

## Article XII

### STEEP SLOPE CONSERVATION OVERLAY DISTRICT

#### Section 1201 - Purpose and General Provisions

1. The purposes of the establishment and control of the Steep Slope Conservation District are as follows:
  - a. To promote the public health, safety and welfare by the protection of steep slope areas, which are subject to erosion when disturbed and which exacerbate storm water run-off problems during and following construction.
  - b. To permit only those uses of steep slope areas which are compatible with the conservation of natural conditions and which maintain stable soil conditions by (a) minimizing disturbances to vegetative ground covers; and (b) restricting the regrading of steep slope areas.
  - c. To limit soil erosion, siltation of streams, and damage to private and public property.
  - d. To protect low-lying areas from flooding by limiting the increase in stormwater runoff caused by grading of sloped areas, changes of ground cover, or the erection of structures.
  - e. To maintain the ecological integrity of steeply sloped areas that could be adversely affected by disturbances.
  - f. To foster the continuing replenishment of groundwater resources and the maintenance of springs.
2. General provisions relating to the Steep Slope Conservation District are as follows:
  - a. 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. The Steep Slope Conservation District established hereby shall be an overlay on any zoning district(s) now or hereafter enacted to regulate the use of land in Penn Township:

- (1) The Steep Slope Conservation District shall have no effect on the permitted uses in the underlying zoning district, except where said uses are intended to be located within the boundaries of the Steep Slope Conservation District, as defined herein, and said uses are in conflict with the permitted uses in the Steep Slope Conservation District.
  - (2) In those areas of the Township where the Steep Slope Conservation District applies, the requirements of the Steep Slope Conservation District, if more restrictive, shall supersede the requirements of the underlying zoning district(s).
  - (3) Should the Steep Slope Conservation District boundaries be changed or eliminated as a result of legislative or administrative actions or 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 the provisions relating to the Steep Slope Conservation District.
  - (4) For any parcel or any part thereof on which the Steep Slope Conservation District is an overlay, should the underlying zoning classification(s) be changed as a result of legislative or administrative actions or judicial decision, such change(s) in classification shall have no effect on the boundaries of the Steep Slope Conservation District, unless an amendment to said boundaries was included as part of the proceedings from which the subsequent change(s) originated.
- c. The provisions hereof relating to the Steep Slope Conservation District shall not repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where the provisions relating to the Steep Slope Conservation District impose greater restrictions, such provisions shall prevail.
- d. Any determination that a proposed use complies with the provisions of the Steep Slope Conservation District, or any approval of a subdivision or land development plan, or any issuance of a building permit within or near the Steep Slope Conservation District shall not constitute a

representation, guarantee, or warranty of any kind by the Township, or by any official or employee thereof, of the practicability or safety of the proposed use and shall create no liability upon the Township, its officials or employees. The provisions relating to the Steep Slope Conservation District do not imply that areas outside the Steep Slope Conservation District boundaries or land uses permitted within said District will be free from the adverse effects of erosion.

### **Section 1202 - Designation and Interpretation of District Boundary**

1. The Steep Slope Conservation District consists of two areas that are delineated and defined as follows:
  - a. Prohibitive Slope - Prohibitive slopes are those of greater than twenty-five (25%) percent slope.
  - b. Precautionary Slope - Precautionary slopes are those of sixteen (16%) percent to twenty-five (25%) percent slope.
  - c. Slopes less than 16% are not regulated by the Steep Slope Conservation District; therefore, this Section does not apply.

Whenever there is a difference between any Zoning Map and the applicable United States Geological Survey Topographic Map, the Topographic Map shall determine the boundaries of the Steep Slope Conservation District.

2. Boundary Interpretation and Appeals Procedure.
  - a. Each application for construction, land disturbance or subdivision containing land within the Steep Slope Conservation District shall be submitted in accordance with such other provisions of the Ordinances of Penn Township as are applicable thereto. Any area of the Steep Slope Conservation District that falls within the subject lot or lots shall be shown on the site plan through shading of such area or areas.
  - b. Any party seeking land development and/or subdivision approval in what might be a Steep Slope Conservation District shall have the burden to present evidence of the boundaries of the District in the area in question. This presentation

must include applicable topographic data with respect to the property and any other pertinent documentation for consideration.

**Section 1203-Permitted Uses in the Steep Slope Conservation District**

1. Standards Applicable to All Uses within Steep Slope Conservation Districts.
  - a. All grading shall be minimized.
  - b. Finished slopes of all cuts and fills shall not exceed 33%, unless the applicant can demonstrate that steeper slopes can be stabilized and maintained adequately.
2. Uses Permitted in Areas of Prohibitive Slope. The following are the only uses permitted as of right in areas of Prohibitive Slope. Such uses also shall be in compliance with the base zoning district, and shall not involve the erection of buildings, construction of streets, installation of sewage disposal systems, or permanent removal of topsoil.
  - a. Parks and outdoor recreational uses, consistent with the goals of watershed protection.
  - b. Logging, where such activity is limited to highly selective removal of trees. Maximum precautions shall be taken to avoid destruction of or injury to understory brush and trees.
  - c. Grading for the minimum portion of a driveway necessary to access a single-family dwelling when it can be demonstrated that no other routing which avoids slopes exceeding 25 %, is feasible in all zoning districts except the FC - Forest/Conservation. (2005-03 - 12/28/05)
  - d. Yard areas of a building not within the Steep Slope Conservation District, so long as no building is within the Prohibitive Slope area.
3. Uses Permitted in Areas of Precautionary Slope. The following are the only uses permitted as of right in areas of Precautionary Slope, provided they also are in compliance with the base zoning district and all other provisions of this Ordinance:

- a. Any use permitted in the area of Prohibitive Slope.
- b. Tree farming, forestry, and other agricultural uses when conducted in conformity with conservation practices, including minimum tillage methods, approved by the Natural Resource Conservation Service (NRCS) or the Perry County Conservation District.
- c. Single-family detached dwellings in all zoning districts except the FC - Forest/Conservation. (2005-03 - 12/28/05)
- d. Yard areas of a building not within the Steep Slope Conservation District, so long as no building other than that permitted in Section 1203 is permitted within the Precautionary Slope area. (2007-05 - 9/26/07)

**Section 1204 - Uses by Conditional Use**

- 1. Any of the following uses shall be permitted in areas of Precautionary Slope as a Conditional Use when approved by the Board of Supervisors, subject to requirements of this Section. Consideration for granting of a Conditional Use shall include the extent to which the requested uses will disrupt the stability of soils and natural vegetation and contribute to erosion during and after construction.
  - a. Sealed public water supply wells, where approved by all regulatory agencies.
  - b. Access roads that shall be suitable for the passage of emergency vehicles in the event of fire or accident. Such roads shall be constructed only when no viable alternative for emergency access exists.

**Section 1205 - Administration of the Steep Slope Conservation District**

- 1. Application Procedures. Before a permit is issued for any construction or land disturbance activity on land within or affecting the Steep Slope Conservation District, the following material, in full or in pertinent parts, shall be submitted for review by the Township:

- a. An engineered site plan of the property, consistent with the applicable requirements of the Penn Township Subdivision and Land Development Ordinance, indicating existing grades and proposed grades within the area of the proposed construction. All areas of Prohibitive and/or Precautionary Slope as defined above shall be shaded accordingly.
- b. Landscaping plan indicating proposed impervious surfaces, storm drainage facilities, retaining walls, and ground cover, as well as trees and ornamental shrub locations.
- c. A statement, signed and sealed by a registered architect or engineer, explaining the building methods to be used in overcoming foundation and other structural problems created by any slope conditions.
- d. Location and slopes of sides of all proposed cuts and fills.
- e. Plan, profile, and typical cross-sections of any proposed driveway, with the seal of a registered professional engineer thereon.
- f. Plan for on-site sewage disposal facilities if use of a public sanitary sewer system is not feasible according to the Township.

No approval or building permit shall be authorized by the Township, and no Special Exception shall be granted by the Zoning Hearing Board, without the Township Engineer's review of this submitted material and his recommendation thereon. If a prohibitive steep slope area extends to the boundary of a proposed site, the slopes on adjacent sites for a distance of two hundred (200) feet in all directions from the boundaries of the site in question shall be additionally presented.

2. Additional Criteria for Review of Conditional Uses. In evaluating any application for Conditional Use, the Board of Supervisors shall consider the following factors:
  - a. The percent of steep slope on the total site.
  - b. The extent and proposed disturbance of the existing vegetative cover on the site.

- c. The soil types and underlying geology of the site.
- d. The length of extent of the slope both on the site in question and on adjacent lands within 200 feet of the site.
- e. Evidence that the proposed development, any impervious ground cover and the resultant disturbance to the land and existing vegetative cover will not cause an increase in the rate of runoff and/or related environmental problems on or off the site.

**Section 1206 - Uses and/or Structures Rendered Non-conforming to the Steep Slope Conservation District**

Following the effective date of the Ordinance adopting the Steep Slope Conservation District, any use or structure which is situated within the boundaries of the Steep Slope Conservation District and which does not conform to the permitted uses specified in Section 1204 shall become a nonconforming use or structure, regardless of its conformance to the District in which it is located without consideration of the Steep Slope Conservation District. The expansion or continuance of said nonconforming use or structure shall be governed by the requirements of Article V of this Ordinance. However, the Zoning Hearing Board shall also ensure that the standards contained in this Article are applied to the expansion or continuance of said nonconforming use or structure.