following table includes only the uses permitted in the Conservation (C) Zone; all other uses are prohibited.*

KEY:

Use designations:

P – Permitted as of right

S – Permitted under site plan approval by Planning Board

SUP – Permitted under special use permit by Planning Board

Blank – Not permitted in that district

SCP – Small cell permit

	C District
Accessory Uses	
Day care – family home	P
Day care – group family home	P
General Uses	
Agriculture, General	S
Extraction, private	S
Golf course, driving range	S
Public/government use	S
Public utility	S
Roadside stand	S
Small cell facility	SCP
Tower	SUP
Business Uses	
Campground	S
Recreational use, commercial	S
Industrial Uses	
Extraction, commercial	S

NOTE: Inclusion of day care as allowed uses in the Conservation District is an error that the Town intends to eliminate.

§ 525-24 Bulk and Density Control Schedule.

District	Minimum Lot Area Per Principal Use (square feet)	Minimum Lot Width (feet)	Minimum Yard Requirements (Setbacks)			Maximum Lot Coverage (%)	Maximum Building Height (feet)	Minimum Overall Exterior Dimensions (feet)
			Front (feet)	Side (feet)	Rear (feet)			
C	Per site plan review							

Riparian Buffer

§ 525-5 Definitions.

STREAM

Any perennial or intermittent watercourse as identified on USGS maps with a solid blue line for perennial streams and with a dotted blue line for intermittent streams.

STREAM BANK

The land area immediately adjacent to and which slopes toward the bed of a stream and which is necessary to maintain the integrity of a stream. A stream bank will not be considered to extend more than 50 feet horizontally from the mean high water line, with the following exception: Where a generally uniform slope of 45 degrees or greater adjoins the bed of the stream, the stream bank is extended to the crest of the slope or the first definable break in slope, either a natural or constructed (i.e., road or railroad grade) feature, lying generally parallel to the stream.

§ 525-126 Stream protections.

- A. Applicability. The standards provided in this section shall apply to all perennial and intermittent streams delineated in USGS maps. Perennial streams are depicted on a USGS map with a solid blue line. Intermittent streams are depicted on a USGS map with a dotted blue line.
- B. Protection requirements for perennial streams.
 - (1) A vegetative buffer shall be required for all development activities that occur in proximity to perennial streams with additional considerations for wetlands and steep slopes. Protection shall be divided into a riparian buffer and a setback area that protects overall water quality by limiting development in accordance with the adjacent land's ability to filter sediment, nutrients and other pollutants. This protection will provide stability to the stream and stream bank. The minimum total setback width for all perennial streams combined is 100 feet. There is no established maximum setback width.
 - (2) Applicable riparian buffer and setback areas shall be delineated on all site plans, special use permit, and variance applications. This delineation shall be subject to review and approval by the appropriate board or officer. Prior to any soil-disturbing activity, the riparian buffer and setback area shall be clearly delineated on site and shall be undisturbed until the project is complete.
- C. Riparian buffer. The function of the riparian buffer is to protect the physical and ecological integrity of the portion of the riparian corridor in closest proximity to the stream through protection and enhancement of the native vegetation. Native vegetation provides shade, leaf litter, woody debris, erosion protection, and filtering of sediment, nutrient and pollutant loads to the stream.
 - (1) The riparian buffer will begin at the top of the stream bank and extend a minimum of 50 feet horizontally measured in a direction directly perpendicular to the stream bank in a horizontal plane. This area will utilize the restrictions accorded to the riparian buffer.
 - (2) Development and use are restricted to the following, the entirety of which may not modify or interrupt more than 10% of the entire riparian buffer unless necessary for the protection of human health, utility usage, public infrastructure, or the betterment of the riparian corridor:

- (a) Benches or seating;
 - (b) Flood control, stormwater management structures, and stream bank stabilization measures approved by the Chemung County Soil and Water Conservation District, Natural Resource Conservation Service, Army Corps of Engineering, or NYS Department of Environmental Conservation;
 - (c) Stream crossings necessary to access the property by driveway, transportation route, or utility line which are designed to minimize negative impacts to the stream and riparian buffer;
 - (d) Public water supply intake or public wastewater outfall structures;
 - (e) Public access and public recreational facilities that must be on the water including boat ramps, docks, foot trails leading directly to the stream, fishing platforms and overlooks;
 - (f) Nonpaved recreational trails no wider than 10 feet that either provide access to the stream or are part of a continuous trail system running roughly parallel to the stream;
 - (g) Temporary use of erosion control measures such as silt fencing.
- D. Setback area. The function of the setback area is to filter sediment, nutrients and pollutants in runoff and slow the rate at which runoff enters the riparian buffer.
- (1) The setback area will begin at the outward edge of the riparian buffer and provide a minimum width of 50 feet. This area will utilize the restrictions accorded to the setback area.
 - (2) Within the setback area development uses are restricted to the following:
 - (a) All development and uses permitted in the riparian buffer;
 - (b) Minor recreational structures and surfaces to allow passive recreation in the setback area such as decks, picnic tables, playground equipment, and small concrete slabs, the total area of which is not to exceed 200 square feet each and in aggregate occupy no more than 10% of the setback area;
 - (c) Fences, provided such structures do not impede floodwaters;
 - (d) Landscaping, mowing, decorative planting or improvements that do not encroach upon or impact the integrity of the riparian buffer;
 - (e) Agricultural operations, provided that structures are not erected in the setback area.
- E. Prohibited activities. The following activities are explicitly prohibited in both the riparian buffer and setback area:
- (1) Storage or placement of any hazardous materials. All sewage systems, both drain fields and raised systems and replacement of existing wells, must adhere to a 100-foot buffer from perennial streams.
 - (2) Waste storage and disposal including but not limited to disposal and dumping of snow and ice, recyclable materials, manure, hazardous or noxious chemicals, used automobiles or appliance structures, and other abandoned materials.
 - (3) No combination of allowed or exempt activities may compromise or alter more than 10% of the total riparian buffer and setback area that lies within a tax parcel.

- (4) Public water supply wells must be set back more than 200 feet from top of stream bank; private wells are not allowed in the riparian buffer.
 - (5) Mining or removal of soil, sand and gravel, and quarrying of raw materials.
 - (6) Dredging, deepening, widening, straightening or any such alteration of the beds and banks of natural streams except where the New York State Department of Environmental Conservation has issued a permit expressly allowing such activities on the parcel.
 - (7) Parking of motorized vehicles.
- F. Protection requirements for intermittent streams. For those streams classified as intermittent, only the riparian buffer shall apply. For an intermittent stream the buffer will begin at the top of the stream bank and extend a minimum of 50 feet horizontally measured in a direction directly perpendicular to the stream bank in a horizontal plane. All provisions applicable to the riparian buffers for perennial streams should apply to intermittent streams.
- G. Exemption. Any agricultural use existing as of the effective date of this ordinance shall be exempt from the provisions of this section.