

Chapter 1266

STEEP SLOPE CONSERVATION OVERLAY DISTRICT

1266.01. Legislative intent and purpose. [Ord. No. 204, passed 5-10-1990; Ord. No. 321, passed 12-10-1998; Ord. No. 359, passed 11-14-2002]

It is the general intent of this chapter to promote the health, safety and general welfare and to minimize negative environmental impacts by:

- (a) Conserving and protecting steeply sloped areas from excessive and inappropriate development.
- (b) Preventing development that would cause excessive erosion and consequently promote increased flood crests and associated hazards both upstream and downstream.
- (c) Protecting the quality of stream water which would be threatened by indiscriminate grading and development in steeply sloped areas.
- (d) Protecting the existing vegetative cover in steeply sloped areas, thereby reducing run-off and flooding potential as well as maintaining the natural quality of the area.
- (e) Preventing inappropriate development of steeply sloped areas in order to avoid potential dangers for human usage caused by soil failure leading to structural collapse or damage.
- (f) Promoting the ecological balance among those natural system elements (such as wildlife, vegetation and aquatic life) that could be adversely affected by inappropriate development of steeply sloped areas.
- (g) Protecting watersheds and limit increases in storm water runoff.
- (h) Maintaining adequate foliage cover on hillsides.

1266.02. General provisions. [Ord. No. 204, passed 5-10-1990; Ord. No. 321, passed 12-10-1998]

- (a) Compliance. No area within the Steep Slope Conservation District shall hereafter be used without full compliance with the terms of this chapter and other applicable regulations.
- (b) Repeal and greater restrictions. This chapter is not intended to repeal or impair any existing easements, covenants or deed restrictions. However, when this chapter imposes greater restrictions, its provisions shall prevail. All other ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only. To the extent consistent with this chapter, land within the Steep Slope Conservation District shall also be deemed to be in and subject to the district

classifications shown on the Zoning Map and applicable regulations thereon.

- (c) Severability. If any provision of this chapter is held unconstitutional, invalid or illegal by a court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of the chapter. In the event that it is held that provisions of this chapter are unconstitutional, invalid or illegal, the base zoning provisions applicable to the tract in question shall be deemed the governing provisions and shall be enforced independent of this chapter.
- (d) Municipal liability. Any determination that a proposed use complies with this chapter, or any approval of a subdivision or land development plan, or any issuance of a building permit 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 chapter does not imply that areas outside the Steep Slope Conservation District boundaries or land uses permitted within said District will always be totally free from the adverse effects of erosion or other effects of nearby steep slopes.

1266.03. Zoning overlay. [Ord. No. 204, passed 4-10-1990; Ord. No. 321, passed 12-10-1998; Ord. No. 396, passed 5-26-2005]

- (a) The Steep Slope Conservation District shall not be an independent district, but rather shall be a district overlay and shall be shown on the Upper Providence Township Steep Slope Conservation District Map. The basis for the general delineation of the District shall be the United States Geological Survey Topographic Maps of the Regional Base Map Series of 1975 for the Media and Lansdowne Quadrangles. Specific delineation will be established in accordance with Section 1266.04.
- (b) If there is any conflict between the provisions of the Steep Slope Conservation District and those of the underlying district, the more restrictive provisions shall apply.
- (c) The provisions of the Steep Slope Conservation Overlay District shall be applicable to natural slopes and man-made slopes.

1266.04. Boundary definition. [Ord. No. 396, passed 5-26-2005]

The Steep Slope Conservation District is comprised of areas of steep and very steep slopes and prohibited slopes as defined below:

- (a) Prohibited slopes. The areas characterized by slopes equivalent to a change in elevation greater than 35 feet over a distance of 100 feet horizontal, as verified by an actual field topographic survey.

- (b) Steel slopes. Areas characterized by slopes equivalent to a change in elevation from 15 to 25 feet over a distance of 100 feet horizontal, as verified by an actual field topographic survey.
- (c) Very steep slopes. Areas characterized by slopes equivalent to a change in elevation from 25 to 35 feet over a distance of 100 feet horizontal, as verified by an actual field topographic survey.

1266.05. Conditional use permit. [Ord. No. 396, passed 5-26-2005]

Areas within the Steep Slope Conservation District shall not be disturbed, developed, cleared, graded, regraded or stripped of vegetation without a conditional use permit from the Township Council. A permit shall be granted only if the proposal is consistent with the conditional use requirements of Section 1266.01, with this chapter's intent and purpose as stated in Section 1266.01 and with the general conditions for conditional uses set forth in Section 1280.03. In addition, the proposal shall, in the opinion of the Township Engineer, satisfy the performance standards outlined in Section 1266.06.

1266.06. Performance standards. [Ord. No. 396, passed 5-25-2005]

In the Steep Slope Conservation District, the following standards shall apply:

- (a) No more than 30% of the steeply sloped areas shall be disturbed, developed, cleared, graded, regraded or stripped of vegetation.
- (b) No more than 10% of very steeply sloped areas shall be disturbed, developed, cleared, graded, regraded or stripped of vegetation.
- (c) No part of the prohibited slopes shall be disturbed, developed, cleared, graded, regraded or stripped of vegetation.
- (d) Earth moving activities and vegetation removal shall be conducted only to the extent necessary to accommodate proposed uses and structures and in a manner that will not cause excessive surface water runoff, erosion, sedimentation and unstable soil condition.
- (e) Mitigation techniques shall be utilized, including, but not limited to, retaining walls, tree wells, the establishment of ground covers and/or low spreading shrubs, the use of erosion control fabric and the like. Such techniques shall be evidenced through the submission of plans and construction details which depict, delineate and otherwise describe the land development proposal.
- (f) Proposed structures shall be of sound engineering design, and footings will be designed in response to the site's slope, soil and bedrock characteristics. Such design shall be evidenced through the submission of plans and construction details which depict, delineate and otherwise describe the land development proposal.

- (g) Any disturbance of steeply sloped land must be in conformance with the performance standards contained within Section 1230.19(e), Storm Water Management; Erosion and Sedimentation Control, of the Upper Providence Subdivision and Land Development Regulations.
- (h) No increase in the rate of water runoff shall occur which will materially and adversely affect any property.
- (i) A proposed land development and/or subdivision application shall comply with their performance standards both as to the tract as a whole and as to each proposed subdivided lot.
- (j) No vegetation shall be removed from land on steep slopes except as necessary to:
 - (1) The operation of permitted use in accordance with approved plans and sound conservation practices.
 - (2) Woodland sanitation and management operation.
 - (3) The replacement of undesirable plant material that is invasive, hazardous, or unhealthy with desirable landscape plant material.
 - (4) The construction of permitted facilities in accordance with approved plans.
- (k) Proposed structures shall be of sound engineering design and designed in response to the site's slope, soil and bedrock characteristics. Such design shall be evidenced through the submission of plans and construction details which depict, delineate and otherwise describe the land development proposal and:
 - (1) Be oriented so the grading and other site preparations are kept to an absolute minimum.
 - (2) Where grading is essential, shape and grade to complement the natural land form.
 - (3) Be staged where necessary to complete construction of each stage during a season so that large areas of disturbed land are not left bare and exposed during the winter-spring runoff period.
 - (4) Accomplish all paving as rapidly as possible after grading.
 - (5) Allocate to open space and recreation uses those areas least suited to development, as evidenced by competent soil, geology and hydrology investigations.
 - (6) Landscape areas around structures to blend them with the natural landscape.
 - (7) Take measures to minimize erosion and sedimentation and to limit increases in stormwater runoff in accordance with related

regulations of the Township and the Commonwealth of Pennsylvania.

- (8) All applications for building permits for structures located, in whole or in part, on tracts with areas containing steep slopes shall submit, along with the application, a site plan. Such applications shall also include a stormwater runoff plan and a copy of the erosion and sedimentation control plan as required by the Pennsylvania Department of Environmental Resources.
- (l) Stormwater runoff shall be managed in accordance with the Pennsylvania Stormwater Best Management Practices Manual, or its contemporary equivalent, to the satisfaction of the Township Engineer.
- (m) No grading, clearing, or other earth disturbance shall be permitted on any steep or very steep slope within 25 feet of a property line or road right-of-way. Allowable exceptions are for utility lines serving the subject property and for driveway access to a street, when there is no reasonable alternative.
- (n) Disturbance of steep and very steep slopes shall be permitted only when there is no feasible alternative. Said disturbance shall be permitted only to the minimum extent necessary to facilitate the proposed use.

1266.07. Permitted uses. [Ord. No. 396, passed 5-26-2005]

(a) Very steep slopes.

(1) Permitted uses by right.

- A. Conservation and recreation not involving structures or grading.
- B. Agriculture not requiring tilling or structures.

(2) Conditional uses.

- A. Utility lines.
- B. Public and private roads.
- C. Driveways.
- D. Sidewalks and other improved pedestrian walkways.

(b) Steep slopes.

(1) Permitted by right.

- A. Conservation and recreation not involving structures or grading.
- B. Agriculture not requiring tilling or structures.

(2) Conditional use.

- A. Buildings and similar structures associated with recreational or agricultural use.
- B. Utility easements and rights-of-way.
- C. Public and private roads.
- D. Driveways.
- E. Sidewalks and other improved pedestrian walkways.

1266.08. Administration. [Ord. No. 204, passed 5-10-1990; Ord. No. 321, passed 12-10-1998; Ord. No. 359, passed 11-14-2002; Ord. No. 396, passed 5-26-2005]

- (a) Administration of this chapter is governed by Chapter 1250, but the following requirements also apply.
- (b) Before any construction affecting any land in the Steep Slope Conservation District is permitted, the following material shall be submitted to the Township Council to be reviewed by the Township Engineer:
 - (1) A site plan of the property indicating, at two-foot contour intervals, the following:
 - A. Existing slopes equivalent to a change in elevation from 12 to 20 feet over a distance of 100 feet horizontal, in accordance with an actual field topographic survey.
 - B. Existing slopes greater than 20 feet over a distance of 100 feet horizontal, in accordance with an actual field topographic survey.
 - C. Proposed grades within the area proposed for construction.
 - (2) An existing conditions map, indicating the following:
 - A. Soils.
 - B. Vegetation.
 - C. Trees over six inches caliper.
 - D. Existing structures (and their uses) and other significant man-made features.
 - (3) A landscaping plan, indicating proposed paved areas, storm drainage facilities, retaining walls and ground cover, as well as the locations of trees and ornamental shrubs. The modifications proposed to the existing land cover shall also be indicated.

- (4) Architectural plans of the exterior and foundation of the proposed structure.
- (5) A plan, profile and typical cross-sections of the entrance drive and street providing public access, with the seal of a registered professional engineer thereon.
- (6) A statement indicating all methods to be used in overcoming any structural or physical problems created by steep slopes, how the existing environment will be protected and how materials will be delivered to the site without disrupting the environment, signed and sealed by a registered architect or engineer.
- (7) A statement signed by the applicant at the time of a subdivision land development or building permit application, stating that there is a full understanding of any difficulties associated with access stemming from steep slopes and a waiver of liability on emergency access.
- (8) If considered necessary by the Township Engineer, a soils engineering report, prepared by a professional engineer experienced and knowledgeable in the practice of soils mechanics, to include the following:
 - A. Data regarding the nature, distribution, and strength of existing soils;
 - B. Conclusions and recommendations for grading procedures;
 - C. Design criteria for corrective measures.

1266.09. Prohibited uses. [Ord. No. 204, passed 5-10-1990; Ord. No. 321, passed 12-10-1998; Ord. No. 396, passed 5-26-2005]

- (a) Dumps, junkyards and other non-residential outdoor storage of vehicles or materials shall be prohibited within the Steep Slope Conservation District.
- (b) The installation of subsurface sewage disposal systems on land sloping greater than 25% shall be prohibited.
- (c) In very steep slopes, the following uses are prohibited:
 - (1) Principal or accessory buildings.
 - (2) Parking lots and loading areas.
 - (3) Swimming pools, tennis courts, patios and similar accessory structures.
 - (4) Clearing, grading, cut, or fill, except in conjunction with permitted uses.
 - (5) Topsoil removal.

- (6) Mineral extraction.
- (d) In steep slopes, the following uses are prohibited:
 - (1) Buildings, except as permitted for agricultural and recreational use.
 - (2) Parking lots and loading areas.
 - (3) Clearing, grading, cut, or fill, except in conjunction with permitted uses.
 - (4) Topsoil removal.
 - (5) Mineral extraction.

1266.10. Exemptions. [Ord. No. 204, passed 5-10-1990; Ord. No. 321, passed 12-10-1998; Ord. No. 396, passed 5-26-2005]

Areas of steep slope consisting of less than three contour intervals and/or less than 3,000 square feet shall be exempted from the standards of this chapter, provided that they do not adjoin or abut larger areas of steeply sloping land within the Steep Slope Conservation District.