

Conservation (C) District Recommendations for the Town of Southport

Undeveloped floodplains help to protect other areas from flooding by storing vast quantities of water.

Existing Conservation District

The current Town of Southport zoning law designates a Conservation (C) District, with the following intent:

“This district delineates those open, public-owned and/or environmentally sensitive land and water areas of the Town that, because of their current use, critical relationship to the Chemung River, or extreme environmental sensitivity, should be preserved and utilized only for less intensive and carefully considered development that is compatible with the sensitive nature of such lands; and to ensure that the existing character, nature and benefits derived from such lands are preserved and retained. See Chapter 307, Flood Damage Prevention, and Chapter 452, Stormwater Management; Erosion and Sediment Control.” (Section 525-20)

The Use Regulation Table allows the following uses within the Conservation District:

- Accessory use/structure – Permitted under site plan approval by Planning Board
- Agriculture - Permitted as of right
- Golf course, driving range - Permitted under site plan approval by Planning Board
- Public/government use – Permitted as of right
- Public utility - Permitted under site plan approval by Planning Board
- Roadside stand - Permitted as of right
- Campground - Permitted under site plan approval by Planning Board
- Recreational use, commercial - Permitted under site plan approval by Planning Board
- Extraction, soil mining - Permitted under site plan approval by Planning Board

The Conservation District coincides with the regulatory floodway delineated on the Town’s Flood Insurance Rate Map. The floodway is the portion of the floodplain adjacent to the river or stream that should be kept free of obstructions to allow for the flow of flood waters. It is also the portion of the floodplain that is most likely to experience dangerous high velocity flows. Maintaining this area as open space fulfills the objective of limiting development in this high risk area and also protects the natural floodplain functions that moderate the severity of flooding in other areas (by storing water and dissipating its energy). The existing Conservation District is an excellent strategy for managing development in this potentially hazardous area.

Recommendations

In keeping with the stated intent, it is recommended that the Conservation District be kept free of all new buildings, infrastructure, fill, and other encroachments. The uses permitted in the current zoning language could allow the construction of agricultural buildings, high amenity campgrounds, or high-impact recreation facilities that are not in keeping with the desired intent for this high hazard area. It is thus recommended that language be added to specify the allowed and prohibited activities within the Conservation District. This would add clarity and provide the Planning Board with guidance for site plan review of proposed uses within this area.

The Town could also clearly state that not all uses are prohibited in this district. The objectives of minimizing flood losses and preserving floodplain functions are consistent with low-impact recreation and agricultural uses, which the Town supports.

Development restrictions that are consistent with the Community Rating System (CRS) criteria for the preservation of open space could enable lower flood insurance premiums through the CRS program. The CRS is a FEMA program that provides discounts for communities that take measures that are beyond the minimum requirements of the National Flood Insurance Program. The Town of Southport currently has a Class 9 CRS rating, which enables a 5% reduction in flood insurance premiums for buildings within the Town. Additional discounts could be achieved by implementing additional measures that are credited by the CRS program because they are expected to contribute to reduced flood damage. It is anticipated that the proposed language changes would qualify for enough activity points to increase the Town's CRS classification by one level, which would enable an additional 5% reduction in premiums for the higher-cost flood insurance policies.

CRS credit for Open Space Preservation could be increased by including additional floodplain areas in the Conservation District. It is recommended that current and anticipated land use in the Special Flood Hazard Area (regulated 100-year floodplain) be reviewed to assess the desirability of expanding the Conservation District to include additional areas that are currently open space and where future development (except for agriculture and recreation) is not anticipated or desired.

Proposed language

Add to the existing language in Section 525-20 of the Zoning Law, Conservation (C) intent:

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, and other encroachments on natural drainage and flood flows are prohibited in the Conservation District.

Revise the Use Regulation Table for the Zoning Law (Chapter 525) as follows:

1. Make all allowed uses in the Conservation District subject to site plan approval.
2. Add the following footnote for the Conservation District:

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

CRS Credit: Enactment and enforcement of regulations that preserve open space in the floodplain qualify for up to 1,450 CRS points for Element OSP of Activity 420, Open Space Preservation. This credit is adjusted based on the ratio of preserved open space area in the floodplain to the entire regulatory floodplain area. The current Conservation District covers more than half of Southport's regulatory floodplain and is thus expected to qualify for about 800 CRS points. (500 activity points are required for each increase in CRS classification.)