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**ARTICLE VIII**  
**ENVIRONMENTAL PROTECTION**

**§ 801 Environmental Preservation Required.**

1. A use shall not occur in such a way that can be clearly proven on the basis of professional engineering and environmental study to be a significant hazard to the public health and safety or environmental quality.

**§ 802 Steep Slopes.**

[Slopes in Excess of 15 Percent (15 ft. vertical distance over 100 ft. horizontal distance)]

1. If the proposed site for a use other than crop fanning or an outdoor plant nursery includes land shown on the Official Zoning Map or otherwise suspected as having an average slope of greater than 15 percent, the Zoning Officer shall require the applicant to submit a site plan meeting the requirements of this section.
2. Required Site Plan. The required site plan shall include 2 foot slope contours (or another slope interval pre-approved by the Zoning Officer or Township Engineer), with all areas of slope between 15 and 25 percent and greater than 25 percent identified. The site plan shall be to scale and shall show substantial areas and types of vegetation.
  - A. The Zoning Officer may require a plan to be drawn by a professional surveyor, professional engineer or landscape architect.
  - B. For lots of more than 3 acres, only contours for those lands being considered for any disturbance of soil shall be required to be shown on the site plan.
3. If a proposed building location and any areas within 25 feet of the proposed building location are within an area with an average slope of greater than 15 percent and less than 25 percent, the following regulations shall apply; wherever they would be more restrictive than the regular regulations:
  - A. Residential uses - minimum lot area of 87,000 square feet per dwelling unit,
  - B. Commercial, institutional, or industrial use - minimum lot size of 2 acres per use and natural vegetation disturbed on a maximum of 30 percent of the lot area.
4. If a proposed building location and any areas within 25 feet of the proposed building location are within an area with an average slope of 25 percent or greater, the following regulations shall apply; wherever they would be more restrictive than the regular regulations:
  - A. Residential uses - minimum lot area of 4 acres per dwelling unit,
  - B. Commercial, institutional or industrial use - minimum lot area of 5 acres per principal use and natural vegetation disturbed on a maximum of 15 percent of the lot area.
5. Streets and Driveways. See applicable slope standards in the Township Subdivision and Land Development Ordinance.

6. Erosion. If an area of greater than 15 percent slope is to be disturbed, a Sedimentation and Erosion Control Plan shall be submitted to the Township for review and shall be put into effect. The Zoning Officer may require that the applicant submit the plan to the County Conservation District for review.
7. Grading. See Section 1608 for grading controls. No grading shall occur in such a way that would circumvent the requirements of this Ordinance. These steep slope requirements shall apply on the basis of the slope of land at the time of the adoption of this Ordinance.
8. Man-Made and Small Sloped Areas. This section shall not apply to steep slopes that were man-made and were not naturally steep slopes. This section also shall not apply to lots that would only contain less than 1,500 square feet of land with slopes steeper than 15 percent.

**§ 803 Wetlands.**

1. If a reasonable doubt exists in the determination of the Zoning Officer or Township Engineer whether a portion of a site would meet one or more State or Federal definitions of a "wetland", the Zoning Officer shall require the applicant to provide a study by a qualified professional delineating whether wetlands exist prior to construction.
2. All applicants are put on notice that Federal regulations may require a property owner to demolish newly constructed buildings and to remove all fill if land meeting a definition of "wetland" is altered.
3. All Permits of the Township are issued on the condition that the applicant comply with Federal and State wetlands regulations.

**§ 804 Setbacks from Surface Waters.**

1. Intent. To protect the water quality of surface waters in the Township, to preserve physical access to surface waters in case of future public acquisition, to minimize erosion and sedimentation, to preserve the natural storm water drainage system of the area and to conserve sensitive wildlife and aquatic habitats. To provide for setbacks that can be used as required yard areas for a use.
2. Setbacks From Major Surface Waters. No building, off-street parking or commercial or industrial storage or display area shall be located within 100 feet of the top edge of each closest bank of a major surface water. See the Township floodplain map in case a wider area is regulated under the Floodplain Ordinance. The exact location of the top edge of the bank shall be determined by the Township Engineer. Major surface waters are defined as the Monocacy Creek and the East and West Branches of the Monocacy Creek. [Amended Nov. 13, 2024]
3. Setbacks From Minor Surface Waters. No building, off-street parking or commercial or industrial storage or display area shall be located within 50 feet of the center of the water of any minor surface waters. Minor surface waters are defined as the Schoeneck Creek.
4. Exemption. The setbacks of this Section shall not apply to public utility facilities or publicly-owned recreational facilities.

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5. **Setback Areas and Construction.** During any filling, grading or construction activity, all reasonable efforts shall be made to leave the setback areas of this section undisturbed.
  6. **Riparian Areas.** Existing Riparian Buffers shall be defined as a land area of vegetation that is maintained along the shore of natural watercourse to protect water quality, enhance the aquatic ecosystem and stabilize the natural watercourse banks and channels. This riparian buffer area is defined by an area at 100 feet from the top of the watercourse at the buffer's uphill edge located on both sides of the watercourse. Riparian areas can include floodplain and wetland areas.
    - A. On each new lot that is adjacent or contains a riparian area, the riparian area must be shown on the lot site plan and be defined as a permanent conservation easement on the recorded lot deed with the following deed covenants and restrictions:
      - (1) No tree shall be felled and removed for any reason in a riparian area except by disease or damaged by weather. A zoning permit must be secured by the landowner for the removal of any tree. No earthmoving or commercial forestry shall take place within a riparian area. Trees may be removed from wetlands not located in riparian areas but must be chained out to prevent damage to the wetlands. Riparian areas cannot be mowed or trimmed except to remove noxious or invasive plant species such as purple loosestrife, bull thistle phragmites and other weeds as defined in the PA State Noxious Weed Control List.
      - (2) Only approved utility crossings are allowed in riparian areas. All trees and vegetation removed for this utility crossing must be replanted within 30 days of completion. A landscaping plan must be provided and approved by the Township Zoning Officer prior to any earthmoving.
      - (3) No livestock including horses and dog runs, shall have access to any areas within a defined riparian area unless approved by the Township by special exception zoning approval and by the Natural Resource Conservation Service. This includes all grazing and feeding and drinking areas for the livestock.
      - (4) Motorcycle racing dirt tracks and snow mobile racing tracks are prohibited in riparian areas.
      - (5) Any trees damaged or destroyed in a riparian area will be replaced by a tree of at least six foot high if it is determined that the tree was illegally removed or damaged,
      - (6) Earthmoving in a riparian area is prohibited except for utility crossings.

**§ 805 Alluvial Soils.**

1. **Definition.** Alluvial soils are areas designated as such by the U. S. Soil Conservation Service County Soil Survey.
2. **Applicability of Floodplain Ordinance.** If construction or grading is proposed within an area that has been designated as alluvial soils along a segment of a creek or major drainage swale that has not been included in the Federal 100-year floodplain study, or within a major drainage

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channel that the Township Engineer has reason to suspect may be within the 100-year floodplain, the applicant shall be required to complete a study to determine the extent of the 100-year floodplain.

3. Study. The study shall be in accordance with Federal floodplain methodology, as described in the Township Floodplain Ordinance. The full cost of the study and any review by the Township Engineer shall be borne by the applicant.
4. Effect. Within any area determined to be within the 100-year floodplain, the regulations of the Township Floodplain Ordinance, as amended, shall apply.
5. Option. The applicant may choose to not accomplish the floodplain study. In such case, the alluvial soils areas along unstudied segments and/or the width of the drainage channel suspected of being a floodplain shall be required to meet the same requirements as the 100-year floodplain.

**§ 806 Floodplain Areas.**

1. The requirements of the Township Floodplain Ordinance, as amended, shall apply, and are hereby incorporated into this ordinance by reference.

**§ 807 Preservation of Trees and Forests.**

1. Intent. To encourage the protection of wildlife and bird habitats, increasing groundwater recharge, minimizing the pollution of creeks by high temperature runoff, maintaining the attractive character of areas, and conserving energy.
2. Forestry. The recommendations in this section shall not apply to approved forestry in compliance with applicable State regulations, nor to the cutting down of up to ten (10) percent of the trees of greater than six (6) inches diameter (measured at a height of three (3) feet above the surrounding ground level) on a lot or tract in any calendar year, which is permitted by right in all districts.
3. Tree Removal. No more than ten (10) trees per lot, or on any combination of adjoining lots in common ownership, with a trunk diameter of six (6) inches or more (measured at a height 3 feet above original grade) shall be removed in any calendar year as part of the development of a use unless each such additional tree meets or will meet one or more of the following conditions:
  - A. Is located within ten (10) feet of an uncurbed vehicular cartway,
  - B. Is within a proposed or existing vehicular cartway, shoulder or sidewalk,
  - C. Is within ten (10) feet of an approved storm water detention basin, paved area, driveway or on-lot sewage system,
  - D. Is within twenty-five (25) feet of the foundation of an approved structure,
  - E. Is within an approved utility corridor,

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- F. Is diseased, dead or poses a clear danger to a structure, utility or public improvement,
  - G. Is a hazard to vehicular sight distance,
  - H. Is clearly of old age and unhealthy and cannot reasonably be expected to live for more than an additional five (5) years,
  - I. Is within an area of an approved principal or accessory use that clearly requires the removal of the tree,
  - J. Is within an area that must be cleared to develop an approved golf course, or
  - K. Is necessary to allow longer rows for crop fanning.
4. Protection of Trees During Construction. Reasonable efforts shall be taken during any construction to ensure that trees protected by this section are not accidentally injured or removed, including root compaction by equipment and materials, damage by equipment or change in grade level. Trees that were required to be preserved and that were destroyed shall be replaced by the developer with mature trees with the closest trunk width if available, in addition to any penalty that may be exercised under this Ordinance.
5. Applicability. This section shall not apply to an owner of a residential lot of less than four (4) acres after occupancy.
6. Preservation of Trees Within Non Riparian Buffer Areas. See Section 1404.D.3.c.

**§ 808 Stripping of Topsoil.**

- 1. The permanent stripping and substantial removal of topsoil from any lot is prohibited, except on portions of a lot for which approval has been received to construct a building or paving. This shall not restrict the temporary stockpiling of topsoil during construction, nor routine crop fanning practices.

**§ 809 Placement of Outdoor Machinery and Dumpsters and Required Fencing of Outdoor Storage.**

- 1. Placement. All outdoor machinery that could create a noise nuisance shall be placed on a side of a commercial or industrial building that does not face an abutting existing dwelling, residential district or other noise-sensitive use.
- 2. Safety. Potential hazards involving outdoor machinery and storage shall be marked.
- 3. Trash Dumpster and Solid Waste Containers. All trash dumpsters shall be screened on three (3) of four (4) sides (not including the side it is to be emptied from) as needed to screen the dumpster from view from public streets or dwellings on abutting lots. This screening shall be done with a solid wooden fence, brick wall or evergreen plants. No dumpster shall be kept within twenty (20) feet of a dwelling unit other than that of the owner. Any use that involves the sale of ready-to-eat food for consumption outside of a building shall provide and maintain

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at least two (2) outdoor solid waste receptacles at convenient locations on the property for customer use.

4. Fencing of Outdoor Storage. Outdoor industrial storage areas involving storage covering more than five thousand (5,000) square feet of land, and any stationary hazardous machinery and equipment that are outdoors shall be secured by fencing or walls at least six (6) feet in height, unless the applicant proves in writing to the satisfaction of the Zoning Officer, who may request a review by the Township Engineer, that such fencing or walls are not needed. No fencing shall be constructed with barbed wire.

**§ 810 Preemption. [Amended April 24, 2024]**

1. The Township does not intend for this Article VIII to unlawfully preempt any Federal or State law or regulation pertaining to Mineral Extraction.