

**§500-82 Special Conservation Standards**

All uses permitted by this chapter shall be subject to the following special conservation performance standards which shall apply to any lands that are characterized as steep slopes, wetlands or flood plains, except that these provisions do not apply where the applicant proposes to join two existing parcels into a single parcel, or to subdivide a parcel from one parcel and join that with an adjoining tract of land, and where no new development is proposed on the resulting lots. The procedures and standards are as follows:

**A. Steep Slope Areas. NEW**

- (1) **General Requirements.** Steep slopes shall be defined as slopes of 25 percent or more as determined by the Zoning Officer, from United States Geological Survey topographic maps or USDA NRCS maps. In cases where the slope cannot be specifically determined by said means, the Zoning Officer may require the applicant to provide certification from a Qualified Professional of the slope in question. Slope shall be measured at the points where any earth will be disturbed or where structures or other improvements are proposed.

- (2) Development on Steep Slopes. Any use or development of such steep slope areas shall be considered a conditional use, and in reviewing applications for use of sites partially or wholly included within an area identified as steep-sloped, the Borough Council and Planning Commission shall be satisfied that the following performance standards have been or will be met:
- (a) An accurate map prepared by a Qualified Professional has been submitted showing property boundaries, building and drive locations, contours at two foot intervals and any areas to be graded. The proposed location of other factors shall also be shown including streams, wetlands, areas subject to landslides and extent of vegetative cover.
  - (b) A clearing, grading and drainage plan has been prepared showing existing and proposed ground surfaces, plans for drainage devices, plans for walls or cribbing, etc., map of the drainage area affected, computation of the amount of runoff expected, an erosion control plan and schedule for completion of work.
  - (c) The applicant shall demonstrate that the proposed development cannot be accomplished on areas of the lot where the slope is less than 25 percent.
  - (d) No finished grade where fill is used shall exceed a slope of three feet horizontal to one foot vertical.
  - (e) Where fill is used to later support structures, a minimum compaction of 90 percent of maximum density shall be achieved.
  - (f) Soils characterized by the Natural Resource Conservation Service as highly susceptible to erosion shall be avoided.
  - (g) Streets and utilities shall be installed along existing contours to the greatest extent possible.
  - (h) Any steep slope areas also characterized by seasonal high water tables shall be avoided.
  - (i) 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 effects on slope stability, erosion potential, transpiration 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.
  - (j) In cases where structures are proposed, the applicant shall submit plans to the Zoning Officer detailing how the limitations of slope will be mitigated by the design of the structure(s).



B. Wetlands. NEW

(1) Identification.

- (a) Delineation. If the Borough reasonably anticipates that wetlands may be present or may be impacted by the proposed development, the Borough may require wetlands, as defined and regulated by the Pennsylvania Department of Environmental Protection, the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service to be delineated and shown on any application proposing a new use or expanded use of land.
- (b) Applicant Responsibility. The Applicant shall be responsible for said delineation and supply to the

Borough a written report from the individual, partnership, corporation or other entity which performed the wetlands delineation fully describing the methodology used. Notwithstanding receipt of such delineation and report, the Borough may require the Applicant to submit, at no cost to the Borough, an additional wetlands delineation of the site and report as to methodology, from a second source for purposes of verification. In the event of discrepancy between delineations, the Applicant shall obtain a jurisdictional determination.

- (c) Jurisdictional Determination. The Borough may also require that the applicant obtain a Jurisdictional Determination from the U.S. Army Corps of Engineers.
  - (d) Certification of No Wetlands. If no wetlands are present, the applicant shall provide a certified statement to that effect.
- (2) State and Federal Regulations. Any approval under this chapter shall be conditioned upon compliance with federal and state wetland regulations. The Borough Council may refuse to approve a plan for recording or delay the issuance of permits until an applicant documents such compliance.
- (3) Wetland Buffer Required. A buffer of 50 feet in width, measured perpendicular to and horizontally from the edge of the wetland, shall be maintained from the edge of all wetlands unless otherwise permitted or regulated by PA DEP.
- (a) Unpaved trails and stormwater conveyance facilities required by the Township shall be permitted.
  - (b) Vegetation shall not otherwise be disturbed except for buffer maintenance and restoration, or the correction of hazardous conditions.
  - (c) Residential accessory structures shall be permitted provided that no more than 35 percent of the buffer area is affected.
  - (d) No other earth disturbance, grading, filling, buildings, structures, new construction, or development shall be permitted.
- (4) Liability. No zoning approval granted by the Borough shall in any manner be construed to be an approval of compliance by the Applicant with any State or Federal wetland regulations; and the Borough shall have no or responsibility to the applicant or any other person for compliance with said regulations.

C. Floodplain. Floodplain shall be governed by Chapter 240 (Floodplain Management).



**§500-83 Grading Operations NEW**

The grading of a lot, parcel or any site involving cuts and/or fills shall comply with the following:

- A. Special Exception. Any excavations for the removal of topsoil or other earth products may be permitted only as follow:
- (1) Such excavations shall be adequately drained to prevent the formation of pools of water.
  - (2) Temporary ponds may be permitted by the Board if those ponds are part of a plan and/or permit for soil erosion and stream sedimentation control as per approved plans.

- (3) An excavation be enclosed by a fence if it is deemed to be a menace to the public health, safety, and welfare.
- B. Building or Structure. Open excavations shall not be maintained except those excavations made for the erection of a building or structure for which a permit has been issued.
- C. Dumping. The dumping of earth, gravel, rock, or other materials not subject to decay, noxious or offensive odors may be permitted in any zone or any vacant land provided that:
  - (1) The existing grade shall not be raised above the grade of the nearest road.
  - (2) Hazardous or nuisance conditions are not created and that an unsightly appearance or unstable slopes are not created.

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