

# Protecting Scenic Views

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The Genesee-Finger Lakes Region is distinguished by roadway corridors and locations from which outstanding scenic views can be appreciated. Our special views encompass agricultural lands, natural areas, forests, and cultural and historic resources. Points along roadways may offer long, panoramic vistas or tighter views of finer details in the foreground, such as individual structures.

Such views provide a sense of who we are and where we came from. They are a source of personal inspiration and community pride. They often serve as building blocks of our tourism industry. Scenic views are prime indicators of the health of our environment, as well as reminders of the values we hold in common. For these reasons, protecting and preserving our scenic views deserve our special attention.

## Threats and Safeguards

Irreplaceable views may be eroded or destroyed by billboards, overhead utilities, parking lots, cell towers, energy production facilities, large-scale agro-processing plants, and other structures. As counties and municipalities become more attuned to the link between unique views, community history and culture, and tourism development, the number of regulations to safeguard scenic vistas nationwide is increasing dramatically.

While there are many workable approaches around the country, they typically follow a similar pattern involving three steps:

- Create and map a ranked list of resources that visually characterize an area.
- Protect the quality of scenic resources by developing and implementing appropriate regulations.
- Maintain awareness of the value of scenic resources through community education.

## INVENTORY, RANKING, AND MAP

*Developing an inventory.* The first step in identifying scenic resources is usually a tour and photographic record of an area by municipal and county staff and other stakeholders. Participants should first formulate criteria for determining the aesthetic value of a resource. The municipal code of the Town of Somers, NY offers an example of types of scenic resources protected and the criteria for protecting them:

### §138-5. Types of Resources

The Town Board of the Town of Somers hereby recognizes, identifies and creates the following types of scenic resources and designates them as worthy of protection:

- |                            |                              |
|----------------------------|------------------------------|
| A. Roadways                | E. Water's edge              |
| B. Slopes                  | F. Cultural places           |
| C. Ridgelines              | G. Trees and stands of trees |
| D. Open fields and meadows |                              |



Historic Resource



Scenic View



Scenic Road

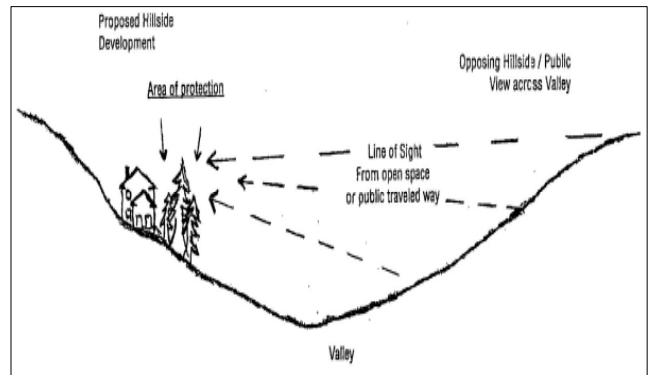
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The Town of Somer’s scenic resource selection process is clearly explained in the municipal code. Scenic resources in each of the seven categories are designated according to specific criteria. Below are the standards for four categories—roadways, ridgelines, open fields and meadows, and cultural places:

§138-8. Designation Criteria

- A. General characteristics. A scenic resource shall be found to possess one or more of the following general characteristics:
  - (1) Illustrative of a natural landscape feature, geologic feature or improvement representing the natural character and history of the town.
  - (2) Possessing a unique overall quality of scenic beauty, scale, texture and form.
- B. Specific characteristics. A scenic resource shall be found to have one or more of the following specific characteristics:
  - (1) Roadways.
    - (a) The natural landscape on the edge of the roadway consists of dense forest edge with extensive, healthy or unusual variety of major rock outcroppings.
    - (b) The roadway provides a scenic vista or a panoramic view over one or more of the other types of scenic resources identified in §138-5.
    - (c) The road has a narrow, winding quality linking it with the town's rural past.
    - (d) The road has a special character defined in the Town Development Plan.
    - (e) The road is bordered by a stone wall.
  - (3) Ridgelines.
    - (a) The crest of hills that are the focal points of vistas or are elements of a panoramic view.
    - (b) Linear elements that define the horizon or define progressions of significant elevation.



***The zoning ordinance of the Town of Washington, New Jersey illustrates how a proposed new development must be screened from view in designated viewshed protection areas.***

- (4) Open fields and meadows.
  - (a) A large open area where the predominant vegetation consists of herbaceous growth and shrubs that provide a unique and distinct landscape scenery significantly different from the predominant wooded landscape of the town.
  - (b) The open field or meadow provides a visual link to the agricultural history of the town.
  - (c) The open field provides an important visual focus for stands of trees, stone walls or fences.
- (6) Cultural places.
  - (a) Settings and locations, including buildings, walls, fences, cemeteries, markers, monuments, statues, other structures and the surrounding areas which provide a visual link to the culture and history of the town.
  - (b) Any historically unique or significant area, including the Business Historic Preservation District identified in Chapter 170, Zoning.
  - (c) Any property designated or eligible for designation on an official list of historic places.

**Ranking.** Once scenic resources are identified, they should be ranked according to the criteria

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using a point scale. This will help prioritize views for preservation. The subjective impulse in a picturesque area like the Genesee-Finger Lakes region may be to identify every view as scenic; however, it's usually feasible to save only significant views that preserve community character. A grading system, according to established criteria, provides an objective, legitimate, and legally defensible assessment for designating particular views for protection.

*Mapping.* After data are compiled and ranked, a scenic resources map or maps should be prepared.

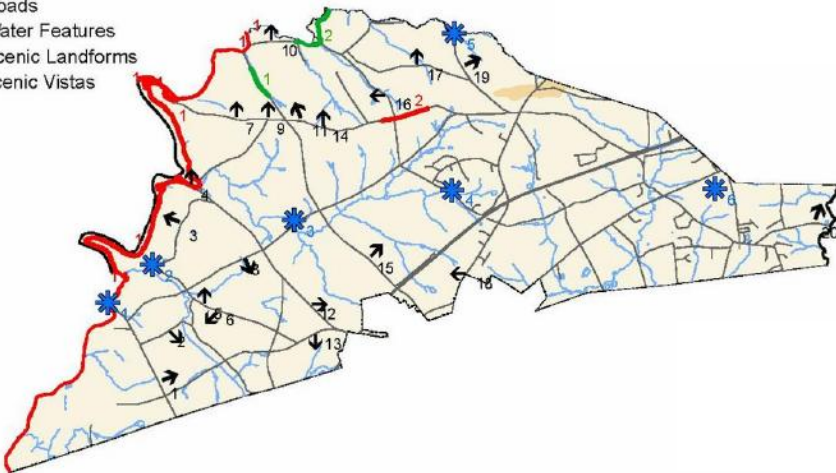
Some communities begin the process of designating scenic resources by preparing a

map, followed by site visits, and ranking. A map with multiple layers (ortho, topo, property lines, prime agricultural lands, wetlands, etc.) can provide an initial understanding of issues, constraints, and opportunities in a particular area. Other communities begin with a public meeting to establish site selection criteria.

You know what works best for your community and where to start the scenic resource designation process.

If the process is done at the municipal level, consider sharing your work with neighboring cities, towns, villages, and counties because views do not stop at municipal boundaries.

- Map Features**
-  Scenic Feature
  -  Scenic Corridor
  -  Scenic Road
  -  Municipal Border
  -  Roads
  -  Water Features
  -  Scenic Landforms
  -  Scenic Vistas



Scenic Vistas		
ID	Direction	Feature
1	ENE	Ag/Woods
2	SE	Agriculture
3	WNW	Ag/Woodlands
4	N	Pond/Creek
5	N	Ag/Creek
6	SW	Ag/Creek
7	N	Ag/Woods
8	SSE	Ag/Creek
9	N	Agriculture
10	N	Ag/Woods
11	NNW	Agriculture
12	E	Agriculture
13	S	Ag/Creek
14	N	Ag/Woods
15	NE	Ag/Woodlands
16	W	Agriculture
17	N	Pond
18	W	Agriculture
19	ENE	Agriculture
20	NNE	Ag/Woods

Scenic Road	
ID	Feature
1	Canopy Covered
2	Canopy Covered

Scenic Landform	
ID	Feature
1	Route 10 Ridgeline

Scenic Corridor	
ID	Feature
1	Octoraro Creek
2	Natural

Scenic Features	
ID	Feature
1	Pine Grove Covered Bridge
2	Camp Tweedale
3	Stone Arch Bridge
4	Stone Arch Bridge
5	Stone Arch Bridge
6	Lincoln University

***The Town of Lower Oxford, Pennsylvania maps scenic resources designated for preservation in its Open Space Plan. A photographic inventory of scenic resources is also prepared.***

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## REGULATIONS

Section 10(1)(ii)(a)(11) of New York’s Municipal Home Rule Law states that a municipality may adopt local laws for the “protection and enhancement of its physical and visual environment.” Ultimately, the integrity of scenic resources must be protected by law. Generally, this involves the following three elements:

1. Maintain an up-to-date list of scenic resources.
2. Recognize the importance of scenic resources within municipal ordinances.

For example, the zoning ordinance of the Town of Day, NY expresses the following purpose:

Section 4.6 Town of Day Viewshed Protection Area

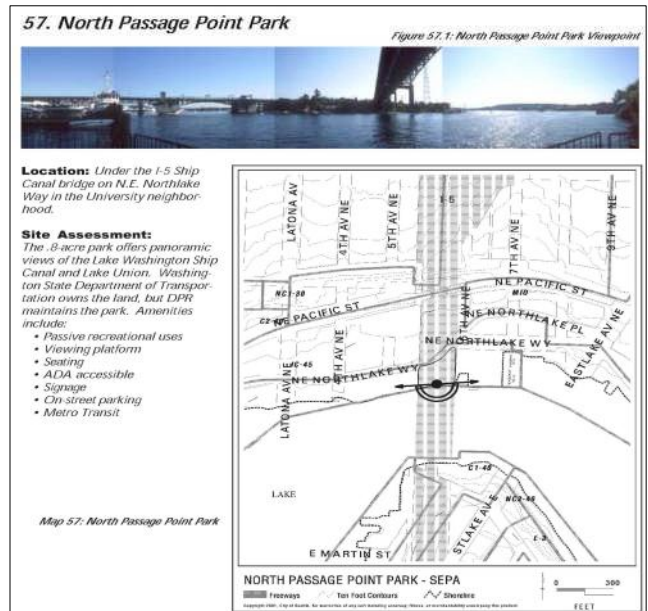
The Town Board of the Town of Day finds that many landscape features, geological features and other resources of the Town of Day and the Adirondack Park have special aesthetic, scenic or historical value. Many of these resources are located in the Town of Day Viewshed Protection Area. Great Sacandaga Lake is a significant resource of the Town, and many of the resources located in the Town of Day Viewshed Protection Area are visible from Great Sacandaga Lake, or from public roads. In order to protect and preserve those resources and to prevent or diminish the loss of those irreplaceable resources, the Town Board hereby declares it to be the public policy of the Town of Day to protect, perpetuate and enhance those resources.

3. Require within ordinances that any proposed subdivision, land development, or permit action near a designated scenic resource coordinate early and throughout project development with the municipality to avoid, minimize, and/or mitigate negative scenic impacts.

For example, development proposals submitted

for review by the Town of Day Planning Board must include line of sight profiles, which are subject to field verification, in addition to meeting area, height, and bulk requirements. The Planning Board also has the discretion to consider the avoidance, minimization, or mitigation techniques to lessen impacts on visibility.

Avoidance can be as simple as relocating a driveway or parking lot to a different portion of a property to avoid being in the line of a scenic view. Minimization can be a design element, such as the use of non-reflective building materials, that reduces the prominence of a new development in the public view of a scenic resource. Mitigation can be as basic as a landscaping plan that provides a buffer between a new or remodeled structure an existing scenic feature.



**The code of the City of Seattle lists 86 public views that are protected. The Department of Planning and Development is responsible for conducting an environmental review of proposals and may conditionally approve or deny projects that adversely affect these views. Within designated viewsheds, developers are expected to balance height, setbacks, and other requirements to protect views.**

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## OTHER REGULATORY MEASURES

Sometimes a community's land use policies and regulations have the unintended effect of protecting irreplaceable views. The Town of Irondequoit, for example, strictly regulates development and landscaping above, on, and below the steep slopes lining Irondequoit Bay. The regulations, specified for Steep Slope Environmental Protection Overlay Districts, are intended to prevent erosion and slope failure, but also preserve vistas of the beautiful and fragile slopes. An increasing number of municipalities, such as Boulder, Colorado, explicitly use hillside protection regulations to protect views.

Many communities effectively preserve scenic resources by adopting ordinance language to:

- Encourage property owners to preserve such scenic resources as historic structures, bridges, stone walls, and fences, and to keep them in good repair.
- Diminish the impact of signs and billboards by specifying limits for number, height, size, illumination, materials, and placement.
- Regulate the location and design of cell towers, as well as require a maintenance plan for towers, the land around towers, and for tower removal.
- Specify parking design, including the location, layout, and type of parking; allowance for shared parking, as appropriate, to eliminate excess parking and impervious surfaces; and screening, buffering, and landscaping of parking lots.
- Require storm water management facilities to replicate natural systems, where possible.
- Promote underground utility installation for new development to maintain community character.
- Allow flexible building use and reuse so that abandoned buildings can be reoccupied more easily before they become unsightly.
- Prohibit the accumulation of cars, trash, and litter on any property, as well as unmowed grass.



***Thoughtful land use strategies can help communities avoid poorly sited or designed development.***

## OTHER LAND MANAGEMENT TOOLS

Although not specifically designed to protect scenic views, other planning tools are available to help communities safeguard views and viewsheds.

*Agricultural Zoning.* Effective agricultural zoning encourages the preservation of

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farmland and can be used to discourage land uses that are incompatible, including scenically incompatible, with agricultural uses.

*Transfer of Development Rights.* TDRs are a voluntary, incentive-based, and market-driven approach to preserving open space by directing development away from agricultural, natural, historic, and recreational resources on a site.

*Conservation Easements.* A landowner donates or sells a conservation easement to a state or local government or a land trust in order to protect farmlands, wildlife habitats, historic sites, or other resources. Properties with conservation easements remain private and may not be open to the public; however, the public can benefit from scenic views of the property.

*SEQR.* New York State allows municipalities to “customize” mandatory State Environmental Quality Review to meet local needs. An example is the Town of Penfield’s “PEQR” process. State environmental quality law gives municipalities the right to protect identified public views through the application of mitigation measures, such as setback and height restrictions. Forthcoming changes to SEQR require more scrutiny of a proposed project’s effects on community character, including the impact on designated viewsheds.

## Community Education

Residents who are aware of an area’s cultural heritage and of the value of scenic resources are more likely to become stakeholders to protect them. Several communities in the region have informal or formal educational efforts, including walking tours of historic sites, nature hikes, heritage festivals, canal rides, presentations from area experts, and newsletter articles on local resources.

## Resources

*Town of Somers, NY Zoning Code, Chapter 138, Scenic Resource Protection*  
<http://ecode360.com/11112531>

Town of Day, New York  
*Current Viewshed Protection Ordinance*  
<http://www.townofday.com/townhall.pdf/landuseamend1.pdf>

*2012 Proposed Revised Zoning Code*  
<http://www.saratoga-county.ny.gov/upload/day-proposed-zoning-regulations.pdf>

Seattle, Washington  
*Inventory of Protected Views,*  
[http://www.seattle.gov/dpd/Planning/View\\_Protection/Overview/default.asp](http://www.seattle.gov/dpd/Planning/View_Protection/Overview/default.asp)  
*Public View Protection,* (municipal code, 25.05.675P)  
<http://www.seattle.gov/leg/clerk/>

*Preservation Law Educational Materials: Approaches to Viewshed Protection Around the Country,* National Trust for Historic Preservation, 2009  
<http://www.preservationnation.org/information-center/law-and-policy/legal-resources/preservation-law-101/resources/Viewshed-Protection.pdf>

*Protecting Scenic Views: Community-Based Performance Standards,* Maine State Planning Office, 2007  
[http://www.maine.gov/doc/nrimc/mcp/downloads/scenic/protectinglocalscenicresources\\_dec07.pdf](http://www.maine.gov/doc/nrimc/mcp/downloads/scenic/protectinglocalscenicresources_dec07.pdf)

*Strategies for Protecting Scenic Views and Vistas,* Scenic America  
<http://www.scenic.org/issues/scenic-easements-a-view-protection/strategies-for-protecting-scenic-views-and-vistas>

- Genesee Transportation Council, July 2013