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Section 205 – Steep Slope Conservation Overlay

Purpose and Intent.

1. The general purpose and intent of this Section is as follows:

- a. To combine with present zoning requirements certain restrictions made necessary for steep slope areas in order to protect the general health, welfare and safety of citizens.
- b. To permit only those uses that can be appropriately located within steep slopes to minimize the danger to public health by protecting the quality and quantity of surface and subsurface water supplies.
- c. To protect adjacent landowners and property downstream from damage resulting from severe erosion and stormwater runoff.
- d. To protect the entire Township from individual uses of land that may have an adverse effect upon subsequent expenditures for public works and disaster relief and adversely affect the economic well-being of the Township.
- e. To reduce channel erosion.
- f. To reduce erosion and sedimentation.
- g. To reduce the potential for landslides.

2. The differing requirements for all portions of the Township of the Steep Slope Conservation Overlay is a recognition of the unique geology underlying South Mountain. The geology of South Mountain is highly susceptible to weathering, which results in non-cohesive soil that is highly erodible. Due to its unique geology and soils, South

Increased erosion due to disturbance. This area

is identified by the York County Comprehensive Plan as an area susceptible to landslides.

Other areas of the Township having more suitable soils and geology for stability may or may not be subject to instability issues due to their proximity to the South Mountain. For these reasons the Township must provide restrictions for varying levels of slopes throughout the township,

B. Definitions of the Steep Slope Conservation Overlay

1. The Steep Slope Conservation overlay is an overlay on all zoning districts and referenced by the Steep Slopes Overlay mapping of the DCNR.
2. "Slope" shall be defined as the measured change in elevation over the horizontal distance between consecutive contour lines and expressed as a percent. For the purpose of application of this Section, slope shall be measured over five (5) [or more?] two (2) foot contour intervals (six [6] cumulative vertical feet of slope). All slope measurements shall be based on contour intervals determined by detailed topographical survey using aerial photogrammetry or actual field survey.
3. For purposes of this Section, an "Improvement" is any structure, building, parking compound, street, driveway, grading or other substantial improvement. For purposes of this Section, an Improvement shall be considered a "New Improvement" unless the Township has previously approved the Improvement or the Improvement did not require Township approval.
4. For purposes of this Section, "pre-development slope" shall be defined as slope which is naturally occurring, as opposed to manmade.

Should any dispute arise as to the computed slope, a topographical survey shall be submitted to the Township by the party seeking approval or permission from the Township. Such survey shall be consistent with the definition of slope set forth in this section and shall be signed and sealed by a registered surveyor or engineer licensed to practice in the Commonwealth of Pennsylvania. In the event of such a dispute, the final determination of slope and any boundary determination shall be made by the Township Engineer. The Zoning Officer shall then issue a decision consistent with the determination of the Township Engineer to the party seeking approval or permission. The party seeking approval or permission shall be responsible for the reasonable fees of the Township Engineer.

D. Restrictions and Requirements.

1. A New Improvement is prohibited in an area of pre-development slope of fifteen percent (15%) or greater with exceptions designated below. This prohibition shall extend to an area with a pre-development slope of less than fifteen percent (15%) if the New Improvement will be accessed by traversing an area, whether located in the Township or in an adjoining municipality, of fifteen percent (15%) or greater slope. This prohibition shall not apply to utilities.
2. When a Subdivision or Land Development Plan or Building Permit is submitted for property located within,, the application shall indicate existing grades and proposed grades. All areas with a predevelopment slope of fifteen percent (15%) or greater shall be identified.
3. Slopes of fifteen percent (15%) or greater shall be divided into two types:
 - a. Precautionary Slope: Precautionary Slope is pre-development slope of fifteen percent (15%) to and including twenty-five percent (25%) on land at least 1000 feet distance from any shaded areas of the topographic map.

-development slope steeper than
twenty-five percent (25%) and on a greater than 15% slope to include
traversements to the site of disturbance which any of which is within 1000
feet of any shaded area of topographic map designated steep slopes.

4. Subject to other relevant portions of this and other Township Ordinances, a New Improvement shall be permitted in an area of Precautionary Slope, provided that the combined areas of all [New?] Improvements shall normally not exceed 33% of the combined areas of Precautionary Slope in a single lot. The result of this calculation shall be limited to a max of 11,000 square feet. Areas containing only utilities shall not be part of this calculation. When grading or constructing in an area of Precautionary Slope, the Applicant or Developer shall utilize best management practices to alleviate erosion, sedimentation, and stormwater runoff and shall provide a stormwater management erosion control plan as part of the building permit application.

5. A New Improvement is prohibited in an area of Prohibitive Slope. This prohibition shall extend to an area with a pre-development slope of less than twenty-five percent (25%) if the New Improvement will be accessed by traversing an area, whether located in the Township or in an adjoining municipality, of twenty-five percent (25%) or greater slope. This prohibition shall not apply to utilities.

6. When a Subdivision or Land Development Plan or Building Permit is submitted for property located in areas which may be found to have locations in excess of 15% slope, the application shall indicate existing grades and proposed grades and courses of traversal. All areas of Prohibitive and/or Precautionary Slope shall be identified. Findings of combined disturbance including traversments excessive to 33%

circumstances which would otherwise fall under the precautionary slope provisions or any findings whatsoever which may fall under the Prohibitive Slope provisions will subject the application to denial and reapplication having to be filed with a penalty fee imposed.

7. All denials of permission to proceed with an applicant's intentions may be appealed to the Township Engineer for consideration of remediation recommendations to the Board of Supervisors or consideration and determination as to need for a Special Conditional Use Hearing. Such consideration and and/or potential Hearing shall focus the burden of proof upon the applicant to achieve the BOS's satisfaction that combined disciplines of soil, storm water, geologic science and structural engineering will fashion disturbance without environmental impact beyond the applicant's property. ***All determinations in these regards will be, once established, based upon guidelines by a consortium of experts in regards to these disciplines in the form of a Criterion Referenced Analysis Evaluation.

8. Special Conditional Use Hearings for such purposes will have a special fee assessed to take into account all extraordinary engineering/technical costs normally incurred such hearings to be incurred by the Township paid for by the applicant.

E. Traversment on slopes of greater than 15%

1. All lanes, driveways access means over which traffic will flow from dedicated highway to residential port of entry wherever 15% or greater slopes are disturbed will be subject to construction requirements set by the Road master in concert with the Township Engineer *** later consistent with the Criterion Referenced Evaluation Analysis (macadam may be required over specifically identified slopes excessive to 15%***. It will be agreed upon the time of permit application that by



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maintained by applicant at their cost
and subject to compliance with these initial requirements through related
maintenance instructions provided by the Roadmaster in his inspection at five
year intervals ad infinitum.

F. Limit of Municipal Liability.

The granting of a use and occupancy permit or the approval of a subdivision or land development plan 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. The Ordinance does not imply that any area is free from adverse effects of erosion and sedimentation.