

# **Stream Corridor Protection Ordinance Horsham Township, Montgomery County**

## **ARTICLE V: PERFORMANCE STANDARDS Section 521: Environmental Resource Protection**

### **E. Riparian Corridor Preservation.**

1. Establishment. The establishment of the Riparian Corridor Conservation District (RCCD) applies to The Stream Valley Network, Figure 5, identified in the Horsham Township Open Space Plan of 1995, including all tributaries, perennial and intermittent streams leading to those streams shown in Figure 5, and including all lakes and ponds.
2. A residential lot legally in existence as of the effective date of this ordinance, may expand the area of the principal building on the lot by not more than 25% of the ground floor area of the principal building on the property as of the effective date of this ordinance without the provisions of the RCCD being applicable.
3. Measurement of the RCCD boundary shall extend a minimum of 75 feet from each defined edge of an identified watercourse or surface water body at the top of the bank, or shall equal the extent of the 100 year floodplain, whichever is greater. The District will consist of two distinct zones designated as:
  - a. Zone One: This zone will begin at each edge of an identified waterway (which can include wetlands and intermittent watercourses) and occupy a minimum width of 25 feet measured horizontally on a line perpendicular to the top of bank. The width of Zone One may be required to extend beyond the minimum 25 feet depending upon existing topography, woodlands, and other natural conditions.

Where steep slopes (in excess of 25 percent) are located within 25 feet of a Township designated watercourse, Zone One shall extend the entire distance of this sloped area. If the distance of this sloped area is greater than 75 feet, there will be no requirement for the establishment of Zone Two. If the distance is less than 75 feet, the width of Zone Two will be adjusted so that the total corridor width (Zone One and Zone Two) will be 75 feet maximum.

- b. Zone Two: This zone will begin at the outer edge of Zone One and occupy a minimum width of 50 feet in addition to Zone One, unless modified herein.
- c. Where the 100-year floodplain extends greater than 75 feet from the waterway, Zone One shall remain a minimum of 25 feet wide, and Zone

Two shall extend from the outer edge of Zone One to the outer edge of the 100year floodplain.

- d. Width Determination: The developer, applicant, property owner or designated representative shall be responsible for the initial width determination of the riparian corridor and identifying this area on any plan that is submitted to the Township for subdivision, land development, or other improvements that require plan submissions or permits. This determination shall be subject to review by the Township Engineer.
4. Uses Permitted in the RCCD. The following uses are permitted, either by right or as a conditional use in the RCCD.
- a. Zone One
    - i. Uses Permitted by Right. Open space uses that are primarily passive in character shall be permitted to extend into the area defined as Zone One, including:
      - (1) Wildlife sanctuaries, nature preserves, forest preserves, fishing areas, passive areas of public and private parklands, and reforestation.
      - (2) Streambank stabilization.
      - (3) Corridor crossings by livestock.
      - (4) Property owners are permitted to remove trees as part of normal property maintenance so long as not more than 1,000 square feet of lot area is disturbed.
    - ii. Uses permitted by Conditional Use
      - (1) Corridor crossings of recreational trails, roads, railroads, centralized sewer and/or water lines, and public utility transmission lines..
      - (2) Selective cutting of extremely high economic value trees when part of a forestry operation..
  - b. Zone Two
    - i. Uses Permitted By Right. The following uses, which are primarily passive in character, shall be permitted by right to extend into the area defined as Zone Two:
      - (1) Open space uses including wildlife sanctuaries, nature preserves, forest preserves, passive areas of public and private parklands, and recreational trails conducted in

compliance with methods prescribed by Chapter 102 (Erosion Control) of Title 25 of the Pennsylvania Administrative Code.

- (2) Reforestation.
- (3) Minimum required front, side, and rear yards on private lots, provided that no yard may extend into Zone Two more than half the distance between the outer boundaries of Zone One and Zone Two.
- (4) Agricultural uses existing at the time of adoption of this ordinance, so long as they are conducted in compliance with methods prescribed by Chapter 102 (Erosion Control) of Title 25 of the Pennsylvania Administrative Code.
- (5) Corridor crossings by livestock.
- (6) Property owners are permitted to remove trees as part of normal property maintenance so long as not more than 1,000 square feet of lot area is disturbed.

ii. Uses Permitted by Conditional Use

- (1) New agricultural uses in compliance with methods prescribed by Chapter 102.4(b) of Title 25 of the Pennsylvania Administrative Code.
- (2) Corridor crossings of roads, railroads, centralized sewer and/or water lines, and public utility transmission lines..
- (3) Centralized sewer and/or water lines and public utility transmission lines running along the corridor. These lines shall be located as far from Zone One as practical.
- (4) Selective cutting of trees when part of a forestry operation..
- (5) Passive use areas such as camps, campgrounds, picnic areas, and golf courses. Active recreation areas such as ballfields, playgrounds, and courts provided these uses are designed in a manner that will not permit concentrated flow.
- (6) Naturalized stormwater basins.. The entire basin shall be located a minimum of 50 feet from the defined edge of identified watercourses.

5. Uses Specifically Prohibited in the RCCD

- a. Any use or activity not authorized by Section 521 of this Ordinance shall be prohibited within the RCCD. By way of example, the following activities and facilities are specifically prohibited:
- b. Clear-cutting of trees and other vegetation.

- c. Removal of trees in excess of selective cutting, except where such removal is necessary as a means to eliminate dead, diseased, or hazardous tree stands that jeopardize public safety or as part of a Township approved reforestation project.
  - d. Removal or disturbance of vegetation in a manner that is inconsistent with erosion control and corridor protection.
  - e. Storage of any hazardous or noxious materials.
  - f. Use of fertilizers, pesticides, herbicides, and/or other chemicals in excess of prescribed industry standards or the recommendations of the Montgomery County Conservation District.
  - g. Roads or driveways, except where permitted as corridor crossings herein.
  - h. Motor or wheeled vehicle traffic in any area not designated to accommodate adequately the type and volume.
  - i. Parking lots.
  - j. Any type of permanent structure, including fences, except structures needed for a use permitted herein.
  - k. Subsurface sewage disposal areas.
  - l. Sod Fanning.
  - m. Top soil removal.
6. Inspection of Riparian Corridor Conservation District
- a. Lands within or adjacent to an identified Riparian Corridor Conservation District shall be inspected by the Township Engineer when:
    - i. A subdivision or land development plan is submitted.
    - ii. A building permit is requested.
    - iii. A zoning permit is requested.
    - iv. A change or resumption of a nonconforming use is proposed.
  - b. The district may also be inspected periodically by the Township

representatives for compliance with an approved restoration plan, excessive or potentially problematic erosion, hazardous trees, or at any time when the presence of an unauthorized activity or structure is brought to the attention of Township officials.

7. Management of the Riparian Corridor District
  - a. Corridor Management Plan. Within any Township identified corridor area, no construction, development, use, activity, or encroachment in connection with a subdivision or land development shall be permitted unless the effects of such development are accompanied by implementation of an approved Corridor Management Plan.
  - b. The developer, applicant or property owner shall submit to the Township Engineer, a Corridor Management Plan prepared by a landscape architect, engineer, or other qualified professional, which fully evaluates the effects of any proposed uses on the Riparian Corridor Conservation District when subdivision or land development is proposed for a property. The Corridor Management Plan shall identify the existing conditions (vegetation, 100-year floodplain, soils, slopes, etc.), all proposed activities, and all proposed management techniques, including any measures necessary to offset disturbances to the Riparian Corridor Conservation District. The plan shall be approved by Township Council as part of the subdivision and land development process.
  - c. Vegetation Selection. To function properly, dominant vegetation proposed to be planted in the Corridor Management Plan shall be selected from a list of plants most suited to the riparian corridor. Plants not included on the lists may be permitted when evidence is provided from qualified sources certifying their suitability.
    - i. In Zone One, dominant vegetation shall be composed of a variety of native riparian tree and shrub species and appropriate plantings necessary for streambank stabilization.
    - ii. In Zone Two, dominant vegetation shall be composed of riparian trees and shrubs, with an emphasis on native species and appropriate plantings necessary to stabilize the soil.
    - iii. Disturbed areas shall be revegetated with riparian corridor plants, in compliance with an approved Corridor Management Plan.
    - iv. Areas that cannot be revegetated shall be restored in compliance with an approved Corridor Management Plan.

8. The disturbance standards described in this section shall apply to all uses and activities established after the effective date of this Ordinance, provided that residential accessory uses will be permitted in the RCCD on residential lots in existence as of the effective date of this Ordinance.