

ARTICLE 16 - STEEP SLOPE CONSERVATION DISTRICT

SECTION 1600 PURPOSE

The purpose of this Article is to expand upon the Community Development Objectives associated with environmental protection and the preservation of natural resources expressed in Article 1, Section 103 and to complement the provisions in Article 20 relating to open space. Further, the provisions of this Article are designed to encourage the sensitive treatment of hillsides and their related soil and vegetation resources in an effort to minimize adverse environmental impacts. The following objectives serve to complement these specific purposes and the overall purposes of this Ordinance:

- A. To conserve and protect steep and very steep slopes from inappropriate development such as excessive grading, landform alteration and extensive vegetation removal.
- B. To avoid potential hazards to property and the disruption of ecological balance which may be caused by increased runoff, flooding, soil erosion and sedimentation, blasting and ripping of rock, and landslide and soil failure.
- C. To encourage the use of steep and very steep slopes for open space and other uses which are compatible with the preservation of natural resources and protection of areas of environmental concern.

SECTION 1601 GENERAL PROVISIONS

A. Compliance

No area within the Steep Slope Conservation District shall hereafter be used without full compliance with the terms of this Article and other applicable regulations.

B. Preservation of Other Restrictions

It is not intended by this Article to repeal, abrogate or impair any regulations set forth in any other Articles herein, any regulations of the Subdivision and Land Development Ordinance, or any easements, covenants or deed restrictions, except that where this Article imposes greater restrictions, its provisions shall prevail. Further, nothing contained in this Article shall diminish in any way the provisions of the Pennsylvania Clean Streams Law and/or Chapter 102 of the PA DEP Rules and Regulations, or any other applicable state, federal, county or township regulations, codes, ordinances and the like.

C. Boundary Definition and Mapping

1. The Steep Slope Conservation District is comprised of areas of steep and very steep slopes, as shown on the Steep Slope Conservation District Map which is attached to and made part of this Ordinance. The map constitutes only a general representation of steep and very steep slopes, based on the analysis of the contours displayed on the United States Geological Survey (USGS) Quadrangles for Media and West Chester, Pennsylvania. As such, refined mapping will be required to more accurately define the District, as specified in Section 1601.C.5. below.
2. Areas of Steep Slope are characterized by a change in elevation from fifteen (15) to twenty-five (25) percent over a specified distance or contour interval.
3. Areas of Very Steep Slope are characterized by a change in elevation greater than or equal to twenty-five (25) percent over a specified distance or contour interval.
4. The Steep Slope Conservation District Map shall be considered as an overlay to the Edgmont Township Zoning Map subject to the following:

- a. The District shall have no effect on the permitted uses in the underlying zoning district, except where said uses, intended to be located within the boundaries of the District, are in conflict with the permitted uses set forth in Section 1602 herein.
- b. In those areas of the Township where the District applies, the requirements of the District shall supersede the requirements of the underlying zoning district(s).
- c. Should the District boundaries be revised as a result of judicial decision, the zoning requirements applicable to the area in question shall revert to the requirements of the underlying zoning district(s) without consideration of this Section.

5. Interpretation of District Boundaries

- a. The Steep Slope Conservation District Map shall be used as a general guide for determining the boundaries of the District. In any application for subdivision and/or land development, the applicant shall, using two (2) foot contours, delineate slopes from fifteen (15) to twenty-five (25) percent and greater than or equal to twenty-five (25) percent. Further, the Applicant shall use an actual field topographic survey as the source of contour information and the basis for depicting such slope categories. However, for the purposes of this Article, the use regulations of Section 1602 shall only apply in the following cases:

- (1) In the case of a subdivision and/or land development, where two (2) foot contours shall be shown, the representative sample of a steep slope or very steep slope shall be based on a cumulative change in grade of six (6)

feet or more. Therefore, all steep and very steep slope areas shall be shown, but only those occurring over three (3) consecutive contour intervals will invoke the use restrictions herein.

- b. Once delineated, the mapping of the Applicant will be reviewed by the Planning Commission and the Township Engineer. The Applicant will be required to follow all regulations of this Article for those areas which reflect steep slope and very steep slope conditions as determined through the Planning Commission's and Township Engineer's review.

SECTION 1602 USE REGULATIONS

A. Areas of Very Steep Slope (greater than 25 percent)

1. Permitted Principal Uses
 - a. Agricultural uses that do not require structures;
 - b. Conservation and recreation uses not requiring structures.
 - c. Structures existing prior to the effective date of this Ordinance.
 - d. Front, rear and side yards of any lot or tract.
2. Conditional Uses (Refer to Article 21, Section 2112)
 - a. The following uses and their related accessory uses, provided a satisfactory Environmental Impact Assessment Report is prepared, as set forth in Article 19, Section 1915.

- (1) Conservation and recreation uses

1602.A.2.a.(1)

1602.B.1.b.(1)

requiring structures.

- (2) Agricultural structures and cultivation.
- (3) Proposed utilities, easements and rights-of-way.
- (4) Accessory uses customarily incidental to any of the foregoing.
- (5) Accessory structures to any uses permitted in Section 1602.A.1.
- (6) Roads and driveways only when no viable alternative alignment or location is feasible based upon a determination of the Board of Supervisors.

3. Prohibited Uses and Activities

- a. Cut and fill, other than in association with any uses related to Sections 1602.A.1. and 1601.A.2. above.
- b. Soil, rock or mineral extraction.
- c. Removal of topsoil.
- d. On-lot sewage disposal systems.

B. Areas of Steep Slope (15 to 25 percent)

1. Permitted Principal and Accessory Uses.

- a. Principal uses.
 - (1) Any principal use permitted in Section 1602.A.1. herein.
- b. Accessory Uses.
 - (1) Replacement on-lot sewage disposal systems required by an existing residential dwelling as a result of the

failure of such dwelling's existing sewage disposal system, and for which no other viable replacement alternative exists as determined by the Township Sewage Enforcement Officer. Viable alternatives shall include, but not be limited to, the connection of the dwelling to a public or community sewage disposal system, but shall not include pump and haul.

2. Conditional Uses (Refer to Article 21, Section 2112)

a. The following uses and their related accessory uses, provided a satisfactory Environmental Impact Assessment Report is prepared, as set forth in Article 19, Section 1915.

- (1) Any conditional uses identified in Section 1602.A.1. herein, and the following:
- (2) Single-family detached dwellings.
- (3) Stormwater management facilities.
- (4) Sanitary sewers and sewage pumping stations.
- (5) On-lot sewage disposal systems.
- (6) Sewage disposal system in the C-3 Planned Commercial/Light Industrial District.
- (7) Buildings and other structures in the Commercial and Industrial Districts.
- (8) Accessory uses and structures customarily incidental to the foregoing.

1602.B.3.

1603.A.1.e.

3. Prohibited Uses and Activities

- a. Cut and fill other than in association with any uses related to Sections 1602.B.1. and 1602.B.2. above.
- b. Soil, rock or mineral extraction and/or removal other than in association with any uses related to Section 1602.B.1. and 1602.B.2. above.

SECTION 1603 APPLICATION PROCEDURE

- A. All applications for any use of land within the Steep Slope Conservation District shall include the submission of the following materials and information:
 - 1. Plans drawn to a scale of at least one inch equals fifty feet (1" = 50') sealed by a Registered Professional Engineer, depicting the following:
 - a. The location, dimensions and elevation of the property.
 - b. Existing and proposed uses and development.
 - c. Existing and proposed contours at two (2) foot intervals, except that five (5) foot contours may be used for minor subdivisions.
 - d. The location and boundaries of steep slopes and very steep slopes as described in Section 1602.C.5. herein.
 - e. Typical cross-sections and elevations of the property and proposed structures at intervals prescribed by the Township Engineer.

- f. Existing land cover characteristics of that portion of the property within the Steep Slope Conservation District indicating wooded areas, open areas and their ground cover type and any areas with impervious surfaces. The modifications proposed to the existing land cover shall also be indicated.
- g. Photographs showing existing uses, vegetation and topography of areas within the Steep Slope Conservation District.
- h. A report describing the slope, soil and vegetation characteristics of that portion of the property within the subject district. Such report shall also describe the proposed type and methods of proposed building construction, the type of foundation system(s) to be employed, and proposals for landscaping, sewage disposal and water supply. Further, the report shall describe all sediment and erosion control measures to be used as required by Edgmont Township and/or the PA DEP; and any and all additional engineering and conservation techniques designed to alleviate environmental impacts which may be created by proposed development activities.

SECTION 1604 STANDARDS FOR APPROVAL OF CONDITIONAL USES

- A. In addition to the standards described in Article 21, Section 2112, pertaining to Conditional Uses, the Board of Supervisors shall consider the following:
 - 1. The degree of modification, proposed within the District, to the topographic, soil and vegetation resources, and the techniques proposed to mitigate potential environmental impacts.
 - 2. The effect the development of the subject district would have on adjacent properties.

1604.A.3.

1604.B.3.

3. The relationship of the proposed uses to the objectives described in Section 1600 herein.

B. Any use(s) or structure(s) approved as a Conditional Use shall provide evidence that:

1. The Steep Slope Conservation District is being proposed for development since no other alternative location is feasible or practical.

2. Earthmoving activities and vegetation removal will 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 conditions. Further, it shall be demonstrated that any and all reasonable mitigation techniques and procedures will be utilized or have been considered in the preparation of the subdivision and/or land development plan.

3. Proposed buildings and structures are of sound engineering design and footings are designed in response to the site's slope, soil and bedrock characteristics; and, where applicable, shall extend to stable soil and/or bedrock.