

LAND AND WATER USE GUIDELINES

Upper Delaware Scenic and Recreational River

Preamble

AGENCY: National Park Service, Mid-Atlantic Regional Office

ACTION: Publication of amended general guidelines for land and water use controls in the Upper Delaware Scenic and Recreational River Corridor.

SUMMARY: These are revised general guidelines to provide local, State and Federal governments with guidance in the preparation of and enforcement of land and water use regulations designed to implement the legislation designating the Upper Delaware as a Scenic and Recreational River. They replace, in their entirety, those guidelines adopted on September 4, 1981 and are intended to provide additional flexibility to State and local governments in meeting the objectives of the legislation.

The guidelines are based on management principles and objectives set forth in the U.S. Wild and Scenic Rivers Act. Alternatives are generally provided for meeting those objectives so each community and level of government can respond in a way particularly suited to its needs while preserving and enhancing the characteristics which caused the Upper Delaware to be included in the national rivers system.

DATE: the effective date of these guidelines will be -----, 1986.

ADDRESSES:

These guidelines are based on recommendations by the Conference of Upper Delaware Townships, P.O. Box 41, Fosterdale, New York, (914) 932-8707

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SUPPLEMENTARY INFORMATION: The Secretary of the Interior first published guidelines for land and water use on the Upper Delaware on September 4, 1981 and those guidelines have not been amended since.

Meanwhile, preparation of a draft River Management Plan has been underway, and in the course of that work several objections have arisen to the format and content of the 1981 guidelines as they apply to the activities of local governments as well as individual landowners. Several clarifications of matters with respect to agriculture, forestry, and hunting are necessary, based on public comment, and more flexibility is needed for each of the several affected governments to respond to the Upper Delaware legislation in ways consistent with their State land use planning enabling legislation and the needs of their particular Towns. There are also certain items, particularly recreational uses, which were not adequately addressed in the 1981 guidelines and which, based again on public comment, require attention.

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**Section 1
Introduction**

Legislative Authority

These general guidelines are published to assist local and State and Federal governments in developing and administering land and water use control measures to implement the legislation creating the Upper Delaware Scenic and Recreational River.

(See Public Law 90-542 as amended by Section 704 of Public Law 95-625, 16 U.S.C. 1274).

Background and Purposes

Congress, in 1978, designated a 73.4-mile stretch of the Upper Delaware River as a unit of the National Wild and Scenic Rivers System. It recognized in doing so that the river valley possesses certain outstanding natural, cultural and recreational characteristics, including its existing communities, which should be protected for present and future generations. The valley has retained those characteristics through the actions of its citizens and landowners. Because of this and a desire for a

limited Federal role, the Congress required the Department of the Interior to develop a cooperative approach to management. This approach relies principally on the actions of local governments and citizens to protect the valley's resources.

Local and State governments have broad responsibilities and many authorities which can be used to protect River valley resources. Several towns have already implemented zoning and subdivision ordinances and similar measures, which in addition to meeting local needs, often do exactly what Congress intended with the Upper Delaware legislation. Other Towns are considering such tools.

Leaving land use decisions in the hands of local governments is the most important step in building a partnership between all levels of government. The programs of State governments and the Federal government will also conform to these guidelines and, in the process, be consistent with local actions and programs. The most basic purpose of these guidelines is to encourage a cooperative approach to land use decisions by all the various agencies, at all levels of jurisdiction, within the Upper Delaware River Valley. The Federal role is to manage the recreational use of the River, to represent the Federal interest in the protection of the area and to assist local and State governments in meeting the objectives of the River Management Plan and these guidelines. Its purpose is not to supersede the role of local governments or to impose regulations on them, rather, it is to work with local governments.

The guidelines provide direction for all cooperating governments -- local, State, and Federal -- to determine those land and water uses which are clearly appropriate in the Upper Delaware River Valley, those uses which might, with conditions, be deemed appropriate and those which might pose a threat to the resources of the valley and, hence, are inappropriate. Local governments which adopt land use regulations based on these guidelines will be deemed to be in "substantial conformance" with them and will often benefit in this determination by programs already being implemented by State and Federal agencies.

Implementation of these guidelines is to be accomplished through the use of existing legal authorities; therefore, the guidelines are developed within the framework of those authorities now granted to local and State governments. These guidelines are not intended to require any local government to take actions

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which might be inconsistent or contrary to New York or Pennsylvania land use law or to require local governments to assume any of the existing responsibilities of State or Federal agencies.

Summarizing, the purposes of these guidelines are to:

1. Protect the health, safety and welfare of River corridor residents
2. Protect and enhance the unique characteristics of the Upper Delaware River Valley
3. Protect, Encourage and Promote the continuation of existing traditional land and water uses
4. Identify those future land uses which should substantially conform to these guidelines; those uses which, with conditions, would be deemed to conform; and those which would not conform
5. Identify standards and types of programs, and regulations which might be applied by local governments to substantially conform to these guidelines
6. Provide maximum flexibility for local governments in meeting these guidelines
7. Assure the actions of all levels of government--local, State and Federal -- contribute to a true partnership management of the Upper Delaware and are consistent with the River Management Plan and the U.S. Wild and Scenic Rivers Act

Limitations

These general guidelines shall apply only to activities within the landward boundaries of the Upper Delaware Scenic and Recreational River area as mapped in the finally adopted River Management Plan. Moreover, nothing contained herein shall be construed to:

- limit rights of owners to maintain lawfully established uses
- limit rights to fish, hunt and trap on any lands or water; or require a change in the regulation of hunting, fishing, trapping, the taking of bait, harvesting of eels or the regulation of similar practices by State agencies
- limit the use of lawfully existing agricultural, forestry or mining practices, or to impose any restrictions whatsoever on lawfully operated farming operations

- limit return of property damaged as a result of disaster to conditions and uses existing prior to such disaster

Non-conforming Uses

Uses which do not meet current standards are usually identified as “non-conforming uses” and it is appropriate to not only exempt or “grandfather” them from meeting current standards, but also permit reasonable expansion and replacement of such uses and, in some cases, allow the conversion of one nonconforming use to another which is less non-conforming. Towns may allow expansion to a proportion of the existing structure/use (to be determined by the town), or process such proposals as conditional (Pennsylvania) or special uses (New York) to review impacts on the river. Replacement of non-conforming uses in the event of storm damage, fire damage, or other disaster should be permitted regardless of existing non-conformities.

It is also appropriate in certain cases to permit use of existing lots, too small or irregularly shaped to meet current regulations. Towns should develop mechanisms by which owners of such lots can develop them without strictly conforming to current regulations.

Hamlet Areas

Substandard lots will tend to be most prevalent in areas with moderate to intensive development. These consist of the several hamlets along the river including, but not necessarily limited to, such places as Hancock, Lordville, Long Eddy, Hankins, Callicoon, Cohecton, Narrowsburg, Minisink Ford, Barryville, Hillside, Pond Eddy, Mongaup, Sparrowbush, Equinunk, Damascus, Milanville, Masthope, Lackawaxen, Shohola, and Mill Rift. In some cases such as Equinunk/Lordville, Callicoon, Lackawaxen/Minisink Ford and Pond Eddy the communities extend to both sides of the river. Characteristics of these hamlets vary considerably, with some being small residential communities and others the primary economic activity areas within their towns or for several towns. Each town must define the extent of such areas (including the appropriate land areas for growth), the mixture of uses which are appropriate within them and development standards which are reasonable based on existing patterns of settlement.

Each town, having one or more of the hamlets identified in these guidelines within its borders, shall be given the opportunity to determine the hamlet’s precise boundary.

This determination shall be guided by the criterion that areas within the hamlet should have an existing density of at least one dwelling unit (or equivalent dwelling unit) per two acres, unless the area is surrounded or bordered on several sides by land developed at such densities and would constitute a logical infill area taking into account the existing pattern of development. New development proposed should be encouraged in areas capable of accommodating uses without adversely impacting or degrading the values for which the Upper Delaware has been designated as a component of the National Wild and Scenic Rivers System. The boundaries proposed for each hamlet shall be adopted as amendments to the Land and Water use Guidelines, pursuant to section 704 (b) (2) of the Upper Delaware Special Provisions.

- A wide variety of uses exist and are appropriate within such hamlets subject to town discretion. Towns may, for local reasons, want to limit new growth in such areas because of natural characteristics or a general desire to encourage growth elsewhere within the town. Generally, the existing range of uses should be a guide in determining what are appropriate new uses. For example, if a hamlet is primarily a community of single-family dwellings with a few convenience type stores, restaurants, and motel units, extensive recreational condominium or resort hotel development would probably not be appropriate.

-Development standards regarding lot sizes, yards, heights and the like should be consistent with existing development patterns within hamlets. For example, if the prevailing building height is 40 feet, new structures within that area should be similarly limited with exceptions as appropriate for feed mill grain towers, and other similar structures).

-In designing zoning districts for hamlet areas, towns should implement the recommended sign limitations for properties bordering directly on the River and develop a minimum setback of structures from the high watermark, consistent with State requirements.

Variations and Challenges

Nothing in these guidelines is intended to prevent a town from providing for variances from the requirements contained in its land use ordinances. In Pennsylvania, variances are generally granted because of unique physical conditions or circumstances relating to lot size or shape, or unusual topography peculiar to a particular lot, which would deprive the owner of the reasonable use

of his or her property if they had to conform to the requirements of the local ordinance. In New York, there are two distinct types of variances as delineated by numerous court decisions, area variances and use variances. Also, Pennsylvania law provides for a similar procedure called a “special exception”, under which the Zoning Hearing Board (as opposed to the local governing body” authorizes the permit.

Area variances are granted on a showing of “practical difficulty”, basically for the same reasons as those cited above for variances in Pennsylvania. Use variances require the higher standard of “unnecessary hardship”.

In considering variance requests, towns balance the hardship of the property owner against any impacts which granting the variance would have on the public health, safety and welfare. This balancing should consider the impacts on the river and consistency with the objectives of these guidelines. No successful challenge shall be cause for any community to be found not in substantial conformance with these guidelines.

Pursuant to Section 704, the Secretary reserves the authority to prevent incompatible land uses, including any provided by a use variance. With respect to area variances, the Secretary -- while he may not decline in advance to exercise his authorities -- will not acquire land under the power of eminent domain in situations in which the area variance has been properly granted under existing state law and has been approved by a Zoning Board of Appeals in New York, or a Zoning Hearing Board in Pennsylvania, or upheld in a court of competent jurisdiction, and where the area variance does not constitute an action incompatible with the purposes of the plan and guidelines.

In general, area variances do not have the potential to constitute clear and direct threats to the river corridor because they would be granted for compatible land uses based upon the unique characteristics or circumstances of a property (as opposed to use variances for incompatible uses).

Section 2 Application

Relation to Existing Laws and Plans

These general guidelines do not establish minimum standards enforceable by federal agencies or representatives against private property within the river

area; rather these standards provide the basis for determining whether local plans, laws and ordinances, and the enforcement of these, adequately address the goals of Congress and designating the Upper Delaware as a Scenic and Recreational River.

Governmental agencies should conform to local requirements prior to establishing or expanding any use within the river area.

These general guidelines do not relieve anyone from obligations to comply with existing federal, state or local laws. No authority to enact plans, laws, ordinances or regulations shall be superseded by these general guidelines; excepting that these guidelines are intended to be definitive with respect to the federal interest in private or other non-federal land within the river area. No provisions of other federal guidelines or regulations applying to the National Wild and Scenic River System or the National Park System shall supersede these guidelines unless the same shall have been accomplished through amendment of these guidelines by the process provided in Public Law 95-625, as amended.

Conformance Review by Upper Delaware Council

The Secretary of the Interior will contract with the Upper Delaware Council for the review of relevant local plans, laws and ordinances and for recommendations as to whether they “substantially conform” to the River Management Plan and these guidelines. These responsibilities are discussed in detail in the Plan. Only those ordinances, laws and plans and sections of which are specifically relevant to the Upper Delaware River shall be reviewed. These guidelines provide towns with a great deal of discretion as to the manner in which they may conform. “Substantial conformance” shall be conformance, with respect to the list of compatible, conditional, and incompatible new land uses set out in these guidelines and with the substance of both the River Management Plan and each of the principles and objectives set out in these guidelines and in the River Management Plan. The Secretary of the Interior will consider the Council’s recommendations in making the determination of substantial conformance.

The guidelines do not generally include criteria for issuance by the towns of conditional use or special use permits. To do so would unnecessarily interfere with a town’s flexibility to develop standards best suited to its own circumstances. Moreover, it would be impossible in advance to outline the multitude of possible standards and criteria which could be employed to satisfy a

particular objective. The Council should, therefore, in making conformance reviews of town laws, plans and ordinances specifically address conditional use in special use permit criteria to ensure they include consideration of the potential impact of the use on the river and consistency with the objectives of these guidelines.

Section 3 Land Use Guidelines

The U.S. Wild and Scenic Rivers Act and the Department of the Interior’s “Guidelines for Eligibility, Classification and Management of River Areas” provide several management principles and objectives for River areas in the national system. The guidelines which follow are based on those management principles. Each major management principle is listed below followed by recommended specific objectives and, in most cases, alternative measures which local governments can take to meet those objectives. A performance standard for communities which desire to use still other approaches is also offered in those instances where alternatives are detailed. Many of these measures are already addressed by towns under their review of subdivisions.

Principle A

Maintain the high water quality found in the Upper Delaware River

Objective 1: Limit soil erosion and sedimentation from construction on steep slopes, using one or more of the following measures:

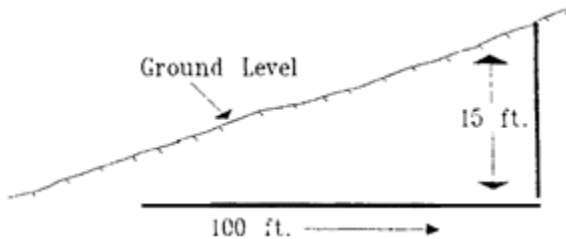
-A requirement for conditional use/special use review or a professional engineers plan for projects involving slopes over 15% in grade, or including a requirement for larger lot sizes on steep slopes).

-Requiring slopes of less than 16% in grade for the location of all principal structures with exception for agricultural and forestry uses, gardens and the like

Other regulations designed to achieve this objective should ensure no more than 10% of any lot characterized by slopes in excess of 15% in grade is built upon, covered with an impervious surface, regraded or stripped of, at any one time, vegetation with exceptions as noted above

Objective 2: maintain natural cover to control stormwater runoff, limit flooding, protect groundwater supplies and provide erosion control. Acceptable approaches include:

-A 10% (or comparable square feet) maximum lot coverage, or impervious surface limitation on small lots. Employment of a sliding scale decreasing the allowable percentage of impervious lot coverage as the lot size increases.



Depiction of 15% Slope

-Limiting clearing for building purposes to 20% of the lot area with reduction to 10% for slopes over 15% in grade. "Limited clearing" is not the same as limiting impervious surface coverage.

-Requiring conditional use review of projects involving greater than 10% lot coverage or with impervious surface

Other regulations designed to achieve this objective should ensure no more than 12,000 square feet of impervious surface is permitted per dwelling unit or equivalent dwelling unit. It is the intent of this objective to encourage sound landscape management practices on private property.

Objective 3: Protect special erosion hazard areas along the river banks through one or more of the following measures:

-A building setback from the River consistent with State required setbacks of septic systems from streams

-Making construction within 100' of the River subject to conditional use permits with requirements for plants to prevent erosion

Regulations, other than those suggested above to meet this objective, should prohibit principal structures in erosion hazard areas along the river banks if mapped or

defined by towns and recognized by the Upper Delaware Council.

Objective 4: Protect special erosion hazard areas along the ridge lines through one or more of the following measures:

- A requirement for conditional use/special use review of principal structures within 100 horizontal feet of the ridgeline

- A requirement that no structure be erected within ridgeline erosion hazard areas as mapped by the town

Regulations, other than those suggested above to meet this objective, should ensure buildings are not located so close to the ridgeline as to cause erosion, sedimentation, or landslide conditions.

Objective 5: Limit pollution problems from septic systems located on poor soils, by one of the following measures:

-A town or district-wide minimum lot size for new river corridor lots of not less than 2 acres outside hamlets

-A general minimum lot size of 2 acres with reductions for individual lots under hardship conditions based on soil performance standards or use of innovative technology

Other regulations designed to achieve this objective should ensure a minimum lot size of no less than two acres on soils with severe limitations for conditional subsurface sewage disposable systems under state law.

Objective 6: Reduce pollution threats from solid and toxic wastes disposal by requiring new solid wastes disposal sites to be located outside the River corridor.

Principle B

Provide for the protection of the health, safety, and welfare of residents and visitors while also providing for the protection and preservation of natural resources.

Objective 1: Provide for light and air and maintain an uncluttered landscape through adequate separation of principal structures using one or more of the following measures:

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-A 150 feet minimum river frontage requirement for new lots with exception for clustering

-A 150 feet minimum lot with, average lot width, road frontage, or width at the building line requirement with exception for clustering

-A 50 feet minimum side yard requirement.

Other regulations designed to achieve this objective should provide for a 100 feet minimum separation of all principal structures located along the River. However, clustering may be permitted as a conditional use as long as such developments meet single unit density guidelines in order to ensure shoreline protection.

Objective 2: Provide for light and air and maintain an uncluttered landscape by limiting the height of principal structures using one or more of the following measures:

-A maximum building height of 35 feet with appropriate exceptions for farm structures, water and grain towers, small windmills, bridges, and the like.

-Making structures over 35 feet in height conditional uses.

Objective 3: Provide for light and air and maintain an uncluttered landscape by requiring adequate setbacks of principal structures from highways using one or more of the following measures:

- A minimum front yard of 35 feet

-A minimum building setback of 35 feet

Objective 4: Prevent unnecessary sign proliferation, particularly on the riverfront, by limiting advertising (off-premises) signs through one of the following measures:

-Prohibiting off-premises advertising signs, excepting those informational signs which may be recommended by the Council for purposes of directing visitors to public access areas

-Making advertising signs conditional uses/special uses with design standards requiring such signs harmonize with the surrounding landscape, and providing no flashing, oscillating, or illuminated signs are permitted

-A 32 square feet maximum size and limit of such signs to 1 per 1,000 linear feet of frontage or 2 per advertiser,

whichever is less. River frontage signs should be restricted to 1 per riverfront facility and related to providing direction, for reason of health and safety, to such a facility, providing no flashing, oscillating or illuminating signs are permitted

Business identification (on-premises advertising) signs larger than 10 square feet in size should be limited by one or more of the following measures:

-Limiting the total number of such signs to one (1) per property line along a street or the River

-Limiting the total area of such signs to two (2) square feet of total sign area for each 1 lineal foot of building frontage or one (1) square foot of sign area for each 2 lineal feet of lot frontage

-Making business identification signs conditional uses; providing illuminated signs are permitted outside of developed areas and no flashing or oscillating signs are permitted

Public signs, safety signs, announcement signs, temporary signs, professional signs, home occupation signs, farm products signs, political signs, construction signs, and for rent/for sale signs generally do not require permits but should be limited to less than 10 square feet in size and two signs per property. This guideline does not apply to temporary, institutional or trespassing signs

There are also many performance based approaches to sign regulations which may prove to do a better job of reducing the amount of signage within the River corridor or in making signs more environmentally acceptable, and such approaches are encouraged. The above guidelines are appropriate for Scenic or Recreational segments. Within existing hamlets other approaches are acceptable provided they do not permit a proliferation of signs of substantially different size and character along the river itself.

Principle C

Provide for recreational and other public uses while protecting the Upper Delaware as a natural resource

Objective 1: Encourage both private and public agencies that are recreational providers to locate intensive use recreational facilities outside of undeveloped or "Scenic" segments of the River corridor. Alternative measures include:

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-Zoning districts which limit new recreational uses to low intensity activities (i.e. tent campgrounds vs. recreational vehicle parks)

-Maximum size limits consistent with the definition of intensive use recreational facilities

-Intensive use recreational facilities are restricted to locations with direct access to a two-lane public highway.

Objective 2: Local, State and Federal agencies should adopt standards regarding development, operation and maintenance of recreational facilities to limit adverse impacts on adjacent landowners in the surrounding environment. Local governments are not expected to develop regulations already implemented by State or Federal agencies. Appropriate general guidelines follow along with suggestions for additional optional measures (see Appendix 1) which complement the recommended standards:

(a) Campgrounds and Recreational Vehicle Parks

-Gross density should not exceed 8 sites per acre for recreational vehicle type camping or 10 sites per acre for tent type camping.

-A minimum of 10 acres of land should be required to establish any recreational vehicle campground. A minimum of 5 acres should be required for tent campgrounds unless subjected to site plan review.

-Permanent or long-term occupancy of any campsite and permanent structures or appurtenances on any individual campsite other than tent platforms and concrete pads are strictly prohibited.

-Independent onsite sewage disposal or water supply systems should not be permitted for individual recreational vehicle campsites.

(b) Boat Liveries and Other Recreational Uses

-A minimum of 2 acres should be required for any new River-related recreational facility (Pennsylvania Fish Commission and New York State DEC fishing only access sites excepted) used for the parking of vehicles or the erection of any structures.

(c) All Recreational Uses

-Except as provided above, public facilities should meet all the same standards as private ones.

-All river-related recreational facilities should supply evidence of compliance with state health regulations.

-All proposed River-related recreational facilities should be subjected to site plan review or conditional use review procedures as part of the local permitting process.

Site disturbance should be limited and vegetative screening required where necessary to minimize visual impacts and, for erosion control purposes, limit access to the river bank. Adequacy of streets should also be examined.

Principle D

Provide for the continuation of agricultural and forestry uses

Objective 1: Encourage and support agricultural uses within the Upper Delaware River corridor. The following approaches are appropriate:

-Where official “Agricultural Districts” or “Agricultural Security Areas” have been created pursuant to New York or Pennsylvania law, towns should ensure their agricultural zoning districts include all land within such Districts or Security areas and address purposes of these designations.

-Making agricultural activities principal permitted uses within existing zoning districts.

Other regulations designed to meet this objective should, at a minimum, ensure that existing agricultural activities are not made non-conforming by virtue of regulations adopted to meet these guidelines and that new practices are permitted which do not conflict with the goals of the Upper Delaware legislation, including irrigation, truck farming and the like. Federal actions should also be consistent with the stated purposes of these Districts and Areas.

Objective 2: Encourage the appropriate location and mitigate the effects of certain intensive livestock operations (not including, because of their traditional nature, dairy operations, the growing of crops or personal use livestock operations) which are likely to

create problems of waste disposal or odors. Alternative approaches include:

-Prohibiting intensive livestock operations within the river corridor.

-Making intensive livestock operations conditional/special uses

-Performance standards based on a ratio of livestock to acreage or similar concepts or which require a management plan ensuring adequate control of livestock and disposal of wastes.

Other regulations designed to meet this objective should ensure beef and hog feedlots and cage-type poultry operations are located within the River corridor only after conditional use review shows that they address the potential impacts of runoff and waste.

Objective 3: Provide for the use of sound timber practices within the corridor. Alternative programs include:

-A Town or County Conservation District monitoring program based on industry standards such as those of the Pennsylvania Forestry Association and utilizing the services of County, District or State Forester or Soil Conservation Service personnel, to do such monitoring through field response to technical assistance requests and complaints as well as reviewing soil erosion control permit applications.

-Prohibiting clearcuts over two acres in size or making them conditional uses within the River corridor, subject to a professional forester's review, with exceptions for agricultural purposes and wildlife management programs of the type conducted by the States.

-Development of local law provisions requiring soil stabilization and setting other performance standards.

Other state or local programs or regulations designed to meet this objective should, at a minimum, subject clearcuts to conditional use review and provide for removal of only individual selected trees within 50 feet of either side of the river or other perennial streams so, ideally, 50% or more of the overhead canopy will remain.

Principle E

Conserve river area resources

Objective 1: Ensure traditional resources extraction operations (not including subsurface mining and major surface mining) are permitted, but consistent with the protection of the public health, safety and welfare. Alternative measures include:

-State and County Conservation District programs for regulation of mining activities supplemented, where towns determine necessary, with local standards regarding slope, rehabilitation, noise, vibrations, performance bonding and the like

Other regulations designed to meet this objective should, at a minimum, require all natural resource uses comply with the respective state and federal mining laws.

Objective 2: Insured town, county, state and federal activities will promote the conservation of river corridor resources by following the guidelines offered below:

-Sewage treatment plants, municipal sewer interceptor lines and the like should not be located through or on lands with frontage on the river or any agricultural lands except with respect to existing hamlets or in circumstances where a community is under State or Federal orders to do so.

-No new impoundments (see definition) of the Upper Delaware River or any tributary (see definition) which is within the boundaries of the river area as established by the River Management Plan will be permitted. Exceptions, however, should be made for small agricultural ponds not on tributaries, eel weirs and other stream improvement structures for fishery management purposes, subject to State fishing and federal navigation regulations.

-New paved four lane roads and bridges should not be constructed in the River corridor. Major highway widening projects on already passable roads meeting state specifications within those sections of the river classified as Scenic should be discouraged. Towns should also, in reviewing subdivision and road plans consider waiving pavement width requirements to preserve scenery and vegetation. Safety improvement projects such as the addition of passing lanes shall be excluded.

New major oil and gas transmission lines and refining/production facilities for other than local service will not be located within the river corridor excepting for individual wells (subject to conditional use review), lines constructed to provide service to or collect from individual customers or wells. This does not prohibit maintenance of existing facilities or the location of new lines within existing rights-of-way. Mining of uranium and disposal of low or high level radioactive or toxic wastes are totally inappropriate uses for the river.

-Large-scale groundwater withdrawal projects for low-flow stream augmentation or other water diversion projects will not be permitted within the River corridor. Power plants, stream channelization and other projects listed as incompatible uses in the Schedule of Uses will not be permitted within the river corridor.

Principle F

Maintain existing patterns of land use and ownership

Objective 1: Limit housing density and intensity of uses with consideration to the existing character of the River corridor. Alternative approaches include:

- A special zoning district for the river corridor portion of the town (or incorporation of this area in a Zoning

District which includes all of the river corridor) within which the minimum lot size is two or more acres. Municipalities with substantial areas of steep slopes, floodplain or other poor soils should reflect these characteristics in their establishment of permissible densities.

- Use of two or more zoning district classifications to achieve an average density not exceeding one unit per 2 acres within the river corridor. Specific areas would be mapped by the town and reviewed by the Council during the conformance review process to ensure the existing rural, uncluttered character of the corridor landscape is maintained.

- Use of “overlay districts,” or “sub-zones,” to said density for those portions of a zoning district within the River corridor and those uses which are of particular concern. A town with a prevailing one acre minimum lot size, for example, might well create an overlay zone which requires a minimum of two acres if that portion of the district happens to be within the river corridor. A

sub-zone achieves the same effect or a performance approach will could also be used in presently unzoned communities to establish minimum requirements for residences and other uses wherever they occur, without the necessity of creating zoning districts as such.

Whichever alternative approach is utilized to achieve density control, there are certain considerations which should be given to development of those measures, including the following:

- It is appropriate, even desirable, to permit use of clustering techniques which reduce lot sizes while preserving open space. Such techniques should, however, achieve the same overall density which would result from application of the prevailing minimum lot size.

- Densities for non-residential uses should be based on an equivalent dwelling unit concept (tied to estimated sewage effluent).

- In isolated instances there may be natural limitations which will, apart from any regulatory action, control lot sizes. The impacts of these natural limitations (i.e. the Hawks Nest Cliffs) should be considered in arriving at an appropriate minimum lot size for those remaining areas which are suitable for development.

Objective 2: Reinforce existing patterns of land use and private ownership by providing for similar allowed uses. Alternative techniques for accomplishing this are the same as those identified above.

Regardless of which approach(es) is used, there are certain uses which are appropriate as principal permitted uses, others which should be treated as conditional or special uses and still others which are inappropriate for the river corridor. The Schedule of Compatible, Conditional, and Incompatible Land Uses describes these uses and draws distinctions for those areas which are classified as “Scenic,” those classified as “Recreational” and hamlets.

Section 4 General Guidelines for Water Use Control Measures

Principle A

Protect the outstanding and highly valued attributes of the river for the enjoyment of area residents and visitors

Objective 1: Maintain awareness of the need to protect the scenic, recreational, cultural, and natural qualities of the Upper Delaware.

Objective 2: Maintain and, where necessary, improve present water quality.

Objective 3: Prevent riverbank erosion.

Objective 4: Place in operation a system to monitor the river's resources.

Principle B

Encourage cooperation and coordination among all levels of government

Principle C

Provide an enjoyable recreation experience

Objective 1: Provide an adequate number and type of basic support facilities for all river users, including public access points, river rest stops, camping areas, and fishing access points along the Upper Delaware.

Objective 2: Use objective guidelines to select appropriate locations for future recreational support facilities.

Principle D

Provide a variety of compatible recreational activities and situations

Objective 1: Manage the Upper Delaware primarily for the traditional recreational activities which have occurred on the river in the past.

Objective 2: Conserve the Upper Delaware fishery which is unique and represents a natural resource that cannot be replaced.

Objective 3: Recognize the Upper Delaware's regional setting.

Objective 4: Make river users more aware of the need to respect others.

Objective 5: Design and locate recreation areas and facilities to avoid conflicting activity situations.

Principle E

Prevent river recreational accidents and minimize hazards.

Objective 1: Continue to use river patrols to assist in providing a safe recreation experience.

Objective 2: Provide better emergency communications and better river information.

Objective 3: Provide canoe safety training sessions.

Objective 4: Continue to use an Upper Delaware River Safety Committee to address river safety issues.

Objective 5: Continue to inform all users about river safety precautions and how to use the equipment safely.

Principle F

Respect and protect riparian landowner rights

Objective 1: Educate and inform river users about landowner rights and river use rules and regulations.

Objective 2: Provide a well designed program to direct river users to authorized facilities.

Objective 3: Provide recreational support facilities in proper locations to reduce trespassing on private lands.

Principle G

Maintain the private sector as the major provider of needed recreational facilities

Objective 1: Encourage and assist the private sector as the major provider of recreation facilities and services.

Objective 2: Use outdoor recreation to strengthen the local economy.

Objective 3: Encourage local towns, townships and counties to provide close-to-home recreational facilities as needed.

Principle H

Strictly enforce existing laws

Objective 1: Stress enforcement of state and local laws that are already existing.

Objective 2: Use river patrols to strictly enforce applicable river rules and regulations.

Objective 3: Greatly increased cooperation between federal, state and local law enforcement efforts.

Objective 4: Develop a strict enforcement policy.

Principle I

Educate and inform river users about protecting the river, reducing river conflicts, and respecting rights of others

Objective 1: Prepare various types of information to make river users aware of the need for protecting the river resource, reducing user conflicts, and respecting the rights of others.

Objective 2: Provide maps and a limited number of signs to inform and direct river users.

Objective 3: Increase awareness among local residents and organizations of ways to conserve the river's resources.

Objective 4: Seek ways of reducing litter.

Section 5 Definitions

Access Area - A property used as an area of entry to a stream or other body of water for the purpose of launching or landing of watercraft. The access area may also include ancillary services or facilities other than base operations for watercraft rentals and may be operated as a private business.

Agricultural Use - A use involving the production, keeping, or maintenance for sale, lease or personal use of plants and animals useful to man, including but not limited to forages, grain and seed crops, dairy animals, poultry, beef, sheep, horses, pigs, bees, for animals, trees, food of all kinds, vegetables, nurseries, and lands devoted to soil conservation or forestry management programs.

Average Lot Width - The average of: (1) width of a lot at the building setback line and (2) the width of a lot at the rear of the property.

Bait and Tackle Shop - A retail establishment in which hunting and fishing equipment, supplies and accessories are sold to the public.

Bed and Breakfast - An existing residence which is used, in the matter of a home occupation, to provide overnight lodging with breakfast as part of the consideration and involving shared bath and dining facilities, also including youth hostels.

Boarding House - A lodging house at which meals are provided.

Building Height - The vertical distance measured from the average elevation of the proposed finished grade to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

Business and Professional Office - An office in which an occupation or vocation requiring training or advanced study in a specialized field is practiced, including, but not limited to, medical, legal, and real estate offices.

Campground - A tract of land providing two or more sites (for rent or for sale) for the parking of travel trailers or the erection of tents or other portable sleeping accommodations.

Canoe (Watercraft) Livery - A business or facility for the leasing or renting of waterborne vessels (primarily canoes) for outdoor water based recreation.

Channel Modification - Any channel widening, deepening, realignment or lining other than for the support of existing highway, bridge and rail facilities.

Clearcutting - The removal from more than two acres of a forested tract of substantially all trees, for other than agricultural or approved wildlife management purposes.

Clear and Direct Threat - An instance where a new land use is proposed which is either: (1) identified on the list of new land uses which are incompatible within the Upper Delaware river corridor; or (2) identified as a land use which would, if developed in such a way, be counter to one or more of the principles and objectives set out in the River Management Plan and the Land and Water Use Guidelines.

Cluster Development - A development design technique concentrating buildings on specific areas of a site to allow the remaining land to be used for recreation, open space, and preservation of environmentally sensitive features.

Commercial development - Any use, except home occupations, involving the offer for sale, rental, or distribution of goods, services or commodities or the provision of recreational facilities or activities for a fee, but not including the manufacture of goods or commodities.

Commercial Facility - A place of retail or wholesale trade or the location from which services are provided that are privately operated for pecuniary gain.

Conditional Use - In Pennsylvania, a use generally appropriate for a zoning district but permitted only after review by local officials with attachment of conditions pursuant to criteria set forth in the zoning ordinance for this class of uses. Although not synonymous, a similar type of procedure in New York is the special use procedure.

Customary Accessory Use - A structure or use which (a) is subordinate to and serves a principal building or principal use, including but not limited to the production, harvesting, and storage as well as washing, grading and packaging of unprocessed produce grown on-site; (b) is subordinate in areas, extent and purpose to the principal structure or principal building or a principal use; (c) contributes to the comfort, convenience or necessity of the occupants, business or industry of the principal structure or principal use served; and (d) is located on the same lot as the principal structure or principal use served, except as otherwise authorized by this River Management Plan.

Density - The number of families, individual dwelling units or principal structures per unit of land.

Dwelling Unit - One or more rooms designed, occupied or intended for occupancy as separate living quarters with cooking, sleeping, and sanitary facilities provided for the exclusive use of a single-family maintaining a household.

Eating and Drinking Establishment - A facility, open to the public, which serves prepared food and beverages.

Equivalent Dwelling Unit - The amount of non-residential development necessary to generate a sewage flow equal to that of a typical dwelling unit.

Erosion Hazard Area - Areas especially subject to the detachment and movement of soils or rock fragments or the wearing away of the land surface by water, wind, ice and gravity, particularly those areas located along the escarpments lining either side of the Upper Delaware River valley.

Fish and Wildlife Management - The management of the characteristics and interactions of fish and wildlife populations and their habitats in order to promote, protect or enhance the ecological integrity of those populations.

Floodplain - The channel and relatively flat area adjoining the channel of a natural stream or river which has been or may be covered by floodwater, including at a minimum, those areas designated by the Federal Insurance Administration and/or the Federal Emergency Management Agency as "flood hazard areas."

Forest Management - The business of operating timber tracts, tree farms and forest nurseries; the gathering of forest products; and other forest services, not including sawmills or other wood industry manufacturers.

Garden Apartments - A building not more than two-and-one-half stories in height containing more than two dwelling units.

Gas and Oil Fields - Any oil or natural gas exploration activities such as drilling or seismic testing, or any new operation which extracts petroleum related products such as crude oil or natural gas from the earth.

Hamlet - The following spatially discrete, developed areas of concentrated residential, commercial, and/or

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industrial development, in or adjacent to existing developed areas: in the State of New York - Hancock, Lordville, Long Eddy, Hankins, Callicoon, Cohecton, Narrowsburg, Minisink Ford, Barryville, Hillside, Pond Eddy, Mongaup, and Sparrowbush; in the Commonwealth of Pennsylvania - Equinunk, Damascus, Milanville, Masthope, Lackawaxen, Shohola, and Mill Rift.

Heavy Industrial Use - The manufacturing, production or refining of raw materials or the large scale assembly of component parts for non-local distribution or consumption, typically involving the generation of waste by-products, extensive buildings and ancillary transportation modes, but not including home occupation or traditional activities such as lumber yards or dairy processing plants.

High Water Setback - The required distance between the mean high water line of the Upper Delaware River and the building line of any lot.

Home Occupation - An activity carried out for gain by a resident in the resident's dwelling unit or an accessory building, subject to reasonable restrictions on the number of non-resident employees (if any), controls on signs (if allowed) and the maximum area to be used for the home occupation as well as parking requirements, provided the exterior appearance of the principal structure and premises is maintained as a residential dwelling.

Hotel - A building in which lodging, or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms are made through and inside lobby.

Hunting/Fishing Camp - A small structure used to provide shelter during hunting and fishing outings.

Ice Breaking Structure - A facility or structure placed within the river or on its banks for the purposes of breaking up ice, not including measures employed to protect individual existing structures.

Impervious Surface - Any material which reduces and prevents the absorption of storm water into previously undeveloped land.

Impoundment - Any body of water located on a tributary, brook, stream, kill, or river formed by any new manmade structure within the boundary of the

designated river; this does not apply to structures for fishery management such as eel weirs, or small agricultural ponds not on tributaries.

Incompatible Use - A new land use which, if permitted, would pose a "clear and direct threat" to the objectives of the Upper Delaware legislation and the River Management Plan.

Industrial Use - An establishment, other than a home occupation, used for the assembly, manufacturing, or processing of goods, not including farming.

Institutional Use - Any land use, generally serving no less than 25 persons at one time, for the following public or private purposes: educational facilities, including universities, colleges, elementary, secondary and vocational schools, kindergartens and nurseries, cultural facilities such as libraries, galleries, museums, concert halls, theaters and the like; hospitals, including such educational, clinical, research and convalescent facilities as are integral to the operation of the hospital; medical and health service facilities, including nursing homes, supervised residential institutions, rehabilitation therapy centers and public health facilities; military facilities; law enforcement facilities; and other similar facilities, not including small day care centers, Montessori schools, institutional re-use of existing properties, and similar uses

Intensive Livestock Operation - The fattening or raising in relative confinement (using feedlots) of beef cattle or hogs or the keeping in cages of 100,000 or more fowl.

Intensive Use Recreational Facilities - Boat rentals, canoe or other watercraft liveries, tourist recreational facilities, recreational vehicle campgrounds, golf courses, public recreational facilities, clubhouses, and other recreational uses likely to require significant amounts of parking, restaurant facilities, restroom facilities and other accessory services; not including lands used as access points only, whether publicly or privately operated; and not including major commercial recreational development, nor town open space parks, playgrounds, or ballfields.

Junkyard - Any new commercial use of land, with or without buildings, principally for the outside storage, dismantling, processing, salvage and sale of uses and discarded materials including, but not limited to, waste

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paper, rags, metal, building materials, house furnishings, machines, vehicles or parts of vehicles. This definition does not apply to yard sales or “flea markets.”

Landfills - Any new site where trash or refuse is buried as part of a public or private business operation, including toxic or radioactive waste disposal.

Light Industrial Use - A use involving generally unobtrusive processes. This would include research, engineering or testing laboratories, assembly from components, fabrication of models, textiles, clothing manufacturing, warehousing distribution centers, wood products industries, etc.

Lot Coverage - That portion or percentage of the lot area which is covered by buildings, pavement, or other impervious surfaces (also known as building coverage).

Major Airports - A tract of land that is maintained with a paved runway for the landing and taking off of aircraft and for receiving and discharging passengers and cargo.

Major Commercial Development - Commercial uses with 2,000 square feet or more of floor space, or five or more employees, not including Minor Commercial Development.

Major Commercial Recreational Development - Any new recreational uses which have significant impacts on land and water resource values, including, but not limited to, amusement parks, drive-in theaters, auto race tracks, fairgrounds and sports arenas, but not including retail sales, boat rentals and similar uses.

Major Electric Lines - Any new electric power lines, cables, or conduits used for transmission of power between two points which has a design capacity of 125 kilovolts or greater and extending a distance of one mile or more in length, or of between 100 and 125 kilovolts, extending a distance of ten miles or more in length. This definition does not include telephone and electric distribution lines.

Major Oil and Gas Lines - Any pipe or conduit used for the transmission of natural gas, oil or other fuel which is one thousand (1000) feet or longer and is under pressure of 125 pounds per square inch (p.s.i.) or greater. This does not apply to natural gas, oil, or other fuel distribution lines for residential, industrial and commercial use.

Major Surface Mining Operations - Any new land use operation which extracts minerals from the earth from active operations exceeding two (2) acres in size, including, but not limited to, strip mining, dredging, quarrying, coal, or uranium mining.

Major Tributary - Any tributary, stream to the Upper Delaware River which is depicted on the U.S. Geologic Survey Maps for the Upper Delaware River area, not including any portion of the stream outside the river corridor.

Marinas - Any new commercial boat basin providing secure mooring for motorboats. This does not include livery operations and individual residential boat docks.

Mineral and Soil Resource Products - Clay, gravel, stone, top soil and other products extracted from the ground.

Minor Commercial Development - In recreational areas, commercial uses limited to professional offices associated with residences, small neighborhood retail convenience stores, farm stands or similar retail facilities with less than 2,000 square feet of floor space, or less than five people, and compatible with the natural and scenic qualities of a designated recreational river.

Minor Surface Mining Operation - Any new extraction of minerals by, but not limited to, strip mining, dredging, or quarrying, not exceeding two acres of active face at one time plus an area equal in size to the active face necessary for accessory use.

Mobile Home - A transportable single-family dwelling intended for permanent occupancy or place of assembly contained in one unit, or two units designed to be jointed into one integral unit capable of being separated and repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations.

Mobile Home Park - A parcel of land under single ownership which has been planned and approved for the commercial renting of mobile homes and/or mobile home spaces for nontransient use.

Motel - A building or group of buildings which: (a) contains living or sleeping accommodations used primarily for transient occupancy, and (b) has individual entrances from outside the building to serve each accommodation.

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Natural Cover - Natural vegetation including grasses or other plants which help to keep soil from being washed or blown away.

Non-Conforming (Substandard) Lot - A lot, the area and dimensions or location of which, was lawful prior to adoption, revision or amendment to a Zoning Ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of a Zoning District.

Non-Conforming Use - A use or activity which was lawful prior to the adoption, revision or amendment to a Zoning Ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of a Zoning District.

Nursery - A business in which plants, such as trees and shrubs, are grown for transplanting, for use as stocks for budding and grafting or for sale.

Other Recreational Uses - New recreational uses that are designed for relatively short use periods and that do not provide other than rudimentary visitor services and that do not include infrastructure development except as required to meet state health codes, typically including such uses as river rest stops, river access sites, boat-in tent camping, town open space parks, playgrounds and ballfields.

Overlay District - A zoning district which overlays other zoning districts applicable to any lot and imposes additional requirements without changing any of the requirements normally applicable within the designated district.

Paved Four Lane Roads and Bridges - Any construction of new arterial highways and bridges or widening of highways from two to four lanes. This does not apply to repaving of existing highways or bridges, repair projects or the construction and repair of two lane roads and bridges.

Personal Use Livestock Operation - The keeping of livestock including beef animals, dairy animals, poultry and other farm animals for personal use rather than commercial purposes.

Places of Worship - A structure and its accessory properties used for religious observances, such as churches and synagogues.

Power Generating Stations - Any new commercial or public electric generating facility (for base load, cycling or peaking purposes) powered by coal, oil or natural gas, nuclear power and hydropower.

Principal Structure - The dwelling unit or primary commercial building.

Public Facility - A facility operated by a unit of government.

Public Recreational Facilities and Visitor Centers - Facilities or sites operated by a government entity to provide amusement, entertainment, education, or a recreational service to the public.

Recreational Vehicle Campgrounds - A parcel of land, whether leased or sold, providing sites for travel trailers, truck campers, camper trailers or motor homes for transient use

Recreational Vehicle Parks Intended for Non-transient Use - A site or facility operated in the manner of the campground, where the individual lots, tracts, parcels or other divisions of land are permanently conveyed, leased on a long-term basis or the recreational vehicles are otherwise permitted to remain permanently or semi-permanently affixed to an individual site for extensive periods of time whether used or not.

Retail Establishment - Commercial developments that sell goods or services to the public.

Ridgeline - The point at which the plane which constitutes the side of the River Valley intersects with the plane of the plateau adjacent to the river valley, often resulting in a broad precipice or cliff face overlooking the Delaware River. Ridgeline, as used here, is not intended to mean the boundary of the River Corridor.

River - The Upper Delaware Scenic and Recreational River.

River Area or Corridor - That area included within the landward boundaries of the Upper Delaware Scenic and Recreational River as designated by the River Management Plan.

River Frontage - The lineal distance in feet which a property fronts on the Upper Delaware National Recreational and Scenic River.

River Related Recreational Facilities - Recreational uses which are principally oriented toward river users including but not limited to boat accesses and bases, bait and tackle shops, campgrounds, swimming areas, comfort areas, snack stands if part of a larger recreational facility and other facilities which offer an array of recreational activities and services, but not including hotels, motels, restaurants, amusement parks, amenities installed for use by individual residents, and the like.

Sawmill - An establishment for processing logs into finished or semi-finished lumber, but which does not include major wood products industries or lumber yards.

Seasonal Residence - A secondary dwelling unit used on an irregular basis.

Site Plan Review - A procedure whereby, in New York State, Planning Boards are authorized to review and approve, approve with modifications or disapprove site plans as set forth in Zoning Ordinances or in regulations of the Planning Board and directed toward such elements of concern as screening, drainage, availability of services and traffic impacts. Also, in Pennsylvania, a similar review by the Township Planning Commission with final action pursuant to a conditional use permit from the Township Board of Supervisors.

Side Yard - A space extending from the front yard to the rear yard between the principal building and the side lot line and unobstructed from the ground upward except as may be permitted elsewhere in the ordinance. (Front and rear yards are similarly defined in terms of front and rear lot lines).

Small Craft Shop - An establishment for the sale of items which require the maker to have manual dexterity or artistic skill, including but not limited to, pottery, carpentry, and sewing shops.

Small Hotel - A building, in which (a) lodging or boarding are provided and offered to the public for compensation, (b) ingress and egress to and from all rooms are made through an inside lobby, (c) includes, but is not limited to, country inns and youth hostels, and (d) meets the following conditions: (1) does not exceed twelve rental units in size, (2) is located immediately adjacent to an arterial road, and (3) is compatible with the natural and scenic characteristics for which the river was designated.

Small Motel - A building or group of buildings, which (a) contains living or sleeping accommodations used primarily for transient occupancy, and (b) has individual entrances from outside the building to serve such living and sleeping, and (c) meets the following conditions: (1) does not exceed twelve rental units in size, (2) is located immediately adjacent to an arterial road, and (3) is compatible with the natural and scenic characteristics for which the river was designated.

Special Use - In New York State, a use which, because of its unique characteristics, requires individual consideration through a site plan review process by the Planning Board as established by Section 274A of the Town Law or through the review process by the Zoning Board of Appeals as established by Section 267 of the Town Law. Such a use may require certain conditions and safeguards before being permitted. Although not synonymous, a similar type of procedure in Pennsylvania is the conditional use procedure.

Stream Discharge - The discharge of treated or untreated effluent to a stream.

Substantial Conformance - Conformance with respect to the list of Compatible, Conditional, and Incompatible Land Uses set out in these guidelines and with the substance of each of the principles and objectives set out in these guidelines so as to carry out the intent of the Upper Delaware legislation.

Townhouses - A group of single-family dwellings, not over two-and-one-half stories in height constructed as part of a series of dwellings, all of which are either attached to the adjacent dwelling or dwellings, by party walls or are located immediately adjacent thereto with no visible separation between walls or roofs.

Towns - A New York State Town or Pennsylvania Township.

Tributary - See "Major Tributary".

Traditional Resource Extracting Operations - Any resource extraction operation not including major surface mining operations or subsurface mining operations.

Variance - Permission to depart from the literal requirements of an ordinance.

Wholesale Greenhouse - An establishment which sells to retail outlets plants cultivated under glass or similar enclosures.

Section 6 Appendices

Appendix 1 Suggested Optional Requirements for Recreational Uses

Campgrounds and Recreational Vehicle Parks

- A 50' planted or natural landscaped border should be required along the nonhighway borders of any campground where adjoined by residences.
- All recreational vehicle campgrounds, regardless of location, should be required to have access to a public street or highway of at least collector status and adequate sight distances frontage to provide safe design of entrances and exits with adequate sight distances in either direction. Access to individual campsites should be from interior streets.
- Separation requirements of no less than 20' from other recreational vehicles or tent platforms and 50' from highway rights of way. A setback of 50 feet from the water's edge should be required for all recreational vehicles, or the plan subjected to site plan review for purposes of preventing erosion, screening from the River and providing access to the River.
- Campground structures and campsites for recreational vehicles should not be permitted to locate on floodplains or lands with slopes in excess of 15% in grade without special engineering.
- All recreational vehicle campgrounds should be required to include a minimum of one parking space at each campsite and such additional parking elsewhere that no parking, loading, or maneuvering will have to occur on any public street.
- All campgrounds and other recreational facilities should be required to establish and/or abide by rules which will prevent nuisances, provide for safe disposal of refuse and control the use of fire.

- All recreational vehicle campsites should include a stabilized vehicular parking area for the camper unit and a safe location to camp.

Boat Liveries and Other Recreational Uses

- All canoe livery operations should be required to have at least 1 access point on the river with adequate off-street parking and no parking on public streets. Parking standards will necessarily have to be varied based on expected levels and types of uses at different sites. Appropriate general guidelines, however, might be 1 parking space for each raft, 1 space for every 4 tubes and 1 space for every 2 canoes or kayaks. Additional accesses or evidence of prior written agreements from landowners for use of other put-in and take-out points should be required as necessary to support the operation.

- A minimum of one (1) sanitary receptacle for every 40 watercraft should be required as a general standard for evaluating a livery's facilities.

- All operators of recreational facilities should be required to provide an adequate number of trash receptacles at parking areas, access points and comfort stations to ensure each user of the facility is able to so dispose of their refuse.

- The boundaries of any recreational facility should be required to be screened or otherwise clearly delineated to limit trespass onto adjacent properties and buffer said properties from the impacts of the recreational activities at the site.

Appendix 2 Schedule of Compatible, Conditional, and Incompatible Land Uses

Introduction

The Upper Delaware legislation proposes a management framework under which the federal agency agrees to provide financial assistance and specified local services and not to acquire interests in lands in return for the affected local governments' agreement to manage the land in the River corridor in a manner consistent with the intent of the National Wild and Scenic Rivers Act and with its own zoning and other ordinances enacted pursuant to its own needs and authorities.

The schedule of uses encourages development in certain areas. In other areas it is permitted if the

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proposed development will not degrade the river corridor. Finally, the legislation prohibits certain activities, such as water resources development projects. In addition, other uses are identified which would have irreversible adverse impacts on the river and which, under this agreement, are incompatible with the river corridor.

Any town may choose to have additional or other land use requirements within the river corridor and to have more restrictive ordinances and regulations, consistent with the health, safety, and welfare of its residents.

Understanding the Schedule of Uses

The Schedule is essentially a 3x3 matrix of uses showing compatible, conditional/special uses, and incompatible uses horizontally, and scenic, recreational, and hamlet classifications vertically. Scenic sections have the strongest restrictions and hamlets the least. In general, development is encouraged in hamlet areas. Refer to the boundary and classification section for definition of these three classifications.

The compatible uses column is read downward. Uses compatible in the scenic section are also compatible in recreational and hamlet areas. Uses in recreational areas are also compatible in hamlets. The conditional/special use column is read similarly.

The incompatible column should be examined carefully. None of the uses in this column may be undertaken in scenic sections. Recreational segments are somewhat less restricted, with incompatible uses in recreational and hamlet areas being prohibited uses. Incompatible uses in hamlets are limited to those uses identified in that single cell.

Note that the chart also relates diagonally. Uses listed as incompatible in scenic are generally conditional in recreational areas and compatible uses in hamlets, for instance.

There may a number of unforeseen future uses that cannot be specifically provided for in the schedule. When those situations arise, the affected town, the Council and the National Park Service will compare those uses to similar uses that are defined in the Guidelines and make their judgments accordingly.

This plan also stipulates that the objectives and principles of the Land and Water Use Guidelines should be met before local governments grant conditional/special use permits. In every situation, each town will decide the most appropriate conditions to place upon such uses.

SCHEDULE OF COMPATIBLE, CONDITIONAL, AND INCOMPATIBLE LAND USES			
CLASSIFICATION	COMPATIBLE USES	APPROPRIATE SPECIAL USES/CONDITIONAL USES	INCOMPATIBLE USES
Scenic Segments	Agricultural Use Forest Management Fish & Wildlife Management Single-Family Dwelling Unit Hunting/ Fishing Cabins & Seasonal Residences Nurseries & Wholesale Greenhouses Home Occupations Customary Accessory Uses Places of Worship Bed & Breakfast Places	Sawmills Other Recreational Uses Cluster Development Small Craft Shops Substantially Set Back From The River Boarding Homes Small Motels & Hotels Bait & Tackle Shops Gas/Oil Fields & Lines (See Section III- E- 2) Minor Surface Mining Operations Garden Apartments & Townhouses (At Density Of 1 Unit per 2 Acres)	Intensive Use Recreational Facilities Other Commercial Development Institutional Uses Other Uses Listed Below As Incompatible
Recreational Segments	All Principal Uses Appropriate in Scenic Segments Other Recreational Uses Two-Family Dwelling Units Bait & Tackle Shops Small Hotels & Motels	All Conditional & Special Uses Appropriate in Scenic Segments Other Minor Commercial Development Institutional Uses Intensive Use Recreational Facilities Business & Professional Offices Eating & Drinking Establishments	Major Commercial Development Industrial Uses Other Uses Listed Below As Incompatible Other Motels & Hotels
Hamlets	All Principal Uses Appropriate in Scenic & Recreational Segments Eating & Drinking Establishments Other Motels & Hotels Retail Establishments Business & Professional Offices Intensive Use Recreational Facilities Institutional Uses Commercial Development	All Conditional & Special Uses Appropriate in Scenic/Recreational Segments Light Industrial Uses Garden Apartments Townhouses	Heavy Industrial Uses Junkyards Subsurface Mining Operations Major Surface Mining Operations Impoundments Channel Modifications Landfills Major Airports Paved 4-Lane Roads & Bridges Marinas Power Generating Stations Major Electric Lines Ice Breaking Structures Major Commercial Recreational Development Major Oil & Gas Transmission Lines