

SECTION 1B: LAND USE TOOLS TO ADDRESS STEEP SLOPES

1. Steep Slope Overlay

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 steep slopes, a waterfront zone, or an environmentally sensitive area.

For example, steep slope overlay zone regulations would address such matters as design and construction techniques (having all plans stamped by a licensed engineer, for example), greater municipal oversight (all development, even single family homes, go through the site plan review process, for example). These “overlay” requirements do not replace the underlying zoning district regulations, but are in addition to them, and would only apply in the overlay district corresponding to a defined and mapped geographical area of steep slopes in the municipality.

There are no specific procedures in the State zoning enabling statutes dealing with overlay zoning. Overlay requirements may be enacted or amended in the same manner as other zoning regulations.

Steep slope overlay districts have a direct benefit on the water quality of a watershed by imposing additional restrictions on the type of land use allowed within their boundaries. Depending on the environmental conditions, more than one overlay district may apply to a single area. The proposed development, and all necessary materials, must be brought before the proper reviewing agency before the issuance of a permit.

In a regional area with a common concern, such as the Canandaigua Lake Watershed, municipalities can coordinate their local laws, such as overlay districts. This helps provide consistency in protecting the steep slopes of the entire watershed, but also helps in raising the awareness and importance of this regulation for buildings and developers.

Steep Slope Overlay regulations are the proposed recommendation for dealing with steep slope development in the Canandaigua Lake Watershed (see Appendix B). These regulations are based on the Town of Bristol’s Steep Slope Law and were modified through a collaborative process with Genesee/Finger Lakes Regional Planning Council and the Canandaigua Lake Watershed Council’s Land Use Subcommittee. These regulations are formatted to be adopted as an amendment to existing zoning law, although with a few revisions, could be adopted as a stand-alone local law.

2. A stand-alone law addressing steep slopes

Municipalities can adopt laws separate from their zoning laws to protect specific environmental features and promote concrete environmental interests using their home rule authority and authority delegated to them under other state laws. A steep slope law would regulate development on areas with slopes greater than a specified percentage, usually in the 10-15% range.

As noted, Steep Slope Overlay regulations are the proposed recommendation for dealing with steep slope development in the Canandaigua Lake Watershed (see Appendix B). Although these regulations are formatted to be adopted as an amendment to existing zoning law, with a few revisions, they could be adopted as a stand-alone local law.