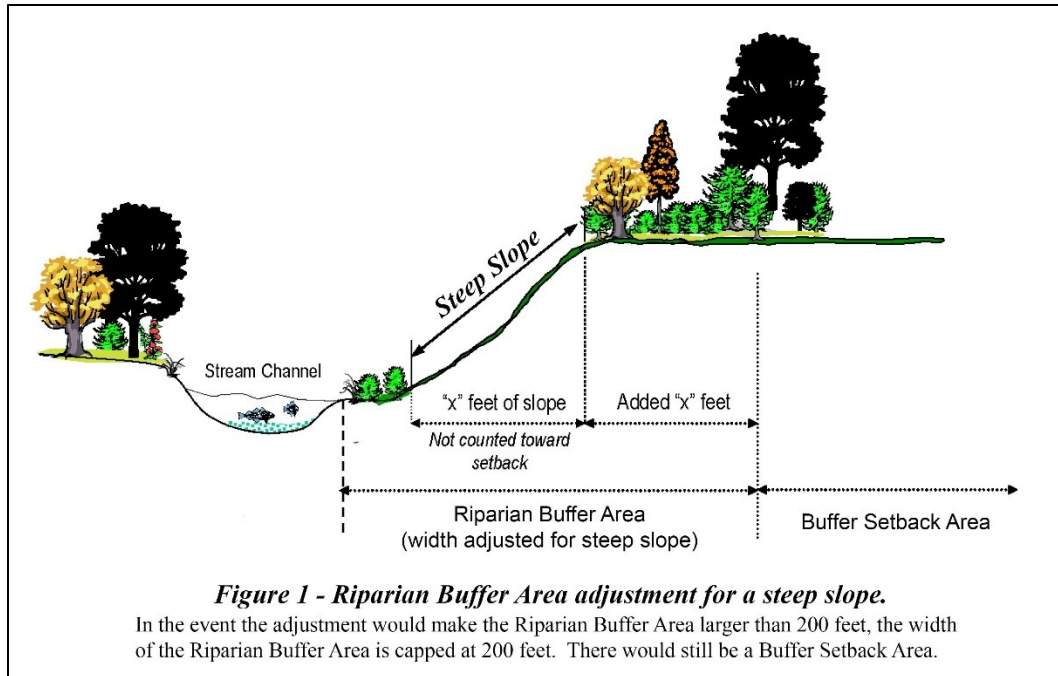


Section 5.3 Specific Standards for the Water Resources and Flooding Overlay District.

- A. All procedures and requirements of the Town of Caroline Flood Damage Prevention Law (LL 1 of 2021) shall be met wherever a regulated floodplain is mapped.
- B. All requirements of the Town of Caroline Stormwater Management Law (LL 2 of 2007) shall be met.
- C. An Abbreviated Site Plan review and approval by the Review Board may be required pursuant to Article VII, Section 7.10. Whenever a building envelope cannot be sited outside the water resources and flooding overlay as shown on the adopted Water Resources and Flooding Overlay District Map, Abbreviated Site Plan Review (ASPR) and approval by the Review Board shall be required. Any applicant that believes that the project site or building envelope is not actually within the Water Resources and Flooding Overlay District may provide to the Review Board, at the applicant's expense, a survey by a New York State Licensed professional that substantiates the applicant's position. If the Review Board agrees with the applicant, it may rule that the requirements of this sub-section do not apply to the project because it is not located in the Water Resources and Flooding Overlay District.
- D. All NYS DEC regulations pursuant to 6 NYCRR – 663 (Freshwater Wetlands Permits Requirements) shall be met for all state jurisdictional wetlands and their 100' buffers. Other wetlands under federal jurisdiction shall also be protected from disturbances.
- E. Streams within the Town of Caroline Water Resources and Flooding Overlay District shall be protected by stream setbacks as follows: perennial streams shall have a setback made up of a Riparian Buffer Area and an additional Riparian Buffer Setback Area; intermittent streams shall have a setback made up of a Riparian Buffer Area only. All provisions applicable to the Riparian Buffer Area for perennial streams apply to intermittent streams. The setback protects overall water quality by limiting development in accordance with the adjacent land's ability to filter sediment, nutrients and other pollutants. The Town shall require the delineation of any applicable Riparian Buffer Area and Buffer Setback Area on all subdivision plats, site plan applications, abbreviated site plan applications, special permits, variance applications, building permit applications, and excavation or fill permit applications. This delineation shall be subject to review and approval by the Review Board or Code Enforcement Officer.
- F. Except where allowed by this Zoning Law and for agriculture, no building shall be allowed within the Riparian Buffer Area or the Buffer Setback Area.
- G. Riparian Buffer Area: The function of the Riparian Buffer Area is to protect the physical and ecological integrity of the portion of the riparian corridor in closest proximity to the stream through protection and enhancement of the native vegetation. Native vegetation provides shade, leaf litter, woody debris, erosion protection, and filtering of sediment, nutrient and pollutant loads to the stream. If the Riparian Buffer Area is being revegetated, the use of native species is strongly encouraged.
 - 1. The Riparian Buffer Area will begin at the top of the stream bank and extend a minimum of 50 feet horizontally measured in a direction directly perpendicular to the stream bank in a horizontal plane. For an intermittent stream, this shall be the entire Riparian Buffer Area. For a perennial stream, should a steep slope or wetland also exist within this Riparian Buffer Area, the horizontal extent of that slope or wetland will be added to the measurement of the Riparian Buffer Area,

but in no case shall the Riparian Buffer Area be required to extend more than 200 feet from the stream bank. This full area shall meet all requirements of the Riparian Buffer Area. See Figure1.

2. No development or disturbance in the Riparian Buffer Area shall modify or interrupt more than 10% of the acreage within the Riparian Buffer Area on that parcel unless necessary for the protection of human health, utility usage, public infrastructure, or the betterment of the riparian corridor. Development and uses in the Riparian Buffer Area are restricted to the following.
 - Activities part of any agricultural operation;
 - Any lawful use of land if the use is in existence at the time of the adoption of this Zoning Law;
 - Benches or seating;
 - Implementation of educational and scientific research that does not negatively impact the native vegetation;
 - Flood control, stormwater management structures, and stream bank stabilization measures approved by the Tompkins County Soil and Water Conservation District, Natural Resource Conservation Service, Army Corps of Engineering, or NYS Department of Environmental Conservation;
 - Maintenance of roadways or impervious surfaces existing at the time of the adoption of this provision;
 - Stream crossings necessary to access the property by driveway, transportation route, or utility line which are designed to minimize negative impacts to the stream and Riparian Buffer;
 - Public water supply intake or public wastewater outfall structures;
 - Public access and public recreational facilities that must be on the water including boat ramps, docks, foot trails leading directly to the stream, fishing platforms and overlooks;
 - Public sewer lines and/or other utility easements;
 - Techniques to remove invasive species;
 - Non-paved recreational trails no wider than 10 feet that either provide access to the stream or are part of a continuous trail system running roughly parallel to the stream;
 - Temporary use of erosion control measures such as silt fencing;
 - Within the Riparian Buffer Area, limited tree cutting, forestry or vegetation management shall be done in accordance with a Forest Stewardship Plan prepared by the Department of Environmental Conservation, a forester who is certified by the Society of American Foresters or such successor organization as is later created, or a Cooperating Consulting Forester identified by the New York State Department of Environmental Conservation. Any harvest must furthermore be done in accordance with the New York State Forestry Best Management Practices for Water Quality – BMP Field Guide. Tree cutting may not compromise the integrity of the stream bank or negatively impact the function of the Riparian Buffer. Tree cutting within 25 feet of the top of stream bank is prohibited. Any such activity must retain at a minimum 50% of the tree canopy in the Riparian Buffer Area at all times.



- H. Buffer Setback Area: The function of the Buffer Setback Area is to filter sediment, nutrients and pollutants in runoff and slow the rate at which runoff enters the Riparian Buffer Area.
1. The Buffer Setback Area will begin at the outward edge of the Riparian Buffer Area and extend a minimum of 50 feet horizontally measured in a direction perpendicular to the Riparian Buffer Area. Should a steep slope or wetland exist within the Buffer Setback Area, the entirety of that area will be added to the measurement of the Buffer Setback Area, but in no case shall the Riparian Setback Area be required to extend more than 100 feet. This full area will be required to meet Buffer Setback Area requirements.
 2. Within the Buffer Setback Area development uses are restricted to the following:
 - All development and uses permitted in the Riparian Buffer Area;
 - Minor recreational structures and surfaces to allow passive recreation in the Buffer Setback Area such as decks, picnic tables, playground equipment, and small concrete slabs, the total area of which is not to exceed 200 square feet each and in aggregate occupy no more than 10% of the Buffer Setback Area;
 - Fences, provided such structures do not impede floodwaters;
 - Landscaping, mowing, decorative planting or improvements that do not encroach upon or impact the integrity of the Riparian Buffer Area.
- I. The following activities are prohibited in both the Riparian Buffer Area and Buffer Setback Area:
1. Storage or placement of any hazardous material.
 2. Installation of sewage systems, both drain fields and raised systems and replacement of existing septic drywells or seepage pits.
 3. Mining or removal of soil, sand and gravel and quarrying of raw materials unless in connection with a farm operation.

- J. Additional activities prohibited in the Riparian Buffer Area: Parking or parking lots, except in connection with a farm operation.
- K. Each application for a building permit, special use permit, subdivision, or site plan within a stream buffer shall furnish sufficient data to demonstrate that the proposed activity will not result in any of the following within the Riparian Buffer Area or Buffer Setback Area. Further, applicants for new construction projects disturbing one or more shall employ site specific stormwater management strategies to prevent adverse impacts upon such streams.
 - 1. Alteration of aquifer capacities.
 - 2. Reduction of flood-carrying capacities of watercourses or increased hazards associated with flooding.
 - 3. Deterioration of water quality or impairment of best usage of waters.
 - 4. Alteration of water retention capabilities; increase in siltation of surface water bodies and adjacent areas.
 - 5. Significant disturbance to fish and wildlife populations and natural plant communities.
 - 6. Impairment of any natural function of a wetland or its adjacent buffer area.
 - 7. Alteration of the flow pattern of a watercourse area.
 - 8. Increase in the velocity of surface water runoff.