

Steep Slope Ordinance

East Nantmeal Township, Chester County

ARTICLE IX STEEP SLOPE CONSERVATION DISTRICT

§§900. INTENDED PURPOSES

The purposes of this Article are as follows:

- A. To promote the public health, safety and welfare by protection of steep slope areas.
- B. To permit only those uses of steep slope areas which are compatible with the conservation of natural conditions and which maintain stable soil conditions by minimizing disturbances to vegetative ground covers and restricting the regrading of steep slope areas.
- C. To limit soil erosion and the resultant destruction of the land, siltation of streams, and damage to the property of individuals.
- D. To protect low-lying areas from flooding by limiting the increase in stormwater runoff caused by grading of slope areas, changes of ground cover, or the erection of structures.
- E. To maintain the ecological integrity and habitat value of steeply sloped areas, i.e., indigenous vegetation and wildlife, which could be adversely affected by otherwise permitted disturbances.
- F. To allow the continuing replenishment of ground resources and the maintenance of springs.

§§901. GENERAL PROVISIONS

****Note:** The following sections 901 through 1002 had poor reproductions of the original pages. the Township has been contacted and the information will be revised upon receipt of the new pages. The ordinance has been placed online as is. Please use the aforementioned sections with caution.

- A. No area within the Steep Slope Conservation District shall hereafter be used without full compliance with the terms of this Article and other applicable regulations. The Steep Slope Conservation District shall be deemed to be an overlay on any zoning district(s) now or hereafter enacted to regulate the use of land In the Township.
- B. The Steep Slope Conservation District shall have no effect on the permitted uses in the underlying zoning district, except where said uses are intended to be located within the boundaries of the Steep Slope Conservation District, as defined herein, and said uses are in conflict with the permitted uses set forth in this Article.

- C. In those areas of the Township where the Steep Slope Conservation District applies, the requirements of the Steep Slope Conservation District, to the extent they are more restrictive, shall supersede the requirements of the underlying zoning district.
- D. Each application for construction or land disturbance within the Steep slope Conservation District shall be submitted in accordance with §§1206, below. Any area of the Steep Slope conservation District that falls within the subject lot or lots shall be interpolated and shown on the site plan required through shading of such area or areas.
- E. Should the Steep Slope Conservation District boundaries be revised, to exclude previously included lands, as a result of legislative or administrative actions or Judicial decision, the zoning requirements applicable to the area in question shall revert to the requirements of the underlying zoning district(s) without consideration of this Article.
- F. For any parcel or any part thereof on which the Steep Slope Conservation District is an overlay.. should the underlying zoning classification(s) be changed as a result of legislative administrative actions or judicial decision, such change(s) classification shall have no effect on the boundaries of the Steep Slope Conservation District, unless an amendment to said boundaries, was included as part of the proceedings from which the subsequent change(s) originated.
- G. It is not intended by this Article to repeal,, abrogate.. Impair- any existing easements covenants, or deed restrictions However, where this Article Imposes greater restrictions, the provisions of this Article shall prevail.
- H. The granting of a zoning permit or approval of a subdivision or land development plan within or near the Steep Slope Conservation District shall not constitute a representation, guarantee, or warranty of any kind by the Township, or by any official or employee thereof, of the practicability or safety of the proposed use and shall create no liability upon the Township, its officials or employees. This ordinance does not imply that areas outside the Steep Slope Conservation District boundaries or land uses permitted within said Steep Slope Conservation District will always be totally free from the adverse effects of erosion.

§§902. DESIGNATION AND INTERPRETATION OF DISTRICT BOUNDARIES

- A. The Steep Slope Conservation District consists of two (2) areas which are delineated and defined as follows:
 - 1. Prohibitive Slope - Prohibitive slopes are those of twenty five- (25) percent or greater slope (e.g., sloping twenty-five (25) feet or more vertical over a distance of one hundred (100) feet horizontal). Slopes shall be deemed Prohibitive when there are five (5) adjacent contour intervals of two (2) feet each such that, in aggregate, they delineate a slope of at least twenty-five (25) percent.

2. Precautionary Slope - Precautionary slopes are those fifteen (15) to twenty five (25) percent slope (e.g., sloping fifteen (15) to twenty five (25) feet vertical over a distance of one hundred (100) feet horizontal). Slopes shall be deemed Precautionary when there are four (4) adjacent contour: Intervals of two (2) feet each such that, in aggregate, they delineate a slope between fifteen (15) and twenty-five Percent.
- B. Steep slopes shall be determined by either aerial photogrammetric methods or by field survey. The contour interval shall be set forth at no more than two (2) feet per interval slopes less than twenty-five (25) percent, and may be set forth five (5) feet per interval on slopes over twenty-five (25) percent On properties containing no slopes greater than ten (10) percent U.S.C.S. 7.5 minute Quadrangles may be used as the source of such information, subject to the approval of the Zoning Officer at the recommendation of the Township Engineer.
 - C. Where an interpretation s needed as to the exact location of the boundaries of the District in relation to a given parcel, the initial determination shall be made by the Township Engineer. Any party seeking such a determination may submit a topographic survey of the property and any other pertinent documentation in consideration. The Township Engineer shall make a written report of the results of his initial determination, a copy of which shall be provided to the Board of Supervisors.
 - D. Any party aggrieved by any such determination of the Township Engineer or other decision or determination under this Article in appeal to the Zoning Hearing Board. The party contesting the location of the district boundary shall have the burden of proof case of any such appeal.

§§903. USES PERMITTED BY RIGHT

- A. In any part of the Steep Slope Conservation District, grading shall be minimized, and no grading shall be undertaken within any area of the Steep Slope Conservation District except where approved in conjunction with a use permitted under the terms of this Article.
- B. The following are the only uses permitted as of right In areas of prohibitive slope. such uses also shall be in compliance with the base zoning district, and shall not involve the erection of buildings, construction of streets, installation of sewage disposal systems, or permanent removal of top soil unless replaced by approved engineered structures.
 1. Parks and outdoor recreational uses., consistent with the goals of watershed protection.
 2. Yard areas of a building within the Steep Slope Conservation District.
 3. Pastures and other agricultural activities such as farming that do not expose the soil to erosion on a regular periodic basis.

4. Logging and woodcutting, where such activity is limited to highly selective removal of trees and does not involve clear cutting. Maximum precautions shall be taken to avoid destruction of or injury to understory brush and trees.
5. The minimum possible grading for a driveway accessing a single-family dwelling or other building when it can be demonstrated that no other routing which avoids prohibitive slopes is feasible or economically reasonable.
6. The minimum possible installation of public or private transmission lines such as power, phone, gas, water, sewer storm sewer lines when it can be demonstrated that no other routing which avoids prohibitive slopes is practicable or economically reasonable.

Within any lot, the Maximum extent of areas classified prohibitive slopes that may be permanently disturbed for installation of site improvements shall be limited to twenty (20) percent of the prohibitive slope area, or ten (10) percent of the lot area, whichever is the lesser, subject to the approval of the Zoning Officer on the recommendation of the Township Engineer. Any such disturbance in excess -of either twenty (20) percent of the prohibitive slope area or ten (10) percent of the lot area shall require the granting of a special exception by the Zoning Hearing Board. On any lot, the total amount of impervious surface that may be installed within areas of prohibitive slope shall not exceed twenty (20) percent of the total impervious area permitted according to the provisions. of the underlying base Zoning District.

C. The following are the only uses permitted by right in areas precautionary slope, provided they also are in compliance with base zoning district and all other provisions of this ordinance.

1. All uses permitted in areas of prohibitive slopes.
2. Tree farming, forestry, and other agricultural uses when conducted in conformity with conservation practices, including minimum tillage methods, approved by the Soil Conservation Service (SCS) or the County Conservation District.
3. Access roads for the passage of emergency vehicles in the event of fire or accident.
4. Accessory uses (except swimming pools), necessary for the Operation and maintenance of the above permitted uses.

Within any lot, the Maximum extent of areas classified as precautionary slopes that may be permanently disturbed for the installation of site improvements shall be limited to forty (40) percent of the precautionary slope area, or twenty (20) Percent of the lot area, whichever is the lesser., subject to the approval of the Zoning Officer on the recommendation of the Township Engineer. Any such disturbance in excess of either forty (40) percent of the precautionary slope area or twenty (20) percent of the lot area shall require the granting of a special exception by the Zoning Hearing Board. On any

lot, the total amount of impervious surface that may be installed within areas of precautionary slope shall not exceed forty (40) percent of the total impervious area permitted according to the provisions of the underlying base Zoning District.

§§904. USES PERMITTED BY SPECIAL EXCEPTION

A. Any of the following uses are permitted within the Steep slope Conservation District when approved as a special exception by the Zoning Hearing Board in accordance with §§1605 of this Ordinance:

1. Any structure permitted by right, special exception or conditional use according to the terms of the underlying base zoning district.
2. Any road necessary to provide primary access to a use permitted by this Ordinance, when no practical alternative exists in an area of lesser slope.

In areas of prohibitive slopes these activities shall not be approved by the granting of a special- exception unless the applicant demonstrates that there is no alternative which could avoid encroachment into the 'areas of prohibitive slope. making its determination, the Board shall give particular weight to the criteria and standards In §§1206 below.

§§905. ADMINISTRATION

Administration of this Article is governed by Article 17 of the Ordinance. In addition, the following specific requirements shall apply:

A. Application Procedures - Before a permit is issued for any construction or land disturbance activity on land within . affecting. the Steep Slope Conservation Districts the following material., in full or in pertinent parts, shall be submitted for review by the Zoning Officer or the Zoning Hearing Board. If the disturbed land contains no steep slopes., the application may be handled by the Zoning officer. Conversely, if the disturbed contains steep slopes the application must be directed towards the Zoning Hearing Board. No zoning permit shall be Issued by the Zoning Officer.. and no special exception shall be granted by the Zoning Hearing Board.. without the Township Engineer's review this material and his recommendation thereon.

1. An earth-moving plan of the property at a scale of no more. than one hundred (100) feet to the inch which indicated existing grades with contour lines at two (2) foot intervals and proposed grades within the area of any proposed activity, disturbance.. or construction. All areas of prohibitive and/or precautionary slope shall be shaded accordingly.
2. A site plan indicating existing and proposed structures, other impervious surfaces, storm drainage facilities, and retaining walls. The site plan also shall locate and identify existing vegetation and ground cover within areas prohibitive and precautionary slopes,

as well as proposed landscaping material to be installed.

3. Architectural plans, elevations, and sections, with u specifications as may be pertinent.
4. A statement, signed and sealed by a registered architectural engineer, explaining the building methods to be used overcoming foundation and other structural problems created by slope conditions, preserving the natural watersheds, and preventing soil erosion and excessive surface water runoff to neighboring properties and/or streets.
5. Plan.. profile., and typical cross-sections of any proposed street, emergency access, or driveway within areas prohibitive and precautionary slopes, with the seal of registered professional engineer thereon.
6. A Sediment and Erosion Control Plan, with construction narrative, setting forth the measures to control sediment generated on site by the proposed activity. The plan shall prepared according to the standards and procedures establish by the Soil Conservation Society and the Penna. Dept. Environmental Resources.
7. A statement, signed by the owner or future occupant at the time of subdivision, land development, or building, per application, that there is a full understanding of the difficulties associated with access stemming from steep slopes

§§906. STANDARDS AND CRITERIA FOR REVIEW OF SPECIAL EXCEPTIONS

In evaluating any application for a special exception within the Steep Slope Conservation District, the Zoning Hearing Board shall determine consistency of the proposal with the following:

- A. Disturbance to particularly sensitive features of the site shall be minimized; special emphasis in planning for the site should be given to the protection of:
 1. The areas of steepest slope, especially those approaching or exceeding twenty-five (25) percent.
 2. Soils with seasonal high water table.
 3. Underlying geology which comprises, or contributes to, major groundwater resource including the flow of existing springs.
- B. Disturbance shall be minimized where the length or area of steep slopes, both on the site and on adjacent lands within two hundred (200) feet of the site Is extensive.
- C. The proposed development, any impervious ground cover,, and the resultant disturbance to the land and existing vegetative cover will not cause runoff and/or related environmental problems off the site.

- D. Removal of or disturbance to existing vegetation on the site shall be minimized. The proposed impacts on existing vegetation shall be evaluated in terms of the potentially detrimental effect on slope stability, transportation and recharge of stormwater aesthetic and traditional characteristics of the landscape, and existing drainage patterns. Mitigation measures may be required by the Board as it deems appropriate.
- E. The design, construction procedures and sediment and erosion control measures are such that there is no risk of damage or impairment to adjacent slopes, neighboring properties, or down slope watercourses as a result of the proposed activities.
- F. Important visual qualities of the site shall, to the maximum extent feasible, be retained; in addition to vegetation, these may include hilltops/ridgelines, rock outcroppings, and the natural terrain and contours of the site.
- G. Road construction shall follow the natural topography, with cuts, fills and grading minimized.
- H. Innovative, imaginative building techniques that are well-suited to slope conditions shall be encouraged, consistent with other applicable codes and regulations.
- The. The equilibrium of the slope, as characterized by the existing inter-relationships among soil, water, and vegetation, shall be disturbed as little as possible.
- J. Finished slopes of all cuts and fills shall not exceed thirty three (33) percent, unless the applicant can demonstrate that steeper slopes can be stabilized and maintained adequately to the satisfaction of the Township.
- K. Exposed cut slopes within or below prohibitive slopes shall be minimized so that - engineered retaining walls or other structures are utilized to the greatest extent practicable to maintain the stability of the disturbed slopes and reduce the risk of harm by reason of erosion and potential slope failure resulting in mud slides.
- L. In addition to all other applicable provisions of this Ordinance, all activities within the Steep Slope Conservation District shall conform to the performance standards set forth in §§1402, 405, §§1406, §§1407, §§1408 and §§1416, and they shall also conform to the requirements of §§1604 of the Subdivision and -Land Development Ordinance relating to stormwater management sediment and erosion control.

§§907. USES AND/OR STRUCTURES RENDERED NON-CONFORMING BY THE ADOPTION of this DISTRICT

Following the adoption of this Article, any use or structure which is situated within the boundaries of the Steep Slope Conservation District and which does not conform to the permitted uses specified in §1203 of this Article shall become a non-conforming use or structure, regardless of its conformance to the district in which it is located without consideration of this

Article. The expansion or continuance of said nonconforming use or structure shall be governed by the requirements of Article 15 of this Ordinance However, the Zoning Hearing Board shall also ensure that the standards contained in §§1205 of this Article are applied to the expansion or change of said non-conforming use or-structure.