

Stream Corridor Protection Ordinance Upper Salford Township, Montgomery County

ARTICLE XVIII RCC - RIPARIAN CORRIDOR CONSERVATION OVERLAY DISTRICT

SECTION 1800.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 1, Section 102 of this Ordinance, the purpose of this Article, among others, is as follows:

- A. Reduce the amount of nutrients, sediment, organic matter, pesticides, and other harmful substances that reach watercourses, wetlands, subsurface, and surface water bodies by using scientifically- proven processes including filtration, deposition, absorption, adsorption, plant uptake, and denitrification, and by improving infiltration, encouraging sheet flow, and stabilizing concentrated flows.
- B. Improve and maintain the safety, reliability, and adequacy of the water supply for domestic, agricultural, commercial, industrial, and recreational uses along with sustaining diverse populations of aquatic flora and fauna.
- C. Regulate the land use, siting, and engineering of all development to be consistent with the intent and objectives of this ordinance, accepted conservation practices, and to work within the carrying capacity of existing natural resources.
- D. Assist in the implementation of pertinent state laws concerning erosion and sediment control practices, including the Pennsylvania Clean Streams Law, Act 394, P.L. 1987, Chapter 102 of the Administrative Code (as amended October 10, 1980 Act 157 P.L.), Title 25, and any subsequent amendments thereto, as administered by the Pennsylvania Department of Environmental Protection and the Montgomery County Conservation District.
- E. Conserve the natural features important to land or water resources (e.g., headwater areas, groundwater recharge zones, floodway, floodplain, springs, streams, wetlands, woodlands, prime wildlife habitats) and other features constituting high recreational value or containing amenities that exist on developed and undeveloped land.
- F. Work with floodplain, steep slope, and other ordinances that regulate environmentally sensitive areas to minimize hazards to life, property, and riparian features.
- G. Recognize that natural features contribute to the welfare and quality of life of the township's residents.

- H. Conserve natural, scenic, and recreation areas within and adjacent to riparian areas for the community's benefit.

SECTION 1801. DEFINITION, ESTABLISHMENT, AND WIDTH DETERMINATION OF THE DISTRICT

- A. Definition. The Riparian Corridor Conservation District is defined as an overlay district consisting of :
1. Areas surrounding municipally designated surface water bodies, including creeks, lakes, intermittent watercourses, and wetlands that intercept surface water runoff, wastewater, subsurface flow, and/or deep groundwater flows from upland sources and function to remove or buffer the effects of associated nutrients, sediment, organic matter, pesticides, or other pollutants prior to entry into surface waters. This area may also provide wildlife habitat, control water temperature, attenuate flood flow, and provide opportunities for passive recreation. This corridor area may or may not contain trees and other native vegetation at the time of ordinance enactment.
- B. Establishment
1. The Riparian Corridor Conservation District applies to the following watercourses and waterbodies and the land adjacent to them:
 - a. All naturally occurring watercourses that normally contain flowing water during all times of the year, including streams that may dry up during periods of extended drought. These shall include, but not be limited to:
 - i Perennial streams identified in the most recent Soil Survey of Montgomery County. (Note: Shown as solid lines on Soil Survey Maps)
 - ii Perennial streams identified on United States Geological Survey Maps (U.S.G.S.). (Note: Shown as solid blue lines on older USGS maps, and thick solid blue lines on newer maps)
 - b. All intermittent watercourses otherwise identified in the most recent Soil Survey of Montgomery County, or identified on plans submitted by applicants. (Note: Soil Survey shows intermittent streams as dots and dashes)
 - c. All watercourses bordered by the following alluvial soils, as mapped in the most recent Soil Survey of Montgomery County:

Bm - Bermudian silt loam
Bo - Bouldery alluvial soil

Bp - Bowmansville silt loam
Rt - Rowland silt loam

- d. Streams which are bordered by the following local alluvium soils, as identified in the most recent Soil Survey of Montgomery County, provided the local alluvium soil is connected to an alluvial soil listed above in section 180 1.B. 1.c, above:

BrA - Bownmansville silt loam
BrB - Bowmansville silt loam
RwA - Rowland silt loam
RwB - Rowland silt loam

- e. Lands at the margins of wetlands and ponds greater than 5,000 square feet in area.

2. The District will consist of two distinct zones designated as:

- a. Zone One: This zone will occupy a margin of land with a minimum width of 25 feet measured horizontally on a line perpendicular to the edge or centerline of the watercourse, as appropriate, and/or the edge of the wetland or pond.

- i Where slopes in excess of 25 percent are located within 25 feet of a municipally designated watercourse, Zone One shall extend the entire distance of this sloped area or 75 feet, whichever is less. Where the width of Zone One has been adjusted to a width of 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. Where Zone One has been adjusted to a width greater than 25 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.

- i 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 100-year floodplain.

3. The width and applicable regulations of the Riparian Corridor Conservation District Overlay shall be as follows, consistent with the standards for Zone 1 and Zone 2 in 1801.B.2, above:

- a. For watercourses identified in Section 1801.B.1.a, b, c and d, above, both Zone 1 and Zone 2 shall apply.
 - b. For wetlands and ponds identified in Section 1801.B.1.e, herein, only Zone 1 shall apply.
4. The measurement of the Riparian Corridor Conservation Overlay District shall be as follows:
- a. For watercourses identified in Section 1801.B.1.a: A minimum of 75 feet from each defined edge of the watercourse at bank full flow, or shall equal the extent of the 100-year floodplain, whichever is greater.
 - b. For watercourses identified in Section 1801.B.1.b, c, and d: A minimum of 75 feet from the centerline of the watercourse, or shall equal the extent of the 100-year floodplain, whichever is greater.
 - c. For wetlands and ponds identified in Section 1801.B.1.e: A minimum of 25 feet from the edge of the wetland or pond. For wetlands at the edge of a pond, the measurement shall be made from the wetland edge.

SECTION 1802. USES PERMITTED IN THE RIPARIAN CORRIDOR CONSERVATION DISTRICT

The following uses are permitted either by right or as a conditional use in the Riparian Corridor Conservation District.

A. Zone One

1. 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:
 - a. Wildlife sanctuaries, nature preserves, forest preserves, fishing areas, passive areas of public and private parklands, and reforestation.
 - b. Streambank stabilization.
 - c. Driveways serving one single-family detached dwelling unit, provided the requirements of Section 1807, herein, are satisfied.
2. Uses Permitted by Conditional Use.
 - a. Corridor crossings by farm vehicles and livestock, recreational trails, roads, railroads, centralized sewer and/or water lines, and public utility transmission lines, provided that disturbance is offset by corridor improvements identified.
 - b. Sustained yield harvesting of trees when removal is consistent with a long-term forest management plan prepared by a professional forester.

B. Zone Two

1. 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:
 - a. 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 in the Department of Environmental Protection's Erosion and Sediment Pollution Control Program Manual, 1990, as amended.
 - b. Reforestation when done in compliance with a forest management plan prepared by a professional forester.
 - c. No more than one half (½) the depth of any minimum required front, side, and/or rear yards on private lots. The result of this requirement is that one half of the minimum required yard depth shall act as a setback from the Zone 2 boundary, and the other half may extend into Zone 2 to complete the minimum required yard area. However, the portion of the setback within Zone 2 shall be subject to the regulations of Zone 2.
 - d. Agricultural uses existing at the time of adoption of this ordinance, so long as they are conducted in compliance with methods prescribed in the Department of Environmental Protection's Erosion and Sediment Pollution Control Program Manual, 1990, as amended.
 - e. Driveways serving one single-family detached dwelling unit, provided the requirements of Section 1807, herein, are satisfied.

2. Uses Permitted by Conditional Use.
 - a. New agricultural uses in compliance with methods prescribed in the Department of Environmental Protection's Erosion and Sediment Pollution Control Program Manual 1990, as amended.
 - b. Corridor crossings by farm vehicles and livestock, roads, railroads, centralized sewer and/or water lines, and public utility transmission lines provided that disturbance is, at a minimum, offset by corridor improvements.
 - c. Centralized sewer and/or water lines and public utility transmission lines running along the corridor, provided that any disturbance is, at a minimum, offset by corridor improvements. These lines shall be located as far from Zone One as practical.
 - d. Sustained yield harvesting of trees when removal is consistent with a long-term forest management plan prepared by a professional forester.
 - e. 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.
 - f. Naturalized stormwater basins, provided the basin is located a minimum of

50 feet from the defined edge of identified watercourses.

SECTION 1803. USES SPECIFICALLY PROHIBITED IN THE RIPARIAN CORRIDOR DISTRICT

Any use or activity not authorized within Section 1802, herein, shall be prohibited within the Riparian Corridor Conservation District and the following activities and facilities are specifically prohibited:

- A. Storage of any hazardous or noxious materials, including conformance with Section 1606.G.
- B. Use of fertilizers, pesticides, herbicides, and/or other chemicals in excess of prescribed industry standards or the recommendations of the Montgomery County Conservation District.
- C. Roads, except where permitted as corridor crossings in compliance with Sections 1802.A.2.a, or 1802.B.2.b, herein.
- D. Motor or wheeled vehicle traffic in any area not designed to accommodate adequately the type and volume.
- E. Parking lots.
- F. Any type of permanent structure, except structures needed for a use permitted in Section 1802, herein.
- G. Subsurface sewage disposal areas.
- H. Sod farming.

SECTION 1804. NONCONFORMING STRUCTURES AND USES

Nonconforming structures and uses of land within the Riparian Corridor Conservation Overlay District shall be regulated under the provisions of Article XXI, Nonconforming Status, herein. The following additional regulations also shall apply:

- A. Existing nonconforming structures or uses within Zones One or Two that are not permitted under Section 1802, herein, may be continued but shall not have the existing building footprint or uses expanded or enlarged within or into Zones One or Two.
- B. Discontinued nonconforming uses may be resumed any time within one year from such discontinuance but not thereafter when showing clear indications of abandonment. No change or resumption of use shall be permitted that is more detrimental to the Riparian

Corridor Conservation Overlay District, as measured against the intent and objectives under Section 1800, herein, than the existing or former nonconforming use.

- C. The one year time frame shall not apply to agricultural uses which are following prescribed Best Management Practices for crop rotation, as identified in an approved Conservation Management Plan.

SECTION 1805. BOUNDARY INTERPRETATION AND APPEALS PROCEDURE

- A. When an applicant disputes the Zone One and/or Two boundaries of the Riparian Corridor or the defined edge of a watercourse, surface water body, or wetland, the applicant shall submit evidence to the township that shows the applicant's proposed boundary, and provides justification for the proposed boundary change.
- B. The Township Engineer, and/or other advisors selected by the Board of Supervisors shall evaluate all material submitted and provide a written determination within 45 days to the Board of Supervisors, Township Planning Commission, and landowner or applicant.
- C. Any party aggrieved by any such determination or other decision or determination under this section may appeal to the Zoning Hearing Board under the provisions of Article XXIV, Zoning Hearing Board, of this ordinance. The party contesting the location of the district boundary shall have the burden of proof in case of any such appeal.

SECTION 1806. INSPECTION OF RIPARIAN CORRIDOR CONSERVATION OVERLAY DISTRICT

- A. Lands within or adjacent to an identified Riparian Corridor Conservation Overlay District will be inspected by the township's Zoning Officer when:
 - 1. A subdivision or land development plan is submitted.
 - 2. A building permit is requested.
 - 3. A change or resumption of nonconforming use is proposed.
- B. The district may also be inspected periodically by the Zoning Officer and/or other representatives designated by the Board of Supervisors 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.

SECTION 1807. MANAGEMENT OF THE RIPARIAN CORRIDOR CONSERVATION OVERLAY DISTRICT

- A. Corridor Management Plan. A corridor management plan shall be developed when required by the Upper Salford Township Subdivision and Land Development Ordinance, consistent with the requirements therein.
- B. Mitigation Measures. Uses permitted in Section 1802.A.2.a, and 1802.B.2.b and c that involve disturbance of vegetation within the riparian corridor shall be mitigated by one of the following measures:
1. Increasing the width of the corridor. The width of the riparian corridor, measured from the defined edge of the waterbody, is increased so that the average width of the corridor's full length is equal to that required by Section 1801.B.3.
 2. Increasing the effectiveness of the corridor. In existing degraded wooded areas or proposed new wooded areas, an area equal to twice the area of disturbance shall be planted with three distinct layers of vegetation: (1) canopy trees, such as oak, hickory, maple, gum, beech, sycamore, spruce, hemlock, pine, and fir, (2) shrubs that provide an understory, such as elderberry, viburnum, azalea, rhododendron, holly, laurel, and alders, and (3) herbaceous plants that serve as ground cover, including ferns, sorrel, trillium, violet, Virginia creeper, nettle, phlox, aster, and worts. All three layers shall be planted at a density sufficient to create a fully-functioning, naturalized riparian corridor.
 3. Converting to a more effective landscape. An area equal to three times the area of disturbance is converted to a more effective landscape. The following landscapes are listed in order of effectiveness, from most effective to least effective: Woodland, Meadow, Shrub, Old Field, Lawn, and Pasture.
- C. Restoration and Conversion of Landscapes.
1. Landscapes shall be restored by removing invasive vines, removing invasive trees, cleaning out trash, correcting soil erosion problems, planting appropriate plants, and properly maintaining all new plantings.
 2. Landscapes shall be converted to a more effective landscape by removing existing, incompatible vegetation, planting plants that are appropriate for the proposed landscape type and the site, and maintaining and protecting the plantings from invasive plants, deer, and other long-term problems.
- D. Vegetation Selection. To function properly, dominant vegetation proposed as part of a mitigation measure shall be selected from a list of plants most suited to the riparian

corridor. Plants not included on the lists may be permitted by the Township Board of Supervisors, in consultation with the township engineer, when evidence is provided from qualified sources certifying their suitability. The township may require species suitability to be verified by qualified experts in the Montgomery County Conservation District, Natural Resources Conservation Service, Pennsylvania Fish and Boat Commission, the U.S. Fish and Wildlife Service, or state and federal forest agencies.

1. 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.
2. 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.