

Topic:	Open Space Preservation; Natural Resource Protection & Conservation; Scenic Resources; Historic Preservation; Floodplain Regulations; Erosion & Sedimentation Control; Steep Slope Protection; Watershed Protection
Resource Type:	Regulations
State:	New York
Jurisdiction Type:	Municipal
Municipality:	Town of Livonia
Year (adopted, written, etc.):	Unknown
Community Type - applicable to:	Suburban; Rural
Title:	Town of Livonia Land Conservation Ordinance
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Abstract

This law outlines the Town's procedure for creating Land Conservation Areas, and for protecting these areas from potentially harmful development. These areas were created on the basis of a soil and existing land use survey, and have been grouped in to seven categories, which include: natural forest/woodland, wetland, steep slope, floodplain, major scenic overlook, stream corridor, watershed and sites of historical/archaeological significance.

Resource

Town of Livonia NY Land Conservation
Code of the Town Of Livonia NY
Chapter 150: Zoning
Article VII: Regulations Applicable to All Zoning Districts
General Code

§ 150-68. Land conservation.

- A. Intent. The purpose of this land conservation section is to delineate and help to protect areas in Livonia where substantial development of the land, including changing the character or use of, may cause ecological harm, create a public health or safety problem or degrade significant community features, such as scenic views or sites of historic or archaeological significance. Special or unusual conditions of topography, drainage, soil permeability, floodplain or other natural conditions and the lack of proper facilities or

improvements may result in the land not being suitable for development at the present time.

- B. Derivation. Land conservation areas in Livonia have been derived generally on the basis of soils and existing land use studies and data and have been mapped to identify the following specific conservation areas: natural forest/woodland, wetland, steep slope, floodplain, major scenic overlook, stream corridor, watershed and sites of historical/archaeological significance. The above mapped conservation areas are official supplemental guides to the Zoning Map to be used by Livonia in ascertaining what special conditions, if any, should be imposed or precautions taken before allowing development to proceed.

- C. Procedure for processing zoning permits using conservation areas maps. Whenever an application is made for a zoning permit in Livonia, the Code Enforcement Officer shall proceed as follows:
 - (1) Identify the approximate location of the proposed building site and/or use and check to see if the site is situated in one or more of the mapped conservation areas.

 - (2) If the applicant's proposed development or use is found to be located well outside of any identified conservation area shown on the supplemental map **Editor's Note: The supplemental map is on file in the Building and Zoning Department.**, the Code Enforcement Officer may issue a zoning permit, provided that all other requirements and conditions of the chapter are met.

 - (3) If the applicant's property is found to be located completely or partially within one or more of the mapped conservation areas or bordering thereon, the Code Enforcement Officer shall accompany the applicant to the site to confirm the exact location and existing physical conditions.

 - (4) If the Code Enforcement Officer confirms the location of the proposed development and/or use within any of the conservation districts, the activity proposed shall be subject to review by the Joint Planning Board in accordance with the site plan review requirements of Article XIV and the standards of this section.

- D. The following is a list of the mapped land conservation areas and relevant review standards.
 - (1) Forest/woodland.
 - (a) Whenever possible, the site plan shall be so designed as to minimize the number of trees 30 feet and over in height which would have to be removed

or would otherwise disturb the forest floor.

- (b) Activities, such as subdivisions, campgrounds, mobile home parks and most commercial or industrial uses, shall be guided in their layout by a qualified forester or landscape professional.

(2) Wetland.

- (a) Development activities in wetland and wetland buffer areas shall be regulated by state and federal permit requirements.
- (b) The development and/or use shall be designed so as not to disturb the natural function and process of the wetland.

(3) Steep slope.

- (a) The site plans submitted to the Joint Planning Board for review shall be prepared by a licensed architect or professional engineer and engineered specifically for the steep slope where the building will be placed.
- (b) Architectural design of the house or structure shall be such as to minimize the amount of cutting into the embankment, general grading and removal of vegetative cover. A rectangular-shape structure which can be placed parallel to the contour of the hill and/or designing a cantilevered structure for maximum exposure above the ground is acceptable.
- (c) Location of driveway, walkway, accessory buildings and structures and general grading shall minimize disturbance of steep slope areas and potential for erosion.
- (d) Terracing, sodding, planting and the construction of retaining walls shall be performed as found necessary.

(4) Floodplain. In accordance with National Flood Insurance specifications and Chapter 80 of the Code of the Town of Livonia or Chapter 93 of the Code of the Village of Livonia, the following conditions shall apply:

- (a) Structures shall be designed and anchored to prevent the flotation, collapse or lateral movement of the structure or portion of the structure due to flooding.

- (b) Construction materials and utility equipment that are resistant to flood damage shall be used.
 - (c) Construction methods and practices that will minimize flood damage shall be used.
 - (d) Adequate drainage shall be provided in order to reduce exposure to flood hazards.
 - (e) Public utilities and facilities shall be located on the site in such a manner as to be elevated and constructed to minimize or eliminate flood damage. Such utilities and facilities include sewer, gas, electrical and water systems.
- (5) Major scenic overlook.
- (a) No identified major scenic overlook shall be seriously threatened by any proposed new construction if the Joint Planning Board determines that a reasonable alternative exists. This may include the modification of the architectural design or relocation of the building site.
 - (b) If no reasonable alternative, as defined in Subsection D(5)(a) above, exists, site plan review approval may be withheld up to but no longer than 120 days, during which time a municipal agency or a philanthropic organization can be given the opportunity to preserve the site by acquisition or other means.
- (6) Stream corridor. These regulations shall apply to streams shown on the Livonia base map and to any major drainageway.
- (a) No new public road or private road shall be located within 25 feet of the mean high-water mark except for such portions as are necessary for crossing the stream. Where alternative access to the other side of the stream is available, new crossings shall be discouraged.
 - (b) New structures, except for fences, bridges and fishing parking areas, shall not be constructed within 25 feet of the mean high-water mark.
 - (c) A buffer strip consistent with the following standards shall separate all new structures, except fences, bridges and fishing parking areas, from the stream.

	Degrees	from	
Slope	of Horizontal		Width of Buffer Strip in Critical Area

Land	(feet)	from Mean High Water Mark
		50
10	6	90
20	12	130
30	17	170
40	23	210
50	26	250
60	31	290
70	35	330
80	39	370
90	42	410

Source: Hartung, R.E., and Kress, S.W.; Woodlands of Northeast, United States Department of Agriculture (USDA), Soil Conservation Service (SCS), and Forest Service, Philadelphia, Pennsylvania, 1977.

- (d) New structures and roads shall be designed and constructed in accord with erosion control standards and stormwater control standards contained in the supplemental stream conservation resource document. Refer to erosion and sediment control best management practices (BMP's) and stormwater management BMP's from pages 65 to 93 in Chapter 6 of the New York State Department of Environmental Conservation (NYSDEC) Stream Corridor Management Manual.
- (e) Within the buffer strip identified hereunder, woody shrubs and trees shall be retained sufficient to maintain the stability of the stream bank and to minimize stream bank erosion and direct runoff. Forest management roads or skid trails shall not be allowed inside the mean high-water mark, except at necessary stream crossings, and they shall be allowed at a distance from the mean high-water mark that is consistent with the following criteria for establishing buffer strips for logging areas.

Slope of Land	Degrees Horizontal	Width of Buffer Strip for Logging From Areas (feet)
		50
10	6	50
20	12	65
30	17	85
40	23	106
50	26	125
60	31	145
70	35	165
80	39	185
90	42	205
100	45	225

Source: Hartung, R.E., and Kress, S.W.; Woodlands of Northeast, USDA, SCS, and Forest Service, Philadelphia, Pennsylvania, 1977.

- (f) To protect the water quality, bed and banks of a stream from the impacts associated with logging, no more than 1/3 of the timber will be removed in a ten-year period within the buffer strip designated under Subsection D(6)(e) above. A professional timber harvesting program is required, including restoration measures for disturbed land and skid trail. A letter of credit may be required if deemed necessary by the governing board.
- (g) Diseased vegetation and rotten or damaged trees or other vegetation presenting safety, environmental or health hazards may be removed. Firewood for personal use may be removed, within the limits of Subsection D(6)(f) above.

(7) Conesus and Hemlock Lake Watersheds.

- (a) New structures shall be designed and constructed in such manner as to avoid undue adverse environmental impacts and in accord with erosion control standards and stormwater control standards contained in the supplemental stream conservation resource document. Refer to erosion and sediment control best management practices and stormwater management best management practices from pages 65 to 93 in Chapter 6 of the NYSDEC Stream Corridor Management Manual.
- (b) Storm sewer outlets shall not be made directly to lakes, impoundments, streams or their tributary watercourses, without other treatment as specified in current engineering design criteria. Provision shall be made to discharge to the surface at least 100 feet from lakes, impoundments, streams and their tributary watercourses.
- (c) The dumping of more than two cubic yards of snow removed from streets, road and parking areas directly into lakes, reservoirs, impoundments or streams is prohibited.
- (d) Animal wastes.
 - [1] No concentration of animal wastes from an agricultural operation, including but not limited to manure piles, feedlots, barnyards and yarding areas, shall be located within a linear distance of 250 feet from any lake, reservoir, impoundment or watercourse.
 - [2] Barnyards, feedlots, yarding areas and manure piles shall be separated from streams and water bodies by ditches or surface grading to prevent their runoff from entering streams and water bodies.
 - [3] Drainage from barnyards, feedlots, yarding areas or manure piles shall not be discharged directly to a lake, reservoir, impoundment or watercourse. Such drainage shall be dispersed over the surface of the ground at a minimum distance of 250 linear feet from any lake, reservoir, impoundment or watercourse.
 - [4] Provision shall be made for satisfactory disposal of milk house waste either by surface or subsurface irrigation that prevents any discharge to any lake, reservoir, impoundment or watercourse. Such facilities shall be located at least 100 linear feet from the lake, reservoir, impoundment or watercourse.
- (e) Industrial sludge and toxic chemicals. Toxic chemicals shall not be buried in the soil, spread upon the surface of the ground or allowed to enter surface waters.
- (f) Fertilizer use.
 - [1] Open storage of chemical fertilizers for commercial use is prohibited.
 - [2] Fertilizer use for all applications shall be in accordance with best

management practices.

- (g) Pesticide and herbicide use.
 - [1] Use of lakes, reservoirs or streams for makeup water or washing of equipment is prohibited.
 - [2] Pesticides and herbicides shall be used in accordance with label instructions.
 - (h) Stockpiles.
 - [1] Storage of chloride salts is prohibited within a linear distance of 500 feet of a lake, reservoir, impoundment or watercourse, except in weatherproof buildings or watertight vessels.
 - [2] Calcium chloride shall be used instead of sodium chloride where possible to limit sodium input to area waters.
 - (i) All land-disturbing activity, including general construction, highway construction, access road construction and maintenance, is prohibited except where remedial measures have been put in place to minimize erosion and sediment production as per the standards of the Livonia Design Criteria and New York State Guidelines for Stream Corridor Management and Erosion and Sediment Control.
- (8) Sites of historic or archaeological significance. No sites of historic or archaeological significance shall be seriously threatened by any proposed new construction if the Joint Planning Board determines that a reasonable alternative exists. This may include the modification of the architectural design or relocation of the building site.