

**ARTICLE XVII**

**SS STEEP SLOPE  
CONSERVATION OVERLAY DISTRICT**

**SECTION 1700. PURPOSES**

In expansion of the Declaration of Legislative Intent found in Article I, Section 101 of this Ordinance, and the Statement of Community Development Objectives found in Article I, Section 102 of this Ordinance, the purpose of this Article, among others, is as follows:

- A. Preserve the natural character and aesthetic value of mountains and hillsides.
- B. Guard against property damage and personal injury, and minimize the potential for erosion, soil failure, stream siltation, and contamination of surface waters caused by the misuse of steep slope areas.
- C. Encourage innovative residential development by allowing the flexibility necessary to maximize conservation of steep slopes and produce unique, environmentally sensitive projects.
- D. Conserve existing woodlands for air and water quality benefits, to provide habitat for wildlife, and to maintain the ecological balance among the natural systems on steep slope areas.

**SECTION 1701. DEFINITION AND ESTABLISHMENT OF STEEP SLOPE CONSERVATION OVERLAY DISTRICT**

The Steep Slope Conservation Overlay District is established as all those areas of the township with a slope of 10 percent or more, referred to as Asteep slopes≡ or Asteep slope areas.≡ This district may be referred to as the ASteep Slope District.≡

- A. Applicants shall show the boundaries of Steep Slope Areas on all subdivision and land development plans, based on an on-site survey prepared by a Registered Professional Engineer or Surveyor.
- B. The Steep Slope Areas to be shown on all subdivision and land development plans shall be further divided into the following 4 categories when measured over 3 or more contour lines at 2 foot intervals:
  - 1. Slopes of at least 10 percent but less than 15 percent.
  - 2. Slopes of at least 15 percent but less than 20 percent.
  - 3. Slopes of at least 20 percent but less than 25 percent.
  - 4. Slopes of at least 25 percent or greater.
- C. The Township may exempt manmade slopes from the provisions of this Article if it is determined that alteration, regrading, clearing, or construction upon such slopes can be accomplished without causing erosion of the slope, and will not result in soil failure, stream siltation, and contamination of surface waters and/or increase total runoff into any watercourse or an increase in the point discharge levels or velocities at any given point of collection and discharge and will not be

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injurious to the health, safety, and welfare of township residents. It shall be the burden of the applicant to demonstrate that the slopes were manmade and to establish the absence of impact in accordance with the criteria stated herein.

**SECTION 1702. OVERLAY CONCEPT**

The Steep Slope Conservation District shall be an overlay on all zoning districts and shall function in accordance with the following:

- A. For any lot or portion thereof lying within the Steep Slope Conservation District, the regulations of the overlay district shall take precedence over the regulations of the underlying district.
- B. Should the underlying zoning of any lot or any part thereof which is located in the Steep Slope Conservation District be changed through any legislative or judicial action, such change shall have no effect on the overlying Steep Slope Conservation District unless such change was included as part of the original application.
- C. All uses, activities and development occurring within the Steep Slope Conservation District shall be undertaken only in strict compliance with the provisions of this Article, with all federal and state laws, and with all other applicable Township codes and ordinances.

**SECTION 1703. GENERAL REGULATIONS**

In all zoning districts, for those portions of a lot or tract having steep slope areas, as defined in Section 1701, herein, the following standards shall apply for all proposed uses:

- A. Disturbance Limits. Based upon steep slope category, the following disturbance limits shall be the maximum area of such slopes that may be disturbed, regraded and/or stripped of vegetation:

<b>Steep Slope Category</b>	<b>Disturbance Limit</b>
Slopes at least 10% but less than 15%	25%
Slopes at least 15% but less than 20%	15%
Slopes at least 20% but less than 25%	5%
Slopes at least 25% or greater	0%

- 1. Non-residential lots within the REC Recreational District shall be permitted to disturb a maximum of 30 percent of steep slope areas within each steep slope category, provided it is the minimum disturbance necessary to allow a permitted non-residential, recreational use, as approved by the Board of Supervisors upon recommendation of the Planning Commission in accordance with Section 1204 of this Chapter or the course of plan review under the Subdivision and Land Development Ordinance, Chapter 22.
- B. Grading or earthmoving on steep slope areas including slopes less than 25% shall not result in earth cuts or fills whose highest vertical dimensions exceed 10 feet, except where no reasonable alternatives exist for construction of public roads, public drainage structures, and other public improvements, in which case such vertical dimensions shall not exceed 15 feet. Finished slopes of all cuts and fills shall not exceed three to one (3:1), unless the applicant shall demonstrate that steeper slopes can be stabilized and maintained adequately and safely. All retaining walls proposed for the stabilization of areas of cut and fill shall be designed and certified by a registered professional structural engineer, and reviewed by the Township Engineer. An applicant proposing the use of a retaining wall for stabilization of any areas of cut and fill shall be

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obligated to provide such design criteria and construction detail, including the required certification thereof as determined necessary by the Township Engineer. The use of retaining walls which has the effect of increasing the area of any building or improvement on the property shall not be permitted or approved. The landscape shall be preserved in its natural state, except as specifically provided herein.

- C. There shall be no disturbance of steep slope areas including slopes 25% or greater, subject to the exception set forth in Section 1703.A.1. of this Article, and providing that agricultural practices which involve no-til planting shall be permitted.

### **SECTION 1704. DEVELOPMENT REGULATIONS**

The requirements of the following zoning districts shall be modified on all land containing steep slopes, as defined in Section 1701, herein, as designated below:

- A. Each parcel of land located in the R-2, IN, REC, or CB zoning district, having a steep slope ratio (area of steep slopes / gross site area) of 10 percent or more and proposed for residential use, shall be subdivided consistent with one of the following optional requirements:
  - 1. Option 1 - Conservation Subdivision. In order to encourage preservation of the steep slopes, and other significant natural features, the applicant=s proposed design shall be consistent with the standards for conservation subdivision within the underlying zoning district and shall locate the steep slopes within the required greenway land, considering the greenway delineation standards within the Upper Salford Township Subdivision and Land Development Ordinance. In this case, no portion of the steep slopes is to be located on any proposed or existing building lot.
  - 2. Option 2 - As a conditional use, each lot hereinafter created by subdivision having a steep slope ratio of 10 percent or greater shall increase the required minimum lot size by a factor of 150% and adjust the maximum impervious surface limit by a reduction of 50% per lot.
- B. Tracts hereinafter subdivided or proposed for land development for non-residential use in the R-30, IN, REC, CB, LLI, or LI zoning district, having a steep slope ratio of 10 percent but less than 25 percent, shall locate all buildings, parking areas, driveways, access roads, utilities, or improvements of any other nature, on areas of the tract outside of the defined steep slope areas, provided, however, that disturbance of defined steep slope areas for driveways, access roads, or utilities may be located within the defined steep slope areas provided that the disturbance limitations of Section 1703.A. are not exceeded.

### **SECTION 1705. CONDITIONAL USE APPLICATION**

Applications for conditional uses shall comply with the procedures in Article XXIV of this ordinance and provide the following information and documentation.

- A. A plan by a Registered Professional Engineer or Surveyor which accurately locates the proposed use with respect to the Steep Slope District boundaries and existing development within 200 feet of the proposed use, together with all pertinent information describing the parcel, and a topographical survey with contour elevations at no greater than 5-foot intervals.
- B. A plan of proposed development or use of the site, conforming to the preliminary plan requirements of the subdivision and land development ordinance, with contours shown at 2-foot intervals, where feasible, throughout the steep slope areas proposed for development or use. Contours shall be accurately drawn from on-site survey or aerial photographic sources.

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- C. Proposed modifications to the existing topography and vegetative cover, as well as the means of accommodating stormwater runoff.
- D. Documentation of any additional engineering and/or conservation techniques designed to alleviate environmental problems created by the proposed activities.
- E. Specifications of building materials and construction including filling, grading, materials storage, water supply, and sewage disposal facilities.
- F. An erosion and sediment control plan in compliance with the erosion and sediment control practices set forth in the Erosion and Sediment Pollution Control Program Manual of the Department of Environmental Protection, 1990, and any subsequent amendments thereto.
- G. The location of all trees having a diameter of 8 inches or more dbh.

### **SECTION 1706. CONDITIONAL USE STANDARDS AND CRITERIA**

In considering a conditional use application, the Board of Supervisors shall consider the following:

- A. Relationship of the proposed use to the objectives set forth in Section 1700.
- B. Adverse effects on abutting properties.
- C. The need for a woodland management plan on wooded steep slope areas.
- D. Evidence that:
  - 1. Alternative placements on non-steep slope areas were carefully evaluated for structures, including buildings, retaining walls, swimming pools, roads, access driveways, parking facilities and other development, and can be shown to be inappropriate or infeasible to the satisfaction of the Board of Supervisors.
  - 2. Proposed buildings and structures are of sound engineering design and that footings are designed to extend to stable soil and/or rock.
  - 3. Proposed roads, drives and parking areas are designed so that land clearing and/or grading will not cause accelerated erosion. Both vertical and horizontal alignment of such facilities shall be so designed that hazardous conditions are not created.
  - 4. Surface run-off of water will not create unstable conditions, including erosion, and that appropriate stormwater management facilities will be constructed as necessary.
  - 5. Proposed non-agricultural displacement of soil shall be for cause consistent with the intent of this ordinance and shall be executed in the manner that will not cause erosion or other unstable conditions. The applicant shall provide an erosion and sediment control plan and supporting evidence.
  - 6. Proposed on-lot sewage disposal facilities shall be properly designed and constructed in conformity with applicable regulations.

### **SECTION 1707. LIMIT OF MUNICIPAL LIABILITY**

The granting of a use and occupancy permit or the approval of a subdivision or land development plan on or near the Steep Slope Conservation District shall not constitute a representation, guarantee or warranty

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of any kind by the township or any official or employee thereof regarding the practicability or safety of the proposed use and shall create no liability upon the Township, its officials, or its employees. Protections provided by this ordinance are for regulatory purposes and based on minimum engineering studies. The ordinance does not imply that areas outside the District are free from adverse effects of erosion and sedimentation.

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