

Steep Slope Ordinance

Upper Salford Township, Montgomery County

ARTICLE XVII SS STEEP SLOPE CONSERVATION OVERLAY DISTRICT

SECTION 1700.PURPOSES

In expansion of the Declaration of Legislative Intent found in Article 1, Section 101 of this Ordinance, and the Statement of Community Development Objectives found in Article I, Section 102 of this Ordinance, the purpose of this Article, among others, is as follows:

- A. Preserve the natural character and aesthetic value of mountains and hillsides.
- B. Guard against property damage and personal injury, and minimize the potential for erosion, soil failure, stream siltation, and contamination of surface waters caused by the misuse of steep slope areas.
- C. Encourage innovative residential development by allowing the flexibility necessary to maximize conservation of steep slopes and produce unique, environmentally sensitive projects.
- D. Conserve existing woodlands for air and water quality benefits, to provide habitat for wildlife, and to maintain the ecological balance among the natural systems on steep slope areas.

SECTION 1701.DEFINITION AND ESTABLISHMENT OF STEEP SLOPE CONSERVATION OVERLAY DISTRICT

The Steep Slope Conservation Overlay District is established as all those areas of the township with a slope of 15 percent or more, referred to as "steep slopes" or "steep slope areas." This district may be referred to as the "Steep Slope District."

- A. Applicants shall show the boundaries of Steep Slope Areas on all subdivision and land development plans, based on an on-site survey prepared by a Registered Professional Engineer or Surveyor.
- B. The Steep Slope Areas to be shown on all subdivision and land development plans shall be further divided into the following 4 categories when measured over 3 or more contour lines at 2 foot intervals:
 - 1. Slopes of at least 15 percent but less than 20 percent.
 - 2. Slopes of at least 20 percent but less than 25 percent.

- 3. Slopes of at least 25 percent but less than 30 percent.
 - 4. Slopes of 30 percent or more.
- C. The Township shall exempt manmade slopes from the provisions of this Article if it is determined that alteration, regrading, clearing, or construction upon such slopes will not be injurious to the health, safety, and welfare of township residents. It shall be the burden of the applicant to demonstrate that the slopes were manmade.

SECTION 1702.OVERLAY CONCEPT

The Steep Slope Conservation District shall be an overlay on all zoning districts and shall function in accordance with the following:

- A. For any lot or portion thereof lying within the Steep Slope Conservation District, the regulations of the overlay district shall take precedence over the regulations of the underlying district.
- B. Should the underlying zoning of any lot or any part thereof which is located in the Steep Slope Conservation District be changed through any legislative or judicial action, such change shall have no effect on the overlying Steep Slope Conservation District unless such change was included as part of the original application.
- C. All uses, activities and development occurring within the Steep Slope Conservation District shall be undertaken only in strict compliance with the provisions of this Article, with all federal and state laws, and with all other applicable Township codes and ordinances.

SECTION 1703.GENERAL REGULATIONS

In all zoning districts, for those portions of a lot having steep slope areas, as defined in Section 1701, herein, the following standards shall apply for all proposed uses:

- A. Disturbance Limits. Based upon steep slope category, the following disturbance limits shall be the maximum area of such slopes that may be regraded and/or stripped of vegetation:

Steep Slope Category	Disturbance Limit
Slopes at least 15% but less than 20%	30%
Slopes at least 20% but less than 25%	20%
Slopes at least 25% but less than 30%	10%
Slopes 30% or greater	5%

- 1. Non-residential lots within the REC Recreational District shall be permitted to disturb a maximum of 30 percent of steep slope areas within each steep slope category, provided

it is the minimum disturbance necessary to allow a permitted use.

- B. Grading or earthmoving on all steep slope areas shall not result in earth cuts or fills whose highest vertical dimensions exceed 10 feet, except where no reasonable alternatives exist for construction of public roads, drainage structures, and other public improvements, in which case such vertical dimensions shall not exceed 20 feet. Finished slopes of all cuts and fills shall not exceed three to one (3: 1), unless the applicant can demonstrate that steeper slopes can be stabilized and maintained adequately. The landscape shall be preserved in its natural state insofar as practicable.

SECTION 1704.DEVELOPMENT REGULATIONS

The requirements of the following zoning districts shall be modified on all land containing steep slopes, as defined in Section 1701, herein, as designated below:

- A. Each parcel of land located in the R-2, R-1.5, R-1, R-30, IN, REC, or CB zoning district, having a steep slope ratio of 15 percent or more and proposed for residential use shall be subdivided consistent with one of the following requirements (Option 1, Option 2, or Option 3):
 - 1. Option 1 - Conservation Subdivision. In order to encourage preservation of the steep slopes, and other significant natural features, the applicant's proposed design shall be consistent with the standards for conservation subdivision within the underlying zoning district and shall locate the steep slopes within the required greenway land, considering the greenway delineation standards within the Upper Salford Township Subdivision and Land Development Ordinance.
 - 2. Option 2 - Density Transfer for Creation of Conservation Area (CA). A density credit may be provided for all steep slopes areas, as defined in Section 1 70 1, designated as permanently protected conservation areas. The density credit may be transferred only to the remaining tract area by providing a reduction in the required minimum lot size of the underlying district, consistent with the following requirements:
 - a. Establishment of Conservation Area. Land designated for a conservation area shall be deed restricted from development and the removal of vegetation and preserved via an ownership option listed in Section 2208 or located on individual lots provided the conservation area does not count toward meeting the minimum lot size requirement and an easement is dedicated to the township, subject to the approval of the Township Solicitor.
 - b. Minimum Conservation Area. Designated conservation area land shall preserve steep slopes, based upon steep slope category, consistent with the following standards:

Steep Slope Category	Minimum Area Preserved within Designated Conservation Area
Slopes at least 15% but less than 20%	50%
Slopes at least 20% but less than 25%	75%
Slopes at least 25% but less than 30%	100%
Slopes 30% or greater	100%

- c. **Additional Conservation Area Lands.** Additional portions of the site may be included within the designated conservation area, including but not limited to wetlands, floodplains, alluvial soils, woodlands or portions of the parcel made inaccessible due to the creation of a conservation area. All additional lands designated as part of the conservation area shall be made contiguous to a steep slope area.
- d. **Conservation Area Acreage.** When the total acreage of conservation area exceeds 50 percent of the gross tract acreage, the underlying district's dimensional standards for conservation subdivision shall be utilized. In addition, the development shall meet the conservation subdivision design standards of Section 2207.
- e. **Reduction of Minimum Lot Area.** The creation of conservation area permits a reduction in the minimum lot area, allowing the tract's base density to be achieved. The maximum number of permitted dwelling units on the tract, designation of eligible receiving areas, and the new dimensional requirements shall be determined in accordance with the following:
 - i. **Yield Plan.** The maximum number of dwelling units to be permitted on the tract shall be based upon the standards for rural subdivision within the underlying zoning district, as demonstrated by an actual yield plan. The yield plan must be prepared as a layout plan in accordance with the standards of the township's subdivision and land development ordinance, containing proposed lots, streets, rights-of-way, and other pertinent features. The yield plan must identify the site's primary and secondary resources, as identified as part of the natural features plan, and demonstrate that the primary resources could be successfully absorbed in the development without disturbance, by allocating this area to proposed single-family dwelling lots which conform to the standards for rural subdivisions. The number of units shown on the yield plan will be the maximum number of units that may be permitted in the eligible receiving areas.
 - ii. **Eligible Receiving Areas.** Eligible receiving areas shall not include those portions of the tract within the ultimate right-of-way, or are limited from development by some other provision of this Ordinance.

- iii. The minimum lot size, dimensional and impervious standards for the eligible receiving area shall be consistent with the following standards based on the underlying zoning district, except as permitted by Section 1704.A.2.d:
Dimensional and Impervious Standards

Zoning District	R-2 and REC	R-1.5	R-1	R-30
Minimum Lot Size	40,000 square feet	30,000 square feet	20,000 square feet	15,000 square feet
Minimum Lot Width	175 feet	135 feet	135 feet	100 feet
Front Yard Setback	60 feet	50 feet	50 feet	50 feet
Rear Yard Setback	60 feet	50 feet	50 feet	50 feet
Side Yard Setback	30 feet (75 foot aggregate)	25 feet (60 foot aggregate)	25 feet (60 foot aggregate)	15 feet (50 foot aggregate)
Maximum Impervious	15 percent	25 percent	25 percent	25 percent

3. Option 3 - As a conditional use, each lot hereinafter created by subdivision having a steep slope ratio of 15 percent or greater shall increase the required minimum lot size and adjust the maximum impervious surface limit consistent with the following requirements:

Minimum Lot Size (square feet)

District	Steep Slope Ratio	
	15% to 50%	51% or more
R-2 and REC	120,000	160,000
R-1.5	90,000	120,000
R-1	60,000	80,000
R-30	45,000	60,000

Maximum Impervious Ground Cover (per lot)

	Steep Slope Ratio

District	15% to 50%	51% or more
R-2, R-1.5, R-1, and REC	10%	8%
R-30	15%	12%

- B. Tracts hereinafter subdivided for residential use in the NMR zoning district or non-residential use in the R-30, IN, REC, CB, LLI, or LI zoning district, having a steep slope ratio of 15 percent or more shall locate the steep slopes within the required greenway land or green area for the underlying district, considering, where applicable, the greenway delineation standards within the Upper Salford Township Subdivision and Land Development Ordinance.

SECTION 1705.CONDITIONAL USE APPLICATION

Applications for conditional uses shall comply with the procedures in Article XXII of this ordinance and provide the following information and documentation.

- A. A plan by a Registered Professional Engineer or Surveyor which accurately locates the proposed use with respect to the Steep Slope District boundaries and existing development within 200 feet of the proposed use, together with all pertinent information describing the parcel, and a topographical survey with contour elevations at no greater than 5-foot intervals.
- B. A plan of proposed development or use of the site, conforming to the preliminary plan requirements of the subdivision and land development ordinance, with contours shown at 2-foot intervals, where feasible, throughout the steep slope areas proposed for development or use. Contours shall be accurately drawn from on-site survey or aerial photographic sources.
- C. Proposed modifications to the existing topography and vegetative cover, as well as the means of accommodating stormwater runoff.
- D. Documentation of any additional engineering and/or conservation techniques designed to alleviate environmental problems created by the proposed activities.
- E. Specifications of building materials and construction including filling, grading, materials storage, water supply, and sewage disposal facilities.
- F. An erosion and sediment control plan in compliance with the erosion and sediment control practices set forth in the Erosion and Sediment Pollution Control Program Manual of the Department of Environmental Protection, 1990, and any subsequent amendments thereto.
- G. The location of all trees having a diameter of 8 inches or more dbh.

SECTION 1706.CONDITIONAL USE STANDARDS AND CRITERIA

In considering a conditional use application, the Board of Supervisors shall consider the following:

- A. Relationship of the proposed use to the objectives set forth in Section 1700.
- B. Adverse effects on abutting properties.
- C. The need for a woodland management plan on wooded steep slope areas.
- D. Evidence that:
 - 1. Alternative placements on non-steep slope areas were carefully evaluated for structures, including buildings, retaining walls, swimming pools, roads, access driveways, parking facilities and other development, and can be shown to be inappropriate or infeasible to the satisfaction of the Board of Supervisors.
 - 2. Proposed buildings and structures are of sound engineering design and that footings are designed to extend to stable soil and/or rock.
 - 3. Proposed roads, drives and parking areas are designed so that land clearing and/or grading will not cause accelerated erosion. Both vertical and horizontal alignment of such facilities shall be so designed that hazardous conditions are not created.
 - 4. Surface run-off of water will not create unstable conditions, including erosion, and that appropriate stormwater management facilities will be constructed as necessary.
 - 5. Proposed non-agricultural displacement of soil shall be for cause consistent with the intent of this ordinance and shall be executed in the manner that will not cause erosion or other unstable conditions. The applicant shall provide an erosion and sediment control plan and supporting evidence.
 - 6. Proposed on-lot sewage disposal facilities shall be properly designed and constructed in conformity with applicable regulations.

SECTION 1707.LIMIT OF MUNICIPAL LIABILITY

The granting of a use and occupancy permit or the approval of a subdivision or land development plan on or near the Steep Slope Conservation District shall not constitute a representation, guarantee or warranty of any kind by the township or any official or employee thereof regarding the practicability or safety of the proposed use and shall create no liability upon the Township, its officials, or its employees.

Protections provided by this ordinance are for regulatory purposes and based on minimum engineering studies. The ordinance does not imply that areas outside the District are free from adverse effects of erosion and sedimentation.