

ARTICLE XXVIII  
**Natural Resources Conservation Overlay District**  
**[Added 9-5-2012 by Ord. No. 2012-02]**

**§ 370-222. Purpose.**

The standards of this overlay district have been established to protect the public health, safety, and welfare by minimizing adverse environmental impacts. These standards are intended to meet the following purposes:

- A. Define and delineate selected natural resources within the Township and establish resource protection standards to mitigate potential conflicts associated with land use activity.
- B. Protect and conserve the natural resources that are an integral component of the Township's character in accordance with the following specific objectives of the Schuylkill Township Open Space, Recreation, and Environmental Resources Plan (1992):
  - (1) Preserve streams, wetlands, floodplains, and other hydrological resources.
  - (2) Preserve areas of steep slopes.
  - (3) Preserve the quality of groundwater and aquifer recharge areas.
  - (4) Preserve woodlands and wildlife corridors along streams.
  - (5) Preserve the scenic resources of the Township.
- C. Protect and conserve the natural resources identified in § 370-223A(2) that are an integral component of the Township's character in accordance with the Schuylkill Township Comprehensive Plan, the Schuylkill Township Comprehensive Plan Addendum: 2005, and the Phoenixville Area Regional Comprehensive Plan.

**§ 370-223. Protection standards.**

- A. General provisions and applicability.
  - (1) The provisions of this article shall overlay and supplement the provisions of all underlying zoning districts. In the event of a conflict between the provisions in this article and provisions elsewhere in this chapter, the more restrictive provisions shall apply.

- (2) Natural resources to be protected by this article (as further defined below and with protections summarized in Table 370-1<sup>1</sup>) are as follows:
  - (a) Floodplains.
  - (b) Steep slopes.
  - (c) Watercourses and riparian buffers.
  - (d) Outstanding resource waters and buffers.
  - (e) Wetlands and wetland buffers.
- (3) Information provided by the applicant shall be reviewed by the Township Engineer for conformance with Schuylkill Township ordinances and building permit requirements.
- (4) Disturbance of a natural resource shall be limited as described herein.
- (5) Temporary disturbance to protected natural resources related to the installation or maintenance of utility lines, or the routine maintenance of transportation infrastructure (including driveways), shall be allowed; provided, however, that:
  - (a) The disturbed area and the duration of exposure shall be kept to a practical minimum and any disturbed soil shall be stabilized as quickly as practical;
  - (b) Proper stormwater management and erosion controls shall be implemented;
  - (c) The proposed activity shall not substantially alter the character of the protected natural resource; and
  - (d) There shall be no new impervious surface or change in elevation.
- (6) Except for § 370-223A(5) above, any regrading, filling, piping, diverting, building upon or otherwise altering or disturbing a natural resource protected by this article requires Township approval as described herein.
- (7) Submission, review and approval of the following applications shall be contingent upon compliance with the requirements of this article:

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1. Editor's Note: See Table 370-1 following § 370-224C.

- (a) Applications for zoning approval or building permits;
- (b) Applications for subdivision or land development approval.

(8) In the event that two or more natural resource areas overlap, the resource with the most restrictive standard (e.g., the least amount of alteration, regrading, clearing, or building) shall apply to the area of overlap.

B. Floodplains.

- (1) Purpose. The purpose of this subsection is to provide protection to floodplains in order to prevent the loss of property and life, the creation of health and safety hazards, and the disruption of commerce and governmental services, as a result of floodwaters.
- (2) Delineation. The applicant shall delineate all floodplains located on the site in accordance with Article XI (Flood Hazard and Wetlands District).
- (3) Resource protection standards. Areas identified as being within floodplains shall not be regraded, filled, built upon, or otherwise altered or disturbed except in conformance with Article XI.

C. Steep slopes.

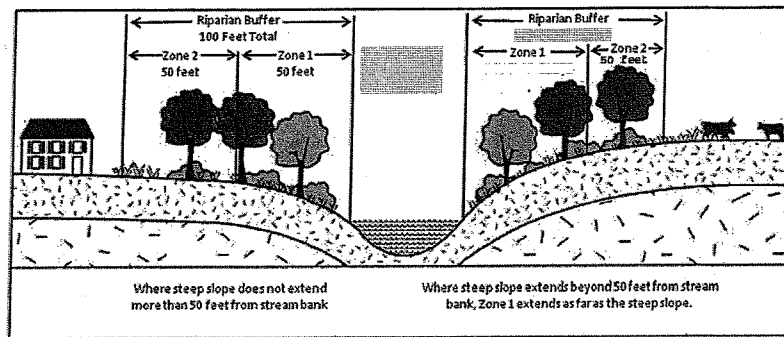
- (1) Purpose. The purpose of this subsection is to ensure preservation of the natural character of the landscape as it relates to steep slopes.
- (2) Prohibited features. There shall be no erection of buildings or streets on steep slopes.
- (3) Resource protection standards. The disturbance of steep slope areas shall not exceed the following allowances on a per-parcel basis:
  - (a) Intermediate steep slopes. No more than 20% of intermediate steep slopes shall be regraded, cleared, built upon, or otherwise altered or disturbed. The maximum impervious surface coverage of such areas shall be the lesser of 1,000 square feet or 5% of intermediate steep slopes.
  - (b) Elevated steep slopes. No more than 10% of elevated steep slopes shall be regraded, cleared, built upon, or

otherwise altered or disturbed. The maximum impervious surface coverage of such area shall be the lesser of 500 square feet or 2% of elevated step slopes.

- (c) Disturbance shall entail the least alteration necessary to the existing grade and natural soil conditions.
- (d) Finished slopes of all permitted cut and fill within steep slopes shall not exceed 3H:1V slopes, except where a retaining wall is provided.
- (e) Any disturbance of land shall be in conformance with the erosion and sedimentation control standards of the Pennsylvania Department of Environmental Protection (PADEP), the Chester County Conservation District (CCCD), and Schuylkill Township.
- (f) Upon completion or temporary cessation of any earth disturbance activity, the disturbed area(s) shall be immediately stabilized with the appropriate temporary or permanent stabilization.

D. Watercourses and riparian buffers.

- (1) Purpose. The purpose of this subsection is to provide protection to watercourses and to their riparian buffers. Maintenance of a riparian buffer provides the following benefits:
  - (a) Reduces the amount of nutrients, sediment, pesticides, and other harmful substances that reach a watercourse, thereby preserving and improving water quality.
  - (b) Provides for shading of the aquatic environment to moderate temperatures and protect fish habitat.
  - (c) Provides organic matter which provides food and habitat for bottom dwelling organisms essential to the food chain.
  - (d) Increases streambank stability and reduces streambank erosion and sediment production.
  - (e) Conserves important natural features (e.g., headwater areas, groundwater recharge zones, streams, and prime wildlife habitat).
  - (f) Conserves natural, scenic, and recreation areas and promotes the functioning of greenways.

**Figure 370-1 - Riparian Buffer**

- (2) Delineation. Applications per § 370-223A(7) shall identify watercourses and riparian buffers which are on the site in accordance with this article.
- (3) Resource protection standards.
  - (a) Watercourses shall not be regraded, filled, piped, diverted, built upon, or otherwise altered or disturbed, except where approval per § 370-223A(7) is obtained from Schuylkill Township, and if required, from the US Army Corps of Engineers, the Pennsylvania Department of Environmental Protection (PADEP), or the Chester County Conservation District (CCCD).
  - (b) Inner riparian buffer. No woodland disturbance or other earth disturbance shall be permitted within the inner riparian buffer, shown as Zone 1 in Figure 370-1, except for the following activities:
    - [1] Activities permitted by Article XI (Flood Hazard and Wetlands District);
    - [2] Unpaved trails and trail access;
    - [3] Selective removal of a safety hazard or invasive plant species;
    - [4] A soil or stream conservation project, including reforestation and streambank stabilization, as approved by the PADEP and/or the CCCD.
  - (c) Outer riparian buffer. Except as permitted by Article XI, no more than 10% of an outer riparian buffer, shown as Zone 2 in Figure 370-1, shall be regraded or otherwise disturbed. Those activities permitted in the inner riparian

buffer shall be permitted in the outer riparian buffer and shall not be counted towards the ten-percent disturbance allowance.

- (d) During construction, the boundaries of riparian buffers shall be clearly identified on the site and protected by orange construction fencing, and those slated for ongoing preservation shall be protected from disturbance by flags or other proper barrier and signage.

E. Outstanding resource waters and buffers.

- (1) Purpose. The purpose of this subsection is to provide a higher level of protection to those water resources that are unique, especially sensitive ecologically, or of the highest quality.

- (2) Delineation. Applications per § 370-223A(7) shall identify outstanding resource waters and outstanding resource water buffers which are on the site in accordance with this article.

- (3) Resource protection standards.

- (a) Outstanding resource waters shall not be regraded, filled, piped, diverted, built upon, or otherwise altered or disturbed except where approval per § 370-223A(7) is obtained from Schuylkill Township, and if required, from the US Army Corps of Engineers, the Pennsylvania Department of Environmental Protection (PADEP), or the Chester County Conservation District (CCCD).

- (b) Outstanding resource water inner buffer. No woodland disturbance or other earth disturbance shall be permitted within this Zone One buffer, except for the following activities:

- [1] Activities permitted by Article XI (Flood Hazard and Wetlands District);

- [2] Unpaved trails and trail access;

- [3] Selective removal of a safety hazard or invasive plant species;

- [4] A soil or stream conservation project, including reforestation and streambank stabilization, as approved by the PADEP and/or the CCCD.

- (c) Outstanding resource water middle and outer buffers. Except as permitted by Article XI, no more than 10% of

a middle (Zone Two) or outer (Zone Three) outstanding resource water buffer shall be regraded or otherwise disturbed. Those activities permitted in the outstanding resource water inner buffer shall also be permitted in the middle and outer outstanding resource water buffer, and shall not be counted towards the ten-percent disturbance allowance in Zones Two and Three.

- (d) During construction, the boundaries of outstanding resource water buffers shall be clearly identified on the site and protected by orange construction fencing, and those slated for ongoing preservation shall be protected from disturbance by flags or other proper barrier and signage.

F. Wetlands and wetland buffers.

- (1) Purpose. The purpose of this subsection is to provide protection to wetlands which provide many important biological and hydrological functions. Wetland functions include filtering sediment and pollution from runoff, slowing and storing floodwaters, recharging groundwater and surface waters, maintenance of surface and groundwater quality and quantity, recycling nutrients, providing habitat for wildlife, streambank protection, and preserving biodiversity.

- (2) Delineation.

- (a) Until determined more precisely by field investigation, wetlands will be presumed to exist on any property where a water feature exists, or where a National Wetland Inventory (NWI) Map identifies a wetland or water feature, or where any soil map unit, as mapped in Schuylkill Township by the Natural Resources Conservation Service (NRCS), is a hydric soil listed in the definition in this article. The limits of all wetlands, lakes, and ponds on a site shall be delineated and flagged by a qualified professional. Such professional shall certify that the methods used to delineate the wetlands correctly reflect currently accepted technical criteria and the three-parameter methodology (vegetation, soils, and hydrology) prescribed by the United States Army Corps of Engineers and the Pennsylvania Department of Environmental Protection. **[Amended 6-7-2017 by Ord. No. 2017-04]**

- (b) All wetlands boundaries shall be clearly identified on the site and protected from disturbance during construction activity by flags or other proper barrier and signage.
- (3) Resource protection standards.
  - (a) Wetlands shall not be regraded, filled, drained, piped, diverted, built upon, or otherwise altered or disturbed except where state and federal permits have been obtained.
  - (b) Anyone proposing a use, activity, or improvement which would entail the disturbance of wetlands shall provide the Township with proof that the Pennsylvania Department of Environmental Protection and the US Army Corps of Engineers have been contacted to determine the applicability of state and federal wetland regulations.
  - (c) For the purposes of this article, a wetland buffer shall apply to lakes and ponds.
  - (d) No more than 10% of a wetland buffer shall be graded, regraded, or otherwise altered or disturbed.

**§ 370-224. Application of natural resource protection standards.**

- A. Plan information and delineation of natural resources. To ensure compliance with the natural resource protection standards of this article, the following information shall be provided for any application per § 370-223A(7) when earth disturbance is proposed:
  - (1) A site plan which identifies the limits of each of the natural resources on the site, and the proposed use of the site, including any existing or proposed structures.
  - (2) All encroachments and disturbances necessary to establish the proposed use on the site, including a grading plan showing existing and proposed contours.
  - (3) Calculations indicating the area of the site with natural resources and the area of natural resources that would be disturbed or encroached upon. The calculation shall be shown on the plan as indicated in Table 370-1.<sup>2</sup>

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2. Editor's Note: See Table 370-1 in § 370-224C.



- (4) In those cases where only a limited amount of the site or tract will be subject to disturbance (i.e., 1,000 square feet or less), all natural resources within the area of disturbance, plus areas within 150 feet of the area of disturbance, shall be shown on the plan.
- B. Continued protection of identified natural resources. To ensure the continued protection of identified natural resources, the following requirements shall apply:
  - (1) Protected natural resources on proposed individual lots within subdivision and land development applications. Natural resources protection areas on individual lots within proposed subdivisions and land developments shall be clearly identified by metes and bounds on the record plan.
  - (2) Conservation easements or deed restrictions shall be provided to ensure the continued protection of identified resources, which shall be approved by the Township and recorded by the applicant.
- C. Changes to approved plans. All applicable plans shall include the following wording: "Any structures, infrastructure, utilities, sewage disposal systems, or other proposed earth disturbance indicated on the approved plan shall only occur at the locations shown on the plan. Changes to such locations shall be subject to review by the Township Engineer for conformance with all applicable Schuylkill Township ordinances."

**Table 370-1****Site Disturbance Calculations**

	<b>A</b>	<b>C</b>		<b>D</b>
		<b>B</b>	<b>Maximum Amount of Disturbance Allowed</b>	
<b>Protected Natural Resources</b>	<b>Amount of Land in Protected Natural Resource* (square feet)</b>	<b>Maximum Disturbance Allowance** (percent)</b>	<b>(square feet) (A X B)</b>	<b>Proposed Disturbance (square feet) ***</b>
Floodplain		As per Article XI		
Outstanding Resource Water Buffer				
Zone 1 Buffer		0%		
Zone 2 Buffer		10%		
Zone 3 Buffer		10%		
Riparian Buffer				
Zone 1 Buffer		0%		
Zone 2 Buffer		10%		
Wetlands		0%		
Wetland Buffer		10%		
Steep Slopes				
Elevated slopes		10%		
Intermediate slopes		20%		

## NOTES:

- \* Where resources overlap, the overlapping area should be included under the more restrictive resource category (i.e., where steep slopes overlap with wetlands, include the area of overlap in the wetlands category).
- \*\* Disturbance allowances may be modified where federal or state permits have been obtained by the applicant and provided to the Township.
- \*\*\* The figures in Column D must be less than or equal to the figures in Column C.

**§ 370-225. Definitions.**

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this article to have the following meanings:

**EARTH DISTURBANCE ACTIVITY** — A construction or other human activity which disturbs the surface of the land, including, but not limited to, clearing and grubbing, grading, excavations, embankments, road maintenance, building construction and the moving, depositing, stockpiling, or storing of soil, rock, or earth materials.<sup>3</sup>

**HYDRIC SOIL** — As defined by the National Technical Committee for Hydric Soils (USDA-SCS 1991) or any amendments thereto, a hydric soil is a soil that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part (Federal Register, July 13, 1994, Changes in hydric soils of the United States). Hydric soils are soils so listed by the Chester County Conservation District (<http://dsf.chesco.org/conservation/lib/conservation/pdf/hydric.soils.pdf>).

**LAKE** — A natural or artificial body of water which retains water year round, and has an area of two or more acres.<sup>4</sup>

**OUTSTANDING RESOURCE WATER BUFFER** — A protective area similar to a riparian buffer, but extending 150 feet in total from the outer edge of an outstanding resource water, and consisting of three separate zones.

**OUTSTANDING RESOURCE WATER INNER BUFFER** — This Zone One buffer begins at the outer edge of each surface water feature

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3. Editor's Note: The former definition of "floodplains," which immediately followed this definition, was repealed 12-2-2015 by Ord. No. 2015-04.

4. Editor's Note: The former definition of "outstanding resource water," which immediately followed this definition, was repealed 12-2-2015 by Ord. No. 2015-04.

that is an outstanding resource water and extends a minimum width of 50 feet measured from the top of the defined bank, as reviewed and approved by the Township Engineer. Where either steep slopes or a FEMA delineated one-hundred-year floodplain occurs, the limit of Zone One shall extend the entire distance of the larger of the steep slope or FEMA floodplain area.

**OUTSTANDING RESOURCE WATER MIDDLE BUFFER** — This Zone Two buffer begins at the outer edge of the outstanding resource water inner buffer and extends for an additional 50 feet.

**OUTSTANDING RESOURCE WATER OUTER BUFFER** — This Zone Three buffer begins at the outer edge of the outstanding resource water middle buffer and extends for an additional 50 feet. In cases where the Zone One buffer extends beyond 50 feet due to the presence of steep slopes or a delineated FEMA one-hundred-year floodplain, the width of the Zone Three buffer may be adjusted such that the full width of the outstanding resource water buffer does not exceed a total of 150 feet (Zones One and Two are not subject to this adjustment).

**POND** — A natural or artificial body of water which retains water year round, and has an area of less than two acres.<sup>5</sup>

**RIPARIAN BUFFER, INNER** — A Zone One riparian buffer that begins at the top of each stream bank of a watercourse and extends a minimum width of 50 feet measured from the top of the defined bank, as reviewed and approved by the Township Engineer. Where either steep slopes or a FEMA delineated one-hundred-year floodplain extends beyond 50 feet from the top of bank, the limit of this buffer shall extend the entire distance of the steep slope or FEMA floodplain area.

**RIPARIAN BUFFER, OUTER** — A Zone Two riparian buffer that begins at the outer edge of the Zone One inner riparian buffer and extends for an additional 50 feet.

**SHORELINES** — The land-side edges of lakes and ponds.<sup>6</sup>

**STEEP SLOPES, ELEVATED** — Those areas of land where the grade of the slope is greater than 25%.

**STEEP SLOPES, INTERMEDIATE** — Those areas of land where the grade of the slope is greater than 15% and less or equal to 25%.<sup>7</sup>**[Amended 12-2-2015 by Ord. No. 2015-04]**

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5. Editor's Note: The former definition of "riparian buffer," which immediately followed this definition, was repealed 12-2-2015 by Ord. No. 2015-04.

6. Editor's Note: The former definition of "steep slopes," which immediately followed this definition, was repealed 12-2-2015 by Ord. No. 2015-04.

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**7. Editor's Note: The former definitions of "watercourse," "wetland buffer," and "wetlands," which immediately followed this definition, were repealed 12-2-2015 by Ord. No. 2015-04.**