

TOWN OF JERUSALEM • YATES COUNTY

LOCAL LAWS REVIEWED:

- Town of Jerusalem Comprehensive Plan, adopted August 2006
- The following excerpts from the Town of Jerusalem Code:
 - Ch. 39, Planning Board (1990)
 - Ch. 79, Driveways (2006)
 - Ch. 87, Flood Damage Prevention (1987)
 - Ch. 93, Highway Specifications (1994), formerly Article XVIII of the Zoning Ordinance
 - Ch. 98, Junkyards (006)
 - Ch. 104, Mobile Homes and Mobile Home Parks (1972)
 - Ch. 107, Noise (1974)
 - Ch. 131, Sewers (1997)
 - Ch. 140, Streets and Sidewalks (1966)
 - Ch. 147, Vessels, Mooring of (1992)
 - Ch. 150, Wastewater Management (1992)
 - Ch. 152, Water (1997)
 - Ch. 160, Zoning, (1974, last amended 1-1-2000)

TOWN OF JERUSALEM LOCAL LAND USE ASSESSMENT			
Issues to Consider	Document Citation	Summary	<i>Notes</i>
Adult Entertainment Uses			
Aesthetic and Scenic Resources	Comprehensive Plan, Policies and Actions, Natural Resources, page 35	“Consider development guidelines that will ensure future development . . . complements the surrounding natural areas and does not conflict with the preservation of the town’s rural character.” “Explore the possibility of creating a purchase-of-development rights program to preserve critical view sheds and natural features, especially along the lake shore an major corridors within the town.”	
	Comprehensive Plan, Policies and Actions, Local Commerce, page 47	“Ensure complementary design of business, commercial and industrial establishments.”	

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	Comprehensive Plane, Policies and Actions, Community Resources page 53	“Enhance the overall appearance of the town by incorporating a consistent theme in landscaping, site design, property development and maintenance.”	
	Comprehensive Plan, Policies and Actions, Parks and Leisure page 56	“Preserve . . . scenic areas for future passive recreational opportunities.”	
	Town Code, Ch. 160. Zoning, § 160-12. Provisions applicable to all districts. Preservation of natural features.	“Existing natural features . . . should be retained. . . . retention of the maximum amount of such features consistent with the use of the property shall be required.”	
Affordable Housing	Comprehensive Plan, Policies and Actions, Residential Living, page 43	“Research and submit applications for grant funding to assist limited or low income residents with housing maintenance, upkeep and improvement.”	
Agricultural Practices			
Alternative Energy			
Brownfields			
Critical Habitat and Species Protection	Comprehensive Plan, Policies and Actions, Natural Resources, page 35	“Review and amend zoning regulations that directly impact the conditions of Keuka Lake, such as impervious cover, riparian buffers, critical environmental areas, cluster development, and docking and mooring regulations.” “Establish an Overlay District that identifies and protects critical natural features of the town.”	
	Comprehensive Plane, Policies and Actions, Residential Living, page 43	“Ensure that residential development in critical environmental areas meet all town, county, and state guidelines governing development on or near natural features . . .”	
Commercial Dog Breeding Operations			
Commercial Wind Energy			

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Docking and Mooring	Chapter 147, Vessels, Mooring of. §147-6. Mooring restricted	No person shall moor any vessel within 1,500 feet of shore unless [compelled by temporary disability or emergency] or such person is the adjacent upland owner who has placed 1 mooring buoy within 100 feet of the shoreline and within the boundaries of his shoreline, and no vessel or part thereof which is secured to such mooring buoy shall at any time extend more than 100 feet from shore or beyond the boundaries of such upland owner's shoreline; and provided, further, that no mooring buoy may be placed in a navigable channel...	
	Keuka Lake Uniform Docking and Mooring Law.	Regulates "lakeshore docks, moorings and other structures in or on the waters of Keuka Lake" including regulating placement and configuration of mooring and berthing facilities and dock configuration. Additional requirements are based on the use of each lakefront property.	
	Comprehensive Plan, Policies and Actions, Natural Resources, page 35	"Review and amend zoning regulations that directly impact the conditions of Keuka Lake, such as impervious cover, riparian buffers, critical environmental areas, cluster development, and docking and mooring regulations."	
Driveways	Town Code, Ch. 79, Driveways	The Town Board of the Town of Jerusalem finds that unsupervised installation and repair of driveways on Town roads can cause dangerous and harmful conditions unless adequate provision is made for the carrying off of surface water, for adequate passage of stormwater under the driveway as it crosses the highway ditch, and for adequate sight distance from the driveway to motorists using the highway. This chapter is adopted by the Town Board in order to reduce these problems and thereby enhance the health, welfare and safety of the inhabitants of the Town and all persons using Town roads. Requires written application and approval for construction, among other requirements	
Erosion and Sediment Control	Town Code, Ch 160, Zoning. Article XVIII Road Specifications for Dedicated Highways. §160-84 Highway plan.	Highway plan... (B) A stormwater management, erosion and sedimentation control plan shall be submitted for use before, during and after construction.	
	Comprehensive Plane, Policies and Actions, Residential Living, page 43	"Ensure that residential development . . . meet all town, county, and state guidelines governing development on or near . . . highly erodable soils . . ."	
Farmland Preservation	Yates County, New York Agricultural Development and Farmland Enhancement Plan (2004)	Sets forth general policies and goals for the preservation and enhancement of farmland within Yates County	

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	Comprehensive Plan, Policies and Actions, Farmland and Open Space, pages 39-40	<p>“Support agriculture-related businesses and promote their presence and availability throughout the town and surrounding region.”</p> <p>“Preserve contiguous parcels of open space and farmland throughout the town in order to maximize agricultural resources and maintain the rural appearance and function of the community.”</p> <p>“Modify zoning and land use regulations to protect vital farmland and minimize the impact of residential and commercial development.” “Encourage events, activities and enterprises that support the local farming community and continue Jerusalem’s rural tradition.” “Utilize cluster development techniques in and near designated agricultural areas to maximize development potential in a way that preserves contiguous blocks of farmland.”</p>	
	Comprehensive Plan, Policies and Actions, Residential Living, page 43	“Amend zoning map and code to designate key rural and open space parcels for agricultural uses only.”	
	Town Code, Ch. 160. Zoning, §160-17 General description and purpose.	The land in Agricultural-Residential Use Districts (AGR) comprises the major portion of all of the Town of Jerusalem presently in use for agricultural or related uses. Inasmuch as the district contains highly viable forest and farmland and contributes greatly to the natural beauty of the town, agricultural, including forestry uses, are encouraged. Regulations are established to provide for compatibility of these agricultural uses and certain other uses, though agricultural operations are considered to be the highest and best use of the lands within the Agricultural-Residential Use District	
Filling and Grading			
Flag Lots			
Flood Prevention			
Flood Plain Management	Town Code, Ch. 87, Flood Damage Prevention	<p>Delineates two separate flood overlay districts, Floodway Zone (FW1) and Flood Fringe Over Zone (FFO). Each zone has special restrictions “to protect the health, safety and welfare of the inhabitants of the Town of Jerusalem from hazards due to periodic flooding.” Furthermore, base flood elevation is established (§160-39.E(3) “Residential structures shall have the lowest habitable floor elevated to at least one foot above the one-hundred year flood or seven hundred twenty two feet above sea level, whichever is higher.”)</p>	

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	Town Code, Ch. 160. Zoning, Article IX. Flood Hazard Areas	Chapter applies to all areas of special flood hazards within the jurisdiction of the Town of Jerusalem; adopted in response to revisions to the National Flood Insurance Program. Any construction or development requires within areas of special flood hazard, as shown on the Flood Insurance Rate Map, a floodplain development permit. Certain design requirements regarding utilities, anchoring, construction materials/methods, and drainage must be met as conditions for permit approval. The Zoning Officer is appointed local flood plain administrator. This administrator is in charge of reviewing all floodplain development permits for development to be undertaken in areas of special flood hazard within the town.	
Forest Management			
Green Infrastructure	Comprehensive Plan, Policies and Actions, Parks and Leisure, page 56	“Develop trails and linkages that interconnect park facilities, waterfront and existing trail systems both in town and in the neighboring municipalities.”	
Growth Management	Comprehensive Plan, Policies and Actions, Farmland and Open Space page 39	“Utilize cluster development techniques in and near designated agricultural areas to maximize development potential in a way that preserves contiguous blocks of farmland.”	
	Comprehensive Plan, Policies and Actions, Residential Living, page 43	“Minimize land consumption by utilizing an alternative land use and development technique.” “Promote residential development at densities consistent with existing and future infrastructure in an effort to support principals of managed development.”	
	Town Code, Ch. 160. Zoning, § 160-31. Residential-Public Sewers (R2) Use District.	Creates a zoning district “. . . to provide for the development of residential neighborhoods served by public water and sewage facilities . . .” at higher densities. Permitted, accessory, and special permit uses are listed in this section.	
Harbor Management			
Historic Preservation	Comprehensive Plan, Policies and Actions, Residential Living, pages 43-44	“Inventory all historic buildings and structures within the town . . .” “Determine whether any areas of the town would qualify as an historic district . . .”	
	Comprehensive Plan, Policies and Actions, Community Resources, page 53	“Preserve and promote the town’s historic and cultural assets.” “Increase residents’ and visitors’ awareness of the town’s cultural and historic attractions and assets.”	
Impervious Surfaces	Comprehensive Plan, Policies and Actions, Natural Resources, page 35	“Review and amend zoning regulations that directly impact the conditions of Keuka Lake, such as impervious cover . . .”	

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	Town Code, Ch. 160. Zoning, § 160-16. Off-street parking.	Creates minimum off-street parking requirements including size and number of spaces based on use as listed in the Off-Street Parking Schedule.	Note: these sections should not be construed as a Best Management Practices. Such regulations may, in fact, result in excessive parking and unnecessary impervious surface area.
Intermunicipal Cooperation	Keuka Watershed Improvement Cooperative (KWIC) of 1993	As stated within the law, the purpose of the KWIC is to protect and improve the purity of waters in the Keuka Lake watershed by certain named activities, including: uniform management of septic systems; management of other additional threats to Keuka Lake; drafting of model ordinances; and meeting Part 157.1 of Title 10 of the New York Code of Rules and Regulations, as promulgated by the Dept. of Health under authority of section 1100 of the Public Health Law.	
	Keuka Lake Uniform Dockings and Moorings Law	Represents a cooperative agreement of the Villages and Towns surrounding Keuka Lake regarding docking and mooring on the Keuka lakefront.	
	Comprehensive Plan, Policies and Actions, Natural Resources, page 36	“Improve communication and cooperation with neighboring Keuka Lake communities”	
	Comprehensive Plan, Policies and Actions, Farmland and Open Space, page 40	“Work with neighboring communities to identify opportunities for collaborative (farmland and open space) preservation endeavors.”	
	Comprehensive Plan, Policies and Actions, Community Resources, page 54	“Attend local and regional conferences to establish relationships with other communities and develop opportunities for regional collaborations.”	
Junkyards	Town Code, Ch. 98. Junkyards § 98-1. Legislative intent	“A clean, wholesome, attractive environment is declared to be of importance to the health and safety of the inhabitants and to the safeguarding of their material rights against unwarrantable invasion, and in addition, such an environment is deemed essential to the maintenance and continued development of the economy of the Town...” Law stipulates licensure requirements for junkyards, aesthetic considerations, and screening of property.	
Lake Access	Comprehensive Plan, Policies and Actions, Parks and Leisure, page 56	“Increase public access to Keuka Lake for passive recreational activities . . .”	
Mining	Town Code, Ch. 160. Zoning, § 160-23. Excavation operations.	Establishes guidelines for excavation operations under a special use permit in the AGR District.	

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Mobile Homes & Mobile Home Parks	Town Code, Ch. 104. Mobile Homes and Mobile Home Parks	Establishes procedures for obtaining mobile home park license, physical requirements of such parks, inspections, and mobile homes outside of established mobile home parks.	
Nonpoint Source Pollution	Comprehensive Plan, Policies and Actions, Natural Resources, page 35	“Update the zoning regulations to ensure adequate storm water management provisions are included to reduce flooding potential and minimize the negative impacts of run-off.”	
	Chapter 150, Wastewater Management	Establishes two water quality protection zones: Zone 1 includes the land within 200 feet of a lake and/or watercourse. Zone 2 includes all other lands within the town. Establishes regulations for inspections of private systems (every 3-5 years in Zone 1 and at time of property transfer/refinancing); construction specifications and penalties for violations.	
Onsite Wastewater	Keuka Watershed Improvement Cooperative (KWIC) of 1993	As stated within the law, the purpose of the KWIC is to protect and improve the purity of waters in the Keuka Lake watershed by certain named activities, including: uniform management of septic systems...	
	Chapter 150, Wastewater Management	Establishes two water quality protection zones: Zone 1 includes the land within 200 feet of a lake and/or watercourse. Zone 2 includes all other lands within the town. Establishes regulations for inspections of private systems (every 3-5 years in Zone 1 and at time of property transfer/refinancing); construction specifications and penalties for violations.	
Open Space Preservation	Comprehensive Plan, Policies and Actions, Farmland and Open Space page 39	“Preserve contiguous parcels of open space and farmland throughout the town in order to maximize agricultural resources and maintain the rural appearance and function of the community.”	
	Comprehensive Plan, Policies and Actions, Residential Living, page 43	Create zoning provisions “to provide developers with incentives to preserve open space areas in future housing development.”	
	Comprehensive Plan, Policies and Actions, Parks and Leisure, page 56	“Preserve open space . . . for future passive recreational opportunities.”	
Purchase of Development Rights	Comprehensive Plan, Policies and Actions, Natural Resources, page 35	“Develop town conservation easement laws” “Explore the possibility of creating a purchase-of-development rights program to preserve critical view sheds and natural features, especially along the lake shore an major corridors within the town.”	
	Comprehensive Plan, Policies and Actions, Residential Living, page 43	Promote conservation easements to local residents and landowners.	
Recreation	Comprehensive Plan, Policies and Actions, Parks and Leisure, page 56-57	“Preserve open space and scenic areas for future passive recreational opportunities.” “Develop trails and linkages that interconnect park facilities, waterfront and existing trail systems both in town and in the neighboring municipalities.” “Expand recreational facilities and programming to ensure that they meet the community’s need and are available to all persons.”	

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	Town Code, Ch. 160. Zoning, § 160-22. Campgrounds.	Establishes regulations governing campgrounds in the AGR District.	This should not be construed as a Best Management Practice; regulation stipulates basic requirements for campgrounds.
Riparian Buffers	Comprehensive Plan, Policies and Actions, Natural Resources, page 35	“Review and amend zoning regulations that directly impact the conditions of Keuka Lake, such as impervious cover, riparian buffers, critical environmental areas, cluster development, and docking and mooring regulations.”	
Road Layout & Design	Town Code, Ch. 93. Highway Specifications, § 93	The purpose of this chapter is to regulate the laying out and construction of highways prior to their dedication to the Town of Jerusalem as public highways.	
	Town Code, Ch 140, Streets and Sidewalks	Regulates access to public streets and roadways within the town. Requires permit for work; includes stipulations for permission and oversight by Town officials.	
	Town Code, Ch 160, Zoning. Article XVIII Road Specifications for Dedicated Highways.	The purpose of this Article is to regulate the laying out and construction of highways prior to their dedication to the Town of Jerusalem as public highways...	
Road Ditching	Town Code, Ch. 93. Highway Specifications, § 93-11. Drainage.	Establishes drainage requirements, including ditches, for public highways within the town.	
Senior Housing	Comprehensive Plan, Policies and Actions, Residential Living page 44	“Identify areas within the town where future senior housing or assisted living facilities could be located . . .”	
Sewer and Water Infrastructure	Comprehensive Plan, Policies and Actions, Local Commerce, page 47	“Consider development potential when determining future extensions of public water and sewer districts.”	
	Town Code, Ch. 131. Sewers, § 131-4 Discharge of sewage into natural outlets.	Requires buildings to connect to the public sewer system; regulated discharges to natural outlets within the Keuka Park Sewer District; establishes technical guidelines for new connections; allows for inspections by an agent of the town.	
	Town Code, Ch. 152, Water	Establishes basic guidelines for use and extensions within the Keuka Park Water District.	
	Town Code, Ch. 160. Zoning, § 160-53. Central sewer and water facilities.	Requires any large-scale multiple dwelling residential development to be served with central water and sewer facilities.	
Sign Control	Town Code, Ch. 160. Zoning, § 160-14 Signs.	Regulates appearance, size and types of outdoor signs.	

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Sourcewater Protection (or wellhead protection)			
Steep Slopes	Comprehensive Plan, Policies and Actions, Natural Resources, page 35	“Create regulations to guide development in steep slope areas.”	
	Comprehensive Plane, Policies and Actions, Residential Living, Page 43	“Ensure that residential development . . . meet all town, county, and state guidelines governing development on or near . . . steep slopes . . .”	
Streambank Protection and Restoration	Comprehensive Plane, Policies and Actions, Residential Living, Page 43	“Ensure that residential development . . . meet all town, county, and state guidelines governing development on or near . . . streams . . .”	
Stormwater Management and Drainage	Town Code, Ch 160, Zoning. Article XVIII Road Specifications for Dedicated Highways. §160-91 Drainage..	Proper drainage shall be installed where required...In cases where access to a live stream or well-established natural drainage ditch is required, easements or rights-of-way leading thereto shall be secured and conveyed to the Town as below set forth.	
	Comprehensive Plan, Policies and Actions, Natural Resources, page 35	“Update the zoning regulations to ensure adequate storm water management provisions are included to reduce flooding potential and minimize the negative impacts of run-off.”	
Traditional Neighborhood Development	Comprehensive Plan, Policies and Actions, Natural Resources, page 35	“Review and amend zoning regulations that directly impact the conditions of Keuka Lake, such as . . . cluster development . . .” “Develop and enact the Subdivision Law.”	
	Comprehensive Plan, Policies and Actions, Residential Living, page 44	“Develop site plan and subdivision regulations that will improve the quality and appearance of future residential development.” “Encourage and promote expanded residential development in the mixed use areas, ensuring high quality, well-scaled designs.”	
Transfer of Development Rights			
Transit Supportive Development	Comprehensive Plan, Policies and Actions, Residential Living, page 44	“Utilize traffic calming techniques to slow traffic through predominantly residential areas.” “Complete a pedestrian connectivity and safety plan . . .”	
Vegetation Retention	Town Code, Ch. 160. Zoning, Provisions applicable to all districts. § 160-12. Preservation of natural features.	“Existing natural features . . . should be retained. . . . retention of the maximum amount of such features consistent with the use of the property shall be required.”	

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	Town Code, Ch. 160. Zoning, § 160-93. Existing vegetation.	For telecommunication towers, "Existing on-site vegetation shall be preserved to the maximum extent possible."	
Waste Storage			
Watercourses, Permitted Uses of	Town Code, Ch. 131. Sewers. Article II Use of Public Sewers Required. §131-4	It shall be unlawful to discharge to any natural outlet within the Keuka Park Sewer District, extension thereto or in any area under the jurisdiction of said district any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.	
	Comprehensive Plan, Policies and Actions, Natural Resources, page 35	"Work with local volunteer groups and schools to create a stream watch program to help protect the town's waterways."	
Waterfront Development and Management	Comprehensive Plan, Policies and Actions, Residential Living, page 43	"Limit waterfront development in areas that pose a serious environmental or physical threat through land use regulations and site plan review." "Ensure that residential development . . . meet all town, county, and state guidelines governing development on or near . . . lakefront areas."	
	Town Code, Ch. 160. Zoning, Article VI. Residential-Lakeshore Area (R1) District	"This district was created to encourage the preservation of scenic and natural resources of both land and water . . ." Permitted, accessory, and special permit uses are listed in this section.	
Wells			
Wetlands			