

**ARTICLE XVIII**

**RCC - RIPARIAN CORRIDOR  
CONSERVATION OVERLAY DISTRICT**

**SECTION 1800. PURPOSES**

In expansion of the Declaration of Legislative Intent and Statement of Community Development Objectives found in Sections 101 and 102 of Article I of this ordinance, it is the intent of this article to provide reasonable controls governing the conservation, management, disturbance, and restoration, of riparian corridors under authority of Article I, Section 27 of the Pennsylvania Constitution, Act 247 the Municipalities Planning Code as amended, and other Commonwealth and federal statutes, in conformance with the goals of the Comprehensive Plan, Open Space and Environmental Resource Protection Plan, and the following objectives:

- A. Improve surface water quality by reducing the amount of nutrients, sediment, organic matter, pesticides, and other harmful substances that reach watercourses, wetlands, subsurface, and surface water bodies by using scientifically- proven processes including filtration, deposition, absorption, adsorption, plant uptake, and denitrification, and by improving infiltration, encouraging sheet flow, and stabilizing concentrated flows.
- B. Improve and maintain the safety, reliability, and adequacy of the water supply for domestic, agricultural, commercial, industrial, and recreational uses along with sustaining diverse populations of aquatic flora and fauna.
- C. Preserve and protect areas that intercept surface water runoff, wastewater, subsurface flow, and/or deep groundwater flows from upland sources and function to remove or buffer the effects of associated nutrients, sediment, organic matter, pesticides, or other pollutants prior to entry into surface waters, as well as provide wildlife habitat, moderate water temperature in surface waters, attenuate flood flow, and provide opportunities for passive recreation.
- D. Regulate the land use, siting, and engineering of all development to be consistent with the intent and objectives of this ordinance and accepted conservation practices, and to work within the carrying capacity of existing natural resources.
- E. Assist in the implementation of pertinent state laws concerning erosion and sediment control practices, specifically Erosion Control, of the Pennsylvania Clean Streams Law, Act 394, P.L. 1987, Chapter 102 of the Administrative Code (as amended October 10, 1980 Act 157 P.L.), Title 25, and any subsequent amendments thereto, as administered by the Pennsylvania Department of Environmental Protection and the Montgomery County Conservation District.
- F. Conserve natural features important to land or water resources such as headwater areas, groundwater recharge zones, floodway, floodplain, springs, streams, wetlands, woodlands, prime wildlife habitats, and other features that provide recreational value or contain natural amenities whether on developed or undeveloped land.
- G. Work with floodplain, steep slope, and other requirements that regulate environmentally sensitive areas to minimize hazards to life, property, and riparian features.
- H. Recognize that natural features contribute to the welfare and quality of life of the residents of Upper Salford Township.
- I. Conserve natural, scenic, and recreation areas within and adjacent to riparian areas for the community's benefit.

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**SECTION 1801. DEFINITION, ESTABLISHMENT, AND WIDTH DETERMINATION OF THE DISTRICT**

A. Definition. The Riparian Corridor Conservation District is defined as an overlay district consisting of:

1. Areas surrounding municipally designated surface water bodies, including creeks, lakes, intermittent watercourses, and wetlands that intercept surface water runoff, wastewater, subsurface flow, and/or deep groundwater flows from upland sources and function to remove or buffer the effects of associated nutrients, sediment, organic matter, pesticides, or other pollutants prior to entry into surface waters. This area may also provide wildlife habitat, control water temperature, attenuate flood flow, and provide opportunities for passive recreation. This corridor area may or may not contain trees and other native vegetation at the time of ordinance enactment. The corridor shall be applied as specified in the following table:

Surface Water Feature	Minimum Corridor Width
<p>A. Perennial Streams.</p> <p><u>All</u> perennial streams identified in the Soil Survey<sup>1</sup>. (Perennial streams are shown as solid lines on the Soil Survey maps.)</p>	<p>Zone 1: Minimum width of 25 feet from each defined edge of the watercourse at bank full flow, measured perpendicular to the edge of the watercourse.</p> <p>Zone 2: Minimum width of 50 feet from the outer edge of Zone 1, measured perpendicular to the edge of Zone 1, or equal to the extent of the 100-year floodplain<sup>3</sup>, or 25 feet beyond the outer edge of a wetland along the stream, whichever is greater.</p> <p>(Total <u>minimum</u> width of Zones 1 &amp; 2 = 150 feet plus the width of the stream.)</p>
<p>B. Intermittent Streams.</p> <p>Intermittent streams identified in the Soil Survey<sup>1</sup> or any stream otherwise identified on the applicant's plan that have an upstream drainage area of 75 acres or more<sup>2</sup>. (Intermittent streams are shown as dotted and dashed lines on the Soil Survey maps.)</p>	<p>Zone 1: Minimum width of 25 feet from each defined edge of the watercourse at bank full flow, measured perpendicular to the edge of the watercourse.</p> <p>Zone 2: Minimum width of 50 feet from the outer edge of Zone 1, measured perpendicular to the edge of Zone 1, or equal to the extent of the 100-year floodplain<sup>3</sup>, or 25 feet beyond the outer edge of a wetland along the stream, whichever is greater.</p> <p>(Total <u>minimum</u> width of Zones 1 &amp; 2 = 150 feet plus the width of the stream.)</p>
<p>C. Other Streams.</p> <p>All other streams with an upstream drainage area of less than 75 acres<sup>2</sup>, including intermittent streams identified in the Soil Survey<sup>1</sup>.</p>	<p>Zone 1: Minimum width of 25 feet from the centerline of the watercourse, measured perpendicular to the centerline of the watercourse, or equal to the extent of the 100-year floodplain<sup>3</sup>, or 25 feet beyond the outer edge of a wetland along the stream, whichever is greater. (Total <u>minimum</u> width of 50 feet).</p> <p>Zone 2: Does not apply.</p>
<p>D. Wetlands and Waterbodies.</p> <p>Wetlands not located along a stream, and waterbodies, where the wetland and/or waterbody is greater than 10,000 square feet in area.</p>	<p>Zone 1: Minimum width of 25 feet from the outer edge of the wetland or waterbody, measured perpendicular to the edge. For wetlands located at the edge of a waterbody, the measurement shall be made from the outer edge of the wetland.</p> <p>Zone 2: Does not apply.</p>

<sup>1</sup> Soil Survey shall mean the most recent edition of the Soil Survey of Montgomery County.

<sup>2</sup> Upstream drainage area is measured from where the stream exits the applicant's site.

<sup>3</sup> 100-year floodplain as identified on the Flood Insurance Rate Map (FIRM) prepared by FEMA, or as calculated by the applicant where FEMA data does not apply.

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### **2. Zone Width Adjustments for Steep Slopes.**

Where steep slopes in excess of 15 percent are located within Zone 1 along a stream identified in 1801.A.1, A or B, above, Zone One shall be extended over the steeply sloped area as follows:

- a. If the extent of the steeply sloped area is more than 75 feet, Zone 1 shall extend to the 75-foot maximum corridor width, and Zone 2 shall not be required.
- b. If the extent of the steeply sloped area is less than 75 feet, Zone 1 shall extend to the limit of the steeply sloped area, and the width of Zone Two shall be adjusted so that the total corridor width (Zone 1 plus Zone 2) will be 75 feet maximum.

### **3. Identification and Width Determination.**

The applicant shall be responsible for the following:

- a. Identifying the watercourses, wetlands, and/or waterbodies on and abutting the applicant's site, and locating these features accurately on the applicant's plans.
- b. Initial width determination of the riparian corridor(s) in compliance with Section 1801.A, herein, and for identifying these areas on any plan that is submitted for subdivision, land development, or other improvements that require plan submissions or permits. The initial determination(s) shall be subject to review and approval by the Upper Salford Township Planning Commission, with the advice of the Upper Salford Township Engineer.

## **Section 1802. Uses Permitted in the Riparian Corridor Conservation District**

The following uses are permitted by right in the Riparian Corridor Conservation District in compliance with the requirements of this Article:

### **A. Zone One:**

1. Open space uses that are primarily passive in character shall be permitted to extend into the area defined as Zone One, including:
  - a. Wildlife sanctuaries, nature preserves, forest preserves, fishing areas, passive areas of public and private parklands, and reforestation.
  - b. Streambank stabilization
2. Forestry operations approved by the Montgomery County Conservation District.
3. Corridor crossings:
  - a. Agricultural crossings by farm vehicles and livestock.
  - b. Driveways serving one or two single-family detached dwelling units, provided the mitigation requirements of Section 1807.B are satisfied. The corridor crossing standards of Section 1808 should be considered during design of the driveway.
  - c. Driveways serving more than two single-family detached dwelling units, or roadways, recreational trails, railroads, and utilities, provided the mitigation requirements of Section 1807.B. and the corridor crossing design standards of Section 1808 are satisfied.

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### B. Zone Two

1. Open space uses including wildlife sanctuaries, nature preserves, forest preserves, passive areas of public and private parklands, recreational trails, and reforestation.
2. At least half of any required yard setback area, for any individual lot, must be entirely outside of Zone 2.
3. Agricultural uses conducted in compliance with methods prescribed in the Department of Environmental Protection's Erosion and Sediment Pollution Control Manual, 1990, as amended.
4. Corridor crossings:
  - a. Agricultural crossings by farm vehicles and livestock.
  - b. Driveways serving one or two single-family detached dwelling units, provided the mitigation requirements of Section 1807.B. are satisfied. The corridor crossing standards of Section 1808 should be considered during design of the driveway.
  - c. Driveways serving more than two single-family detached dwelling units, or roadways, recreational trails, railroads, and utilities, provided the mitigation requirements of Section 1807.B. and the corridor crossing design standards of Section 1808 are satisfied
5. Residential accessory structures having an area less than 225 square feet.
6. Forestry operations approved by the Montgomery County Conservation District.
7. Passive use areas such as camps, campgrounds, picnic areas, and golf courses. Active recreation areas such as ballfields, playgrounds, and courts provided these uses are designed in a manner that will not permit concentrated flow of stormwater runoff.
8. Centralized sewer and/or water lines and public utility transmission lines running along the corridor. When proposed as part of a subdivision or land development, the mitigation requirements of Section 1807.B. shall be satisfied. In all cases, these lines shall be located as far from Zone One as practical.

### **Section 1803. Uses Specifically Prohibited in the Riparian Corridor District**

Any use or activity not authorized within Section 1802, herein, shall be prohibited within the Riparian Corridor Conservation District and the following activities and facilities are specifically prohibited:

- A. Clearing of existing vegetation, except where such clearing is necessary to prepare land for a use permitted under Section 1802 herein, and where the effects of these actions are mitigated by re-establishment of vegetation, as specified under Section 1807, herein.
- B. Storage of any hazardous or noxious materials.
- C. Use of fertilizers, pesticides, herbicides, and/or other chemicals in excess of prescribed industry standards or the recommendations of the Montgomery County Conservation District.
- D. Roads or driveways, except where permitted as corridor crossings in compliance with Section 1802, herein.

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- E. Motor or wheeled vehicle traffic in any area not designed to accommodate adequately the type and volume.
- F. Parking lots.
- G. Any type of permanent structure, including fences, except structures needed for a use permitted in Section 1802, herein.
- H. Subsurface sewage disposal areas.
- I. Sod farming.
- J. Stormwater basins, including necessary berms and outfall facilities.

### **Section 1804. Nonconforming Structures and Uses**

Nonconforming structures and uses of land within the Riparian Corridor Conservation Overlay District shall be regulated under the provisions of Article XXI, Non-conforming Status, herein, except that the one year time frame for discontinuance shall not apply to agricultural uses which are following prescribed Best Management Practices for crop rotation.

### **Section 1805. Boundary Interpretation and Appeals Procedure**

- A. When an applicant disputes the Zone 1 and/or 2 boundaries of the Riparian Corridor or the defined edge of a watercourse, surface water body, or wetland, the applicant shall submit evidence to the Township of Upper Salford that shows the applicant's proposed boundary, and provides justification for the proposed boundary change.
- B. The Township Engineer, and/or other advisors selected by the Board of Supervisors shall evaluate all material submitted and provide a written determination within 45 days to the Board of Supervisors, the Township Planning Commission, and landowner or applicant.
- C. Any party aggrieved by any such determination or other decision or determination under this section may appeal to the Zoning Hearing Board under the provisions of Article XXIV, Zoning Hearing Board, of this ordinance. The party contesting the location of the district boundary shall have the burden of proof in case of any such appeal.

### **Section 1806. Inspection of Riparian Corridor Conservation Overlay District**

- A. Lands within or adjacent to an identified Riparian Corridor Conservation Overlay District will be inspected by the Upper Salford Zoning Officer when:
  - 1. A subdivision or land development plan is submitted.
  - 2. A building permit is requested.
  - 3. A change or resumption of nonconforming use is proposed.
- B. The district may also be inspected periodically by the Code Enforcement Officer and/or other representatives designated by the Board of Supervisors for compliance with an approved restoration plan, excessive or potentially problematic erosion, hazardous trees, or at any time when the presence of an unauthorized activity or structure is brought to the attention of Upper Salford Township officials.

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### **Section 1807. Management of the Riparian Corridor Conservation Overlay District**

- A. Riparian Corridor Planting. Re-establishment of forest cover and woodland habitat shall be required consistent with the requirements of the landscape regulation within the Upper Salford Township Subdivision and Land Development Ordinance.
- B. Mitigation Measures. Uses permitted in Section 1802 involving corridor crossings or other encroachment within the riparian corridor shall be mitigated by increasing the width of the corridor as replacement for the area lost due to the encroachment or disturbance, so that the total area of the corridor (Zone One and Zone Two) for each applicable side of the stream or watercourse is equal to that required by Section 1801.A.

Corridor area is the product of the corridor width required by Section 1801.A and the total length for each applicable side of the stream or watercourse for which a riparian corridor is being established. Perimeter shall be used in place of length for determining wetland buffer area. The increased width shall be spread throughout the corridor to the maximum extent possible. For stream and watercourses the increased width shall not be concentrated into an area less than 1000 feet in length or the full length of the corridor on the affected property, whichever is less.

### **Section 1808. Corridor Crossings Standards**

- A. The width of the right-of way shall not be greater than the minimum right-of-way width required by the Upper Salford Township Subdivision and Land Development Ordinance.
- B. Crossings shall be designed to cross the riparian corridor at direct right angles to the greatest extent possible in order to minimize disturbance of the corridor.
- C. Corridor crossings shall be separated by a minimum of 1000 feet of buffer length to the greatest extent possible.
- D. Bridges shall be used in place of culverts when crossings would require a 72 inch or greater diameter pipe. When culverts are installed they should consist of slab, arch or box culverts and not corrugated metal pipe. Culverts should also be designed to retain the natural channel bottom to ensure the passage of water during low flow or dry weather periods.

### **Section 1809. Use of Technical Terminology**

Technical terminology used in this article shall be interpreted to have the meanings used by recognized sources and experts in the fields of forestry, woodland or meadow management, streambank protection, wetlands management, erosion and sedimentation control, or other relevant fields.