

Appendix C – Watercourse Protection Model

TOWN OF _____

WATERCOURSE PROTECTION

Concept

The *Example Zoning Language* that follows is provided as a model. Certain sections (‘purpose,’ ‘permitted uses,’ etc.) are included just to show how and where the watercourse protection language can be inserted into a typical zoning code. Towns adopting the buffer area language to protect watercourses should obviously use their own zoning code’s sections on purpose, permitted uses, etc.

Example Zoning Language

R1 – Rural Residential District

1. Purpose

The purpose of this district is to provide opportunities for residential development in areas of the Town of _____ that are not suitable for agriculture and are not generally served by public water and sewer, and to provide the Town with the ability to assert reasonable controls over residential development consistent with the comprehensive plan, organized and logical growth, and protection of land and water resources.

2. Permitted Uses

Towns should use their existing regulations for permitted uses.

3. Permitted Accessory Uses

Towns should use their existing regulations for permitted accessory uses.

4. Uses Requiring Special Permit

Towns should use their existing regulations for uses requiring a special permit.

5. Lot Area & Yard Requirements

Towns should use their existing regulations for minimum lot area and dimensions, front yard setbacks, side yard setbacks, rear yard setbacks, building height, lot coverage, etc.

6. Buffer Areas

No buildings or other impervious surfaces, parking areas, or on-site waste water treatment systems shall be located within 100 feet horizontal distance from the top of bank of any watercourse designated by the Canandaigua Watershed Council and included on the Town's official zoning map. With the exception of stream crossings no roadways shall be located within 100 feet horizontal distance from the top of bank of any watercourse designated by the Canandaigua Watershed Council and included on the Town's official zoning map, or any wetland as defined by state or federal law.

This 100 foot buffer zone shall be further divided into the following sub-zones, each of which shall have specific uses and vegetation as noted:

Sub-zone 1: From 0 to a minimum of 25 feet horizontal distance from the top of bank of any watercourse designated by the Canandaigua Watershed Council

Uses: flood control structures, utility rights-of-way, footpaths, road crossings
Vegetation: undisturbed or re-naturalized native vegetation

Sub-zone 2: From the outer edge of Sub-zone 1 to a minimum width of 50 feet

Uses: flood control structures, utility rights-of-way, biking and hiking paths, road crossings, stormwater management facilities, passive recreational uses
Vegetation: landscaped native vegetation (i.e. trees, shrubs, groundcovers native to the Finger Lakes region that are pruned or maintained, as well as limited mown-lawn areas).

Sub-zone 3: From the outer edge of Sub-zone 2 to a minimum width of 25 feet

Uses: flood control structures, utility rights-of-way, biking and hiking paths, road crossings, stormwater management facilities, passive recreational uses
Vegetation: mown-lawn areas although landscaped native vegetation (i.e. trees, shrubs, groundcovers native to the Finger Lakes region that are pruned or maintained) is encouraged

Note to Towns adopting this zoning amendment: Town's should update their official zoning maps to include the watercourses as catalogued in the Ontario County Planning Department's GIS system. The Canandaigua Lake Watershed Council can assist any Town with acquiring an updated map.